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(VOL. 20)

REVIEW OF CO
AUG. - OCT. 194

10000/142/588
(VOL. 20)

REVIEW OF COURT CASES, CORRESPONDENCE
AUG. - OCT. 1945

13/1081/1/L.

VOLUME : 20

FROM : No. 2300

TO : No. 2455

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SUBJECT : REVIEW OF COURT CASES CORRESPONDENCE

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SUBJECT : REVIEW OF COURT CASES CORRESPONDENCE

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FROM Sept. 45 WOOD
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FROM : No. 2300

TO : No. 2455

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HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref.: LEG/5007

30 October 1945

SUBJECT : Superior Court Case No. 000702
CAMOGLIO Pasquale and others.

TO : Headquarters Allied Commission
(Legal Sub-Commission)

1. Further to our LEG/5007 of same date enclosing informal petition on behalf of
CORTI Giacomo, ^{with record,}
and relating to the fine only, herewith enclosed formal petition for review on behalf of the same accused.

For the Regional Commissioner :

192

W.J. Purcell
W.J. PURCELL
Lt. Colonel
Regional Legal Officer

Encl.: 1 petition.

LEGAL DIVISION	
Legal Counsel	
Legal Section	
CL RKS	

HQ
 4-83/1
 2454
 HEADQUARTERS
 ALLIED MILITARY GOVERNMENT
 LOMBARDIA REGION
 APO 394
 Legal Division

Ref.: LEG/5007

30 October 1945

SUBJECT : Superior Court Case No. 000702
 CAMOGLIO Pasquale and others .

TO : Headquarters Allied Commission
 Legal Sub-Commission

1. Further to our LEG/5007 dated 29th October 1945
 enclosing Record of Trial in the above case, enclosed
 herewith is informal petition on behalf of

with record.

CORTI Giacomo

to the effect that the fine of L. 40.000 imposed be made
 payable by monthly instalments of 10.000 lire each
 starting from November 10th 1945.

For the Regional Commissioner :

191

W.J. Purcell
 W.J. PURCELL

SUBCOM Lt. Colonel

Regional Legal Officer

Encl.: Informal petition.

10
 Legal Counsel
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 CLERKS

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HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref.: LEG/5007

29 October 1945

SUBJECT : Superior Court Case No. 000702
CAMOGLIO Pasquale and others.

TO : Headquarters Allied Commission
Legal Sub-Commission.

1. The above case was tried by the writer on 19th and 20th October and resulted in the conviction and sentence of the five civilians involved. The Record is enclosed herewith for review in due course.

2. The case related to the theft of over 2000 gallons of petrol from an Allied dump in Milan, which was carried out with the assistance of the Italian soldiers assigned to guard the dump. All these soldiers belonged to the 2nd Coy. 502 Guards Battalion.

3. Two of the soldiers were charged jointly with the civilians but the proceedings in their case were adjourned for the reasons stated in the Record. Briefly, though the Court had no doubt of the guilt of the soldiers, it did not seem just to punish them when their N.C.Os and fellow-soldiers who were equally guilty went scotfree. It appeared, further, that the two Italian N.C.Os had been allowed by their unit to go on leave to Sardinia on purpose to avoid these proceedings.

4. For these reasons the papers have now been sent to the Procuratore Generale Militare in Milan for further investigation and proceedings against all the military personnel involved. A copy of this H.Q. letter of the 25 October is enclosed.

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- 2 -

5. In view of the serious nature of the charges, it is suggested that the matter should also be referred to S.E. Borsari, the Procuratore Generale Militare in Rome, so that he may watch the progress of the case. If you agree, will you please forward the enclosed copy letter and statements in Italian for his attention.

For the Regional Commissioner :

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

Encl.: Copy letter LEG/5007
dated 25/10/45
(Engl. & Ital.)
Case Record.

REGIONAL COMMISSION	
CLERK	
Chief Counsel	
CLERK	
Region Section	183
CLERK	
CLERK	

MW

*duly
forwarded*

4083/1 ✓

2452

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref.: LEG/5002

29 October 1945

SUBJECT : PEZZA Luigi
General Court Case No. 00703

TO : Headquarters Allied Commission
(Legal Sub-Commission)

1. The accused in the above case was found not guilty of murdering a British soldier but as it is understood the Military Authorities are taking an interest in the matter, the Record of Trial is forwarded herewith.

2. If any further information is required with regard to the conduct of the trial, the only officer available to supply the same is Major Bayliss at Venezia Giulia.

For the Regional Commissioner :

188

Encl.: Record of trial.

[Signature]
W.J. PURCELL
Lt.Col.
Regional Legal Officer

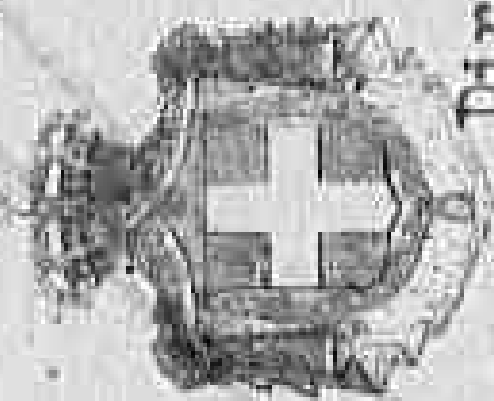
Counsel

2452

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Mod. 1342 (MIO)

URGENTE A MANO



Ministero di Grazia e Giustizia

Direzione Generale per gli istituti di prevenzione e di pena

Roma, 25 OTT 1945

Ufficio VI

Prot. N. 147559/61771

Alla Commissione Alleata
Sottocommissione Legale

R O M A

OGGETTO: Detenuto Piaggese Ezio.

E' pervenuto a questo Ministero il seguente telegramma trasmesso dalla Direzione della casa penale di Castiadas il 19 c.m.

"Riferimento circolare 11 corrente NR 3103/1703 prego confermare telegrafo scarcerazione recluso Piaggese Ezio di Antonio condannato Corte Alleata Ancona sentenza 5 febbraio 1945 anni 4 reclusione cui ordine liberazione presidente suddetto tribunale data 15 ottobre 1945 Direttore Pezzuoli"

Tenuto presente quanto comunicato da codesta Commissione col foglio n.AC/40002/L. del 28 settembre u.s., si prega di voler confermare o meno l'ordine scarcerazione del detenuto in oggetto, onde questo Ministero possa impartire tempestivamente le opportune disposizioni.

187

Con l'occasione, si trasmette una copia della circolare numero 3103/1703 dell'11 c.m., inviata alle direzioni di tutti gli Istituti penali del Regno, a seguito della precitata nota di codesta Commissione.

Pel MINISTRO

(18)

CLO
DCLO
Chief Counsel

Direzione Generale per gli istituti di prevenzione e di pena

Roma, 25 OTT 1945

Ufficio VI

Prot. N. 147559/61771

Alla Commissione Alleata
Sottocommissione Legale

R O M A

OGGETTO: Detenuto Piaggese Ezio.

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181

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Pel MINISTRO

CIO

DCIO

Chief Counsel

CL RKS

27 OCT 1945

MINISTERO DI GRAZIA E GIUSTIZIA

Direzione Generale

per gli Istituti di prevenzione e di pena

Ufficio VI

M. 146015/25-9

Roma, 11 ottobre 1945

Al Direttori delle case di reclusione
e delle carceri giudiziarie e
mandamentali del

A T G N O

C O G E T T O : Escarcerazione di detenuti a disposizione degli
Alleati.

C I R C O L A R E n°. 3103 /1703

La Commissione Alleata - Sottocommissione Legale - con nota
numero AC/4003/L del 28 settembre scorso, ha comunicato quanto segue:

" Questa Commissione è stata recentemente informata di due ten-
tativi fatti in territorio soggetto al Governo italiano di procura-
re la liberazione di detenuti a mezzo di falsi ordini di scarcerazione
con false firme di ufficiali alleati. Tali falsificazioni erano
così attili che sono state scoperte per puro caso.

Onde impedire che persone non autorizzate effettuino libera-
zioni, dalle carceri italiane, di detenuti che sono a disposizione
degli Alleati, vi preghiamo di volere informare i Direttori di tut-
ti gli stabilimenti penali e le altre persone responsabili della
custodia di detenuti in territori restituiti al Governo italiano
che nessun detenuto che sia a disposizione degli Alleati dovrà es-
sere scarcerato, prima che abbia finito di espiare la condanna, a
meno che non vi sia un ordine del Ministero di Grazia e Giustizia,
in base a comunicazione ricevuta da questa Sottocommissione relati-
va alle decisioni od ai provvedimenti della stessa.

Questo procedimento sarà seguito soltanto nel territorio re-
stituito al Governo italiano.

La Sottocommissione Legale avrà cura di comunicare al Ministe-
ro di Grazia e Giustizia il provvedimento della Sottocommissione a
modifica della sentenza relativa ad un detenuto tenuto a disposizio-
ne degli Alleati in territorio restituito al Governo italiano e
così pure nel caso che venga reimpinta l'istanza di uno di tali de-
tenuti".

si invitano, pertanto, le SS.LL. ad attenersi scrupolosamente

Al Direttori delle case di reclusione
e delle carceri giudiziarie e
mandamentali del

R I G N O

O G G E T T O : Escarcerazione di detenuti a disposizione degli
Alleati.

C I R C O L A R E n°. 3103/1703

La Commissione Alleata - Sottocommissione Legale - con nota
numero AC/4002/L del 28 settembre scorso, ha comunicato quanto segue:

" Questa Commissione è stata recentemente informata di due ten-
tativi fatti in territorio soggetto al Governo italiano di procura-
re la liberazione di detenuti a mezzo di falsi ordini di scarcerazione
con false firme di ufficiali alleati. Tali falsificazioni erano
così attili che sono state scoperte per puro caso.

Onde impedire che persone non autorizzate effettuino libera-
zioni, dalle carceri italiane, di detenuti che sono a disposizione
degli Alleati, vi preghiamo di volere informare i Direttori di tut-
ti gli stabilimenti penali e le altre persone responsabili della
custodia di detenuti in territori restituiti al Governo italiano
nessun detenuto che sia a disposizione degli Alleati dovrà es-
sere scarcerato, prima che abbia finito di espiare la condanna, a
meno che non vi sia un ordine del Ministero di Grazia e Giustizia,
in base a comunicazione ricevuta da questa Sottocommissione relati-
va alle decisioni od ai provvedimenti della stessa Sottocommissione re-
stituito al Governo italiano.

La Sottocommissione Legale avrà cura di comunicare al Ministe-
re di Grazia e Giustizia il provvedimento della Sottocommissione a
modifica della sentenza relativa ad un detenuto tenuto a disposizio-
ne degli Alleati in territorio restituito al Governo italiano e
così pure nel caso che venga recapitata l'istanza di uno di tali de-
tenuti".

si invitano, pertanto, le SS.LL. ad attenersi scrupolosamente
alle disposizioni predette, assicurando.

per M I N I S T R O

✓
408311
HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

2451

30 October 1945

1*8104

SUBJECT : Port Summary Cours Cases.
TO : HQ Allied Commission (For Attention of
Legal Sub-Commission)

1. Enclosed herewith are cases tried by the Port
Summary Court on 21st September 1945.

FOR THE COMMISSIONER :

Carl G. Banno
CARL G. BANNO,
Captain, A.C.
Senior Legal Officer.

CCB/mc

Chief Counsel	
CLD	
Legal Officer	
CL RKS	
1 NOV 1945	

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H088/11 ✓

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HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

29 October 1945

L-8104

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 19th September 1945.

For The Commissioner :

Carl C. Banno
CARL C. BANNO
Captain, A.C.
Senior Legal Officer

CCB/mc

LEGAL SUB-COMMISSION
CLO
DCLO
Chief Counsel
CJO
Italian Section
CL RKS
31 OCT 1945

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✓

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HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
AFO 394

23 October 1945

L-8104

SUBJECT: Port Summary Court cases.

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

1. Enclosed herewith are cases tried by the
Port Summary Court during the period 1 September thru
17 September 1945.

For the Commissioner:

CCB/pv

LEGAL SUB-COMMISSION
✓
✓
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C/O
✓
✓
3 OCT 1945

Carl C. Banno
CARL C. BANNO,
Capt., A.C.,
Senior Legal Officer.

183

87

HEADQUARTERS ARMED COMMISSION
NO 394
LEGAL SUB-COMMISSION

AG/4083/-/L.

5-/rm.
30 October 1945.

SUBJECT : GIUSTO Carmelo.

TO : Ispettorato Carceri Regione Meridionale
(presso C.C. Roggiorale)

N A P O L I

1. Reference your letter Prot. No. 30396 of 14 Oct. 45.
returned herewith.

2. A search of the records in this office reveals no record
of G. Giusto Carmelo.

ANTHONY P. NUOLINI,
Major,
Chief Counsel,
for Chief Legal Advisor.

182

4083/1/4

(2447)

HEADQUARTERS
PIEMONTE REGION
ALLIED MILITARY GOVERNMENT
APO 394

4 October 1945.

PR/LE/312

SUBJECT: A.M.G. Case - LAIOLO Davide.

TO : H.Q. A.C. for Legal Sub-Commission.
(Attn. O i/ch Italian Branch).

1. Herewith record, productions and application for review in above case.

2. As it was tried by the Acting Regional Legal Officer it is requested that you should review it.

For the Regional Commissioner.

D.D. Mc Colm Major

D.D. Mc Colm
Major, R.A.
Act'g Reg. Legal Officer.

DLM/AR.

Encl. Record of Case.

ll

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+3

44/83/1

(2446)

OFFICE OF A.C. LIAISON OFFICER
c/o N.C.B. - NAVY 157
PALERMO-SICILY

18 October 1945.

Ref: AC/S/G 11

Subject:- Allied Military Court Sentence - BONASERA Giuseppe di Giuseppe.

To :- H.C. Allied Commission, APO 394,
(for Legal Sub-Commission).

1. The attached is copy of letter received from the Director of
Note Prison requesting information regarding the payment of a fine
imposed on the above named person by an Allied Military Court.

2. It is requested that we be advised whether this fine has been
paid, in order that we may inform the Director accordingly.

W. J. MacCallum
W. J. MacCALLUM, ED, Lt-Col.,
A.C. L.O. SICILY.

Encls: copy of letter Direzione della Casa Reclusione Note N° 5131 dated
10 October 45.

LEGAL SUB-COMMISSION

CLO

DCLO

Chief Counsel

CJO

Ita

C

183

24 OCT 1945

C O P Y

Direzione della Casa di Reclusione Noto

N.5131 3-1-B-

Noto, 10/10-1945

On/le

Ufficio Collegamento Commissione

Alleata -Via Regina Margherita 20

C A T A N I A

Oggetto: Condannato Bonasera Giuseppe di Giuseppe

sentenza Trib. Mil. All. di Messina 10-12-243-

Si prega far conoscere se sia stata pagata la multa di
L.5000 inflitta al condannato in oggetto con la sentenza sopradescritta.

Si fa pertanto presente che qualora detta pena pecuniaria non sia
stata pagata, secondo le disposizioni vigenti dovrebbe essere convertita
in giorni 100 di reclusione e non in anno uno di condanna suppletiva
come risulta dagli atti dello stesso.

Si prega di favorire disposizioni.

Con ossequio

Il Direttore

Sgd. ?

179

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

2445

26 October 1945

L-8104

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 10 September thru' 14 Sep 1945.

FOR THE COMMISSIONER :

Carl C. Banno
CARL C. BANNO,
Captain, A.C.
Senior Legal Officer.

AA/mc

REG. SUB. COMMISSION	
CLO	
DCLO	
Chief Counsel	
CPD	
Station Sec'y	
CL. RKS	
23 OCT 1945	

178

x7

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

JL/rjd

AG/4983/1/L

28 Oct. 1945

SUBJECT : Case of VANDONE Arnaldo
TO : Commissioner (att. Legal Officer)
AGC Livorno Zone

1. Reference the above case; your case No. 3454 refers.

2. Pursuant to a petition submitted by the brother of the accused the case has been reconsidered and it has been decided to quash the conviction. However, the tires in question are to be turned over to the proper Allied unit.

3. The damages for loss of the tires, sustained by either the accused or the owner of the car, will have to be sought from the responsible Italian Ministry.

By command of Rear Admiral STONE

JOHN K. WEBER,
Colonel, Infantry,
Chief Legal Advisor

fs

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4083/1
V

HEADQUARTERS
VENEZIE REGION
ALLIED MILITARY GOVERNMENT
APO 394
Legal Division

8 October 1945

TO : Chief Legal Adviser, Legal Sub-Commission,
H.Q., A.C., (for Italian Branch).

SUBJECT : Case of PITTIS Antonio.

File No : RXII/LE/UDI/A/05.

1. Reference AC/4083/1/L. of 26 June '45 herewith copy letter from Provincial Legal Officer Udine forwarding letter from the Director of the Ospedale Psichiatrico Provinciale di Udine.

2. May I have your instructions, please ?

C.L.P. Gilshenan
10/10/45

C.L.P. GILSHENAN, Major,
Regional Legal Officer,
Venezie Region.

file

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Section	
CL RKS	
14 OCT 1945	

176

file

HEADQUARTERS ALLIED COMMISSION
AFV 594
LEGAL SUB-COMMISSION

(2442)

AC/4003/1/L.

JL/rm.
27 October 1945.

SUBJECT : FATTIS Antonio.

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

1. Reference your letter RMH/LA/441/4/05 of 8 Oct. 45
and the enclosed letters from the Director of Ospedale Psichiatrico
Provinciale di Udine - Major STOM.

2. May the record of the case with the documents returned
herewith, please be submitted, so that the request may be acted upon.

By command of Rear Admiral STOM.

ANTHONY F. MUGENT,
Major,
Chief Counsel,
for Chief Legal Advisor.

Col. Weber directed that the case record
be sent for in order that the petition,
which should be returned with the record,
can be considered.

S/Sgt Iatella
29 Oct. 45

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*Ministero
di Grazia e Giustizia*

DIREZIONE GENERALE
PER GLI ISTITUTI DI PREVENZIONE E DI PENA

UFF. VI.

Prot. N° 147332/57984

Oggetto detenuto Profeta Giuseppe

4083/1
Roma

27 OTT. 1945

La Commissione Alleata
Sottocommissione Legale
Roma

17-10-945

Reparto al fido
N. AC/4083/1/L.

Nel restituire l'unita istanza qui trasmes-
sa con la nota a cui si risponde, si comunica
che il detenuto in oggetto fu condannato dal
Tribunale di Bari con sentenza del 17-5-945,
ad anni 4 di reclusione per furto aggravato, e
che la suddetta pena scade il 5 aprile 1948.

LEGAL SUB-COMMISSION

DOUG

Chief

CIC

Italy

Q

Pel Ministro

[Signature]

file

27 OCT

176

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUBCOMMISSION

2443
JL/rm.
29 October 1945.

AC/4083/1/L.

SUBJECT : VANDORA Arnaldo.

TO : whenever it may concern.

1. Vandora Arnaldo was tried and convicted by an Allied Military Court at Livorno on 17 Aug. 45. He was charged with violation of Art. V Para 27 "wrongful possession of Allied Military property". The particulars read: "in that accused did, on or about 11 Aug. 45 at or near Livorno, have in his possession 3 tires, the property of Allied Forces".

2. On review the conviction was quashed and the trial ordered returned to the Proper Allied Unit.

ANTHONY P. RUDENT,
Major,
Chief Counsel,
for Chief Legal Advisor.

4683/1
HEADQUARTERS
VENEZIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

24 October 1945

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

SUBJECT : P.F.C. C. LEEN, 175 Field Artillery, U.S. Army.

FILE No : RXII/LE/Reg/B/06.

1. Reference your AG/4083/1/L of 15 October reports from SIB and Cpt. RICCIOTTI of CCRR are forwarded together with further statements from Carabinieri LORIGIOLA and MENEGETTI.
2. I remain of the opinion that the case is one for disciplinary action within the Corps. The Commandant of the Carabinieri states that in the event of it being decided not to bring the two carabinieri to trial they will be subjected to severe disciplinary action.
3. Original reports returned.

C.L.P. Gilshenan
C.L.P. GILSHENAN, Major,
Regional Legal Officer,
Venezia Region.

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CLIO	
DCIO	
Chief Counsel	
CLD	
Legal Section	
CLCS	
2 OCT 1945	

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

JKW/rjp

27 Oct. 1945

AC/4003/1/L

SUBJECT : Pfc G. LENN

TO : Regional Commissioner (att. Regional Legal
Officer) Venetia Region

1. The record of the investigation made by the S.I.B. in the death of Pfc G. Lenn has been examined by this office. It is believed that a conviction by a General Military Government Court would not be forthcoming under all the facts revealed in the record of investigation. The S.I.B. makes no recommendation for trial of the two CORM alleged to have fired the fatal shot. Under the circumstances, a trial by an Allied Military Government Court is not warranted. By the same premise, a trial in the Italian Courts is not warranted.

2. It is desired that this office be informed on the disciplinary action taken by the CORM against these men.

By command of Rear Admiral STONE

JOHN K. WEBER,
Colonel, Infantry,
Chief Legal Advisor

17i

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

JKW/rjp

AG/4083/1/L

15 Oct. 1945

SUBJECT : Death of P.F.C. G. LENN G.A.

TO : Regional Commissioner (att. Regional Legal Officer)
Venezia Region

1. Reference your letter EXII/LB/Reg/B/03 of 13 Oct 45.
2. Two issues are involved in the instant case:

(a) a dismissal (nolle prosequi) of the case
by Allied Military Government; and

(b) if not dismissed, trial to be had before
the Italian and not the Allied Courts.

3. Under the provisions of Proclamation 1, Part II, Article IV, section 15, "Any person who kills any member of the Allied Forces, shall upon conviction by an Allied Military Court, be liable to punishment by death, or by imprisonment or fine, or both, as the Court may determine." Under the facts set forth in the trial, the accused may be charged with and tried for a violation of this Article by an Allied Government Court.

4. It is equally true that if the facts as now represented by the report were before an Allied Military Court, an acquittal of the accused would be warranted.

5. The deceased was a member of the Armed Forces. If dismissal is ordered without the concurrence in such action by the Armed Forces, it leaves a suspicion that the lives of our soldiers are lightly weighed in academic refinements of law, by the Military Government officials.

6. While the concurrence of the Armed Forces is not legally necessary and a dismissal (not to be confused with an acquittal) is no legal bar to trial at a subsequent time, it is been the policy to obtain such concurrence; if it has not been freely given, a trial is ordered to the end that any further issue thereon may be foreclosed, not only as against the government and its component parts, but as against the accused as well. Such trials have been had by the Allied Military Courts and not the Italian Courts.

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-2-

7. Was an investigation made by the C.I.C., and if so, what was the recommendation made by it in its report? We would like this information before disposing of the issue of dismissal. Please advise us on this question; please return the report to us for further consideration.

By command of Rear Admiral STONE

JOHN K. WEBER,
Colonel, Infantry,
Chief Legal Advisor

Encls. Statement of

Francis O. Quarles - 23/9/45
Francis O. Quarles - 27/9/45
Alessandro Meneghetti - 23/9/45
Augusto Loregiolo - 24/9/45
Silvano Giacotto - 25/9/45
Alessandro Ceccato - 24/9/45
Maria Moschen - 23/9/45
Ida Gernes - 23/9/45
Rina Ropelato - 23/9/45
Miriam Ropelato - 23/9/45
Paolina Vasco - 23/9/45
Antonino Torregrossa - 25/9/45
R. Dobson - 27/9/45
Cornelio Battistello - 25/9/45
Ferdinando Panizzolo - 25/9/45
Medical statement - 24/9/45

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file

HEADQUARTERS ALLIANCE COMMISSION
AIO 394
LEGAL COUNCIL COMMISSION

2436

48/4083/1/L.

J./ra.
26 October 1945.

SUBJECT : FALL ITA Perico.

TO : Whomever it may concern.

1. Perico Perico, aged 29, of Via Mercantini, Recall
Pisano, was tried and convicted by an Allied Summary Court on 25 Nov. 44.
2. The accused was charged with Violation of Proc. 1, Art. IV
Sec. 20; the particulars being: the accused altered and issued, between
16 and 21st Oct. 44 to Walter Marino a permit for export of cattle.
3. He was sentenced to 6 months imprisonment. The sentence
was affirmed.

ANTHONY P. MURPHY,
Major,
Chief Counsel,
for Chief Legal Advisor.

VIC

HI

4083/1
File

Stock *Harmon* 2435

Regional Commissioner (Attn: Regional Legal Officer)
VENUSIA Region.

6129

26 September 45

ROUTINE

UNCLASSIFIED PD.

PARA ONE PD LT GRAGO HOSPITALIZED IN HOME PD

PARA TWO REGIONAL COMMISSIONER PAREN ATTENTION REGIONAL LEGAL OFFICER

PARA VENUSIA REGION FROM HQ ALONG CITE AGLED PAREE

PARA TWO PD NOTIFY LT BURNIAN RE PREPARED TO PROSECUTE STATE CASE
THREE OCTOBER PD

PARA THREE PD HAVE LEGAL OFFICE BOLAND PICK UP DEFENSE WITNESSES

STARIT CASE

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LEGAL SUB-COMMISSION

302

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

JKW/rjd

10/2033/1/2

29 Oct. 1945

SUBJECT : MONACO Giuseppe GI MM
TO : Commissioner (Att. Legal Officer)
AMH Naples Zone

1. On the above case the accused was charged with
(i) being in a ship in a R.N. Dockyard without a permit and
(ii) making an illegal entry into a R.N. Dockyard. The charges were both laid under Proc. 2 Art. 1 Sec. 13.

2. The accused was found guilty on both these charges and, according to the record, was sentenced in each case to be "paroled to parents".

3. On finding an accused guilty it is the duty of the Court to pronounce a sentence. But the sentence in this case was not of a kind authorized by the Proclamations and is therefore not a lawful punishment (see Consolidated Instructions Art. 25). Nor is such a sentence amongst the general powers of the Court laid down in the Proclamations.

4. If in fact a sentence of imprisonment and fine was imposed by the Court at the trial and was suspended, the record should be amended accordingly. Otherwise the finding of guilty on both charges will be quashed on review. As pointed out in Article 20, Consolidated Instructions: "The court will impose and record a separate and appropriate (i.e. fine, imprisonment or death) sentence in respect of each offense of which the accused has been found guilty". This is not a case where the court has imposed a valid sentence and has suspended it on a condition, which, if violated, the sentence may be enforced.

By command of Rear Admiral STONE

166

JOHN K. WEBER,
Colonel, Infantry,
Chief Legal Advisor

Encl. 1 record

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

JL/rm.
29 October 1945.

AG/4083/1/L.

SUBJECT : Case of PIAGGESI Ezio.

TO : The Minister of Pardon and Justice.

1. Reference your letter "Ufficio VI Prot. No. 147559/61771 of 25 Oct. 45.

2. May this Sub-Commission please, be furnished the original or a copy of the Judge's order which allegedly directs the release of PIAGGESI Ezio.

3. As the Judge sitting on this case has been deployed home for some time, it is believed that such order is a forgery.

JOHN A. WEBER,
Colonel, Infantry,
Chief Legal Advisor.

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HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUBCOMMISSION

JL/ra.
29 October 1945.

AC/4083/1/L.

SUBJECT : GO IMARK Vittorio.

TO : Commissioner (Acting Legal Officer),
ASG MARINE Zone.

1. Reference your letter L-5040 of 18 Oct. 45; also phone conversation Major NUGENT - Capt. BARNO.
2. On your assurances that you have discussed this case with Capt. BARNO of MARFI, and your reasons for recommending the denial of the said petition, there is no further action needed on this matter.
3. The record is returned herewith.

By command of Rear Admiral Stone:

ANTHONY P. NUGENT,
Major,
Chief Counsel,
for Chief Legal Advisor.

16:

4083/1.

(203)

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMTONE
LEGAL DIVISION
APO 394

I-5040

18 October 1945

SUBJECT: GOLIMARK Vittorio et ano.

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

1. Form 8 and pertinent documents regarding the above matter are herewith returned.

2. A careful study of the facts in this case and the finding and sentence of the court indicates that the application for pardon should be denied. The court rendered a fair and just conviction and sentence.

3. The facts upon which the application is based, even if true, apply to many cases heretofore tried in the AMG courts. If compassion should be exercised in this case then, in justice, it should be applied in all similar cases.

4. Accordingly it is not recommended that the petition be granted.

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CCB/pv	For the Commissioner:
	CLO
	DCLO
	Chief Counsel
	CJO
	Region
	CL REC
	24 OCT 1945

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

Wls

4 285/1/40
2630
HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

L-5040

25 Sept. 1945

SUBJECT: Case of GOLDMARK Vittorio.

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

1. In accordance with your telephone request
this day, there is transmitted herewith the file in
the case of the above subject.

For the Commissioner:

OCB/pv

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

162

40231 ✓
HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

L-5040

Naples 23rd October 1945

SUBJECT : Genzanella Concetta fu Costantino
Alfinito Luigi di Vincenzo

TO : HQ Allied Commission Legal Sub-Commission

R O M E

1. Reference your letters AC/4083/1/L dated 19 October 1945.
2. The forms 8 in the above cases are herewith enclosed together with the petitions.
3. It will be noted that both cases have been reviewed.

FOR THE COMMISSIONER :


CARL C. BANNO
Captain A.C.
Senior Legal Officer.

MS/mc

LEGAL SUB-COMMISSION
CLO
DCLO
Chief Counsel

file

167

SUBJECT : Genzanella Concetta fu Costantino
Alfinito Luigi di Vincenzo

TO : HQ Allied Commission Legal Sub-Commission

R O M E

1. Reference your letters AC/4083/1/I dated 19 October 1945.
2. The forms 8 in the above cases are herewith enclosed together with the petitions.
3. It will be noted that both cases have been reviewed.

FOR THE COMMISSIONER :


CARL C. BANNO,
Captain A.C.
Senior Legal Officer.

MS/mc

167

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CLO	
Relief	
Q. R. S.	
27 OCT 1945	

He

17

file

HEADQUARTERS ARMED COMMISSION
AFM 394
LEGAL SUBCOMMISSION

2123

AC/4083/1/1.

JL/rm.
25 October 1945.

SUBJECT : JODICE Teress.

TO : Commissioner (attn. Legal Officer)
AND NOTED ONE.

Returned herewith is the record of JODICE Teress.

By command of Rear Admiral STONE:

Anthony P. Nugent
ANTHONY P. NUGENT,
Major,
Chief Counsel,
for Chief Legal Advisor.

16

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HO83/11
 HEAD QUARTERS
 ALLIED MILITARY GOVERNMENT
 ANCONA PROVINCE

Subject: Application for review of sentence

To: C.I.A. Legal Sub Commission A.C. Rome

From: S.I.O. Ancona Commune

Re: Anc/11/7

Date: 7 August 1945

LEGAL OFFICE

Ancona

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

76-7-16 Petrucci Balilla
 Marchieri Mazzareno
 Simoncini Augusto
 Panano Giorgio
 305 Marchetti Ivo and Chiaroni Valentino
 Gianovic Stefano
 Balestrieri Giulio - 73-2-12
 Corsi Giulio
 Camorra Giulio

Cagli (Pesaro)
 Urbino (Pesaro)
 Urbino (Pesaro)
 DI/Anc/1155
 DI/Anc/586
 Spoleto
 Spoleto
 DI/Anc/1114
 DI/Anc/1114

M. Dwyer, Major
 Senior Legal Officer
 Ancona Commune

LEGAL SUB-COMMISSION

CLO

DCLO

Chief Counsel

CJO

Italian Section

CL RKS

13 AUG 1945

159

13 AUG 1945

HEADQUARTERS ALLIED COMMISSION
APO 304
LEGAL SUB-COMMISSION

JKW/rjp

AG/4093/1/1

22 Oct. 1945

SUBJECT : CARDI Francesco di Giuseppe
TO : Commissioner (Att. Legal Officer)
AMG Naples Zone

1. In the above case the accused was charged with and convicted of an offense of theft of property of an Italian civilian, and sentenced to six months imprisonment and a fine of 6000 lire, to be paid by six months, in default of payment, an additional 60 days imprisonment.

2. Allied Military Government Courts are none the less courts because they are created by International Law. Nor is the jurisdiction of these courts fixed by the whims of the judges. Quite to the contrary, the courts and their jurisdiction are established and fixed by well defined rules of law.

3. The accused was charged under Proclamation 2, Article 2, Section 27. But neither the specification nor the evidence make any pretense of being theft of Allied property or of a member thereof. Nor was any effort made to bring the accused to trial under Article IV of Proclamation 2. Authority to try offenses under Italian Law has at all times been denied the Port Court.

4. The conviction and sentence under the first charge is beyond the powers of the Port Court. The conviction is quashed and the sentence is set aside. The fine, if paid, will be refunded to the accused.

5. The conviction and sentence on the second charge are affirmed. It is ordered that the first charge be transferred to the Italian Courts for trial and disposition in accordance with Italian law.

By command of Rear Admiral STONE

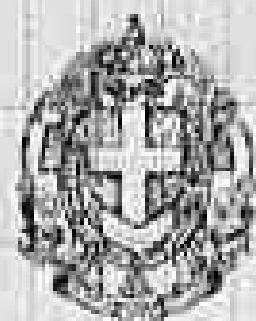
158

JOHN K. WEBER,
Colonel, Infantry,
Chief Legal Advisor

Encl. 1 record

MODULARIO
G.G. - n. 6. 527

N.346 (Carceri)



Regia di Salomone addizionale 8-1945 19 A

DIREZIONE
DEL

Casa Reclusione di Salomone

Assicuro codesto Ufficio che così stesso
il detenuto segnato in oggetto è stato
scarcerato per fine pena.

V. 3 Fasc. Lett.

Risposta alla lettera

del

Dir. Sex. Num.

IL DIRETTORE

OGGETTO

~~Sequestro per liberazione~~

Certificato di esposta pena del detenuto

Cabanini Pasquale di Augusto di anni 21

nato a Roma arrestato il 12-8-1944 Condannato

in data 30-8-1944 dal Tribunale Militare Alleato

ad anni 1 di reclusione

Allegati N.

157

Alla Procura del caso

Al Tribunale Militare

Alleato

Roma

PROCURA DEL RE (NO)
UFFICIO ESECUZIONE SENTENZE
ROMA

N. 22/808

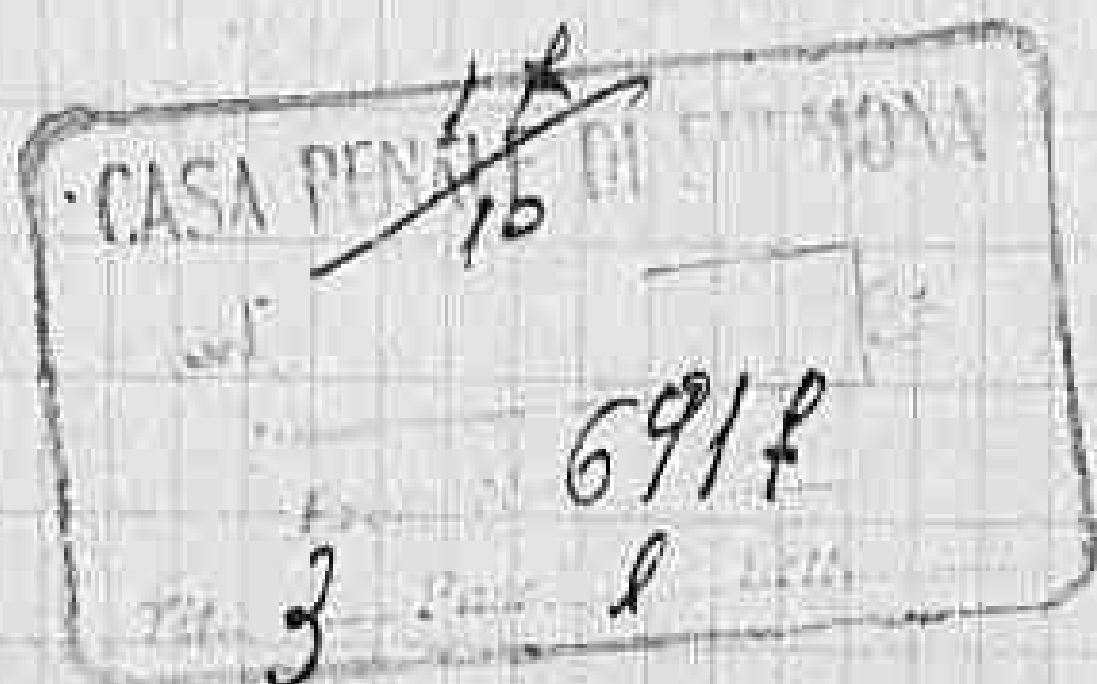
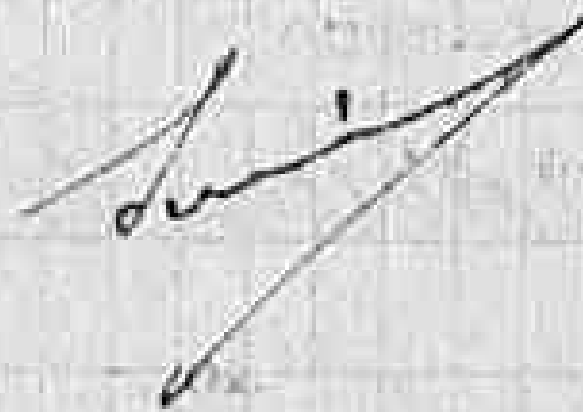
Roma 9. 10. 1948

Alta Direzione
della Casa di Reclusione
Salaria

V: si restituisce pecunia con
riguardo condanna emessa da
questo Tribunale Civile e Penale

Roma 9. 10. 1948

PROSECUTORE DEL RE (NO)



HEADQUARTERS ARMED COMMISSION
J.O. 394
LEGAL SUBCOMMISSION

JL/rm.
25 October 1945.

AC/4083/1/L.

SUBJECT : RACZYNSKI Tadeusz Janusz
Case No. 000512.

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

1. Reference your letter AC/5007 of 22 October 45. May
your recommendation according to Art. 33, Sec. 3 (a), (1) is

"If the case was originally reviewed at HQ AC, he
will forward the petition with the record of the case,
his reasons for considering action necessary and his
recommendations, for action by HQ AC".

of Consolidated Instructions for Allied Military Court, please be
submitted to this Office so that the said petition may be dealt with.

By command of Rear Admiral Stone:

ANTHONY P. NUGENT,
Major,
Chief Counsel,
for Chief Legal Advisor 153

Incl. : 1 Record.

2422

4083/1

File

(2422)

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref.: LEG/5007

26 October 1945

SUBJECT : Review of cases
Case No. 000705 - BELTRANDI Franco.

TO : Headquarters Allied Commission
(Legal Sub-Commission)

1. Herewith Record of proceedings and application for review in the case of the above-named BELTRANDI Franco, who was convicted on the 17th October of stealing two parcels containing 400 cigarettes from the A.P.O. and sentenced to 3 years imprisonment.

2. A heavy sentence was imposed for deterrent purposes and in pursuance of earlier directives from the Legal Sub-Commission.

3. In view, however, of the accused's youth and the excellent character borne by him and his family, a reduction in the sentence is recommended. 154

For the Regional Commissioner :

H.M. Dickie

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

Encl.: Case Record

29 OCT 1945

HEADQUARTERS ALLIED COMMISSION
APO 704
LEGAL SUB-COMMISSION

2421
JL/rjd

AC/4023/1/L

25 Oct. 1945

SUBJECT : Case of LAIOLA Davide and UGOLINI Amedeo
TO : Regional Commissioner (Att'l Regional Legal
Officer) Piemonte Region

1. Reference your letter PR/LE/312 of 6 Oct. 45.
2. Returned herewith is the record in the above case. The case has been reviewed and the conviction quashed. The sentence has been set aside and the fine, if paid, will be refunded to the accused.
3. The substance of the article which led to this trial alleged that police were easily influenced by Neo Fascist while they eagerly carried out "Justice" against Partisans; that the 4 loyal partisans, during the insurrection, killed a fascist leader, "PALLEDRO Giovanni", who had been condemned to death by the Navarra Court of Assizes. It further alleged that PALLEDRO's death sentence was commuted to life imprisonment because of his membership in the "Antemarcia" fascist organization and the intervention of one FARINACCI. With the advent of the Fascist Republic, PALLEDRO was chosen to instill new blood in the Black Brigades and as a leader was accused of inflicting terror upon villages and taking part in the massacre of 20 Patriots at Salurrola. The writer of the article was extolling the merits of the Partisans.
4. The accused LAIOLA admitted that PALLEDRO did not participate in the Salurrola massacre, but asserted that the article was written in good faith and from what he believed to be reliable sources.
5. The accused UGOLINI admitted his responsibility as director of the newspaper Unita but stated that the policy of his paper is to urge calmness and order, and denied that this article was intended to alarm or incite the people.
6. The reviewing authorities have paid particular attention to the remarks of the judge and to the comments in your letter referred to in para 1 above. However, in the opinion of the reviewing authorities the article was not calculated to excite or alarm the people. Now that hostilities have ceased, the interpretation of war time cannot be

-2-

placed on this section 34. The reasonable interpretation to be placed on this section is that rumors must be calculated to incite or alarm the people to create disorders. Freedom of the press must be upheld unless it contravenes the mission or interest of the Allied. The article brings discredit upon the police force, the Courts, and certain government officials. Its tone is critical and harsh, but it does not advocate disorder or violence. Viewed as a whole the tone is political and not rebellious. There are two false statements: (a) that the killing took place during the days of the insurrection and (b) that FALLEDDO took part in a certain massacre of partisans. These are insufficient to cause the article to be violative of the proclamations. In the interests of the growth of the new Italian Government, the reviewing authorities feel that doubtful cases should be resolved in favor of freedom of expression - the Anglo-American principle.

7. The accused should be reprimanded by the Court for breach of their duty to speak the truth which under the rules of the journalistic profession they owe to their readers.

8. Please issue the necessary instructions putting into effect the Decision on review.

By command of Rear Admiral STONE

JOHN K. WEBER,
Colonel, Infantry,
Chief Legal Advisor.

Encl. 1 case record

152

4/83/1

2420

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref.: LEG/5007

22 October 1945

SUBJECT : BIGNOTTI Ernesto - COMETTI Pietro
Case No. 000665

TO : Headquarters Allied Commission
(Legal Sub-Commission)

1. Enclosed herewith Record of Trial in
the above case and Petition for Review filed on
behalf of

BIGNOTTI Ernesto.

For the Regional Commissioner :

H.M. Dickie

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

Encl.: Case Record.

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THE COMMISSION	
WLO	
DCLO	
Chief Counsel	
CIO	
Intell. Section	
CL RKS	
24 OCT 1945	

✓083/1

2419

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref.: LEG/5007

23 October 1945

SUBJECT : FIORI Antonio - Case No. 000658

TO : Headquarters Allied Commission
(Legal Sub-Commission)

1. Enclosed herewith Record of Trial and
Petition for Review in the above case.

For the Regional Commissioner :

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

Encl.: Case record
& petition.

150

SUB COMMISSION	
LO	
DCLO	
Chief Counsel	
CJO	
Italian Section	
CL RKS	

24 OCT 1945

2418

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

Date 23 October 1945

SUBJECT: Case of PAFILLO 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 Commissioner:

Carl C. Banno
CARL C. BANNO,
Capt., A.C.,
Senior Legal Officer.

CCB/pv

Q

DCLO

Cheryl S. Smith

25 OCT 1945

149

2417

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

Date.....23 October 1945.

SUBJECT: Case of D'ALESSANDRO Enrico 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 Commissioner:

Carl C. Banno
CARL C. BANNO,
Capt., A.C.,
Senior Legal Officer.

CCB/pv

148

x1



From: [illegible]	
CIO	
OCIO	
Chief Counsel	
CIO	
Director	
ASST	
15 OCT 1945	

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

24/6

L-3028

23 October 1945

SUBJECT: IODICE Teresa fu Pasquale.

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

1. Reference is made to your letter AC/4083/1/L
19 October 1945, relative to the above subject.

2. In view of the seriousness of the case
and the fact that UNRRA supplies were the subject
of the theft, we believe the petition should be
denied.

3. Petition and record of the case are here-
with returned.

For the Commissioner:

CCB/pv

CIO
 OCLO
 Chief Counsel
 CIO
 Italian Section
 CL RRS

Carl C. Banno 141
 CARL C. BANNON,
 Capt., A.C.,
 Senior Legal Officer.

5007 1945

file

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

4083
 Originator's Reference: 403
 Date/Time of Origin: OCT 081830

Message Centre No: G/675
 Date Time Rec'd: OCT 111615
 Precedence: ROUTINE

FROM VOGHERA
 TO ADMIRAL STONE ALLIED COMMISSION ROME

UNCLASSIFIED.

Those participating in the First Congress of this Section of the Communist Party ask your intercession with the Italian Government for the liberation of ALVAREZ ZAPAIARAN who fought for Spanish liberty.

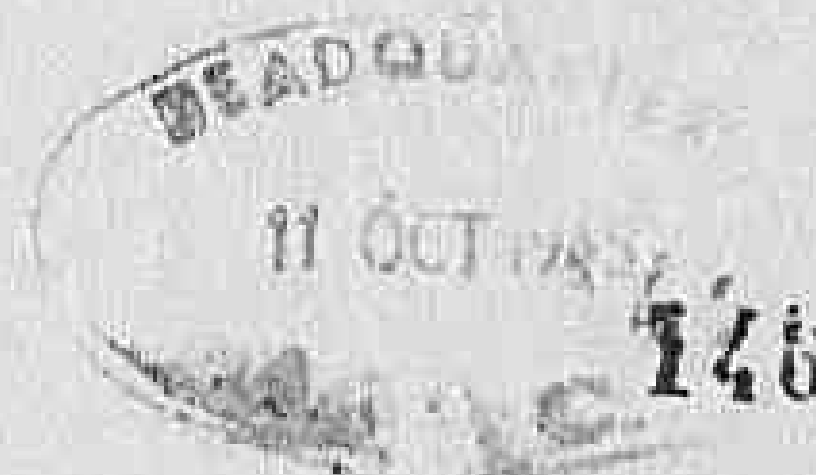
The Section of VOGHERA of the Communist Party.

DIST

ACTION LEGAL SC
 INFO CHIEF COMMISSIONER
 CA SEC
 FILE 2
 FLOAT

LEGAL SUBCOMMISSION	
CLO	
DO	
CHIEF COMMISSIONER	
CA SEC	
FILE 2	
FLOAT	

12 OCT 1945



ACTION

File
HEAD QUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

2414

MF/lc.

17 October 1945.

AC/4083/1/L.

SUBJECT : Alvarez ZAPAIRAN.

TO : Dott. Bonelli - Ministero di Grazia e Giustizia.

Herewith enclosed for your concern copy of a signal
sent to Rear Admiral Stone.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

Incl.

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HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

J./rn.
17 October 1945.

AG/4083/1/L.

SUBJECT : VITTOZZI Gennaro fu Michele.

To : Commissioner (attn. Legal Officer),
AMG NAILED Zone.

1. Reference the enclosed petition which alleges that the accused was tried by an Allied Military Court presided over by "Capt. GOLD" on 16 May 45, at Avellino.
2. This HQ possesses the record of VITTOZZI Luigi, tried by an AMG Court before Capt. GOLD on 16 May 44, at Avellino. There is no charge sheet, but the evidence discloses that the charge was possession of Arms.
3. It appears to be the same case; however to avoid any errors, will you please ascertain from your records if VITTOZZI Gennaro was actually tried on 16 May 45, and if so please forward case record.
4. Please return the Petition and any assistance you may offer.

By command of Rear Admiral STONE:

ANTHONY P. NUGENT,
Major,
Chief Counsel,
Chief Legal Advisor.

144

HEADQUARTERS ALLIED COMMISSION

AFD 594
LEG. 1 SUB-COMMISSION

JL/rm.

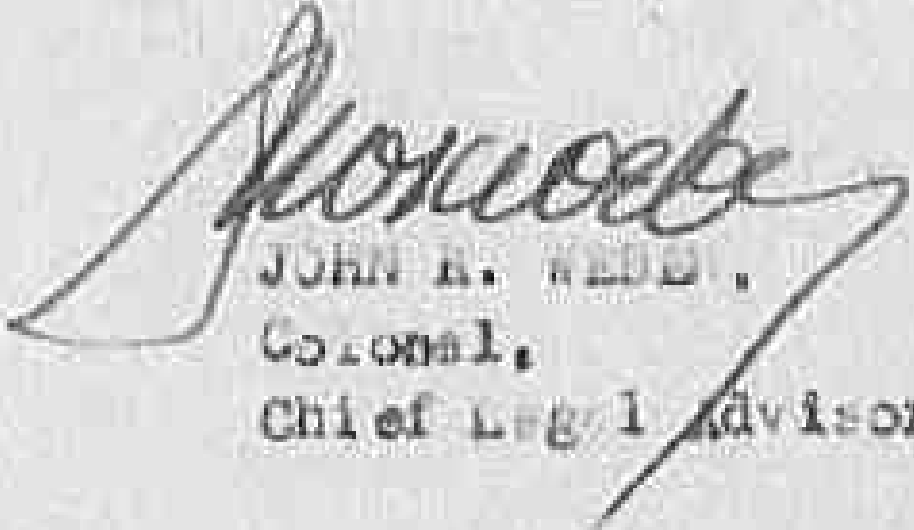
17 October 1945.

AC/483/1/L.

SUBJECT : TRABALZA Feliciano.

TO : The Minister of Pardon and Justice.

1. TRABALZA Feliciano was tried and convicted by an Allied Military Court at Perugia on 24 November 44. He was sentenced to serve 1 year on charge 1 and 3 months on charge two; the sentences to run concurrently. (The prisoner is to serve only 1 year in prison).
2. The Posizione giuridica states that the person was arrested on 20 Oct. 44.
3. Unless there is other lawful reason for his detention will you please issue the necessary instructions for the release of the above on 20 October 45. The petition states that the accused is confined in the Carcere giudiziario at Perugia.
4. Please confirm that the release has not been effected.


JOHN R. WEBB,
Colonel,
Chief Leg 1 Advisor.

Copy to : Carcere giudiziario
di Perugia
your letter
No. 5825 T. 3 fasc. 1 Lett. T
refers.

143

File

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUBCOMMISSION

(2411)

AO/4083/1/L

JL/rm.
17 October 1945.

SUBJECT : *PROFIA* Giuseppe.

TO : The Minister of Pardon and Justice.

1. Reference the enclosed petition.
2. May the "Posizione giuridica", with charges, date and place of trial please be furnished.
3. Is it possible that the accused was tried by an Italian Tribunal.

ANTHONY P. NOCENTI,
Major,
Chief Counsel,
for Chief Legal Advisor.

142

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HEADQUARTERS ALLIED COMMISSION
AIO 594
LEGAL SUB-COMMISSION

AC/4033/1/-

JL/m.
18 October 1945.

SUBJECT : PIACOLI Giovanni Battista.

TO : Minister of Trasporti - Ferrovie dello Stato -
Compartimento di Roma.

1. Reference your enclosed communication.
2. It is regretted that this S/C is unable to comply with your request at this time. It is suggested that the above information could be obtained from the posizione giuridica of the person in subject.

ANTHONY P. NOCENTI,
Major,
Chief Counsel,
for Chief Legal Advisor.

141

file

(2409)

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUBCOMMISSION

JAW/rm.
16 October 1945.

AC/4083/1/L.

SUBJECT : PIRELLINO Gastone di Lorenzo.

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

1. In the above case, the conviction and sentence are affirmed.

2. The order forfeiting the 66,000 lire to Allied Military Government is erroneous; accurately these funds represent the value (or part of the value) of the goods stolen. The goods in question were property of the U.S. Government. The U.S. Government and not the Allied Military Government should be entitled thereto.

By command of Rear Admiral STONE:

JOHN A. WEBER,
Colonel,
Chief Legal Advisor.

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ES

HEADQUARTERS ALLIED COMMISSION
410 394
LEGAL SUBCOMMISSION

(2408)

43/4083/1/L.

3L/ra.
19 October 1945.

SUBJECT : MANNA Antonio.

TO : Commissioner (Attn. Legal Officer),
AUS RAPIDS Zone.

1. The enclosed petition on behalf of MANNA Antonio discloses that he was tried on 2 April 45, and allegedly sentence to 6 months imprisonment and 25,000 lire fine,

2. Our records fail to show a review of this case. Will you please forward the case and the enclosed petition.

Incl. : Naples Procure del Regno
letter Sez. IV No. 470/45 OR
of 29 August 45.

ANTHONY P. NOGENT,
Major,
Chief Counsel,
for Chief Legal Advisor.

133

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

2407
JEW/rjp

16 Oct. 1945

AC/4083/1/L

SUBJECT : Opinion in the case of LAIOLO Davide and
UGOLINI Amedeo.

TO : Executive Commissioner, A.C.

1. The two above mentioned accused were tried at Turin the 28th Sept. 1945 by the acting Regional Legal Officer, Major D.D. McGilm, R.A., for a violation of Proc. 1, Art.V, Sect. 38, which provides for the punishment of any person who "disseminates any rumor calculated to excite or alarm the people".

2. From the evidence it appeared that in the issue of 12 Sept. 1945 of the newspaper L'Unita, of which UGOLINI Amedeo is the director, there appeared an article entitled "Garibaldini in galera", written by the other accused LAIOLO Davide, who was employed as a writer for the newspaper.

3. In substance, the article protests the recent arrest of four partisans charged with murder. It charged that the police are only too willing to hear the accusing words of the Neo-Fascists while they eagerly carry out "Justice" against partisans; that these four loyal partisans during the insurrection killed a fascist armed leader Pallestro Giovanni, who had been condemned to death in 1941 by the Nazione for homicide with intent to steal. It further charged that Pallestro Giovanni's sentence was commuted to life imprisonment because of his membership in the "Antemarcia" fascist organization and the intervention of one Farinacci. After the coming of the Fascist republic, Pallestro was chosen to put new blood into the Black brigades. He thereupon became a leader of the new units and was the terror of several villages, taking a part in the massacre of twenty patriots at Salurrola. He contended that the four partisans have been an example of discipline and good behavior. He asked "Is it really necessary that such obviously unjust things as these should happen? Can some elements of public order lend themselves to a game which is so openly Fascist?"

He concluded the article with this paragraph:
"If all those who during the war of liberation killed Fascist criminals are to be arrested, then open the jails, set free the Fascists and all the fighters of Italy, all the Partisans, will go in. With these dark dealings is it intended to lead the country back to normality or is it intended to start in Santhia that which happened at Minerrino Murge? Enough of this persecution of anti-Fascists and of partisans which is carried out on every pretext. We must not be made to believe that the

-2-

Fascists, against whom we must defend ourselves, have returned"

4. It was admitted by LAIOLO Davide that Polledro did not take part in the massacre of the twenty partisans, but that he made his statement in the article on good faith and from a source of information he considered reliable, and that he published a retraction in the newspaper when the error was discovered. It was also admitted that Polledro was not killed during the insurrection, but later. LAIOLO stated that a retraction of this error was also published in the newspaper.

5. The mentioning of Minerrino Murge in the last paragraph of the article presumably refers to disorders which took place there because of separation difficulties. There is a dispute of fact as to the reason why Polledro was liberated from jail. The other side of the picture is that it was discovered that the witnesses against him were perjured and that he was formally absolved by legal proceedings of all guilt.

6. The accused UGOLINI Amedeo admitted his responsibility as director of the newspaper for the article published, but contended that the policy of the paper had always been to urge calmness and order, and denied that this article was intended to alarm or incite the people.

7. Major B.D. McCole, the trial officer, in his remarks states that he believes a heavy fine on UGOLINI is adequate punishment and that LAIOLO impresses him as one who wrote with a reckless disregard for accuracy and the probable consequences. He states that all the material facts (in the article) are wrong, and that "in view of incidents which have taken place in parts of Piemonte it is regarded as proved beyond any reasonable doubt that the article was calculated to excite the people and alarm them."

8. LAIOLO Davide was sentenced to 6 months imprisonment, of which 5 months were suspended; and UGOLINI Amedeo was fined 30,000 lire, which was paid on 4 Oct. 1945.

9. The question to be resolved is whether the article published, in view of the then present conditions in Piemonte, was "calculated to excite or alarm the people", within the meaning of Proc.1, Art.V, Sect. 38.

10. In my opinion, the answer is that the article was not calculated to excite or alarm the people. Now that hostilities have ceased the interpretation of war time cannot be placed on Section 38. The reasonable interpretation to be placed on this section is that the rumors must be calculated to incite or alarm the people to create disorders. Freedom of the press must be

-3-

upheld unless it contravenes the mission or interest of the Allies. The article brings discredit upon the police force, the courts, and certain government officials. Its tone is critical and harsh, but it does not advocate disorder or violence. Viewed as a whole, the tone is political and not rebellious. There are two false statements admittedly: that the killing took place during the days of the insurrection and that Pallaro took part in a certain massacre of partisans. These are not sufficient to cause the article to be violative of the Proclamation. In the interests of the growth of the new Italian government, I believe doubtful cases ought to be resolved in favor of freedom of expression, the Anglo-American principle. The accused should be reprimanded for the breach of his duty to speak the truth which, under the rules of the journalistic profession, he owes to his readers. Having been reprimanded the convictions and sentences should be set aside and the case dismissed.

11. I propose to enter such order in this unhappy case, unless the Chief Civil Affairs Officer otherwise directs. It is not believed that such order will leave the courts in a discredited position. This latter premise, of course, is most troublesome.

JOHN K. WEBER,
Colonel, Infantry,
Chief Legal Advisor

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HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

2406
JKN/rjp

AC/4083/1/L

15 Oct. 1945

SUBJECT : Death of P.F.C. G. LENN G.A.
TO : Regional Commissioner (att. Regional Legal Officer)
Venezie Region

1. Reference your letter RXII/LE/Reg/B/03 of 10 Oct 45.

2. Two issues are involved in the instant case:

(a) a dismissal (nolle prosequi) of the case
by Allied Military Government; and

(b) if not dismissed, trial to be had before
the Italian and not the Allied Courts.

3. Under the provisions of Proclamation 1, Part II, Article IV, section 15, "Any person who kills any member of the Allied Forces, shall upon conviction by an Allied Military Court, be liable to punishment by death, or by imprisonment or fine, or both, as the Court may determine." Under the facts set forth in the trial, the accused may be charged with and tried for a violation of this Article by an Allied Government Court.

4. It is equally true that if the facts as now represented by the report were before an Allied Military Court, an acquittal of the accused would be warranted.

5. The deceased was a member of the Armed Forces. If dismissal is ordered without the concurrence in such action by the Armed Forces, it leaves a suspicion that the lives of our soldiers are lightly weighed in academic refinements of law, by the Military Government officials.

6. While the concurrence of the Armed Forces is not legally necessary and a dismissal (not to be confused with an acquittal) is no legal bar to trial at a subsequent time, it is seen the policy to obtain such concurrence; if it has not been freely given, a trial is ordered to the end that any further issue thereon may be foreclosed, not only as against the government and its component parts, but as against the accused as well. Such trials have been had by the Allied Military Courts and not the Italian Courts.

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-2-

7. Was an investigation made by the C.I.C., and if so, what was the recommendation made by it in its report? We would like this information before disposing of the issue of dismissal. Please advise us on this question; please return the report to us for further consideration.

By command of Rear Admiral STONE

JOHN K. WEBER,
Colonel, Infantry,
Chief Legal Advisor

Encls. Statement of

Francis O. Quarles - 23/9/45
Francis O. Quarles - 27/9/45
Alessandro Meneghetti - 23/9/45
Augusto Loregiolo - 24/9/45
Silvano Giaccotto - 25/9/45
Alessandro Cecotto - 24/9/45
Marie Moschen - 23/9/45
Ida Cerna - 23/9/45
Rina Ropelato - 23/9/45
Miriam Ropelato - 23/9/45
Pauline Vesco - 23/9/45
Antonino Terregrossa - 26/9/45
R. Dobson - 27/9/45
Cornelio Battistello - 25/9/45
Ferdinando Panizzolo - 25/9/45
Medical statement - 24/9/45

13:

HEADQUARTERS
VENEZIE REGION
ALLIED MILITARY GOVERNMENT
APO 394
Legal Division

10 October 1945

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

SUBJECT : Death of P.F.C. O. LENN C.A., 175 Field Artillery
Bn, U.S. Army.--

File No : RXII/LE/Reg/B/O3.

1. I endorse herewith statements of evidence in regard to an occurrence which took place near the railway station Padova in the early hours of the morning of the 23rd Sept'45.

2. The gist of the matter is that four members of the Carabinieri were on patrol duty about 0130 hours when they saw a figure moving across the road some way in front of them; the carabinieri cried "halt" several times and as the challenge was ignored, two of the Carabinieri fired and, unhappily, killed the person who had failed to answer their challenge. It was ascertained that the deceased was the above named American Soldier.

3. The question now for decision is whether in the circumstances, the carabinieri should be brought to trial and if so, whether they should be tried by an Allied Military Court or by an Italian Court. The evidence indicates clearly :

- I. That the Carabinieri fired the shots while they were on duty.
- II. That they fired the shots in what they conceived to be the execution of their duty.
- III. That they were completely unaware that the ~~13~~ were at which they fired, was an Allied Soldier.

4. I have discussed the case fully with the Provincial Legal Officer Major Stewart who agreed with the view I expressed and which I now respect fully submit for your consideration namely that this is not a case in which any criminal liability can be attributed to the Carabinieri and that accordingly they should not be made to stand their trial. Nevertheless I think it should be made very clear that carabinieri although in the course of duty, are only entitled to use their arms when there is good and

File No : RXII/LE/Reg/E/03.

1. I endorse herewith statements of evidence in regard to an occurrence which took place near the railway station Padova in the early hours of the morning of the 23rd Sept '45.

2. The gist of the matter is that four members of the Carabinieri were on patrol duty about 0130 hours when they saw a figure moving across the road some way in front of them; the carabinieri cried "halt" several times and as the challenge was ignored, two of the Carabinieri fired and, unhappily, killed the person who had failed to answer their challenge. It was ascertained that the deceased was the above named American Soldier.

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- I. That the Carabinieri fired the shots while they were on duty.
- II. That they fired the shots in what they conceived to be the execution of their duty.
- III. That they were completely unaware that the ~~13~~ ¹³ are at which they fired, was an Allied Soldier.

4. I have discussed the case fully with the Provincial Legal Officer Major Stewart who agreed with the view I expressed and which I now respect fully submit for your consideration namely that this is not a case in which any criminal liability can be attributed to the Carabinieri and that accordingly they should not be made to stand their trial. Nevertheless I think it should be made very clear that carabinieri although in the course of duty, are only entitled to use their arms when there is good and sufficient reason for doing so, and I therefore suggest that the above circumstances be placed before the Carabinieri Command for official enquiry and disciplinary action as considered appropriate, the result of the enquiry to be reported to this HQ.

5. I await your decision and shall be glad if the enclosed statements may be returned therewith.

C.L.P. Gilshenan
C.L.P. GILSHENAN, Major,
Regional Legal Officer,
Venezie Region.

HEADQUARTERS ALLIED COMMISSION
400 394
LEGAL SUBCOMMISSION

2494

AC/4033/1/L.

JL/rm.
19 October 1945.

SUBJECT : IODICA Teresa fu Pasquale.

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

1. Reference enclosed petition.
2. Will you please return the petition, with the record of the case, and such comments as you may choose to make.

By command of Rear Admiral Stone:

Incl. : 1 petition with Inspectorate's
letter No. 30234 of 5 Oct. 45.

ANTHONY P. MARINI,
Major,
Chief Counsel,
for Chief Legal Advisor.

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HEADQUARTERS ALLIED COMMISSION
APO 994
LEGAL SUBCOMMISSION

2403

AC/4083/1/L

JL/rm.
19 October 1945.

SUBJECT : GENZANELLA Concetta fu Costantino.

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

1. Reference the enclosed petition, submitted under cover of Ispettorato's letter No. 30236 of 8 Oct. 45.

2. The posizione giuridica discloses that the accused was sentenced on 2 Aug. 45 to 6 months imprisonment.

3. This office has no record of the case having ever been submitted for review.

4. May the enclosed petition and the record please be forwarded to this Hq.

By command of Rear Admiral SPONE:

ANTHONY P. NUGENT,
Major,
Chief Counsel,
for Chief Legal Advisor.

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File 4083/11 ✓

LEGAL SUBCOMMISSION

RE. ALLIED COMMISSION

AFD 324

2402

16 October 1945.

FROM : Colonel JOHN E. WEBER

My dear Mr. Minister,

Reference your personal letter of 25 Sept. 45, addressed to Colonel BARNETT, with regard to ROMA Luigi.

The case has now been reviewed and the following decision taken:

Because of the report of the prison doctor and of the lucid comments thereon by the Provincial Public Safety officer, wherein it is established that should the physical condition of the accused be neglected it might rapidly develop into serious diabetes, it has been determined to suspend the unexpired term of imprisonment of ROMA Luigi, as of 14 October 1945, conditioned on the good behavior of the accused during the continuance of Allied Military Government."

This decision has already been transmitted to our officer in Venezia region and it should be communicated to the prisoner within a reasonable time.

Cordially yours

Mr. Palmiro TOSTATTI
The Minister of Pardon and Justice
R 3 4 2

130

15

HEADQUARTERS
VENEZIE REGION
ALLIED MILITARY GOVERNMENT
APC 394

5 September 1945

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

SUBJECT : Petition for Review.

File No : EXII/LE/UDI/A/04.

1. Reference our EXII/LE/UDI/A/04 of 19 July 1945
herewith enclosed ^{with} documents in the following cases : -

FONDA Luigi

MARICCHIO Stefano

OLIVOTTO Antonio

W. R. Oates

Major,
Regional Legal Officer,
Venezie Region.

CHIEF	
DELO	
Chief Counsel	
CL	
Legal Section	
CL RKS	
7 SEP 1945	

123

4083

HG W/RC

2400

HEADQUARTERS
VENEZIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

9 August 1945.

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

SUBJECT : Petition for review - Case of FONDA Luigi.

File No : RXII/LE/Ud1/A/04.

1. Reference my letters of 19 July and 30 July 1945, reference as above, and Petition for Review in the above-named case which is now before you.
2. A further petition has now been received at this HQ., based on an allegation of ill-health. The petition is supported by a medical certificate from a doctor in Venice - the accused being in prison in Venice for the time being. It is alleged that the accused is suffering from diabetes.
3. The new petition and supporting documents have today been forwarded to P.L.O., Venezia Province, with instructions to inquire into the case and if necessary take any action that may be required under Article 36 of the Consolidated Instructions for Allied Military Courts.
4. As soon as any further information is available I will inform you, and will forward the new petition to you. In the meantime I consider that you should be informed of the present position, in case you wish to defer consideration of the petition, having regard to Paragraph 3 of Article 36 of the Consolidated Instructions.

2. A further petition has now been received at this HQ., based on an allegation of ill-health. The petition is supported by a medical certificate from a doctor in Venice - the accused being in prison in Venice for the time being. It is alleged that the accused is suffering from diabetes.

3. The new petition and supporting documents have today been forwarded to P.L.O., Venezia Province, with instructions to inquire into the case and if necessary take any action that may be required under Article 36 of the Consolidated Instructions for Allied Military Courts.

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Y2a

H. C. Winkler

Colonel,
Regional Legal Officer,
Venezia Region.

CHD	
DCLO	
Chief Counsel	
CJO	
Italian Section	
CLERKS	

13 AUG 1945

401311 ✓

(2399)

HEADQUARTERS
VENEZIE REGION
ALLIED MILITARY GOVERNMENT
APO 394

24 August 1945

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

SUBJECT : Petition for Review.

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

F O N D A Luigi

Reference this office letter of 9 August, further report
on this man's health is enclosed.

MacKhoum

Major,
Regional Legal Officer,
Venezie Region.

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Section	
CLERKS	

127

15/8 AUG 1945

2398

IL GUARDASIGILLI
MINISTRO DI GRAZIA E GIUSTIZIA

Roma, 25 settembre 1945

*file
4083/1*

Sig. Colonnello Hannaford
Commissione Alleata
Sottocommissione Legale

R O M A

Caro Colonnello,

mi rivolgo alla Sua cortesia per pregarla d'interporre
il Suo autorevole intervento presso il Generale DUNLOP, per
un caso che è stato sottoposto alla Sua competenza.

Il Sindaco di Grado, FONDA Luigi, già Comandante dei
Partigiani di quella zona e Presidente il C.L.N. locale, nel
maggio u.s., a seguito di numerose istanze rivoltegli dalla
popolazione e previa autorizzazione del Ten. QUENCIA, Primo
Governatore di Grado, consentì che alcuni prigionieri di guer-
ra, di nazionalità austriaca, russa e francese, fossero ammes-
si a lavorare in Grado, con normale qualifica di liberi ope-
rai civili, essendo stati dal Comune muniti dei prescritti do-
cumenti. La cagione del trattamento di favore era da ricercar-
si nell'attività svolta dai detti militari dell'esercito tede-
sco durante l'occupazione ed al momento della liberazione di
Grado, essendo risultata la loro attiva collaborazione coi par-
tigiani per il salvataggio delle opere cittadine. Per errore
materiale d'una impiegata, ad uno di detti prigionieri, quali-
ficatosi nativo di Bolzano, venne rilasciato documento d'iden-
tificazione con qualifica di cittadino italiano.

126

IL GUARDASIGILLI
MINISTRO DI GRAZIA E GIUSTIZIA

2.

Per tali fatti il FONDA venne sottoposto a giudizio della Corte Alleata, su accusa di tale RIZZI, già suo dipendente sospeso dall'Ufficio per ordine del C.L.N., perchè reo di fatto penalmente punibile e per aver collaborato con la sedicente repubblica fascista. Sulla sola testimonianza discutibile di costui, il FONDA venne condannato a 5 anni di reclusione, dal Tribunale di Cervignano (UDINE) con sentenza 12 giugno u.s., nonostante molte prove a suo favore.

Trattasi di caso singolare, per la particolare situazione morale e giuridica dell'accusa, proveniente da elemento di dubbia fama, già sospeso per delitto, e per la figura del FONDA, valoroso combattente della resistenza, che pare escluso abbia agito in mala fede. Appunto l'assenza del dolo da parte dell'imputato, autorizza, a mio parere, la commutazione della pena in confino, a meno che non si voglia, come sarebbe probabilmente necessario, rimettere la pena stessa o sospenderne l'esecuzione.

L'Avv. Prof. Etefredo Aguzzon, difensore del FONDA, ha proposto analoghe istanze a codesta Commissione, dirigendole a Roma, Via Veneto, mentre il detenuto si trova a Venezia, nel carcere della Giudecca. X

Son sicuro, Signor Colonnello, di poter contare sul Suo interessamento.

In attesa di conoscere le determinazioni che vorrà adottare, La prego, gradire i sensi della mia stima e considerazione.

Cordialmente

Palvio Boglietti

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

2397
JFK/rjo

AG/4083/1/L

16 Oct. 1945

SUBJECT : Case of FONDA Luigi et al.
TO : Regional Commissioner (att. Regional Legal Officer)
Venezia Region

1. The record in the above case has been carefully considered by the Reviewing Authority. The record is not very clear nor legible. It contains short elliptic sentences in telegram style, and the use of slang "Jerry" is not conducive to clarity.

2. The accused were charged with serious offenses against occupational law. The record of evidence establishes the guilt of the accused. We have considered the applications for review filed by the accused, and have concluded that the convictions must be affirmed.

3. There is before us the reports of the prison doctor and the latter of comment thereon by the Provincial Public Safety officer concerning the physical condition of the accused FONDA Luigi. In Article 26, paragraph 3, "Consolidated Instructions", it is provided:

"The state of health of the accused as disclosed on the record or petition for review, will be taken into consideration whether to affirm or vary the SENTENCE."

Because of the report of the prison doctor and of the lucid comments thereon by the Provincial Public Safety officer, wherein it is established that should the physical condition of the accused be neglected it might rapidly develop into serious diabetes, it has been determined to suspend the unexpired term of imprisonment of FONDA Luigi, as of 14 October 1945, conditioned on the good behavior of the accused during the continuance of Allied Military Government. 12

4. The sentence imposed on OLIVOTTO Antonio, on the first charge is reduced to two years. The sentence of two years on the second charge is affirmed. The sentences will be concurrent, and the total imprisonment is two years.

5. The sentences of MARNICHIO Stefano, on charges one and two are reduced to eight months, and will run concurrently; the total imprisonment is eight (8) months.

By command of Rear Admiral STONE

JOHN K. WEBER
Colonel, Infantry,
Chief Legal Advisor

2396

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUBCOMMISSION

AC/4083/1/L.

IL/rm.
19 October 1945.

SUBJECT : FORAINO Gennaro fu Bonomo.

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

1. Reference the petition submitted under cover of the
Ispettorato's letter Prot. No. 30224 of 6 Oct. 45.
2. The posizione giuridica states that the accused was sentenced
on 21 June 45 to 6 months imprisonment and 10,000 lire.
3. This office has no record of the case ever being submitted
for review.
4. May the enclosed petition and the record please be forwarded
to this office.

By command of Rear Admiral STONE:

ANTHONY P. NUCCETI,
Major,
Chief Counsel,
for Chief Legal Advisor.

123

4083/1

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMME
LEGAL DIVISION
APO 394

L-4014

14 November 1945

SUBJECT: ^{N I} IORMINO (not Formino) Gennaro fu Bonomo.

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

1. Reference your letter No. AG/4083/1/L of 19 October 1945.
2. Transmitted herewith is the file concerning the e/m person.
3. On review the conviction and sentence was affirmed on 17 July 1945.

For the Commissioner,

Carl C. Laro
CARL C. LARO,
Capt., A.C.,
Senior Legal Officer.

AA/ms

Case No. ~~4466~~
4466

LEGAL SUB COMMISSION

CLO

DCLO

Chief Counsel

CJO

Italian Section

CL RKS

1 NOV 1945

122

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

2395
GFG/rjp

AC/4023/1/L

13 Oct. 1945

SUBJECT : Forfeiture of bond of DIAMANTI Alessandro fu
Salerio e di Diamanti Elvira

TO : Allied Finance Agency - Accounting Sub-section
(att. Major Forster)

1. Notification is hereby given that the 25,000 lire placed by the above named accused with Allied Finance Agency is ordered forfeited.

2. Said sum of money was placed with Allied Finance Agency as Bail Bond, conditional upon the reporting of accused on 27 March 1945 for trial. The accused failed to report on such day for trial, thereby rendering in default the condition of the Bond.

By command of Rear Admiral STONE

John K. Weber
JOHN K. WEBER,
Colonel, Infantry,
Chief Legal Advisor

121

file

HEADQUARTERS ALLIED COMMISSION
410 394
LEGAL SUBCOMMISSION

2394

AC/4083/1/L.

J./rm.
19 October 1945.

SUBJECT : DIAMANTI Alessandro.

TO : The Minister of Pardon and Justice,
(attn. Mr. BONELLI).

1. Returned herewith is the petition on behalf of the above submitted under cover of your letter AC/4561 of 16 Oct. 45.

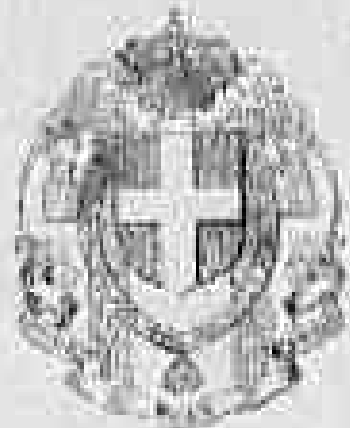
2. As related to you personally by Sgt. LATELLA, on the evening of 18 Oct. 45, a decision was taken in this case, and the same transmitted to your Ministry on 13 Oct. 45. Please refer to AC/4083/1/L of 13 Oct. 45.

3. A copy is enclosed for your convenience.

Incl. : Petition and letter
referred in para 1.

ANTHONY P. NUGENT,
Major,
Chief Counsel,
for Chief Legal Advisor.

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4683/10 *file* 9393 *Off. 302*

MINISTERO DI GRAZIA E GIUSTIZIA

*Direzione Generale degli Affari Penali
delle Grazie della Statistica e del Casellario*

Ufficio I° A.P.
Prot. N° 131/705/2500
Risposta al P.N.
del

Roma, 14 Ottobre 1945

11a COMMISSIONE ALLEATA
SOTTOCOMMISSIONE LEGALE
ROMA

Oggetto: Competenza a giudicare, in sede di appello, di processi definiti dalle Corti Militari alleate nelle Province poi restituite all'amministrazione Italiana.-

e, per conoscenza:

ALL'UFFICIO COLLEGAMENTO

GABINETTO

Il Procuratore Generale di Bologna ha trasmesso a questo Ministero un esposto dell'avv. Enzo Gatti di Modena e un rapporto del Procuratore del "legno della stessa città, con i quali si segnala che, in seguito alla restituzione dell'Emilia all'amministrazione italiana, soppressi gli uffici legali Alleati locali, sono rimasti senza decisione gli appelli presentati in termine agli uffici Legali medesimi, senza che si conosca - dippiù - dove siano confluiti gli atti processuali relativi.-

In particolare, sono stati indicati i seguenti processi:

1°)- DAVOLI Carlo, detenuto, condannato con sentenza 8 Luglio 1945 ad anni 15 di reclusione per tentato omicidio in danno di un militare alleato negro.- 119

././.

209- NATALI Benito, REGGIANI Alfredo, BARALDI Ernes,
TONDELLI Savio, FUGACCI Leonello, condannati il
1° a 2 anni e gli altri a 9 mesi di reclusione.-

Si afferma dagli esponenti che il Comando Alleato
per l'Emilia, richiesto d'istruzioni al riguardo, non
avrebbe indicato alcuna soluzione ed avrebbe suggerito
di rivolgersi a questo Ministero per la determinazione
del Tribunale competente a decidere sugli appelli in
genere proposti contro le sentenze emesse dalle Corti
Militari Alleate là dove queste sono state soppresse.-

Nel portare quanto si è esposto a conoscenza di co-
detta Commissione, si attende un riscontro, cortesemen-
te sollecito, per poter quindi adottare i provvedimen-
ti opportuni.-

Con la risposta si gradirà conoscere anche nel caso
sia riconosciuta la competenza dell'Autorità Giudiziaria
Italiana, a quale Ufficio o Comando Alleato debbano es-
sere richiesti i fascicoli processuali relativi agli
appelli pendenti.-

per il MINISTRO

B. G. G.

111	UB-COMMISSION
10	
10	Counsel
10	
10	Section
10	RCS
2	2 OCT 1945

2392

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUBCOMMISSION

JL/rm.
22 October 1945.

AC/4083/1/L.

SUBJECT : Case of DAVOLI Carlo et al.

To : The Minister of Pardon and Justice.

1. Reference your letter "Ufficio lo. AP Prot. No. 131/705/2500" of 17 October 45.

2. It is regretted that your office, it seems, failed to receive our letters AC/4083/1/L of 12 Oct. 45, which contained the answer to your letter. Copies of the letters are enclosed for your convenience.

Copy to: Dr. Bonelli
Liaison Office
Ministry of Pardon
and Justice.

ANTHONY P. HUGERT,
Major,
Chief Counsel,
for Chief Legal Advisor.

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117

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

9391
GFG/rjp

AG/4063/1/L

13 Oct. 1945

SUBJECT : Detention of DIAMANTI Alessandro fu Salerio
e di Diamanti Elvira

TO : The Minister of Pardon and Justice

1. Information has come to us that the above named Italian is now held in jail or prison in Rome on authority of a warrant of arrest issued by Allied Military Government at Florence, 28 March 1945, copy of which is attached hereto.

2. The charge of violation of Proc. 1, Art. V, Sect. 46, upon which the attached warrant is based is hereby quashed.

3. Authority is given to release the above named individual, in so far as he is being held under the warrant of arrest, copy of which is attached. Authority to release is limited to the warrant issued at Florence, copy of which is attached.

413

JOHN K. WEBER,
Colonel, Infantry,
Chief Legal Advisor

Encl. As above

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CORTE MILITARE ALLEATA

N° I/139 di 1^a rot.

Firenze, 11 28 marzo 1945

OGGETTO: Ricerche

AL COMANDO DELLA LEGIONE CC.RR. FIRENZE

ALLA R. QUESTURA FIRENZE

AL COMANDO DELLA SQUADRA INVESTIGATIVA CC.RR. FIRENZE

Pregasi urgenti ricerche di arresto del sottonotato che imputato al Proclama n° I Art.V Sez.46, in libertà provviso_ via previa cauzione di L.25.000, non si è presentato davanti a questa Corte Militare Alleata per essere giudicato:

DIAMANTI Alessandro fu Saverio e di Diamanti Elvira, na_

to il 21/8/1906 a Roma, ivi residente via Metampnto n.12 = **118**
Commerciantante.

Si prega il massimo impegno per conseguire l'arresto del Diamante e conseguentemente tradurlo alle carceri delle Murate di Firenze, a disposizione di questa Corte Alleata, informando tempestivamente.

Il Comando della Legione CC.RR. e la R. Questura informo_ ranno delle ricerche in argomento la Legione dei CC.RR. e la Questura di Roma

F.to Col. UOLD

Atto Militare Generale

MOD. N° 9a.
(riveduto)

FORM. N° 9a.
(revised)

GOVERNO MILITARE ALLEATO

ATTO DI OBBLIGO CON MALLEVERIA (BAIL BOND)

Premesso che Diamanti Alessandro è incolpato di violazione 115

proclama ordine 11 art 5 del 46

per cui è stato deferito dal Tribunale Militare a

il _____ (Data - Date) (place & date of court granting bail); che tale Tribunale ha ordinato

che al detto _____

(Imputato - Accused)

sia concessa la libertà provvisoria previa malleveria della somma di L. 25.000 garantita da due

(Amount of Bail)

solvibili mallevadori solidali, con obbligo all'imputato istesso di ricomparire dinanzi al Tribunale Militare

Col. Sommaria a _____

(Generale / Superiore, Sommaria)

(Luogo - Place)

(Data - Date)

alle ore 9.50

(Type of Court, place, date and hour to which referred), o in altro luogo, giorno ed ora che saranno ordinati dall'Autorità Militare competente.

Ciò premesso, io _____ mi obbligo di comparire davanti detta autorità nella data, luogo ed ora di cui sopra e noi

(Imputato - Accused)

(Mallevadore - Name of Surety)

(Indirizzo - Address)

(Mallevadore - Name of Surety)

(Indirizzo - Address)

rinunziando al beneficio della esecuzione preventiva contro il debitore principale imputato suddetto, ci obblighiamo solidalmente ed indivisibilmente tra di noi, di pagare al Governo Militare Alleato la somma suddetta, qualora il ripetuto imputato non dovesse adempiere all'obbligo della presentazione come sopra.

Consentiamo, all'uopo, fin da ora, che per il soddisfacimento della somma suddetta di L. 25.000

(Amount of Bail)

il Governo Militare Alleato, proceda, senz'altro, all'espropriazione forzata di ogni nostro valore e bene mobile od immobile.

Parigi 1. 26.3.45

(Data e Luogo - Date & Place)

(Firma dell'imputato - Signature of accused)

Premesso che Prisanti Alessandro di Roma è incolpato di violazione 115
proclama / ordine W1 art 5 sec 46
per cui è stato deferito dal Tribunale Militare a Genova

il _____ (place & date of court granting bail); che tale Tribunale ha ordinato

che al detto _____ (Date - Date)

sia concessa la libertà provvisoria previa malleveria della somma di L. 25.000 (Amount of Bail) garantita da due

solvibili mallevatori solidali, con obbligo all'imputato istesso di ricomparire dinanzi al Tribunale Militare il 29 maggio 1945 (Date - Date)

alle ore 9.30 _____ (Lugogo - Place)

(Type of Court, place, date and hour to which referred), o in altro luogo, giorno ed ora che saranno ordinati dall'Autorità Militare competente.

Ciò premesso, io _____ (Imputato - Accused) mi obbligo di comparire davanti detta

autorità nella data, luogo ed ora di cui sopra e noi

_____ (Mallevadore - Name of Surety) _____ (Indirizzo - Address)

_____ (Mallevadore - Name of Surety) _____ (Indirizzo - Address)

rinunziando al beneficio della esecuzione preventiva contro il debitore principale imputato suddetto, ci obblighiamo solidalmente ed indivisibilmente tra di noi, di pagare al Governo Militare Alleato la somma suddetta, qualora il ripetuto imputato non dovesse adempiere all'obbligo della presentazione come sopra.

Consentiamo, all'uopo, fin da ora, che per il soddisfacimento della somma suddetta di L. 25.000 (Amount of Bail)

il Governo Militare Alleato, proceda, senz'altro, all'espropriazione forzata di ogni nostro valore e bene mobile od immobile.

Genova, 6.10.45 _____ (Data e Luogo - Date & Place)

Teste : _____ (Witnessed by:)

[Signature]

_____ (Firma dell'imputato - Signature of accused)

_____ (Firma del Mallevadore - Signature of Surety)

_____ (Firma del Mallevadore - Signature of Surety)

40831/4
#053

ALLIED [REDACTED] COMMISSION
INTER-OFFICE MEMORANDUM

SUBJECT: DIAMANTE Alessandro

FILE No. DPR/M/G-II (IT)

TO : Legal Sub-Commission A.C.

/0 October 1945

1. The enclosed note from Engineer MONTI is forwarded to you for whatever action you deem necessary.

2. Eng. MONTI is connected with the Ministero Assistenza Post Bellica.

LEG	JR. C. MASON
CLO	For the Director:
DCLO	
Chief Counsel	
CJO	
Italon	
CL RKS	12 OCT 1945

James H. Oliver
C.A. OLIVER,
Lt. Col.,
G-1 Italian. *Capt*

114

9/10/45

TRANSLATION

Mr. DIAMANTE ALESSANDRO

was arrested by the M.P. in Florence in March and denounced because without regular pass.

He has deposited 25,000 lire for bail to be put in temporary liberty but he is still detained in Rome.

To hasten the law-suit which is of the competence of the Italian Judicial Authorities, as Florence has passed under the Italian Administration, it would be necessary that the

WEBER
Col. WEBER of the A.C. - Legal s/c

should be so kind to send all the documents and acts pertaining to the process to the Italian Authorities - Ministry of Justice, in order to render possible the trial of Mr. Diamante Alessandro.

The request is made by Mrs. Diamante who is waiting in Rome.

Ing. MONTI

9-X-45

T. F. ELLMAN
CAPT. C.M.P.M² Diamante Alessandro

fermato da Mil. Polce a Firenze nel
mese di marzo e denunciato perché
sprovvisto di permesso regolare.

Ha versato cauzione di lire 25000,
per essere messo in libertà provvisoria
ma è ancora detenuto a Roma.

Per accelerare processo che è in compe-
tenza dell'autorità giudiziaria italiana
perché Firenze è già da tempo passata
all'amministrazione tedesca
occorrerebbe che

Signor Col Weber della A. C. 112

avesse la conta di far inviare
all'autorità italiana - Ministero
della Giustizia - tutte le carte
e atti relativi al processo in modo
che il Sig. Diamante Alessandro

Fermato da M. Police a Firenze nel mese di marzo e denunciato perché sprovvisto di permesso regolare.

Ha versato cauzione di lire 25000, per essere messo in libertà provvisoria ma è ancora detenuto a Roma.

Per accelerare processo che è di competenza dell'autorità giudiziaria italiana perché Firenze è già da tempo passata all'amministrazione italiana occorre che

Signor Col Weber dello A. C. 112

avesse la bontà di far inviare all'autorità italiana - Ministero della Giustizia - tutte le carte e atti relativi al processo in modo che il Sig. Diamante Alessandro possa essere giudicato.

La preghiera è fatta dalla Signora Diamante che attende a Roma.

M. Milano

HEADQUARTERS ALLIED COMMISSION
410 394
LEGAL SUB-COMMISSION

AC/4083/1/C.

2390
JL/rm.
19 October 1945.

SUBJECT : CIPOLLA, Ubaldo di Giuseppe.

TO : Procura Generale Militare del Regno,
presso il Tribunale Supremo Militare.

1. Reference your letter No. 2962 P.O. of 16 Sept. 45.
subject as above.

2. This Sub-Commission requested its officer in Palermo
to make enquiries and his investigation disclose that no such person
as referred to in your letter is confined in either Palermo or Cassina.

ANTHONY P. HUBERT,
Major,
Chief Counsel,
for Chief Legal Advisor.

111

2389
A certain CIPOLLA Ubaldo was arrested in the early days of July 45 in Messina and held in custody by the Military British Police.

The Military Tribunal of Rome some time ago asked this S/C if the above could be handed to the Italian ~~judicial~~ judicial authority, but as yet ~~not~~ no answer has been received the Procuratore Generale Militare wishes to know the decision of this S/C in respect of ~~the~~ CIPOLLA.

20/3/11
Sir, I have made thorough search but there is no trace of letter referred to.

W.H.
Sgt.

18/10

mc/

REGNO
PROCURA GENERALE MILITARE DEL RE IMPERATORE

PRESSO IL

TRIBUNALE SUPREMO MILITARE

(2389)

N. 2962

Prot. 9

Roma, li 16 settembre 1945

Risposte a nota del

N.

Alleg.

STAMPERIA REALE DI ROMA

Oggetto: CIPOLLA Ubaldo di Giuseppe.-

6083/1

ALLA COMMISSIONE ALLEATA

Sottocommissione legale

R O M A

Il 30 luglio u.s. il Tribunale Militare di Roma scrisse a codesta Sottocommissione legale, chiedendo se intendeva o meno mettere a disposizione dell'autorità giudiziaria italiana CIPOLLA Ubaldo di Giuseppe, arrestato nei primi del mese di luglio u.s. in Messina, e consegnato subito alla Polizia Militare Inglese per espressa richiesta della medesima.

Poichè è urgente definire il procedimento a carico del CIPOLLA e degli altri imputati, essendo alcuni di essi detenuti da circa un anno, si prega compiacersi far conoscere la decisione di

ECC

PROCURATORE GENERALE MILITARE DEL RE
TRIBUNALE SUPERIORE MILITARE

codesta Sottocommissione al riguardo.

IL PROCURATORE GENERALE MILITARE
(U. Borsari)

W. Borsari

IL 12 LUGLIO 1944. IL TRIBUNALE MILITARE
HA PRESO IN CONSIDERAZIONE LA
RICHIESTA DEL SOTTOCOMMISSARIO
MILITARE UFFICIALE DI GIUSTIZIA MILITARE
E HA DECISO DI RITENERE CHE
LA RICHIESTA È GIUSTA E
DEVE ESSERE ACCOLTA.
IL TRIBUNALE MILITARE
HA DECISO DI RITENERE CHE
LA RICHIESTA È GIUSTA E
DEVE ESSERE ACCOLTA.
IL TRIBUNALE MILITARE
HA DECISO DI RITENERE CHE
LA RICHIESTA È GIUSTA E
DEVE ESSERE ACCOLTA.

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HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

(238)
JL/rjp

AG/4083/1/L

3 Oct. 1945

SUBJECT : CIPOLLA Ubaldo di Giuseppe
TO : Allied Commission Liaison Officer, Palermo

1. The Procuratore Generale del Regno informs this HQ that the above is confined in the Messina prison; having been arrested by Allied authorities.

2. It would be much appreciated if the Posizione Giuridica could be obtained; if possible learn if he was tried by an Allied Military Court, and the Charges, if any, pending against him.

By command of Rear Admiral STONE

G. G. HANNAFORD,
Lt. Colonel,
Deputy Chief Legal Advisor

present answer

file

FOR

it.

4083/1

2387

OFFICE OF A.C. LIAISON OFFICER
c/o NOB - NAVY 157
PALERMO-SICILY

Ref: AC/S/G11

13 October 1945

Subject: CIPOLLA Ubaldo di Giuseppe.

To : H.Q. Allied Commission, APO 394,
(for Legal Sub-Commission).

1. Reference your letter AC/4083/1/L dated 3rd October 1945.
2. Enquiries have been made from the Procuratore del Regno, Palermo, and also the Procuratore del Regno, Messina, but both inform us that no trace can be found in their records of the arrest of CIPOLLA Ubaldo di Giuseppe, the person named in your above quoted letter.
3. The Procuratore del Regno, Messina, informs us that a person named CIPOLLA Antonino di Salvatore of Francoavilla, Messina Province, was arrested on 25th November 1944, was tried before an Italian Court charged with the desecration of an English soldier's grave, and sentenced to 4 years imprisonment and a fine of lire 1,600. This man is at present serving sentence in the Prison at Reggio Calabria.
4. It is regretted that no information can be furnished re the arrest of CIPOLLA Ubaldo di Giuseppe, but as stated above, both the Procuratori of Palermo and Messina do not appear to have any record of this arrest.

LEG. SUB COMMISSION	
CIO	1
DCLO	
Chief Counsel	
CJO	
Union Section	
REKS	
18 SEP 1945	

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W. J. MacCallum
W.J. MacCALLUM, ED, Lt-Col.,
A.C. L.O. SICILY.

file

HEADQUARTERS ALLIED COMMISSION
AND 394
LEGAL SUBCOMMISSION

JL/rm.

18 October 1945.

10/4083/1/L.

SUBJECT : CORRADI Antonio di Antonio.

TO : The Minister of Pardon and Justice.

1. CORRADI Antonio di Antonio was tried by an Allied Military Court of Naples on 23 Nov. 44. He was sentenced to serve one year imprisonment, (Juvenile detention home).

2. In view of his extreme youth and in view of the strong recommendation submitted by the director of the Casa Penale Minori of S. Eframio (see letter of Direzione della Casa Penale Minori S. Eframio No. 4202 Tit 3 Fasc I lett. C of 17 July 45 addressed to the Ispettorato Carceri Regione Meridionale Napoli, and the latter's letter Prot. No. 29853 of 18 Sept. 45) it has been decided to suspend the balance of the sentence conditioned on the accused good behavior during continuance of Allied Military Government.

3. Unless there is other lawful cause for his detention, please issue the necessary instructions for the release of CORRADI Antonio di Antonio.

4. The petition states that he is confined in the Casa Penale Minori S. Eframio.

5. May it please be confirmed that the release has been effected.

Copy to : Ispettorato Carceri
Regione Meridionale
(presso Foggiorale)
Napoli.

JOHN A. WEBER,
Colonel,
Chief Legal Advisor.

100

file

HEADQUARTERS ALLIED COMMISSION
PO 394
LEGAL SUBCOMMISSION

(2385)

JL/ra.
17 October 1949.

AC/4083/1/L.

SUBJECT : BOTTICELLI Gennaro.

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

1. Reference the enclosed petition which alleges that the accused was tried and convicted by an Allied Military Court on 15 March 45.
2. This office has no record of the case ever being reviewed.
3. May the record please be submitted, if the same is in your office and any other assistance which will aid in reviewing the enclosed petition.

By command of Rear Admiral STONE:

ANTHONY P. NUGENT,
Major,
Chief Counsel,
for Chief Legal Advisor.

205

HEADQUARTERS ALLIED COMMISSION
APO 394
NAPLES SUB-COMMISSION

2384
JL/rm.
22 October 1945.

file
AC/4083/1/L.

SUBJECT : BARGANTINO Francesco fu Giuseppe.

TO : Commissioner (ettn. Legal Officer) AND
NAPLES Zone.

1. The enclosed arrest report was received in this office
and is being transmitted for such action as you may deem necessary.

By command of Rear Admiral STONE:

ANTHONY P. NOCENT,
Major,
Chief Counsel,
for Chief Legal Advisor.

Incl : 1 arrest report.

101

file

HEADQUARTERS ALLIED COMMISSION
AFS 394
LEGAL SUBCOMMISSION

2383

AC/4033/1/L.

JL/ms.
15 October 1945.

SUBJECT : BUCCIARELLI Rемо di Serafino
Via Ludovisi No. 35

ROMA

TO : "whoever it may concern."

1. BUCCIARELLI Rемо di Serafino was charged with violation of Regional Order No. 11 Art. II, the particulars being

"That the accused on or about July 27th 1944 in or near Rome did not display in his shop window the prices conspicuously marked of the following articles, to wit: electrical articles, contrary to the provisions of said Regional Order."

2. He was tried and convicted by an Allied Military Court on 10 August 44. He was sentenced to pay 1000 lire fine or 10 days imprisonment and his business place closed for 7 days.

ANTHONY P. NOGENT,
Major,
Chief Counsel,
for Chief Legal Advisor.

103

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

2382

JL/rm.
22 October 1945.

AC/4083/1/L.

SUBJECT : BLASI Fernando.

TO : Whomever it may concern.

BLASI Fernando fu Giuseppe of Via Teano, # 100, Rome,
was tried and convicted by an Allied Military Court at Rome on 18 Aug. 44.
He was charged with:

"Trasgressione al bando sul coprifuoco"
dettagli: "alle ore 1 del 16 corrente, del Maresciallo
TOSCO Carmine e del Carabiniere CASTELLI Francesco; veniva
sorpreso in Via Tiburtina a circolare senza autorizzazione".

He was sentenced to pay a fine of 500 lire which was paid on 18 Aug. 44;
voucher No. 656.

ANTHONY P. NUGENT,
Major,
Chief Counsel,
for Chief Legal Advisor.

102

2381

HEADQUARTERS ARMYED COMMISSION
AFU 394
LEGAL SUBCOMMISSION

AC/4083/1/L.

JL/14.
23 October 1945.

SUBJECT : ADIPATI Carmine.

TO : The Minister of Pardon and Justice.

1. Reference your letter 'Officio lo. A.P. Prot. No.
134/367/1592 of 17 Oct. 45.'

2. The petition has been studied and it is regretted that
it must be denied at this time.

ANTHONY P. NOCENTI,
Major,
Chief Counsel,
for Chief Legal Advisor.

101

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

JL/rjp

AG/4083/1/L

23 Oct. 1945

SUBJECT : AMADORI Luigi fu Giovanni
TO : Commissioner (att. Legal Officer)
AMG Naples Zone

1. A relation of the accused man came to this HQ alleging that neither the accused nor his attorney were given an opportunity to put in a defense.

2. The person further presented a copy of letter and petition, signed by the attorney in which he states "Tutto ciò non fu possibile dimostrare giacché nel pubblico dibattimento agli avvocati non fu concessa la parola e lo Amadori rimase indifeso.". I have underlined the allegation with blue pencil for your attention.

3. May your comments please be submitted to this office and any other assistance which will aid this office with disposition of the enclosed petition. May the enclosed petitions please be returned.

By command of Rear Admiral STONE

ANTHONY P. NUGENT,
Major,
Chief Counsel,
for Chief Legal Advisor

Encl.

1. Copies of Petition
by atty Festa dated
18/8/45.
2. Petition submitted
by sisters of accused
on 17 Oct 45.

ROU

HEADQUARTERS ALLIED COMMISSION
AFS 791
LEGAL SUBCOMMISSION

JL/rm.
19 October 1945.

AC/4083/1/L.

SUBJECT : AFRISTO Luigi di Vincenzo.

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

1. Reference the enclosed petition submitted under cover of Isottorato's letter Prot. No. 30223 of 6 Oct. 45.
2. The posizione giuridica indicates that he was sentenced on 18 June 45.
3. This office has no record of a review. May the record please be forwarded with the enclosed petition.

By command of Rear Admiral Stone:

ANTHONY P. NOGENT,
Major,
Chief Counsel,
for Chief Legal Advisor.

Encl. : 1 petition.

2378

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

18 October 1945

SUBJECT: Case of CINO Giovanni fu Vittorio.

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.

x7

LEGAL SUB-COMMISSION	
CIO	
Chief Counsel	
CJO	
Adm. Sec.	
CLKS	
22 OCT 1945	

←

98

2377

HEADQUARTERS
ANG - RAPLES COMMUNE
LEGAL DIVISION
APO 394

18 October 1945

SUBJECT: Case of ARENA Giulio di Giacinto

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

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

For the Local Commissioner:

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

97

X7

2376

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

18 October 1945

SUBJECT: Case of LOPS Vincenzo di Andrea

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.

95

x7

2375

40/3/11

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref.: LEG/5007

18 October 1945

SUBJECT : Scalvini Angelo - Case No. 000638

TO : H.Q. Allied Commission
(Legal Sub-Commission)

1. The above-named was sentenced by a Superior Court to two years imprisonment and a fine of L.6000 with six months additional imprisonment in default of payment of the fine.

2. The fine was not paid, therefore, as the accused has to serve two years and six months imprisonment, the Record of Trial is forwarded herewith for Review.

For the Regional Commissioner :

LEGAL SUB COMMISSION	
CIO	
DELO	
Chief Counsel	
CIO	
Italian Section	
CL RKS	
11 SEP 1945	

Encl.: 1 Record of Trial.

H.M. DICKIE

W/CDR. RAF

Regional Legal Officer

95

x1

2374

4083/1.

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref.: LEG/5002

16 October 1945

SUBJECT : CAGLIARI Bruno et al.
Case No. 000694

TO : H.Q. Allied Commission
(Legal Sub-Commission)

1. Enclosed herewith Record of Trial in the above case and Petition for Review filed on behalf of

CAGLIARI Bruno,
VILLA Pietro and
PICCO Marciano.

For the Regional Commissioner :

LEGAL SUB-COMMISSION	
CLO	/
DCLO	/
Chief Counsel	/
CJO	/
Legal Section	/
CL-RCS	/
18 SEP 1945	

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

91

x1

vb

2373

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

15 October 1945

SUBJECT: Case of AVITABILE Roberto et al.

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

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

For the Local Commissioner:

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

LEGAL SUB-COMMISSION

CLO	
DCLO	
Chief Counsel	
CIO	
Italian Section	
C. R. S.	
16 OCT 1945	

17

93

40/83/1

2370

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION,
APO 394
Legal Division

Ref.: LEG/5007

13 October 1945

SUBJECT : DE FULGENTIS Francesco
Case No. 000674

TO : H.Q. Allied Commission
(Legal Sub-Commission)

1. Enclosed herewith Record of Trial and
Petition for Review in the above case.

For the Regional Commissioner :

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

LEGAL SUB-COMMISSION	
Chief Counsel	
CIO	
Italian Section	
Q 2KS	
15 OCT 1945	

17

92

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

L-1018

9 October 1945

SUBJECT: Claim - PHOTO Andrea, 82 Via Principe
Amedeo, BARI. Requisitioning of LANCIA
Aprilia Car No. 6276 BA.

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

1. Enclosed herewith is copy of request made
by D.A.D. 48 Claims and Hirings, concerning the above
matter.

2. A complete examination of our files fails
to disclose any information in this matter.

3. It is possible that the AMG Court order
mentioned refers to a judgment of an AMG Court in
Bari or vicinity. If so, the files may be in your
possession.

For the Commissioner:

	LEGAL SUBCOMMISSION
	CLO
	DCLO
	Chief Counsel
→	CJO
CCB/pv	Italian Section
	CLERKS
Copy to:	D.A.D. 48 Claims and Hirings, (Attn: Major F.D. WILLIAMS)
	12 OCT 1945

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

91

C O P Y

Subject: Claim - PROTO andrea, 82 Via Principe Amedeo, BARI.
Requisitioning of LANCIA Aprilia Car No.6276 BA.

Tel. No. 53384
CC3/48/287 RV.

To: -H.Q.,
A.M.G.,
Naples Commune,
APO 394

Reference your R/6704 dated 28 Sept.45, please find enclosed a copy of this office letter of even number dated 13 Aug. 45.

Would you please give this matter your earliest attention.

(F.D.WILLIAMS) Major,
D.A.D. 48 Claims and Hirings.

Naples,
3 October 45
EJG/S.

C O P Y

CONFIDENTIAL

Subject:- Claim - PROTO Andrea, 82 Via Principe Amedeo, BARI.
Requisitioning of LANCIA APRILIA Car No.6276 BA.

Tel. No.53384.
003/48/287/RN.

To:- Allied Military Government,
NAPLES COMMUNE.

This office is investigating a claim which has been presented here by the a/n in respect of the requisitioning of his Lancia Car No.6276 BA.

However, from information received, it would appear that PROTO was found guilty of contravention and contempt of Allied Military Government Court Orders as a result of which his vehicle was impounded.

It would be appreciated, therefore, if this office could be informed the nature of the A.M.G. Court Order which he was found guilty of having contravened and the specific period for which his vehicle has been impounded.

Would you please confirm whether there is any objection now to PROTO's vehicle being regularly requisitioned by the appropriate Service, under which arrangement he would be able to obtain possession of his car when same is no longer required by the British or Italian Authorities.

Naples,
13 Aug:45
EJG/S.

(P.D. WILLIAMS) Major,
D.A.D. 48 Claims and hirings.

DOWN GRADED
TO
UNCLASSIFIED

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

82

HEADQUARTERS JETTED COMMISSION
APO 394
LEGAL SUBCOMMISSION

JL/m.

15 October 1945.

AS/4083/1/L.

SUBJECT : PHOTO Andree.

TO : LAD 48 Claims and hirings.

1. Reference your letter CG3/48/287 RN of 3 Oct. 45 addressed to HQ. AMG Naples.

2. A search of Court records at this HQ fails to disclose a record of case in which PHOTO Andree was defendant.

3. It is regretted that no additional information can be furnished at this time.

By command of Rear Admiral STONE:

ANTHONY P. HUGANT,
Major,
Chief Counsel,
for Chief Legal Advisor.

Copy to :

AMG. Naples Zone

File

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

(2367)

AC/4083/1/L.

JL/rm.
15 October 1945.

SUBJECT : MISSIROLI Brothers.

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

1. The brother of the confined persons submitted the enclosed documents, alleging that our Major Christian had worked on this case.

2. The petition is being forwarded for such action as you may deem necessary.

By command of Rear Admiral STONE:

Incl.

ANTHONY P. NUGENT,
Major,
Chief Counsel,
for Chief Legal Advisor.

15

881

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

JL/rm.
15 October 1945.

40/4083/1/L.

SUBJECT : CARUTO Virginio
CARUTO Giuseppe
BATTINELLI Salvatore.

TO : The Minister of Pardon and Justice.

Ufficio VI

1. Reference your letter/Prot. No. 138496/55173 of 13 July 45 and Ufficio VI Prot. No. 145879/55173 of 9 October 45.

2. The following accused, residing at addresses as indicated below:

CARUTO Virginio (Virgilio) di Luigi	-	Via delle Puglie 61 - Capri
CARUTO Giuseppe di Luigi	-	Via delle Puglie 32 - "
BATTINELLI Salvatore di Giuseppe	-	Via delle Puglie 25 - "

were tried and convicted by an Allied Military Court at Naples, on 22 March 44.

3. Each of them were charged with violating the following:

Proc. 2, Art. 1, Sec. 10
Proc. 2, Art. 2, Sec. 24
Proc. 2, Art. 2, Sec. 40
Proc. 2, Art. 1, Sec. 11

4. The accused were sentenced to serve:

CARUTO Virginio (Virgilio)	-	3 years imprisonment
CARUTO Giuseppe	-	3 " "
BATTINELLI Salvatore	-	3 " "

5. On review, the sentence of 3 years imposed on CARUTO Virginio (Virgilio) di Luigi was affirmed; the sentence of 3 years imposed on BATTINELLI Salvatore was affirmed and the 5 years sentence imposed on CARUTO Giuseppe di Luigi was reduced to 4 years imprisonment. **BE**

ANTHONY F. NOBENT,
Major,
Chief Counsel,
for Chief Legal Advisor.

2365

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUBCOMMISSION

JL/m.
13 October 1945.

AS/4083/1/L.

SUBJECT : PHOTO Andrea.

TO : LAD 48 Claims and hirings.

1. Reference your letter CG3/48/287 BN of 3 Oct. 45 addressed to HQ AMC Naples.
2. A search of Court records at this HQ fails to disclose a record of case in which PHOTO Andrea was defendant.
3. It is regretted that no additional information can be furnished at this time.

By command of Rear Admiral STONE:

ANTHONY P. NOBENT,
Major,
Chief Counsel,
for Chief Legal Advisor.

copy to :

AMC. Naples Zone

83

4083/1
✓

2364

HEADQUARTERS
VENEZIE REGION
ALLIED MILITARY GOVERNMENT
APO 394

Date.....12 October 1945

TO : Chief Legal Advisor, Legal Sub-Commission,
Headquarter A.C. for Italian Branch.

SUBJECT : Superior Court cases.

FILE : RAII/LE/UDI/A/04

Enclosed please find records and applications
for review in the following cases: *together with*
opinion of trial judge
MANIAS Leobrando "Mirko" (No. S -15)
TRAVANI Bruno "Zambo" (No. S -14)
ZUCCATO Aldo (No. S -16)

C. L. P. GILSHENAN
Major

C. L. P. GILSHENAN, Major,
Regional Legal Officer,
Venezie Region.

LEGAL SUBCOMMISSION	
CLO	
DCLO	
Chief Counsel	
CIO	
Italian Section	
CLERKS	
15 OCT 1945	

81

+7

4083/1

2363

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

L-8104

13 October 1945

SUBJECT: Cases tried by the Port Summary Court,
Naples.

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

1. There are transmitted herewith cases tried
by the Port Summary Court on 28 August 1945.

For the Commissioner:

CCB/pv

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

LEGAL SUBCOMMISSION	
CLO	
DCLO	
Chief Counsel	
CIO	
Italian Liaison	
CLK	
15 OCT 1945	

83

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2362

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

13 October 1945

SUBJECT: Case of AURINO Clemente 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. Vecchiola
F.L. VECCHIOLA,
Major, JAGD,
Senior Legal Officer.

82

2361

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

13 October 1945

SUBJECT: Case of LUCE Mario and MEROLLA 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.

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2360

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 39

13 October 1945

SUBJECT: Case of COZZOLINO Liberato 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. Vecchiola
F.L. VECCHIOLA,
Major, JAGD,
Senior Legal Officer.

80

27

2359

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

13 October 1945

SUBJECT: Case of PUNZO Gabriele and ALTERIO 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.

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2358

HEADQUARTERS
AMG - NAPLES COMLINE
LEGAL DIVISION
APO 394

13 October 1945

SUBJECT: Case of TERRACCIANO Nicola di Santolo.
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 ALLIED COMMISSION
APC 294
LEGAL SUB-COMMISSION

JL/rjd

AC/4083/1/L

12 Oct. 1945

SUBJECT : BBORRACCHI Giuseppe fu Ubaldo
TO : Allied Commission Liaison Officer
Ancona

1. Reference your letter ANC/11/12 of 12 Sept 45.
2. The petitions have been considered and denied.
As the original Court order directed that the weapon be
confiscated, permission for the return of said weapon is
denied.

By command of Rear Admiral STONE

G.F. GOODWYN,
Major, GAO,
Judicial Branch,
for Chief Legal Advisor

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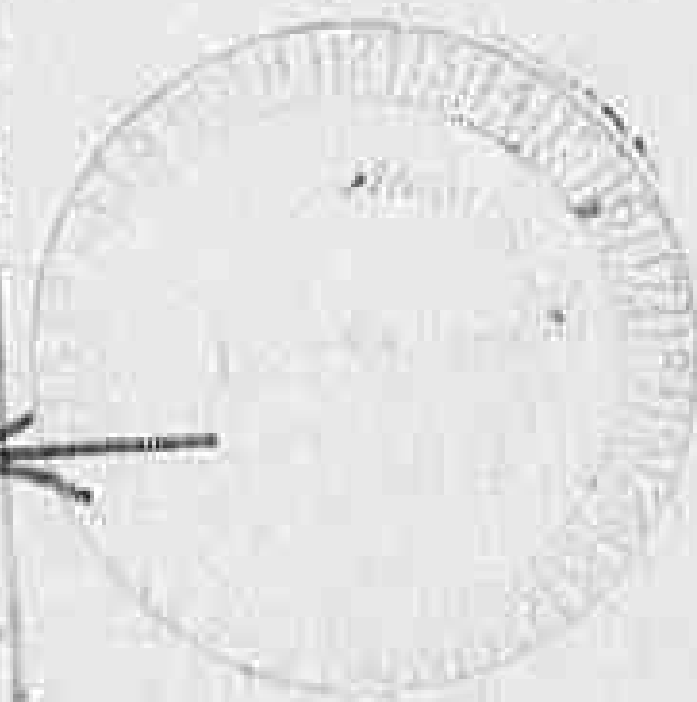
ALLIED COMMISSION
ALLIED MILITARY GOVERNMENT
 GOVERNO MILITARE ALLEATO

4082/1.
 Subject: Shotguns
 To: HQ A.C. (Legal Sub-Commission)
 From: A.C. Ancona

2356
 LEGAL STC
 H. Q. Ancona
 Ref. AMG/11/12
 Date 12 Sep 45.

1. Applications have been received at this office from two persons for restoration of shotguns sequestered by an A.M.G. Court of Gubbio (Prov. of Perugia). In both cases the weapons have been handed over to Pretura of Gubbio.
2. As the files of A.M.G. offices of Perugia Province have been forwarded to Rome on the closing down of Umbria-Marche Region, the a/m applications are passed on to your office for any action you deem necessary.

CLO
 DCLO
 Chief Clerk
 CLO



Alfred L. Mauder
 O.J. MAUNDER, Lt. Col. R.A.
 A.C. Liaison Officer
 Ancona Commune.

13 SEP 1945

HEADQUARTERS ALLIED COMMISSION
 ABC 304
 LEGAL SUB-COMMISSION

2L/rjn

AC/4083/1/L

12 Oct. 1945

SUBJECT : DAVOLI Carlo, MONTANARI Giuseppe, BARDELLI Livio,
 and BALESTRI Ivanti

TO : The Minister of Pardon and Justice
 (att. Dr. Bonelli)

1. Reference your letter "ufficio 1° A.P. Prot No.
 131/566.2222 of 19 Sept 45.

2. DAVOLI Carlo was tried and convicted by an Allied
 Military Court at Modena on 19 July 45. He was sentenced to
 15 years imprisonment. The case was reviewed on 25 Aug 45.
 The conviction and sentence were affirmed.

3. The case was re-examined pursuant to a petition
 submitted under cover of your letter quoted above. The con-
 viction and sentence as imposed by the Court are affirmed and
 the petition denied.

4. BARDELLI Livio, BALESTRI Ivanti, and MONTANARI
 Giuseppe were tried by an Allied Military Court at Reggio
 Emilia on 23 July 45. The case was reviewed on 4 Sept 45.
 The convictions and sentences were affirmed.

5. The case of BARDELLI Livio, BALESTRI Ivanti, and
 MONTANARI Giuseppe was reconsidered together with the peti-
 tions of BARDELLI and BALESTRI submitted under cover of your
 letter referred to in para 1 of this letter. The petitions
 were denied. They are being retained at this HQ.

6. The other petitions, namely, those on behalf of
 REGGIANINI Alfredo, TONDELLI Sevio, FUGACCI Leonello, NATALI
 Benito, and BARALDI Ernes are still awaiting consideration.
 This case would have been, at all times, reviewable at
 Regional Headquarters, but owing to the restoration of that
 territory to the Italian government, all these records have
 since been forwarded to Rome, and an indefinite period will
 have elapsed before the case can be reconsidered again; how-
 ever these individuals suffer no injustice as the cases are
 reviewed by a board of officers irrespective of the defend-
 ants petition of appeal. That is to say that cases in which
 a petition of appeal has been filed are studied immediately;
 whereas a case in which the defendant files no petition of

-2-

of appeal is review after 30 days from the imposition of sentence.

G.P. GOODWIN,
Major, OAC,
Judicial Branch,
for Chief Legal Advisor

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HEADQUARTERS ARMED COMMISSION
APO 394
LEGAL SUB-COMMISSION

JL/rjp

AG/4083/1/L

12 Oct. 1946

SUBJECT : Case of CHIRONI Rosualdo and others

TO : Avv. Nicola Nencucci
Via Marco Bassano
Lecce

1. Reference your letter of 7 Sept. 46, requesting communication of decision on Review.

2. Our records disclose that you were attorney for the following:

CHIRONI Rosualdo
D'ELIA Fabio
MARTI Giuseppe
MISCUGLIO Mario

3. The decisions on Review are : the convictions were affirmed. The sentences read as follows :

CHIRONI Rosualdo 10 years imprisonment (reclusione) in respect of charges "A" and "C" and 10 years imprisonment (reclusione Militare) in respect of charge "B"

D'ELIA Fabio 10 years imprisonment (reclusione) in respect of charges "A" and "C" and 10 years imprisonment (reclusione Militare) in respect of charge "B"

MARTI Giuseppe 8 years imprisonment (reclusione) in respect of charges "A" and "C" and 10 years imprisonment (reclusione Militare) in respect of charge "B"

MISCUGLIO Mario 6 years imprisonment (reclusione)

G.F. GOODWYN,
Major, CAG
Judicial Branch,
for Chief Legal Advisor

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

GFG/rjp

AG/4043/1/L

12 Oct. 1945

SUBJECT : Case of DAVOLI Carlo and others
TO : The Minister of Pardon and Justice

1. Reference your letter VG/4573 of 10 Oct 45.
2. Copy of the Ministry's letter "ufficio 1° A.P. Prot No. 131/386.2222" of 19 Sept 45 enclosed for your perusal and convenience.
3. The rule that all petitions for pardon in cases tried by Allied Military Courts are reviewable by Allied authorities only, is unchanged.

G.P. GOODWYN,
Major, CAG,
Judicial Branch,
for Chief Legal Advisor

Encl. 1 letters

72

2352

HEADQUARTERS
 AMG - NAPLES COMMUNE
 LEGAL DIVISION
 APO 394

10 October 1945

SUBJECT: Case of PATRIZI Giulio et al.

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

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

For the Local Commissioner:

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

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Religion Section	
CLERKS	
11 OCT 1945	

71

To: VP CA Sec

1. Reference folio 1 A.

2. The attached signal is submitted for your consideration and for your signature, if approved.

W. Schuler

W. A. BERRING

Colonel

CHIEF LEGAL ADVISER

*Signed and
W. Schuler
COL*

70

SECRET

FX 38065

AUG 24/1741B

25 AUG 1943

FREEDOM STONED BAGED CITE PHOEN

ACTION 13 CORPS. ALCOM ROME

7/5206

AUG 251030B

PRIORITY

SECRET.

1. Message ⁽¹⁰⁾ 10 of 13 CORPS dated 9 August refers.
2. Review of AMO court cases will be dealt with as technical matter in accordance with Article 32 Consolidated Instructions ALLIED COMMISSION. For this purpose SCAG 13 CORPS will be regarded as a Regional Commissioner. Cases other than those mentioned para 3 below will be reviewed by SCAG 13 CORPS or by a judicial officer not below the rank of Major appointed by him for that purpose.
3. The chief Civil Affairs officer or a judicial officer not below the rank of Lieutenant Colonel appointed by him for that purpose will review ^(a/c) in which:
 - a. 1 or more of the charges is framed under Italian Law.
 - b. Sentence on the accused or on any one of two or more persons tried together exceeds 2 years imprisonment or 50000 Lire fine or
 - c. On account of the importance of the case or for any other reason SCAG 13 CORPS submits the record for review by the Chief Civil Affairs Officer. 695
4. Such reviewing authority mentioned in para 3 will communicate the decision on review to Commanding General 13 CORPS who will announce the decision on behalf of the military government.

DOWN GRADED
UNCLASSIFIED

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

ACTION: Legal SC

INFO: Chief Commissioner

Ex Commissioner 2

CA Sec

Ext Sec

File

(N/C Note: No trace of 13 CORPS signal 10 of 9 Aug)

SECRET

2348
3A

AFHQ

3652

13 AUGUST 45

PRIORITY

SECRET PD

SUBJECT IS REVIEW OF AMG COURT CASES FILED IN THIRTEEN CORPS AREA PD YOUR SIGNAL

FOR THREE FOUR SEVEN ZERO SEVEN OF TWELVE AUGUST REFERS PD

FARMER TO ADD FOR HOW ROBERT CATE FOR HARRY GEORGE, EASY GEORGE FROM H. ALCOH CATE
ACCORD FARMER

DATA ONE PD SUGGEST FOLLOWING BE SUBSTANCE OF REPLY TO THIRTEEN CORPS ZERO ONE ZERO
OF NINE AUGUST PD CASES WILL BE REVIEWED BY CHIEF COMMISSIONER OF ALLIED COMMISSION
OR BY A JUDICIAL OFFICER NOT BELOW THE RANK OF LIEUTENANT COLONEL APPOINTED BY ~~him~~ *him*
FOR THAT PURPOSE IF FARMER WANTS FARMER ONE OR MORE OF THE CHARGES IS FRAMED UNDER
THIRTEEN LAW FARMER FARMER FARMER SENTENCE ON THE ACCUSED OR ON ANY ONE OF TWO OR MORE
PERSONS TAKEN TOGETHER EXCEEDS TWO YEARS IMPRISONMENT OR FIFTY THOUSAND DOLLAR FINE OR
LARGER CRIMES FARMER ON ACCOUNT OF THE IMPORTANCE OF THE CASE OR FOR ANY OTHER REASON
THE SOLO THIRTEEN CORPS SUBMIT THE RECORD FOR REVIEW BY THE CHIEF COMMISSIONER PD
OTHER CASES WILL BE REVIEWED BY THE SOLO THIRTEEN CORPS OR BY A JUDICIAL OFFICER NOT
BELOW THE RANK OF MAJOR APPOINTED BY HIM FOR THAT PURPOSE PD

FARM TWO PD THIS IS IN ACCORDANCE WITH GENERAL AND PRACTICE IN OTHER RE. 107. PD

FROM THREE PD IT IS CONSIDERED THAT REVIEW OF CASES AND OPERATION OF AMG COURTS **68**
ESSENTIALLY TECHNICAL MATTER AND SHOULD FALL UNDER ALLIED COMMISSION PD

CIVIL AFFAIRS SECTION

437

DOWN GRADED
TO
UNCLASSIFIED

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

3652

PAGE FOUR PD WHEN REFERRED COMMISSION REVIEWS A CASE THE DECISION BE COMMUNICATED
SOONEST TO REGIONAL COMMISSIONER FARMER REGIONAL LEGAL OFFICER FARMER SO THAT NO
QUESTION WOULD ARISE OF THE FINAL DECISION COMING FROM QUOTE ROME UNQUOTE PD IN ANY
EVENT THE DECISION WOULD COME FROM QUOTE REFERRED COMMISSION UNQUOTE AND NOT FROM
THE ITALIAN AUTHORITIES IN ROME.

CIVIL AFFAIRS SECTION

437

67

BEST COPY POSSIBLE

*Entire file
Action 4083/1*

2 A

AFHQ

3692

13 AUGUST 1945

PRIORITY

SUBJECT TO

SUBJECT IS REVIEW OF AND COURT CASES HELD IN THIRTEEN GROUP AREA TO YOUR MEMORANDUM FOR THE FOUR DAYS FROM SEVEN OF TWENTY AUGUST READING TO

NAME TO AREA FOR NEW GROUP CASE FOR JUDGE GEORGE EAST GROUP FROM NO ALICE CITY

ACCAS. PARAS

PARA ONE TO REPORT FOLLOWING ON SUBSTANCE OF REVIEW TO THIRTEEN GROUP AREA FOR THE REVIEW OF THE ALICE CITY CASES WILL BE REVIEWED BY CHIEF COMMISSIONER OF ALLIED COMMISSION OR BY A JUDICIAL OFFICER NOT BELOW THE RANK OF LIEUTENANT COLONEL APPOINTED BY HIM FOR THAT PURPOSE IS WHEN THE JUDGE OR ONE OF THE JUDGES IS PLACED UNDER ITALIAN LAW PARTIAL BARRER BARRER SENTENCE ON THE ACCUSED OR ON ANY ONE OF THE OR MORE DEFENDERS TOGETHER EXCEEDS TWO YEARS & FIVE MONTHS OR FIFTY THOUSAND LIRE FINE OR FINE OR MORE PARTIAL PARTIAL ON ACCOUNT OF THE COMPLEXITY OF THE CASE OR FOR ANY OTHER REASON THE CASE THIRTEEN GROUP AREA WILL BE REVIEWED BY THE CHIEF COMMISSIONER TO CHIEF CASES WILL BE REVIEWED BY THE CHIEF THIRTEEN GROUP OR BY A JUDICIAL OFFICER NOT BELOW THE RANK OF MAJOR APPOINTED BY HIM FOR THAT PURPOSE TO

PARA TWO TO THIS IS IN ACCORDANCE WITH GENERAL AND PRACTICE IN OTHER REGIONS TO

PARA THREE TO IT IS CONSIDERED THAT REVIEW OF CASES AND OPERATION OF AND CASES IS AN ESSENTIALLY JUDICIAL MATTER AND SHOULD FALL UNDER ALLIED COMMISSION TO

CIVIL AFFAIRS SECTION

437

DOWN GRADED
UNCLASSIFIED

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

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: F 34707
 Date/Time of Origin: AUG 121142

Message Centre No: F/3706

Date Time Rec'd: AUG 130940

Precedence: IMPORTANT

FROM: AMM, SIGNED SLOVEN, CITE ENCEG

TO : AIRCOM HOME

SECRET

SECRET.

Paraphrase of 13 CORRS GLO of 9 August follows.

"Sentences and judgements of AMG courts have heretofore been reviewed by AMG Chief Legal Officer and no questions of jurisdictional nature have arisen. It is necessary in present case involving personality in which press and political parties much interested that we now have definite directive on this subject.

Reviews in territory under ALLIED COMMISSION governed by section 3 article 32 consolidated instructions military courts which states in general final review by Chief Commissioner of officer designated by him this depending on nature of case. Because of the special situation here understood to involve only technical and advisory but not operational relationships to ALLIED COMMISSION there is doubt your HQ will wish this method followed more so since announcement of final decision from HOME would have, in this case, tremendous political implications due to leftist record and Slovene nationality of the accused.

DOWN GRADED
 TO
 UNCLASSIFIED

Chief Judicial Officer,
 for Chief Civil Affairs Officer.

Awaiting decision on review, subject in confinement, and interest in case very great, please furnish immediately unequivocal instructions specifying each officer or HQ in chain of review, period within which appeal can be taken, minimum amounts of sentences and fines entitling convicted persons to review and so forth. As the Supreme Allied Commander beyond any question is the only governing authority here jurisdictional questions will be eliminated by simple clear directive and thus enable us to say categorically what judgements are final and when. Time is very important" End of paraphrase.

SECRET

Note: Distribution on back of page.

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Precedence: INFORMATION
Date Time Rec'd: 100 100000
Message Control No: 23306

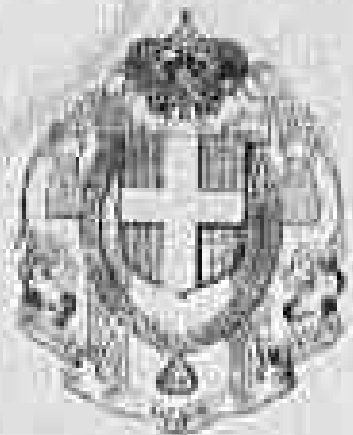
Due Time of Origin: 30 Years

Originator's Reference: 1. 1900

FROM : SAC, NEW YORK (100-157114) (P)
TO : SAC, NEW YORK (100-157114) (P)

FILE
ACTION INFO
LEGAL
CHIEF COMPTON
EX COMPTON 2
C A
FILE 2
FILE

11/19/57
DECLASSIFIED
DECLASSIFIED



MINISTERO DI GRAZIA E GIUSTIZIA

*Direzione Generale degli Affari Penali
delle Grazie della Statistica e del Casellario*

Ufficio I° A.P.
Prot. N° 131/566.2222

Roma, 19 Settembre 1945

Risposta al f. N°

la COMMISSIONE ALLEATA SOTTO-
COMMISSIONE LEGALE ACHQ.

OGGETTO: Istanze per revisione di sen-
tenze dei Tribunali Militari Alleati;
dichiarazioni di appello contro sen-
tenze simili; istanza di scarcerazione.
Territorio dell'Emilia.

R O M A

All. n° 17.

in 3 fascicoli

e, per conoscenza:
All'Ufficio Collegamento

GABINETTO

In esecuzione delle istruzioni impartite dall'Allied
Commission, Liaison Office I.G.T., di Bologna, in data 24
Agosto u.s., n° AC.I.G./PS/5/II, al Procuratore del Regno
di detta città, si trasmettono, per competenza, gli atti
sotto elencati:

DICHIARAZIONI DI APPELLO:

- 1°) BARDELLI Livio - sent. 20/7.1945
- 2°) MONTANARI Giuseppe - sent. 20/7/1945
- 3°) BALESTRI Ivanti - sent. 20/7/1945

ISTANZE PER REVISIONE:

- 1°) BARDELLI Livio - sent. 20/7/1945
- 2°) BALESTRI Ivanti - sent. 20/7/1945
- 3°) DAVOLI Carlo - sent. 18/7/1945
- 4°) NATALI Benito - sent. 24/7/1945
- 5°) REGGIANINI Alfredo - sent. 24/7/1945

*did not reach
this point*

COMMISSION

63

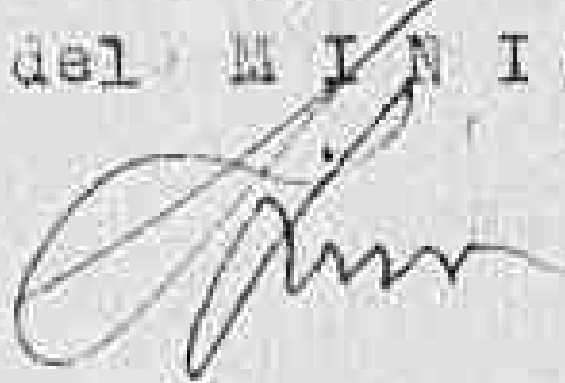
./././.

- 6°) TONDELLI Savio - sent. 16/7/1945
- 7°) FUGACCI Leonello - sent/ 16/7/1945
- 8°) BARALDI ERMES - sent. 24/7/1945

ISTANZA DI SCARCERAZIONE:

- 1°) GIOVANNINI Enrico (non risulta se giudicabile o condannato).

d'ordine del MINISTRO



4083/11

2345

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

L-3028

21 August 1945

SUBJECT: RUSSO Raffaele fu Raffaele.

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

1. Reference is made to your letter AC/4083/1/L, dated 28 August 1945.
2. Form 8 is herewith enclosed. Same was not forwarded heretofore because it was filed under "Reviewed Cases".
3. Petition is returned herewith.

For the Commissioner:

CCB/ga

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

62

DMW/mdp

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION
ITALIAN PRISONERS OF WAR DIVISION

-8 OCT. 1945
IPW/1/24/283

6 October 1945

SUBJECT : Disciplinary Measures etc. -

TO : Public Safety Sub- Commission -

The attached correspondence is forwarded to you
for any action necessary as the above named is not an
Italian Prisoner of War.

James E. Regis

JAMES E. REGIS
Lieut. Colonel
Chief
IPW Div.

EB/pb

Foligno 4 September 1945

Ministry of Communication
State Rail-way
Material and Traction Section
FOLIGNO

TO : The Town Major
FOLIGNO

SUBJECT : Disciplinary Measures regarding engine driver
Marconi Angelo.

Will you please inform us regarding the sentence pronounced by the Allied Military Tribunal of Perugia, against Engine Driver Marconi, Angelo n° 292625, accused of having tried to steal kitchen salt in Foligno on the 16 January 1945; this on request of General Direction, which will greatly appreciate if you will send them a copy of the sentence or a statement regarding the felony and the relative sentence.

Thank you.

The Engineer head of the Section
Dott. M. Martinelli.

64

EE/ph

Foligno 4 September 1945

Ministry of Communication
State Rail-way
Material and Traction Section
FOLIGNO

TO : The Town Major
FOLIGNO

SUBJECT : Disciplinary Measures regarding engine driver
Marconi Angelo.

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Thank you.

The Engineer head of the Section
Dott. M. Martinelli.

52

EB/pb

Foligno 4 September 1945

Ministry of Communication
State Rail-way
Material and Traction Section
FOLIGNO

TO : The Town Major

FOLIGNO

SUBJECT : Disciplinary measures regarding engine driver
Marconi Angelo.

Will you please inform us regarding the sentence pronounced by the Allied Military Tribunal of Perugia, against Engine Driver Marconi, Angelo n° 292625, accused of having tried to steal kitchen salt in Foligno on the 16 January 1945; this on request of General Direction, which will greatly appreciate if you will send them a copy of the sentence or a statement regarding the felony and the relative sentence.

Thank you.

The Engineer head of the Section
Dott. M. Martinelli.

58



MINISTERO DELLE COMUNICAZIONI
FERROVIE DELLO STATO - DIREZIONE GENERALE

REPARTO MATERIALE E TRAZIONE
FOLIGNO

Foligno li 4/9/945 194 - A

N. R.2/Disc.

OGGETTO Disciplina macchinista
MARCONI Angelo

Al N. del

Al, Town Mayor

FOLIGNO

Per soddisfare alla richiesta della Direzione Generale, onde divenire alla soluzione del procedimento disciplinare a carico del nostro agente

MACCHINISTA MARCONI ANGELO 292624
imputato di tentato furto di sale da cucina, verificatosi in Foligno il giorno 16/1/945; per il quale detto agente venne condannato dal Tribunale Militare Alleato di Perugia si rende necessaria una dichiarazione attestante/ il motivo e l'entità della condanna riportata.

Si ha fiducia che la S.V. possa venire incontro alla necessità della nostra Amministrazione, facendoci pervenire un'estratto della condanna riportata, o comunque una dichiarazione dalla quale risulti la specie del reato e la condanna inflittagli.

Fiducioso in una cortese risposta, vi prego gradire i migliori ossequi.

L' Ing Capo del Reparto
Materiale e Trazione
(Ing Dott M.Martinelli)

Martinelli

52

By order of our Direzione Generale we have to settle the disciplinary matter in respect of our man MACCHINISTA MARCONI Angelo 292624. He was charged with theft from the cookhouse on 16/1/45. He was tried by the Allied Military Court of Perugia. Therefore we need a copy of the charge or at least a statement of the nature of the charge in the permanent records.

Ing. M. Martinelli

263

IPW
1/24

Mod. 25, quater.



DIREZIONE
DEL

Casa "reclusione"

96 5430

Risposta alla lettera

del

96

Oggetto = Certificato di espiazione pena del
detenuto Glaesser, Gustavo di Ignazio
nato a Vienna il 31-5-1908 Condannato
il 17-8-1944 dal Tribunale Militare
Allento ad anni 1 di reclusione per art.
5 paragrafo II

~~Assieme~~ Informo codesto ufficio che oggi stesso
è stato liberato per fine pena il detenuto segnato
in oggetto.

IL DIRETTORE

55

UFFICIO ESACUZIONE SENTENZE
ROMA

*al pub. Militare Territoriale
di
Roma*

*per consegna -
Roma 28 agosto 1945*

EST. PROCUR. GENERALE DI CASSAZIONE
PROCURATORE DEL RE

Luigi

TRIBUNALE MILITARE TERRITORIALE

*Trinmo
Molise
Alvato*

MINISTERO DELLA GIUSTIZIA
UFFICIO DELLA CASA DI REGOLA
CASA DI REGOLA DI S. MARIA

Si si sottopone per
comparsa alla Corte
Militare alleata Italiana
Sulmona 2/10 1945



Il Direttore

17

TRIBUNALE MILITARE TERRITORIALE DI GUERRA
PROCURA MILITARE DEL REGNO

N. 4247 di prot. Roma, 26 sett. 1945

OGGETTO: detenuti IANNAZZO Domenico e
GLAESSER Gustavo.-

ALLA DIREZIONE DELLA CASA DI
RECLUSIONE

SULMONA

Restituisco gli allegati, significan-
do che la sentenza non è stata emessa
da questo Tribunale nè dell'esecuzione
della stessa si interessa questo ufficio.



IL PROCURATORE MILITARE aps

(Ten.Col. Luigi Maio)

L. Maio



Mod. 25 quater



193

DIREZIONE

DEL

Casa Reclusione di Sulmona

Badia di Sulmona addì 18-8-1945

N. 5442

Risposta alla lettera

del

N.



ALLA P. Procura del REGNO

Roma

Oggetto Certificato di espinta pena del detenuto
Iannazzo Domenico di Vennaro nato a S. Biase
Catanzaro arrestato 11/8-8-1944
Condannato sentenza 18-8-1944 Corte Alleata
anni 1 di reclusione per detenzione arma.

Assicuro codesto Ufficio che oggi stesso è stato
scarcerato per fine pena il detenuto segnato in
oggetto.

no incriminazione



IL DIRETTORE

54

45

PROCURA DEL REGNO
UFFICIO ESECUZIONE SENTENZE
ROMA

N 228

Val Tribunal Militari Costituzionale
di
Roma

per compimento

Roma 28 agosto 1945

IL SOST. PROCUR. GENERALE DI CAZZAZIONE
PROCURATORE DEL REGNO

Luigi

File

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

(234)
GPG/rjd

AG/4086/1/L

9 Oct. 1945

SUBJECT : Case of FIRCHER Giorgio.

TO : Regional Commissioner (att. Regional Legal
Officer) Venezia Region

1. Returned herewith is the file of the case of the
above named accused.

2. The fine has been remitted and the total sentence
reduced to 1½ years, as shown in detail on Form 4.

3. These alterations in sentences are made in con-
formance with Executive Memorandum No. 18, para. 10, in order
to secure reasonable uniformity of sentence commensurate with
the prevalence of the particular type of crime.

By command of Rear Admiral STONE

JOHN K. WEBER,
Colonel, Infantry,
Chief Legal Advisor

Encl.

34
58

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HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

LOB/lc.

25 September 1945.

AC/4083/1/L.

SUBJECT : Adjourned General Court Case at Bolzano.

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

1. Reference your RXII/LEG/Reg/K/04, dated 21 Sept. 45.
2. As regards the statement that the case has been ready for some time, this Hq is aware that Defense Council has been in Naples and that the status of the Prosecuting Officer has been uncertain. We have therefore awaited a reply to our signal and telephone inquiries.
3. I plan on arriving in Padova on 2nd October, so the case may be set for 3rd October.

By command of Rear Admiral STONE:

JOHN K. WEBER,
Col., Inf.
Chief Judicial Officer,
for Chief Legal Advisor.

51

file
HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

23 14
JL/rm.
8 October 1945.

AC/4083/4/L.

SUBJECT : Case of TOMMASOLI Antonio, and TOMMASOLI Gennaro.

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

1. Reference telephone conversation, Captain BARNES - S/Sgt.
Joseph ABLETTA.

2. The above case in subject has been reviewed this day and
the sentence of the court affirmed.

3. Your request, for permission to pass the record of the
case to the CID, for use in connection with a Military Courts Martial
is hereby granted. The record should be returned to your office when
no longer needed by CID.

By command of Rear Admiral STONE:

JOHN E. WEBER,
Colonel, USMC.
Chief Legal Advisor.

Incl : 1 record.

CONFIDENTIAL

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUBCOMMISSION

J/rm.

9 October 1945.

AO/4033/1/L

SUBJECT : TASSA Felicetta.

TO : Allied Commission
Liaison Officer

B A R I

1. Reference the enclosed Minister of Pardon and Justice letter "Ufficio I A.M., Prot. No. 131/640/2373/1945" of 3 Oct. 45. The "Posizione giuridica" is also enclosed.

2. It is alleged that TASSA Felicetta was tried by an Allied Military Court at Bari on 17 July 45; also, that she is now confined in the ALMA prison.

3. Our records disclose that the Bari Courts were closed on February 45, and since that date no court was authorized to try TASSA Felicetta.

4. Would you please ascertain whether or not TASSA Felicetta was in fact tried by an Allied Military Court. If so, when, where, by whom and under what authority. Your attention will be much appreciated as you can well note that the woman is about to give birth to a child.

5. Please return the enclosures.

By command of Rear Admiral SLOAN:

DOWN GRADED
UNCLASSIFIED

ANTHONY F. NOGEMI,
Major,
Chief Counsel,
for Chief Legal Advisor.

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

CONFIDENTIAL

4083/1

4083/1/✓ (2336)

HEADQUARTERS
VENEZIE REGION
ALLIED MILITARY GOVERNMENT
APO 394

21 Sept. 1945.

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

SUBJECT : Adjoined General Court Case at Bolzano.

File No : RXII/LEG/Reg/K/04.

STARK Giovanni.

Reference your signal NR 5648.P.L.O. Bolzano
has been asked to state the earliest date on which this
trial can now be presumed. As however he has been ready for
some time, it is merely a matter for fixing a date conve-
nient for the President of the Court.

file ✓

MacKinnon

Major,
Regional Legal Officer;
Venezie Region.

68

LEGAL SUB-COMMISSION	
CLO	✓
DCLO	✓
Chief Counsel	✓
CIO	✓
Italian Section	✓
CL RKS	✓
25 SEP 1945	

←

Infile
4083/92 ✓

21 SEP 1945

21 SET. 1945

CA Sec

20th September 1945.

In reply to your citation (given in
RML/000.5(R & D) of 15th September) of the
officers concerned in the Schio trials, I am
writing to ask you to convey to Lt. Colonel
R. L. Lollar, Captain A. C. Baker, Lieut. J. J. Scanlan,
Major T. G. Brennan and Captain W. T. Boone, my warm
congratulations on the efficiency, determination
and success of their efforts.

It is of the greatest encouragement and
satisfaction to us at Headquarters to have proof
of this kind of the good work carried out in the
field.

M. S. LUSH

Brigadier.
Executive Commissioner.

Brigadier J. E. Dunlop, OBE, MC, TD.,
Regional Commissioner,
Venetia Region.



Copy to: CA Sec.

10831
 ALLIED COMMISSION
ALLIED MILITARY GOVERNMENT
 GOVERNO MILITARE ALLEATO 2335

Subject: ROSI Carlo.H. Q. AnconaTo: HQ A.C. Legal Sub Commission.Ref. AWO/11/12From: A.C. AnconaDate 23 Sep 45.CONFIDENTIAL.

Attention Chief Legal Officer.

1. Reference conversation to-day Chief Legal Officer - Captain Walton.
2. Enclosed are the S.I.B. report and statements in the case of Carlo Rosi. These are the only copies in possession of this HQ. The documentary exhibits are retained in this office until further instructions are received from you.
3. It will be seen that the release is said to have been made on the orders of the Public Safety Officer now in England. At one time forgery of his signature was suspected, but it does not appear that further evidence on this point can be found in Ancona.

DOWN GRADED
 UNCLASSIFIED

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

H. M. Walton
 Capt.

H.M. WALTON, Capt. Gen. List
 Liaison Officer
 Ancona.

48

file

HEADQUARTERS ALLIED COMMISSION
APO 594
LEGAL SUB-COMMISSION

2334

J-1m.
8 October 1945.

AO/4053/1-.

SUBJECT : Theft of watch of Major LITTLE.

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

1. Reference the CORN Stazione di S.ta Margherita Ligure
report 115 of 13 Aug. 45, addressed to Major LITTLE.

2. The above is forwarded to you for such action as you
may deem necessary.

By command of Rear Admiral STONER

C.F. GOODWIN,
Major, C.O.,
Judicial Branch,
for Chief Legal Advisor.

Encl. Report

2232

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AFN/rm.
8 October 1945.

AC/4083/1/L.

SUBJECT : A.M.G. Officers.

TO : G-1 AFN.

1. It is necessary that we have the present address of three officers who constituted a Superior Court at Caronie Sicily in August 1943. We do not have their first names nor ADN. Their names and rank are as follows:

Capt. JANDY OMF ADN
Capt. COA OMF ADN
Capt. LARON 7th Army

For the Chief Commissioner:

ANTHONY F. NOBLE,
Major,
Chief Counsel,
for Chief Legal Advisor.

*Memo
Dental
(Powers)*

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4033/1/L.

JL/rm.
8 October 1945.

SUBJECT : Loss of jewels - Property of Baronessa
Giovanna BARTOLLI.

TO : Allied Commission
Liaison Officer
c/o N.O.B. Navy 157

PALERMO (Sicily)

1. Reference your letter AC/S/GM of 25 Sept. 45.
2. The record of the case discloses that the small box of Jewels were ordered held in custody of COM of St. Stefano until the true owner could be located.
3. This office is endeavoring to locate the officers who sat as a court in the case and if we obtain any additional information it will be forwarded to you.
4. A copy of the case record is forwarded for your use.

By command of Rear Admiral STONE:

ANTHONY P. NUCCINI,
Major,
Chief Counsel,
for Chief Legal Advisor. *

ALLIED MILITARY FORCES

Held at St. Stefano
On the 14th day of August 1943
Before a Superior Court composed of:

Capt. Canby C. AMOT
Capt. Cox C. AMOT (Judicial Officer)
Capt. Darrow F. A. 7th Army

ACCUSED

Name	Angelo Allegre	Genaro Alonzi	Aldo Franco	Pellicci Di Fabio
Address	Coronia Marina	Same	Same	Same
Occupation	Demobilized Soldier	Same	Same	Same
Age	28	24	26	23
Name	Rosario Merino			
Address	Coronia Marina			
Occupation	Charwoman			
Age	60			

INTERPRETER

Pvt. Victor A. Arrigo U.S.A. AMOT (assigned)

PROSECUTING OFFICER

Capt. Ben. H. Brown Jr. C. AMOT Legal Officer att. 7th Army

ADVOCATE FOR ACCUSED

Lt. Guido A. Alessi C. AMOT (assigned)

CHARGES

Violation Proc. 2 Art 1. ppl7 Art 3 ppl by conspiring to commit
and committing acts of pillage and plunder by unlawfully entering certain

- 2 -

war damaged houses in Cornia and stealing therefrom 8 rings, 5 earrings, 1 bead necklace, 11 medallions, 1 locket, 1 compact, 1 pair spectacles, 1 brooch, 1 purse and 9 loose stones.

PLEAS OF THE ACCUSED

Not guilty

EVIDENCE FOR PROSECUTION

Direct exam. Alfonso Caravallo, Brigadier of Finance Guards, sworn and testified. Finance Guards=police organization similar to carabinieri knows accused-at least seen them around Cornia Marina. Talked to young boy Dominic Carrabello who knew what people remained during bombardment. Forced boy to tell them a few things-that in one house there was a box containing certain things. Went guards there and they brought back this property (now in court). Questioned Allegra and latter said other men were innocent of knowledge of the box and he and woman alone knew about it. Not to make a mistake Caravallo arrested all five and brought them to Lt. Cocks. (Jewelry introduced as evidence) identified it. Saw it in aforesaid box. Dominic Carrabello (the Boy) did not know names of the men but knew where they lived. At home of (Rosario Marino). Questioned only Allegra. Did not know to whom jewels belonged. No one in Cornia claimed them. May belong to baroness who lived at Rosario Marino's house while refugee. Allegra did not claim them nor offer explanation. Did not admit hiding them but knew where they were.

Cross exam. ---- Jewels may have been stolen. Saw no one steal them. They were hidden in war damaged home the home of Rosario Marino. Does not know whose they were. Arrested all five even though Allegra said three were innocent because didn't know the ones that might be concerned. Court-whose purse? Caravallo "No one claimed it". All live in same house but not related. Dominic Carrabello being in the country and unavailable as witness. His statement to Lt. Cocks was admitted in evidence as follows: "I ^{and} the prisoners hide the property in the house on August 8th and told the carabinieri today the 10th of August.

Lt. Cocks, Mediterranean Force-AMOT CMO Cornia sworn and testified.

Direct exam. Statement made to him through interpreter. Boy didn't say how large the box was. Got no other statement from accused.

EVIDENCE FOR DEFENCE

Rosario Marino sworn and testified.

Direct exam. Legal resident of Cornia Marina. Owns house. Brigadier Caravallo came to her house. Boys lived in house several days, 4 or 5 days.

- 3 -

she upstairs and they down. House damaged no door-they just moved in.

Cross-exam.----- Wasn't at house when Brigadier searched it.
Knew jewels were there-gathered together-being saved. Baroness, daughter
and maid had lived there during bombardment. Found jewels in house,
gathered them together, gave to Allegra to save.

FINDINGS OF THE COURT

Not guilty

SENTENCE OF THE COURT

Accused discharged. Jewels to be kept in custody by carabinieri of
St. Stefano under orders of SOAO 7th Army until they locate owner. Being
notified by Defence Council that the four men were former Italian soldiers
never processed as prisoners of war. The Court ordered that they be sent
forthwith to the nearest P.W. camp. This was done by Lt. Krupai C.O.
for St. Stefano.

REVIEW

Date Sept. 9 1943

SIGNATURE

ALLIED MILITARY GOVERNMENT
PROCEEDINGS OF AN ALLIED MILITARY COURT

Held at Ceronia, Messina, Sicily, on the 11th day of August 1943, before Major Eberhard P. Deutsch, Maj., Civil Affairs Officer attached to 3rd Inf. Div. (Rein) sitting as a Summary Court, under appointment by Major General L.A. Truscott, G.J. 3rd Inf. Div. (Rein).

Accused:

		Age
ANGELO ALLESTRA	Laborer	28
GENARO ALONZI	"	24
ALDO FRANCO	"	26
FILIPPO DI FABIO	"	23
ROSALEA MARINO	Charwoman	60

residents of Ceronia Marina, Messina, Sicily.

The Court convened at 10:00 AM and Pvt John Merrill, U.S. Army was duly sworn as interpreter.

The charge was read to the accused, who stated that they understood the same which had been served upon them prior to the hearing, and each pleaded "not guilty". Copy of the charge is annexed hereto. The accused were not represented by counsel.

Lt. A.F. Cooke of the British Army acted as prosecuting officer, and stated to the Court that the facts were generally as stated in the charge that the case, as investigated by him represented a clear case of conspiracy to loot and pillage and the carrying out thereof; and that the value of the property taken was, in his judgment, approximately two hundred fifty (\$250.00) dollars.

On consideration of the charge and the statement of the prosecuting officer, the Court reached the conclusion that the facts as stated, on the face of the record, presented a prima facie case of violation of the cited provisions of Proclamation No. 2; and that, because of the gravity of the offenses charged, it appears desirable that the case should be tried by a higher Court, and the Court so stated, this being the recommendation of the prosecuting officer.

The Court thereupon entered the following

ORDER

That the accused be committed for trial by a Superior Court on the charge before the Court; and that they be held in custody by the Marshal of Carabinieri of S. Stefano di Camastra pending trial, there being no suitable place of confinement in Ceronia.

(Sgd)

Eberhard P. DEUTSCH, Maj. Cmdr.
C.A. 3rd Inf. Div. (Rein)
Summary Court.

4083/1

2330

vol 20

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref.: LEG/5007

8th October 1945

SUBJECT : Lucchini Angelo - Case No. 000618

TO : H.Q. Allied Commission
(Legal Sub-Commission)

1. Enclosed herewith Record of Trial in the
above case and Petition for Review.

For the Regional Commissioner :

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

LEGAL SUB COMMISSION	
CLO	
DCLO	
Chief Counsel	
CIO	
Italian Liaison	
CLERKS	
9 OCT 1945	

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HEADQUARTERS
PIEMONTE REGION
ALLIED MILITARY GOVERNMENT
APO 394

6 October 45.

PR/LE/312.

SUBJECT : A.M.G. case. LAIOLA Davide and UGOLINI Amedeo.
TO : Legal Sub-Commission H.Q. A.C.

1. Herewith application for review on behalf of Ugolini. The record of his trial is the same as in the case of Laiola which accompanies one letter of 4th inst.

2. It has been represented to the Regional Commissioner by the local A.P.B. officer that there was a considerable Press opinion against the sentence. There has in fact been some Press comment in which naturally enough Unità leads. It has a fund for subscriptions to meet the 80.000 lire fine. According to Unità on 4th inst it had reached near to the 600.000 lire mark, but by a judicious use of headlines over details of another fund it is made to appear even more popular as on the 3d Oct this other fund totalled 2.754.990 lire. The Regional Commissioner does not attach importance to the newspaper propaganda.

3. That the conviction is not popular with the Press is not surprising. Regional Order No 10 made to stop what had become an intolerable abuse of freedom of the Press which was definitely affecting the course of Special Assize Court trials by making serene justice impossible, is not popular with the Press either.

4. The Regional Public Safety Division is strongly opposed to any reduction of sentence if the convictions are affirmed. In their view any reduction would be attributed as the result of the clamouring of a few people and would lower the public esteem for the forces of law and order, the police agencies and the judiciary.

For the Regional Commissioner.

CLO

DOLO

Chief Counsel

CJ

CL 100

5 OCT 1945

DDM Tolm higo 37
DD. Mc Colm,
Major, R.A.,
Act'g Reg; Legal Officer.

DDM/CB

Encl.

App. for review.

4083/1/4 ✓

file

2328

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref.: LEG/5907

5th October 1945

SUBJECT : De Grandi, Andrea et al.

TO : H.Q. Allied Commission
(Legal Sub-Commission)

1. Further to our LEG/5907 dated 7 September 1945 enclosing Record of Trial in the above case. Enclosed herewith is Petition for Review.

For the Regional Commissioner :

with record

Encl.: Petition
for Review.

for review
W.M. BICKIE
W/CDR. RAB
Regional Legal Officer

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35

17 vs

5842

40831/2 ✓ *file*
 OFFICE OF A.C. LIAISON OFFICER
 c/o N.O.B. - NAVY 157
 PALERMO-SICILY

2327
 25 September 1945.

Ref: AC/S/G11

Subject:- Loss of Jewels - Property of Baronessa BERTELLI Giovanna.

To :- H.Q. Allied Commission, APO 394,
 (for Legal Sub-Commission).

1. The attached documents are copies of correspondence which has passed between The Procuratore Del Regno, Messina, and A.C. Liaison Officer, Catania, regarding the loss of jewels which were exhibits in a case tried before an Allied Military Court at S. Stefano Di Camastra (Province of Messina), in August 1943.

2. It would appear that the Court made an order for the restitution of the jewels to the Baronessa BERTELLI, but for some unknown reason this decision was never carried out and the jewels cannot now be located.

3. It would be appreciated if any information regarding the disposal or custody of the subject jewels, which might be contained in the case records, could be forwarded to this office in order that we may inform the Procuratore Del Regno, Messina, accordingly.

W J MacCallum
 W.J. MacCALLUM, ED, Lt-Col.,
 A.C. L.O. SICILY.

Encls:	a.	copy	of	letter	Procura	Generale	Messina	N° 1681	dated	14 Aug 45.
	b.	"	"	"	"	"	"	N° 1681	"	22 Aug 45.
	c.	"	"	"	"	"	"	N° 1681	"	4 Sept 45.
	d.	"	"	"	A.C. L.O.	Catania		N° 10/CAT/10	dated	16 Aug 45.

Chief Counsel

4 OCT 1945

Q O R Y

PROCURA GENERALE DEL REGNO DI MESSINA

N° Prot. 1581

Oggetto: Audizione Maggiore Americano DEUTSCH

Messina, 14 agosto 1945

Ill.mo Sig. Ufficiale di Collegamento presso Commissione Alleata

CATANIA

Nell'agosto 1943 la Baronessa Giovanna Baritelli da Palermo, subì un furto di preziosi per il valore di L. 1.700.000.

La refurtiva fu recuperata e sottoposta a sequestro in attesa di giudizio, che fu celebrato a S. Stefano di Camastra nello stesso mese di agosto 1943 dalla Corte Alleata presieduta dal Maggiore Americano Deutsch.

Questi diede ordine che venissero restituiti alla derubata i preziosi sequestrati, ma non si riesce a sapere dove il compendio si trovi per potere effettuare la disposta restituzione.

Sarebbe quindi necessario sentire il maggiore Deutsch per chiarimenti in merito e soprattutto perchè precisi a chi fu fatta la consegna della refurtiva dopo la definizione del procedimento, dato che nessun comandante dell'Arma della circoscrizione assume d'averla ricevuta, mentre la Baronessa Baritelli, forte dell'ordine di restituzione, ne reclama lo adempimento.

Ora poichè non si ha la possibilità diretta di rintracciare il predetto ufficiale per sentirlo, si gradirebbe dalla cortesia di V.S. Ill.ma un interessamento cortese rivolto a tale scopo.

In attesa di riscontro, si ringrazia.

IL PROCURATORE GENERALE

Signed/.....

38 96

C O P Y

PROCURA GENERALE DEL REGNO DI MESSINA

N° Prot. 1681

Oggetto: Furto di preziosi-Baronessa Beritelli.

Messina, 22.8. 1945

AL SIG. PRETORE DI

S. STEFANO DI CAMASTRA

e p. c. ALL'UFFICIALE DI COLLEGAMENTO DELLA COMMISSIONE ALLEATA
CALANIA

Trascrivo la risposta data dall'Ufficiale di collegamento della Commissione Alleata per la Sicilia Orientale circa l'affare dei preziosi sottratti alla Baronessa Beritelli:

"A quanto risulta dalla Sua sopracitata la restituzione dei gioielli fu ordinata dal Maggiore DEUTSCH nell'agosto dello stesso anno. Poichè essa non è tuttora avvenuta, a distanza di due anni, e poichè il caso è stato portato soltanto ora a mia conoscenza, gradirei sapere se la Baronessa Beritelli ha mai intentato alcuna azione durante questo lasso di tempo, ed in tal caso desidererei sapere a chi si è rivolta. Desidero inoltre conoscere se è possibile ottenere la audizione di testimoni civili dell'epoca ed in tal caso desidererei essere informato sulle loro deposizione."

La S.V. è pregata di favorirmi subito le notizie utili in relazione alla richiesta del predetto ufficiale e alle istruzioni che Le ho impartite con la precedente lettera del 14 agosto corrente.

L'averto che sarebbe stato desiderio dell'Ufficiale Alleato d'avere risposta a volta di corriere.

IL PROCURATORE GENERALE DEL REGNO

Signed/.....

C O P Y

PROCURA GENERALE DEL REGNO DI MESSINA

N° Prot. 1581

Risposta al foglio del 16.8.1945

N. 10/CAE/10

Oggetto: Furto di preziosi-Baronessa Beritelli

Messina +. 9. 1945

ILL./MO SIG. UFFICIALE DI COLLEGAMENTO
della Commissione Alleata per la Sicilia Orientale

C A T A N I A

Riguardo alla lettera sopraindicata, comunico alla S.V. Ill.ma quanto segue:

La Baronessa Beritelli ebbe a subire il furto di preziosi in Marina di Caronia, subito dopo l'occupazione alleata, cioè nel luglio 1943.

I preziosi furono rinvenuti dal Brigadiere della Guardia di Finanza Ceravolo Alfonso in una casetta in Marina di Caronia e consegnati al tenente commissario civile Americano di Caronia, tale Cok.

Costui affidò i gioielli, posti in un sacchetto, al maresciallo dei CC.RR. di Caronia, Berdelli Quintilio, insieme con cinque detenuti presunti autori del reato, già tratti in arresto dalla Polizia Alleata. Dopo alcuni giorni i gioielli ed i detenuti furono prelevati dalla Caserma, dovendosi celebrare in Caronia il procedimento relativo davanti alla Corte Alleata. Essendosi però questa dichiarata incompetente, i gioielli furono di nuovo restituiti alla caserma dei Carabinieri di Caronia, mentre i detenuti furono tradotti in S. Stefano di Camastra, dove si sarebbe dovuto celebrare il dibattimento. Dopo pochi giorni il tenente Cok chiamò nel suo ufficio il maresciallo Berdelli e si fece dallo stesso restituire il sacchetto con preziosi, che, secondo quanto riferisce il Berdelli, durante questi passaggi non venne mai controllato.

Il procedimento penale contro gli imputati di furto di cui si è potuto identificare solo tale Marino Rosalia fu Michele, di anni 52 da Marina di Caronia, fu celebrato in S. Stefano di Camastra. Gli imputati ~~ex~~ ~~quattro~~ ~~vennero~~ ~~assolti~~. Il sacchetto con i gioielli durante il dibattimento rimase sul tavolo della Corte, ed alla fine del dibattimento, il Presidente, maggiore Americano Deutsch, ordinò che i gioielli venissero riconsegnati al maresciallo dei Carabinieri di S. Stefano di Camastra. E ciò per dichiarazione del Brigadiere Ceravolo che fu presente all'udienza, il quale però dichiarò di non sapere se

INTE/NO SIG. UFFICIALE DI COLLEGAMENTO

della Commissione Alleata per la Sicilia Orientale.

C A T A N I A

Riguardo alla lettera sovraindicata, comunico alla S.V. Ill.ma quanto segue:

La Baronessa Beritelli ebbe a subire il furto di preziosi in Marina di Caronia, subito dopo l'occupazione alleata, cioè nel luglio 1943.

I preziosi furono rinvenuti dal Brigadiere della Guardia di Finanza Ceravolo Alfonso in una casetta in Marina di Caronia e consegnati al tenente commissario civile Americano di Caronia, tale Dok.

Costui affidò i gioielli, posti in un sacchetto, al maresciallo del CC.RR. di Caronia, Bardelli Quintilio, insieme con cinque detenuti presunti autori del reato, già tratti in arresto dalla Polizia Alleata. Dopo alcuni giorni i gioielli ed i detenuti furono prelevati dalla Caserma, dovendosi celebrare in Caronia il procedimento relativo davanti alla Corte Alleata. Essendosi però questa dichiarata incompetente, i gioielli furono di nuovo restituiti alla caserma dei Carabinieri di Caronia, mentre i detenuti furono trasferiti in S. Stefano di Camastra, dove si sarebbe dovuto celebrare il dibattimento. Dopo pochi giorni il tenente Dok chiese nel suo ufficio il maresciallo Bardelli e si fece dallo stesso restituire il sacchetto con preziosi, che, secondo quanto riferisce il Bardelli, durante questi passaggi non venne mai controllato.

Il procedimento penale contro gli imputati di furto di cui si è potuto identificare solo tale Marino Rosalia fu Michele, 52 anni, da Marina di Caronia, fu celebrato in S. Stefano di Camastra, imputati esgli imputati vennero assolti. Il sacchetto con i gioielli durante il dibattimento rimase sul tavolo della Corte, ed alla fine del dibattimento, il Presidente, maggiore Americano Deutsch, ordinò che i gioielli venissero riconsegnati al maresciallo dei Carabinieri di S. Stefano di Camastra. E ciò per dichiarazione del Brigadiere Ceravolo che fu presente all'udienza, il quale però dichiara di non sapere se detto ordine sia stato o meno eseguito. I marescialli allora comandanti la sezione e la stazione dei Carabinieri di S. Stefano di Camastra, Santoro Domenico, ed Ali Giovanni, hanno escluso di avere ricevuto i predetti preziosi.

E' stato sentito come civile tal Tortorici Pietro di anni 31 da Caronia, allora isettore di Polizia, il quale ha dichiarato che effettivamente, pochi giorni prima del giorno in cui venne celebrato in S. Stefano il procedimento penale, alla di lui presenza, nel municipio di Caronia vide il maresciallo Bardelli riconsegnare il sacchetto con i preziosi al Maggiore Deutsch (e non al tenente Dok come il maresciallo Bardelli sostiene) Aggiunge inoltre che avendo

in Palermo, dopo la trattazione del procedimento penale, il tenente Amerigo Guido Alasia, apprese da costui che il maggiore Deutsch terminato il processo, aveva ordinato che i gioielli venissero restituiti "al marasciallo" per essere riconsegnati alla proprietaria.

L'imputata identificata Marino Rosalia, ha ha riferito che finito il processo, avendo sentito il maggiore Deutsch ordinare che i gioielli venissero restituiti alla proprietaria, giunta a Caronia, si era affrettata ad avvertire la Baronessa Beritelli di ciò, ma costei non si era preoccupata di risponderle nulla.

La Baronessa Beritelli sostiene che dopo il dibattimento celebratosi in S. Stefano di Camastra, da alcune persone che non sa indicare e che si dicevano mandate da tal Saveria Biagia, le fu riferito che il comandante americano di S. Stefano prima di allontanarsi avrebbe voluto restituire alla Baronessa i gioielli. La Salvia Biagia, interrogata ammette di essere stata cameriera di due Ufficiali Americani subito dopo l'occupazione, ma esclude in modo assoluto di avere mandato persone dalla Baronessa Beritelli che non conosce neppure di nome, e di aver sentito parlare di gioielli.

La Baronessa Beritelli per il furto dei gioielli ha presentato le seguenti denunce: una in data 23 luglio 1943 al municipio di Caronia, che non si è potuto rintracciare essendo andato quel municipio distrutto in seguito ad una dimostrazione popolare; un'altra a S.E. Musotto Alto Commissario della Sicilia in data 15 settembre 1943, che è stata richiesta; un'altra ancora in data 21 settembre 1944 alla Legione dei carabinieri di Palermo per la quale in atto si procede da parte di questo ufficio.

Sarebbe quindi opportuno conoscere dalla viva voce del Maggiore Deutsch a chi siano stati consegnati i gioielli dopo il giudizio, e nel caso in cui egli non sappia se l'ordine di restituzione sia stato o meno eseguito, conoscere i nominativi di tutte delle persone da lui incaricate per l'esecuzione, ed in ogni caso, quello dell'interprete di cui si servì in S. Stefano di Camastra, poiché sembra che costui, richiesto dalla Baronessa Beritelli per la restituzione dei preziosi, abbia risposto che gli stessi erano stati restituiti al marasciallo dei carabinieri.

Aggiunge che nessun verbale relativo al furto in oggetto esiste presso la Caserma dei carabinieri di Caronia.

IL PROCURATORE GENERALE DEL REGNO.

C O P Y

COMMISSIONE ALLEATA PER LA
SICILIA ORIENTALE.
CATANIA.

AL PROCURATORE GENERALE
DEL REGNO presso la
CORTE DI APPELLO DI
MESSINA.

LO/CAT/10
16 AGOSTO 1945.

Oggetto:- Furto di preziosi. - Baronessa BERITELLI.-

Riscontro la Sua Prot.1681 del 14 corr. in merito
al furto di preziosi patito nell'Agosto 1943 dalla Baronessa
Giovanna Beritelli.

A quanto risulta dalla Sua sopracitata, la restitu-
zione dei gioielli fu ordinata dal Magg. DEUTSCH nell'Agosto
dello stesso anno. Poichè essa non è tuttora avvenuta, a
distanza di due anni, e poichè il caso è stato portato soltanto
ora a mia conoscenza, gradirei sapere se la Baronessa BERITELLI
ha mai intentato alcuna azione durante questo lasso di tempo,
ed in tal caso desidererei sapere a chi si è rivolta. Desidero
inoltre conoscere se è possibile ottenere l'audizione di testimoni
civili dell'epoca ed in tal caso desidererei essere informato
sulle loro deposizioni.

Gradire se quanto sopra mi fosse comunicato a
volta di corriere.

Con ogni osservanza.

/S/ H.Bentley
H.BENTLEY,
Major, Liaison Officer.

HB/AB.

2326

4083/1/1

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMUNE
LEGAL DIVISION
APO 394

L-8104

5 October 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 August thru
31 August 1945.

For the Commissioner:

CCB/pv

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

x/

4083/1/✓

2325

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
BURMA AREA
APO 394
Legal Division

Ref.: LEG/507

5th October 1945

SUBJECT : SHIMAMOTO Tadamasa
Case No. 000695

TO : H.Q. Allied Commission
(Legal Sub-Commission)

1. Enclosed herewith Record of Trial and
Petition for Review in the above case.

For the Regional Commissioner :

H.M. Dwyer
H.M. DWYER
W/CDR. RAF
Regional Legal Officer

~~2324~~ 2324

4083/1/L

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref.: LEG/5003

5th October 1945

SUBJECT : ~~LO~~NATI Luigi - Case No. 000363

TO : W.C. Allied Commission
(Legal Sub-Commission)

1. - Further to our LEG/5003 dated 14 September 1945 enclosing Record of Trial in the above case, may the Record please be returned with decision on Review.

For the Regional Commissioner :

M. R. ...
W.C. ALKIE
W/CDR. RAF
Regional Legal Officer

vb

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5995

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUBCOMMISSION

2323

AC/4083/1/L.

JL/cm.
29 September 1945.

SUBJECT : SPALLACE Bruno.

TO : The Minister of Pardon and Justice.

1. Reference your letter Ufficio IV Prot. No. 6626/45 of 28 August 45, returned herewith.

2. The petition forwarded contains insufficient data to enable this HQ to review the case, if such was ever tried by an Allied Military Court.

3. It would be appreciated if the following information could be furnished:

- (a) Place of trial
- (b) Date of trial
- (c) Charges and
- (d) Sentence of Court.

Incl : 1 letter.

G.T. LOBBYIN,
Major, OAC,
Judicial Branch,
for Chief Legal Advisor.

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

2322
GEG/rjn

AC/4083/1/L

3 Oct. 1945

SUBJECT : Panel for appointment of General Military Court.
TO : Commissioner (att. Legal Officer)
AMG Naples Zone

1. Reference your letter of 1 October 1945, L-5071.

2. Relative to the appointment by the Chief Commissioner of a General Court to try POLITO Gaetano, will please submit the following information in accordance with Art. 2, Sect. 3, Consolidated Instructions for Allied Military Courts :

- (a) Names of officers available to sit on the Court.
(A General Court must consist of not less than 3 officers, at least one of whom shall be a judicial officer)
- (b) Name of suggested prosecutor.

By command of Rear Admiral STONE

G.F. GOODWYN,
Major, GAO,
Judicial Branch,
for Chief Legal Advisor

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HEADQUARTERS ALLIED COMMISSION

A-3 394

LEGAL SUB-COMMISSION

2321

file
AC/4083/1/L.

JL/rm.
4 October 1945.

SUBJECT : DI BLASI Carmelo fu Salvatore.

TO : Regio Preture Unificate di ROMA
Sezione Ila. (Via del Governo Vecchio 39)

1. The above has requested a copy of the charges and sentence in a case tried before an Allied Military Court in which he was the accused.

2. DI BLASI Carmelo fu Salvatore, "abitante in Via dei Gabrielli No. 92 Rivendita Sale e Tabacchi, negozio Via Padova No. 45" was charged with:

"Fatto anonario commesso il 27 Luglio 1944 - infrazione per alterazione prezzo e per violazione al proclama No. 1 Art V Paragrafo No. 44 del Comando Alleato."

"Per aver posto in vendita saponette a prezzo maggiorato e cioè a L. 32 anziché di L. 4 o nulla."

3. He was found guilty and sentenced to pay a fine of 500 lire, or imprisonment for 5 days and his business place closed for 14 days. The fine was paid.

G.F. BOGLAYN,
Major, CAC,
Judicial Branch,
for Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION
APO 354
LEGAL SUBCOMMISSION

2220
JL/rm.
5 October 1945.

file
AC/1083/1/L.

SUBJECT : DEL VECCHIO Enrico.

TO : Commissioner (cttn. Legal Officer),
APO 354 Zone.

1. DEL VECCHIO Enrico in Pasquale, of Via Cavallaria
D'Aosta, Naples was tried, with others, and convicted, by an
Allied Military Court on 27 Dec. 44.

2. He was charged with the following offences:

- (a) Viol. Proc. 2 Art 1 Sec 11
In that the defendant on or about the 12th November 44,
in Naples, did steal property of the Allied Forces
to the aggregate value of more than 10,000 lire, to
wit: 21 sacks of beans.
- (b) Viol. Proc. 2 Art 3 Sec 1
In that the defendant on or about the 12th November 44,
in Naples, did conspire together with Del Vecchio
Enrico, Minopoli Luigi and one Salvatore, and with
other unknown persons to do an act constituting an
offence under Proc. 2 Art. 1 Sec. 1., and/or, advised
assisted in and procured the commission of such an
act, to wit: the theft of 21 sacks of beans, property
of the Allied Forces.
- (c) Viol Proc 2 Art 2 Sec 40
In that the defend at on or about the 12th November 44,
in Naples, did wrongfully have in his possession
property of the Allied Forces, to wit: 21 sacks of
beans.

3. He was found guilty on all charges and sentenced to 3 years
imprisonment on each charge, sentence to run concurrently.

4. On review the conviction on charges 1 and 2 was quashed
and the conviction on charge 3 affirmed. The sentence, however,

- 2 -

was varied to read "6 months imprisonment".

By command of Rear Admiral STONE:

G. I. GOODWIN,
Major, CAC,
Judicial Branch,
for Chief Legal Advisor.

2319

HEADQUARTERS ALLIED COMMISSION
A.O. 394
LEG. & SUBCOMMISSION

J./rm.
5 October 1945.

AC/4083/1/L.

SUBJECT : DEL VECCHIO Enrico.

TO : Commissioner (attn. Legal Officer),
AM. H. R. 4083.

1. Reference your letter 45040 of 2 Oct. 45.
2. A copy of the sentence is enclosed herein; also a copy of the letter which accompanied the record to your office.
3. The application forwarded with your letter is returned herewith.

By command of Rear Admiral STONE:

C. J. COOPER,
Major, GAC,
Judicial Branch,
for Chief Legal Advisor.

2 Encls:

1. Letter AC/4083/1/L of
9 Feb. 45
2. Tribunale di Guerra di
napoli petition of 28 Sep. 45.

4083/1

file

238

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMADE
LEGAL DIVISION
APO 394

L-5040

2 October 1945

SUBJECT: DEL. VECCHIO Enrico.

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

1. Enclosed herewith is application for extract of sentence.
2. Said application states that the sentence is 6 months imprisonment, whereas we are advised that the sentence imposed by the Allied Military Court was 3 years imprisonment to begin 19 Nov.44.
3. Inasmuch as the Form 8 is on file with your office, the application is forwarded for your information and action.

For the Commissioner:

ECH/pv

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Section	
CLERKS	
OCT 1945	

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

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4988/1

2317

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMUNE
LEGAL DIVISION
APO 394

L-5040

27 Sept. 1945

SUBJECT: Case of CATALANO Angelo di Vincenzo.

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

1. There is transmitted herewith applica-
tion for review filed in the case of the above
subject.

2. Form 8 in this case has already been
forwarded to your HQ.

For the Commissioner:

CGB/PV

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief	
CIS	
Relation	
CL RKS	
28 SEP 1945	

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

6332

file

23/6

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

JL/rjp

AC/4083/1/L

3 Oct. 1945

SUBJECT : CIPOLLA Ubaldo di Giuseppe
TO : Allied Commission Liaison Officer, Palermo

1. The Procuratore Generale del Regno informs this HQ that the above is confined in the Messina prison; having been arrested by Allied authorities.

2. It would be much appreciated if the Posizione Giuridica could be obtained; if possible learn if he was tried by an Allied Military Court, and the Charges, if any, pending against him.

By command of Rear Admiral STONE

G.G. HANNAFORD,
Lt. Colonel,
Deputy Chief Legal Advisor

42

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HEADQUARTERS
AMG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

4 October 1945

SUBJECT: Case of FERRARA Raffaele and GUARAGNO Alessandro

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

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

For the Local Commissioner:

LEGAL SUB COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Section	
CLERKS	
5 OCT 1945	

21

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

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2313

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

2 October 1945

SUBJECT: Case of Quattrocchi Carmelo

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 SUB-COMMISSION	
CLO	
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Chief Counsel	
CJO	
Italian Counsel	
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4 OCT 1945	

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2312

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

2 October 1945

SUBJECT: Case of Croce Vincenzo and DI SAURO Ciro

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

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

For the Local Commissioner:

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

LEGAL SUB COMMISSION	
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Chief Counsel	
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4 OCT 1945	

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HEADQUARTERS
LIGURIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

40/3/1
Lig/Leg/04

WGE/sf
1 October 1945

SUBJECT : Review of Case, Savona.
PARODI, Giglio.

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

1. Herewith are proceedings and petition against sentence in above case for Review.

2. If the finding on review is affirmed it is strongly recommended that the sentence be not disturbed for deterrent purposes.

For the Regional Commissioner:

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

Encl: Proceedings & Petition.

LEG - ALLIED COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Legal Section	
CLERKS	
4 OCT 1945	

[Signature]

4083/1

2310

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref.: LEG/5007

2nd October 1945

SUBJECT : ANGIULO Donato - case No. 000629

TO : H.Q. Allied Commission
(Legal Sub-Commission)

1. Attached hereto Record of Trial in the above
case and Petition for Review.

For the Regional Commissioner :

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

LEGAL SUB COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Section	
CL RKS	
3 OCT 1945	

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H/83/1

2309

HEADQUARTERS
VENEZIE REGION
Allied Military Government
APO 394

29 September 1945

TO : Chief Legal Adviser, Legal Sub-Commission,
HQ.AC. (for Italian Branch)

SUBJECT : Application for review. A.M.G. Superior Court
Venice.

FILE No : RXII/LE/Ven/A/03

ACCUSED PERINATO Ferruccio.

CHARGE Violation of Proc.I Art.IV para 11

SENTENCE 2 years and six months.

1. Record and application for review of the above case are forwarded herewith for Review. The trial judge Capt.Boone has returned to the U.K., and therefore we are without his views on the application.

2. I have read the papers and it seems to me that a sentence of two and a half years for wrongful possession of the property in question is unduly severe. I should suggest with respect that one year or eighteen months would be adequate.

3. The contentions and certificate as to the health of the accused appear to be entirely irrelevant.

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20 OCT 1945

C.L.P. Gilshenan Major
Regional Legal Officer,
Venezie Region.

2308

HEADQUARTERS
AMG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

1 Oct. 1945

SUBJECT: Case of Pignatelli Giuseppe and ESPOSITO Luigi
TO : Chief Legal Officer, Legal Sub-Commission,
A.C., Rome.

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

For the Local Commissioner:

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

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2307

HEADQUARTERS
AMG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

1 Oct. 1945

SUBJECT: Case of LA MANTA Antonio

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

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

For the Local Commissioner:

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

27

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2306

HEADQUARTERS
AMG - NAPLES COMUNE
LEGAL DIVISION
APO 394

1 Oct. 1945

SUBJECT: Case of CASSINO 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.

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2305

HEADQUARTERS
ALG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

1 Oct. 1945

SUBJECT: Case of ESPOSITO Antonio fu Domenico

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

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

For the Local Commissioner:

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

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2304

HEADQUARTERS
ANG - NAPLES COMMUNE
LEGAL DIVISION
APO 394

1 Oct. 1945

SUBJECT: Case of PANBIANCO 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. VECCHIOLLA,
Major, JAGD,
Senior Legal Officer.

27

4083/1

2303

HEADQUARTERS
PIEMONTE REGION
ALLIED MILITARY GOVERNMENT
APO 394

file

21 September 1945.

PR/LE/427

SUBJECT: SPEZIALE Bruno.

TO : Legal Sub-Commission H.Q. A.C.

Ref. your AC/4083/1/L of 4 Sep. 45 the letter and petition enclosed with it are returned together with the reply to our enquiries, being letter of Procuratore Militare dated 17 inst. stating he can find no trace of the conviction.

For the Regional Commissioner.

DDM Colm Major

D. D. Mc Colm
Major, R.A.
Act'g Reg. Legal Officer.

DDM/LR.

Encl.

LEGAL SUB-COMMISSION	
WFO	
DCLO	
Chief	
CAD	
Interpreter	
Others	

Mr. Louis A. Sabatino

If the above heading is accurate please
advise what the position is a report.

9 Sep 45

W. J. Tolson

Rec'd HQ Piemont
Legal Division

TRIBUNALE MILITARE TERRITORIALE DI GUERRA 20.9.45
TORINO

N.351 di prot. Torino 17 Settembre 1945

OGGETTO: SPECIALE Bruno.

ALL'UFFICIO LEGALE A.M.G.
Palazzo di Giustizia

TORINO

Non ostante accurate indagini non si è potuto trovare traccia presso questo Ufficio della sentenza di condanna del militare Speciale Bruno.

Si fa presente che i fascicoli ed i documenti del Tribunale Militare Territoriale funzionante a Torino, alla data dell'8 Settembre 1943, sono stati in gran parte distrutti dai militari tedeschi che occupavano i locali di detto Tribunale.

Per poter fare ulteriori ricerche occorrerebbe conoscere almeno la data della sentenza.

Restituisco gli atti trasmessi da codesto ufficio.

IL PROCURATORE MILITARE
Gen. G.M. Mario Berutti

M. Berutti

2307

HEADQUARTERS
AUG -- NAPLES COMMUNE
LEGAL DIVISION
APO 394

1 Oct. 1945

SUBJECT: Case of LUVINO Giovanni fu 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.

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4083/10

2301

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref.: LEG/5007

25 September 1945

SUBJECT : Superior Court Case
SEVESI Emilio.

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

1. Enclosed herewith Record of Trial in the
above case. No petition for Review has been received
to date.

For the Regional Commissioner :

RECEIVED
C/O
2 SEP 1945

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

vb

4683/1

2301

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref.: LEG/5007

26 September 1945

SUBJECT : Superior Court Case
SEVESI Emilio.

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

1. Further to our LEG/5007 dated 25 September 1945 enclosing Record of Trial in the above case, enclosed herewith is Petition for Review.

For the Regional Commissioner :

Encl.: 1 petition.

for review
H.M. DICKIE
W/CDR. RAF
Regional Legal Officer

vb

27 SEP

4083/1.

2300

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref.: LEG/5007

25 September 1945

SUBJECT : Superior Court Case
BALDUINI Antonio and BALDUINI Bruno

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

1. Enclosed herewith Record of Trial in the
above case. 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

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