

10000/142/589
(VOL. 21)

REVIEW OF COU
OCT. - DEC. 1945

10000/142/589
(VOL. 21)

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

UNCLASSIFIED

AC/4083/1/L.

VOLUME : 21

FROM : No. 2456

TO : No. 2593

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

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THIS FOLDER

CONTAINS PAPERS

FROM

Oct 45

Dec 45

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2576

FROM : No. 2456

TO : No. 2593

188

4083/1 *gale* *(2593)*

HEADQUARTERS
VENEZIE REGION
ALLIED MILITARY GOVERNMENT
APO 394

21 December 1945.

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

SUBJECT : Application for review. FERRARI Franco Mario Duilio.

FILE : RXII/LE/BZ/A/04.

1. Herewith case record and appeal on the above subject for your review.

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

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJ	
Legal Sub-Commission	
CL File	
<i>28 Nov 45</i>	

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167

346

2592

HEADQUARTERS ALLIED COMMISSION
APO 594
LEGAL SUB-COMMISSION

JRW/ra.
28 December 1945.

AC/AG 3/1/L.

SUBJECT : MICHIONI Gino et al.

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

1. Reference your RLL/SP/VR/1/OL of 29 Dec. 45.

2. The record of trial in the case of MICHIONI, Gino et al has been carefully reviewed. It is to be observed that the statement of facts is not recorded with the clarity usually present in cases of this import.

3. The conviction of all the accused is sustained by the findings of the court and supported by the record of the evidence.

4. We have carefully considered the fines and sentences imposed by the trial court. After having indulged in every presumption in favor of the trial of the facts we feel constrained to concur in the recommendation of the Regional Legal Officer that fines and sentences should be reduced.

5. We are not impressed with the contentions of the accused that they acted in utmost good faith. We are convinced that they acted in an uncertain good faith, and that milder sentences are warranted.

6. As to MICHIONI Gino, the fine is affirmed. The sentence of two years imprisonment is reduced to ten months.

7. As to MICHIONI Filippo, the fine is affirmed. The sentence of two years imprisonment is reduced to one year.

8. As to GATTAMACIO Nicola, the sentence of eight months imprisonment is reduced to four months. The fine of 100,000 lire is reduced to 40,000 lire, to be paid by 15 January 1946; in default of payment he will serve an additional term of three (3) months. If the fine has been paid, the excess will be remitted to the defendant.

9. As to BAZZUCCO Giuseppe, the sentence of nine months imprisonment on the first charge is reduced to five months imprisonment. The sentence of three months imprisonment on the second charge is affirmed. The sentences on charge one and two will be concurrent.

ICE

- 2 -

10. As to MICHELANGELO Armando, the sentence of four months imprisonment is reduced to two months. The fine of 10,000 lire is reduced to 10,000 lire to be paid by 15 January 1946; in default of payment, defendant will serve three months additional imprisonment. If fine has been paid, the excess will be remitted to defendant.

11. As to PIRELLA Giuseppe, the sentence of four months imprisonment is reduced to end on 31 Dec. 1945. The fine, if unpaid, will be cancelled.

12. As to MARCONI Enrico, the fine and sentence are affirmed.

13. Orders for the disposition of funds will not be disturbed.

14. Record is returned herewith. Please acknowledge receipt.

By command of Rear Admiral STONE:

JOHN E. STONE,
Colonel, Infantry,
Chief Legal Advisor.

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File 2591
HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/L

28 December 1945

SUBJECT : PALESE, Anna et al

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

1. Reference your LEG/5007 of 1 December 1945.
2. The records of trial in the case of PALESE Anna, et al (twenty accused) have been reviewed.
3. It will be observed that in the cases of PALESE Anna and PALESE Vincenzo, they were charged with unlawful receiving and unlawful possession as separate offenses, and sentences of four years were given in each case, to run consecutively.
4. Attention is drawn to the provisions of Article 12, paragraph 8(b), of the Consolidated Instructions as amended.
5. The convictions and sentences of PALESE Vincenzo are affirmed, but the sentences will run concurrently and not consecutively. The conviction of PALESE Anna is affirmed. The sentences of four years on each charge are reduced to two years, and will be served concurrently, not consecutively.
6. As to all other defendants, convictions and sentences are affirmed.
7. Record is returned herewith. Please acknowledge receipt.

By Command of Rear Admiral STONE :

16

JOHN K. WEBER,
Col., Inf.,
Chief Legal Advisor.

JS
Incl: Record

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

L - 5040

20 December 1945.

SUBJECT: Port Summary Court Cases.

TO : Chief Legal Advisor, Headquarters,
Allied Commission, Legal Sub-Commission,
APO 394, U.S. Army.

1. Enclosed herewith are cases tried by Port Summary Court during the period 1st October 1945 thru 23rd October inclusive.

For the Commissioner.

Rosario A. Gaziano

ROSARIO A. GAZIANO
Captain, Infantry
Senior Legal Officer

RAG/eb

163

Case no. 7213
XI 7075-

4083/1
716
HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

L - 8100

19 December 1945

SUBJECT: FORCHETTA Luigi, DI SOMMA Vincenzo, DE FALCO
Domenico.

TO : Chief Legal Advisor, Hq. A.C.,
Legal Sub-Commission
APO 394 U.S. Army.

1. Enclosed herewith letter n.5922/72. N.R.
dated 21 Nov. 1945, from R.Tribunale Civile e Penale
of Naples, Section 10 B.

2. The records concerning the above mentioned
individuals are not in the files of this office,
because they were tried during 1944.

For the Commissioner.

Rosario A. Gaziand
ROSARIO A. GAZIANO
Captain, Infantry
Senior Legal Officer

1 Incl.
Letter n.5922/72 NR.dated 21 Nov. 1945 from
Tribunale of Naples, Section 10 B.

162

Legale R. Tribunale civile e Penale
Napoli

Sez. 10^a B.
Processo N° 5922/72. R. R. Aff. Ufficio Legale
Commissione Allecte

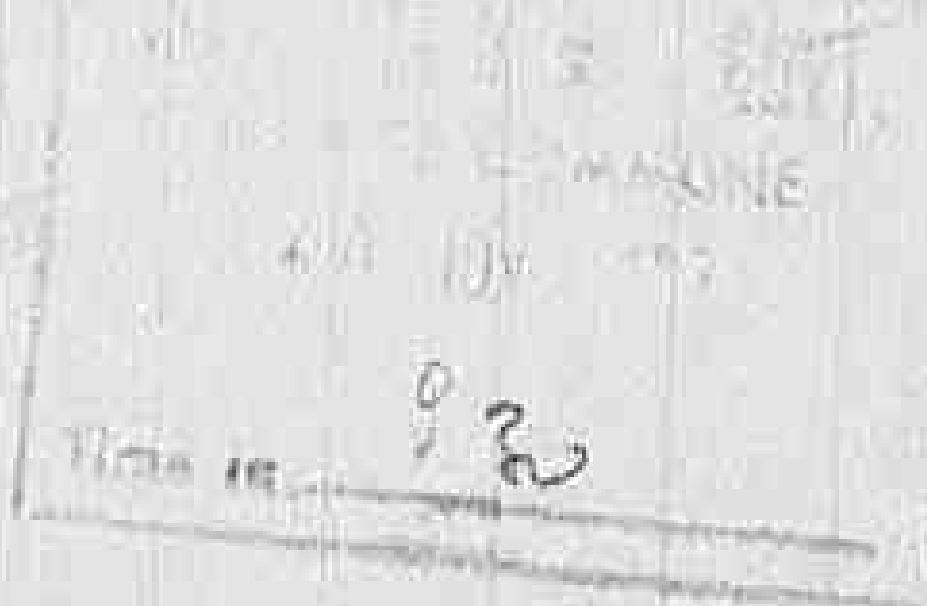
OGGETTO: Richiesta copia sentenza emanata in
data 7/12/944 contro Forchetta Luigi, Di Somma
Vincenzo, De Felice Domenico -

Il Presidente della sopraannominata sezione di
questo Tribunale prega che gli venga rimessa
con cortese sollecitudine copia della sentenza
emanata dalla Commissione Allecte in
data 7/12/944 contro Forchetta Luigi,
Di Somma Vincenzo, De Felice Domenico
imputati di istigazione di farire alla
provenienza partiva, in danno delle forze
militari Allecte -

Napoli 22/11/45 -

Il cancelliere
Vatoli

Espresso



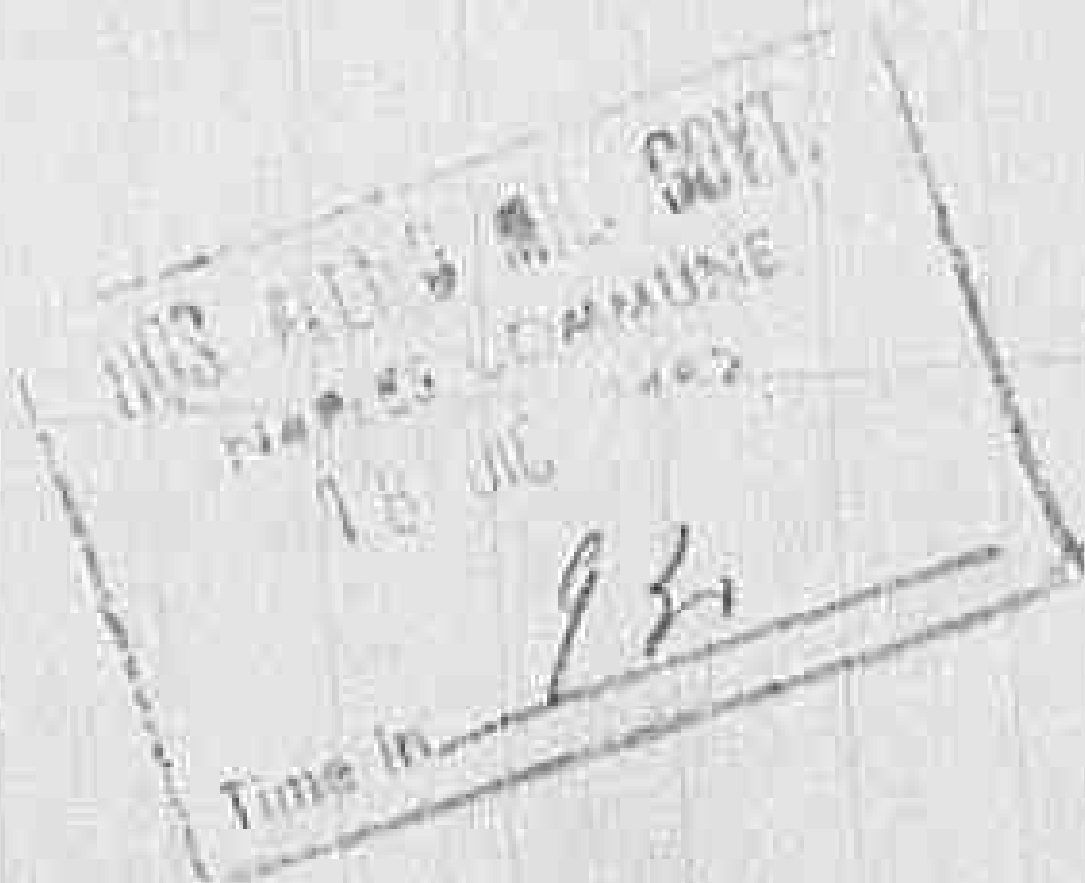
161

1/ Forchetta Luigi fu Raffaele -
nato nel 1906 - don. S. Giovanni &
Feduccio Via Vigliena n.° 34

2/ Di' Lommas Vincenzo fu Francesco
nato nel 1900 - Via Vigliena 31
S. Giovanni & Feduccio

3/ De Felco Domenico di' Sirolio
nato nel 1926 - Via Vigliena 29
S. Giovanni & Feduccio

4/ cancelliere
Vastola



File
402311
✓

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

(2588)

L - 4014

21 December, 1945

SUBJECT: Detainee LONGO Luigi di N.N.

TO : Chief Legal Advisor, Hq. A.C.,
Legal Sub-Commission,
APO 394 U.S. Army.

1. Enclosed herewith letter n.8173-3-1-8131,
dated 11 December, 1945, from Direzione Casa Penale
all'Aperto di Mamone.

2. The above detainee, was identified as
MONDELLA Alfredo fu Nicola e fu Rezzuti Caterina,
born in Naples on the 13 February 1904.

3. The record concerning the above individual
is not in the files of this office, because he was
tried during 1944 by the Allied Superior Court of
Naples and sentenced to 7 years imprisonment.

For the Commissioner.

Rosario A. Gaziانو
ROSARIO A. GAZIANO
Captain, Infantry
Senior Legal Officer

1. Incl.

RAG/ef.

160

22 Dec

15

Mod. 25 (quarto)



RACCOMANDATA

Mamone, 11 Dicembre 1945

DIREZIONE
della
CASA DI LAVORO ALL'APERTO DI
MAMONE

96.8448-3-1-8131

Risposta alla lettera

del

96.

Oggetto

Detenuto LONGO LUIGI
False generalità

AL
MINISTERO GRAZIA E GIUSTIZIA
Direz. Gen. Istit. Prev. Pena
ROMA
e.p.c.

ALLA COMMISSIONE ALLEATA
NAPOLI
PROCURA GENERALE DEL REGNO
NAPOLI

PROCURA DEL REGNO
NAPOLI

PROCURA GENERALE DEL REGNO
CAGLIARI

PROCURA DEL REGNO
NUORO

DIREZIONE CARCERI GIUDIZIARIE
CAMPOBASSO

Con telegramma del 1° corrente a firma "MINISTRO TOGLIATTI" il Superiore Ministero ha disposto la scarcerazione del detenuto LONGO LUIGI di N.N. per riduzione mesi 18 della pena inflittagli dalla Commissione Alleata di Napoli.

Esaminando il fascicolo intestato al detto detenuto è sorto il sospetto che lo stesso aveva dichiarato false generalità anche all'atto della sua immatricolazione nei vari Istituti di pena che l'hanno accolto.

Presentatosi in questo Ufficio a mia richiesta non ha esitato a confermare il sospetto precitato dichiarando chiamarsi invece MONDELLA ALFREDO fu Nicola e fu Rezzuti Caterina nato a Napoli il 13 Febbraio 1904.

Nello stesso fascicolo esiste una denuncia alla Pretura di Napoli da parte del Commissariato di P.S. di S. Carlo all'Arena, in data 8-5-1944, ai sensi dell'Art. 495, n.2 del C.P. avendo quell'Ufficio accertato che il nominato LONGO LUIGI era invece MONDELLA ALFREDO. Però nessuna comunicazione di sentenza per false generalità e nessuna ordinanza per la correzione in atti sono fin'oggi pervenute a questa Direzione.

Il Mondello, già LONGO, deve scontare anche giorni 70 di reclusione per conversione di multa e deve rispondere dell'evasione o indebita liberazione dalle Carceri di Campobasso.

Si trasmette l'acclusa copia del verbale redatto
oggi per i provvedimenti di competenza da parte delle
le Autorità Superiori interessate.
Con essequio

IL DIRETTORE
N. GIORDANO

N. Giordano

L'Anno Milennevecentoquarantacinque, addi undici del mese di Dicembre:

Nell'Ufficio della Direzione:

Avanti il Sig. Cav. Uff. Dott. Nicola Giordano Direttore, assistito dal Vicebrigadiere Lombardini Nicola; si è presentata il recluso LONGO LUIGI di N.N. qui in espiazione di pena per la condanna di anni 7 inflittagli dalla Prima Corte Superiore del Tribunale Alleato di Napoli il 7 Aprile 1944 per violazione al Proclama 2° N. 2. D. N.

Io non mi chiamo LONGO LUIGI ma sono RONDELLO ALFREDO fu Nicola, e fu Rescati Caterina, nato a Napoli il 13 Febbraio 1904 ivi domiciliato in via S. Giovannello e l'asilo, Sezione S. Carlo all'Arena, carrettiero, analfabeta, sposato con Assunta Guerrina domiciliata a Napoli all'indirizzo precitato.

All'atto del mio arresto, 15 Gennaio 1944, denunziai le false generalità di Longo Luigi unicamente per sottrarmi a conseguenze gravi essendo un pregiudicato recidivo ed anche perché ero stato liberato dai Tedeschi mentre mi trovavo detenuto nelle Carceri Giudiziarie di Campobasso, come Appellante. Secondo la sentenza del 20-5-1943 del Tribunale di Napoli avrei dovuto scontare ancora anni tre di reclusione per concorso a furto.

Sono pentito di quanto ho fatto e mi raccomando alla clemenza delle Superiori Autorità tenendo presente che LONGO LUIGI il mio cognato, era deceduto da tempo quando venni condannato dalla Commissione Alleata. Certo è che, se non fossi stato liberato dai Tedeschi insieme a molti altri compagni, avrei declinato le mie giuste generalità all'Autorità Alleata.

Non ho altre da aggiungere.

L.C.S.

Firmato RONDELLO ALFREDO

IL DIRETTORE

F/to - N. Giordano

V. BRIGADIERE

F/to N. Lombardini

P.C.C. all'originale
Napoli, 11, Dicembre 1945

IN SEGRETATO

M. L. ...

UFF. ALLEG. N. 1. UFF.
NAPOLI COMUNI
L. C. UIC

Time 10.30

LEG. SUBCOMMISSION *File* 5996

HEADQUARTERS
PIEMONTE REGION
ALLIED MILITARY GOVERNMENT
Chief Counsel APO 394

CJO

Italian Section

CL RKS

1 OCT 1945

PR/LE/312

2587

15 October 1945.

SUBJECT: Review of A.M.G. Cases - CAFFARO Domenico.

TO : H.Q. A.C. For Legal Subcommittee.
(Attn. O i/ch Italian Branch).

1. Herewith application received today for review in above case. The Record was forwarded by this Office to you on 13 September.

2. As a matter of Regional policy and on the merits of this particular case this Division and the Public Safety Division are in hearty opposition to the views of the trial judge as now expressed. The "facts" of the trial judge's observations are not correct. The "other forger" "worthless and lazy" was a confederate of CAFFARO and was arrested on adequate evidence before CAFFARO knew that his existence was within the knowledge of the P.S. Division.

3. If the sentence appears too heavy, although it is well within the limits of the prescribed penalty under Italian Law, it is recommended that the case be considered for ultimate rather than immediate reduction. This was a well organised affair from which the accused derived considerable profit although the proved profit was for some reason left with him by the trial judge. There have been a number of minor forgery cases in Torino in which very light sentences have been passed because of the economic circumstances of the accused, and any reduction of this sentence might be misinterpreted as a suggestion that a serious view is not taken of them by A.M.G.

For the Regional Commissioner.

D.D. Mc Colm Major
D.D. Mc Colm
Major, R.A.
Regional Legal Officer.

DDM/AR.
Encl.: Application.

2586

4083/1

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

...20 December 1945

SUBJECT: Case of... AUTORINO VALENTINO fu Michele and others.

TO : Chief Legal Advisor, Hq. Allied Commission,
Legal Sub-Commission, APO 394, U.S. Army.

1. Forwarded herewith is Form 8 and application for
review in the case of above mentioned person (s) for your
consideration.

For the Commissioner.

Rosario A. Caetano
ROSARIO A. CAETANO
Captain, Infantry
Senior Legal Officer

158

15
Case no. 7026

9585

623/1

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

...20 December 1945

SUBJECT: Case of...MAGLIONE GIUSEPPE di Vincenzo and others.

TO : Chief Legal Advisor, Hq. Allied Commission,
Legal Sub-Commission, APO 394, U.S. Army.

1. Forwarded herewith is Form 8 and application for
review in the case of above mentioned person (s) for your
consideration.

For the Commissioner.

Rosario A. Gaziand
ROSARIO A. GAZIAND
Captain, Infantry
Senior Legal Officer

155

15
Case no 7073

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMUNE
LEGAL DIVISION
APO 394

...20 December 1945

SUBJECT: Case of.....SCUOTTO MARIO di Vincenzo.....

TO : Chief Legal Advisor, Hq. Allied Commission,
Legal Sub-Commission, APO 394, U.S. Army.

1. Forwarded herewith is Form 8 and application for
review in the case of above mentioned person (s) for your
consideration.

For the Commissioner.

Rosario A. Casiano
ROSARIO A. CASIANO
Captain, Infantry
Senior Legal Officer

151

10031
2584
Case no 7072

2583

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMTONE
LEGAL DIVISION
APO 394

20 December 1945

SUBJECT: Case of..... DONATELLIS Giuseppe di Sabino and others

TO : Chief Legal Advisor, Hq. Allied Commission,
Legal Sub-Commission, APO 394, U.S. Army.

1. Forwarded herewith is Form 8 and application for
review in the case of above mentioned person (s) for your
consideration.

For the Commissioner.

Rosario A. Gagliano
ROSARIO A. GAZZANO
Captain, Infantry
Senior Legal Officer

153

X3

Case no 7071

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMTUNE
LEGAL DIVISION
APO 394

2582
406311
...20 December 1945

SUBJECT: Case of...CAPASSO ARDUINO fu Antonio and others...

TO : Chief Legal Advisor, Hq. Allied Commission,
Legal Sub-Commission, APO 394, U.S. Army.

1. Forwarded herewith is Form 8 and application for
review in the case of above mentioned person (s) for your
consideration.

For the Commissioner.

Rosario A. Cazziano
ROSARIO A. CAZIANO
Captain, Infantry
Senior Legal Officer

152
Y5
Case no 7070

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMBUNE
LEGAL DIVISION
APO 394

20 December 5
.....194

SUBJECT: Case of.....PELLECCHIA GIUSEPPE di Giovanni.....

TO : Chief Legal Advisor, Hq. Allied Commission,
Legal Sub-Commission, APO 394, U.S. Army.

1. Forwarded herewith is Form 8 and application for
review in the case of above mentioned person (f) for your
consideration.

For the Commissioner.

Rosario A. Galiano
ROSARIO A. CAZIANO
Captain, Infantry
Senior Legal Officer

151

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMUNE
LEGAL DIVISION
APO 394

20 December 1945

SUBJECT: Case of... BURGONI ATTILIO fu Francesco

TO : Chief Legal Advisor, Hq. Allied Commission,
Legal Sub-Commission, APO 394, U.S. Army.

1. Forwarded herewith is Form 8 and application for review in the case of above mentioned person (P) for your consideration.

For the Commissioner.

Rosario A. Gaziano
ROSARIO A. GAZIANO
Captain, Infantry
Senior Legal Officer

Note:

Go form 8 no
sentence given for 2nd day
but in form 4 sentence
of 1 month collective

150

X3

Can no tabs

(9579)

10031

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMTUNE
LEGAL DIVISION
APO 394

20 December 5
.....194

SUBJECT: Case of.....RUGGERI MARIO di Filippo and others.....

TO : Chief Legal Advisor, Hq. Allied Commission,
Legal Sub-Commission, APO 394, U.S. Army.

1. Forwarded herewith is Form 8 and application for
review in the case of above mentioned persons for your
consideration.

For the Commissioner.

Rosario A. Gagliano
ROSARIO A. GAZZANO
Captain, Infantry
Senior Legal Officer

149

47
Case no 9067

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMUNE
LEGAL DIVISION
APO 394

2538
.....20 December 1945

SUBJECT: Case of.....SOMMELLA Vincenzo di Pasquale.....

TO : Chief Legal Advisor, Hq. Allied Commission,
Legal Sub-Commission, APO 394, U.S. Army.

1. Forwarded herewith is Form 8 and application for
review in the case of above mentioned person (x) for your
consideration.

For the Commissioner.

Rosario A. Cazziano
ROSARIO A. CAZIANO
Captain, Infantry
Senior Legal Officer

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Case no 7066
11

2577

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMUNE
LEGAL DIVISION
APO 394

20 December 1945

SUBJECT: Case of...TURCHI, LAMBERTO. di Vito.....

TO : Chief Legal Advisor, Hq. Allied Commission,
Legal Sub-Commission, APO 394, U.S. Army.

1. Forwarded herewith is Form 8 and application for
review in the case of above mentioned person (s) for your
consideration.

For the Commissioner.

Rosario A. Gagliano
ROSARIO A. GAGLIANO
Captain, Infantry
Senior Legal Officer

147

45
Call no 7065

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

(2576)

AC/2053/1/L.

JYN/mg.
20 December 1945.

SUBJECT : CHERRY Emilio.

TO : Regional Commissioner (Acting Regional
Legal Officer), VERMONT Region.

1. Reference your BXII/LB/601/A/04 of 29 November 1945.

2. The record of trial and all attached exhibits and letters in the case of CHERRY, Emilio have been carefully examined by way of review. The decision thereon is as follows:

- (a) The conviction under charge two is reversed, and the sentence of six months imprisonment is set aside. The charge will be dismissed.
- (b) The conviction under charge 3(b) is affirmed. The sentence of six months imprisonment is modified to end as of the 23 day of December, 1945. The fine having paid will not be refunded.
- (c) The conviction under charge four is reversed and the sentence of two and one-half years imprisonment is set aside. The charge will be dismissed.

3. Whatever may have been the facts of this case, it is the opinion of the reviewing authority that the verdict of guilty ^{on charge 2} which has been set aside was not bolstered on the record by that reasonable and moral certainty which is the yardstick of measurement in penal offenses. Quite to the contrary, and without having first read the written evidence and arguments advanced by the accused as disclosed by the exhibits, it became apparent that the supporting testimony of the prosecution case under charge two was too contradictory and even suspicious to be credible evidence. Indulging in every presumption in favor of the trier of the fact given by the Court to the witnesses then before him, there remained an unconvincing tone in it all that not only invited dis-belief but rebelled against its acceptance. Under the circumstances, and without criticism of the trial court, but in the exercise of the functions vested on review, the decision announced above is certified for observance.

4. As to the conviction under charge four, the facts as proven do not establish the offense alleged under the proclamation; the defendant is discharged from a penalty erroneously imposed.

- 2 -

5. Record is returned herewith.

By command of Rear Admiral JFONE:

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

143

4083



*Ministero
di Grazia e Giustizia*

DIREZIONE GENERALE
PER GLI ISTITUTI DI PREVENZIONE E DI PENA
UFF. VI.

Let. N. 154579/91122

Oggetto: detenuto Robi Carlo

79-6-154

(2573)

31.3 DIC. 1945

*Alla Commissione Alleata
Sottocommissione Legale
ROMA*

Reparto di Uff. 23-11-45

Dir. - Rev. - 154579/91122

Con riferimento al foglio sopra indicato,
si comunica che il detenuto in oggetto fu escor-
rato il giorno 2 del corrente mese dalle carceri
giudiziarie di Ancona.

Pel Ministro

141

XI

File

2574

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/L.

JKE/ra.
20 December 1945.

SUBJECT : MINIER, Alarico.

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

1. Reference your RAII/15/301/1/04 of 28 November 1945.
2. I am returning herewith the record of trial in the case of MINIER, Alarico. It will be observed that the aggregate of the sentences is but two years. Under Article 32, paragraph 3, (as amended) the power of review is vested in the Regional Commissioner. We are unable to determine why this record was sent, unless for information in connection with the case of MINIER, Emilio, in a day decided by us.
3. I need only point out that if in his consideration of this case there is need to apply a different result from that fixed by the Court, the Regional Commissioner is not only empowered but required to do so by the exercise of authority vested in him, with which he is familiar.

By command of Rear Admiral STORER

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

140

11

4083/1 (2573)
HEADQUARTERS
VENEZIE REGION
ALLIED MILITARY GOVERNMENT
APO 394

29 November 1945

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

SUBJECT : Superior Court case - MILLER Alarico.

FILE : RXII/LE/BOL/A/04.

1. Herewith record of trial and report of trial judge in the above case. As far as the record goes there is evidence to support the convictions and it will be observed that the recommendations of the trial judge are largely based upon statements made after the trial. I understand that the Officer chiefly concerned has returned to the U.K. in release.

2. In the event of it being decided to confirm the conviction and sentence on the evidence recorded, I should propose to make a recommendation on the case when the time comes to reconsider cases in which severe sentences have been imposed.


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

15

4083/1
file
0
2572
HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

L - 8100

18 December, 1945

SUBJECT: RUSSO Giovanni fu Strato

TO : Chief Legal Advisor, Headquarters,
Allied Commission, Legal Sub-Commission
APO 394 U.S. Army

1. Enclosed herewith letter n. 1620, dated
4 October 1945, from Commissariato P.S. Posillipo-
Naples.

2. The files concerning the above individual
is not in the files of this office, because he was
tried during 1944.

For the Commissioner.

Rosario A. Gaziano
ROSARIO A. GAZIANO
Captain, Infantry
Senior Legal Officer.

1. Incl.

RAG/ef.

LEGAL SUB-COMMISSION
CIO
OSPO
Ch
CIO
h
20.12.45

15
←
mt

142

R. QUESTURA DI NAPOLI
COMMISSARIATO DI P.S.
POSTULATO.

11/19/45

No. 1620

Subject - RUSSO Giovanni son of late Strato and late Iheseno Luisa, born in Naples on 1/7/
906, living at No. 150 Via Alessandro Manzoni.

Will you please inform me at your earliest convenience of the result of the
trial held at the Allied Court against RUSSO Giovanni son of late Strato and late Iheseno
Luisa, born in Naples on 17/7/1906, living at No. 150 Via A. Manzoni whose documents
were forwarded on 6 Jun 44 by the a/m Allied Court to your Office for a revision of the
sentence.

Sgd Il Commissariato di P.S.

2 Nov. 45 -
Giulio de Grassi.

141

R. QUESTURA DI NAPOLI

Napoli 14/10/1945

UFFICIO COMMISSIONE ALIBATA
 - Palazzo della Provincia -
 a p. o. R. QUESTURA

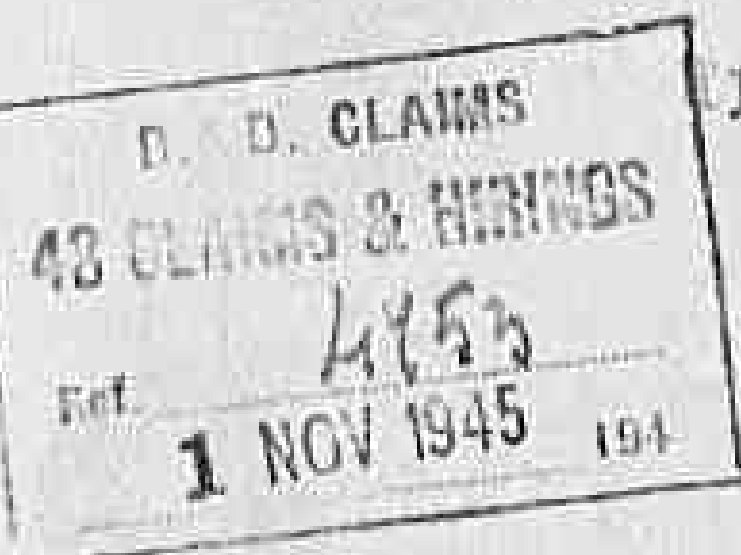
Napoli

N° 1620

OGT 28 1945

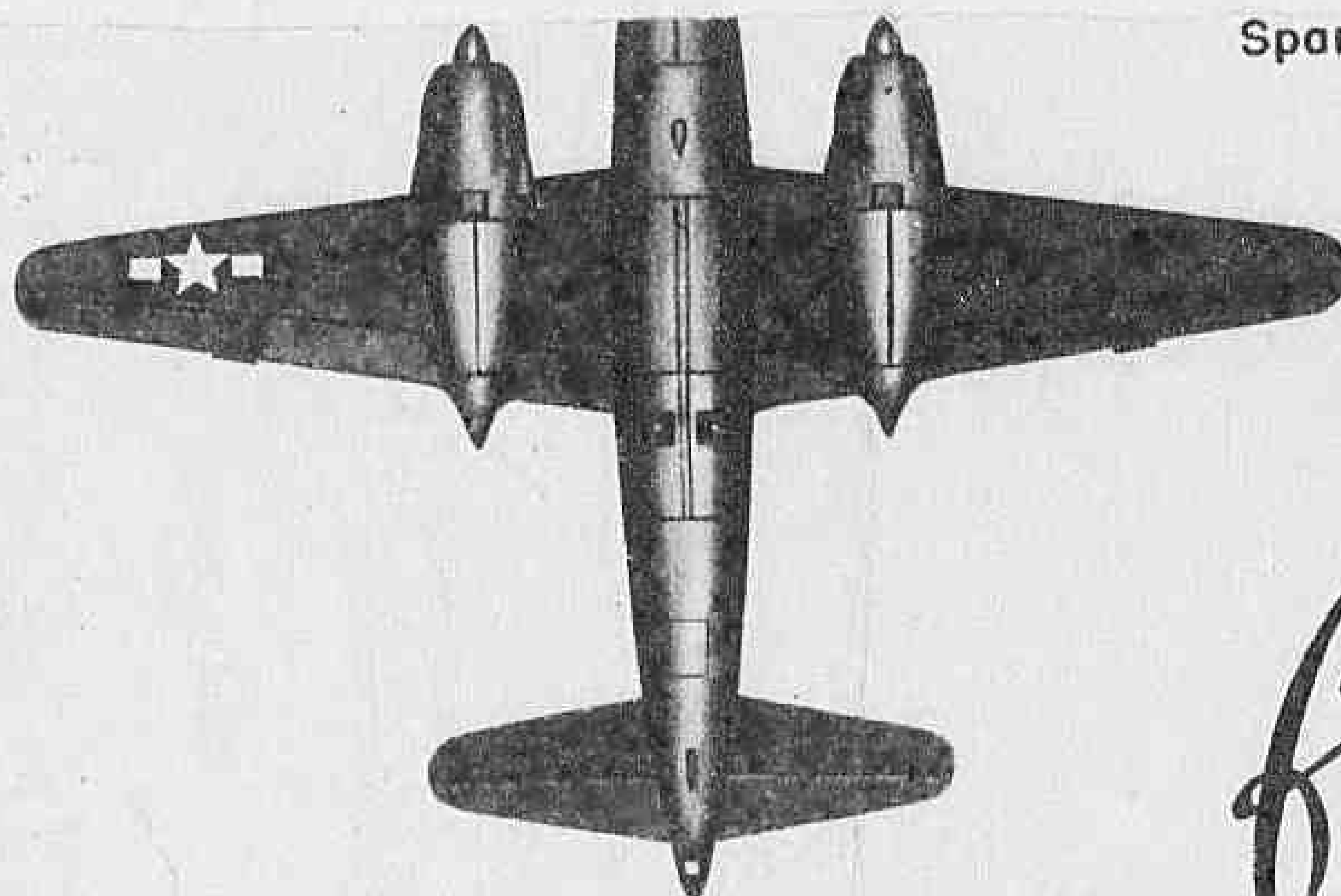
OGGETTO: RUSSO Giovanni fu Strato e fu Pasano
 N. 17/7/1906 ab. te Via
 Alessandro Manzoni n° 150.-

Prego farmi conoscere con cortese sollecitudine l'esito del processo svoltosi il 25 Maggio u.s. avanti la Corte Sommaria Alibata a carico di RUSSO Giovanni fu Strato e fu Pasano N. 17/7/1906 ab. te Via A. Manzoni 150 il cui incarto in data 6 Giugno 1944 fu rimesso dalla predetta Corte a codesto Ufficio per la revisione della sentenza.

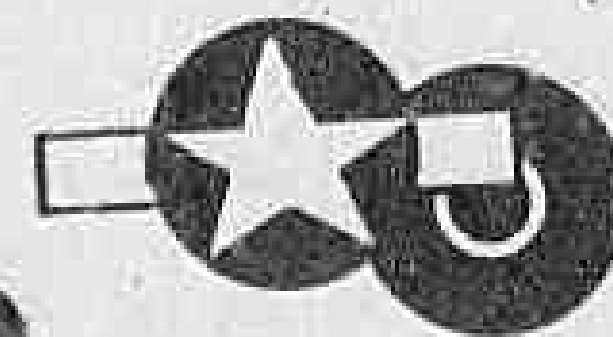


EL V. COMMISSARIO DI P. S.

140



Span - 71'



Friend

Prepared by the Twelfth Air Force
Recognition Training Section A-2

Litho by Army Air Force
Engineer Command, MTO (Prov)

24

HEADQUARTERS ALLIED COMMISSION
APO 384
LEGAL SUB-COMMISSION

(2571)

/rs.
19 December 1945.

AG/4023/1/L.

SUBJECT : GALLURCIO Giuseppe di Arcangelo.

TO : Direttore, Carceri Giudiziarie di

NAPOLI

1. Reference your letter 18 Nov. 1945.
2. Our records show that GALLURCIO, Giuseppe di Arcangelo was tried before a Superior Court at Castelcapuano, Naples, on the 12 Sept. 44 for stealing Allied Property and was sentenced to 18 months imprisonment.

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

13

139

4083/1 *File* (2370)
HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

L - 8108

17 December, 1945

SUBJECT: Case of GALLUCCIO Giuseppe di Arcangelo

TO : Hq. Allied Commission
(Attn. Legal Sub-Commission)

1. Enclosed herewith letter dated 16.11.1945
from Carceri Giudiziarie of Naples.

2. The record concerning the above individual
is not in the files of this office because he was
tried during 1944.

For the Commissioner.

Rosario A. Gaziando
ROSARIO A. GAZIANDO
Captain, Infantry
Senior Legal Officer

1. Incl.
RAG/ef.

13E

32:34:186

45

CARCEI ORDINARI DI NAPOLI

n° _____

Napoli 11 16/II/1945

On/le

COMANDO ALLEATO

- Ufficio Legale -

N A P O L I

OGGETTO: Detenuto GALLUCCIO GIUSEPPE di Arcangelo.-

Si prega trasmettere estratto sentenza del detenuto in oggetto condannato da codesta Corte Superiore n°7 il 20/9/1944 alla pena di mesi 18 di Carcere.-



IL DIRETTORE

4-83/1
HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

2569

17 December, 1945

L - 8108

SUBJECT: Case of ZAPPA Bruno fu Cesare and COMUNALE
Angelina di Donato.

TO : Hq. Allied Commission
(Attn. Legal Sub-Commission)

1. Enclosed herewith letter dated 13.12.45
from Regia Procura of Naples - Section 8, Tribunale.
2. The record concerning the above individuals
is not in the files of this office because they were
tried during 1944.

For the Commissioner.

Rosario A. Galiano
ROSARIO A. GALIANO
Captain, Infantry
Senior Legal Officer

1. Incls.
RAG/ef.

138

Noted
NA



PROCURA DEL REGNO
presso il Tribunale di Napoli

Sez. *82*

Napoli, *18 12 49*

Risposta alla nota

N.

Div.

OGGETTO:

Caro ~~risposta~~ ~~risposta~~
fu Cesare

*Comune di S. Maria di Poeta
Comuni fatti oggetto in sentenza
del 11/1/49.*

*Comune di S. Maria di Poeta
Ufficio G. N. Allard
Piazza Carmine*

Napoli

*Chiedi far conoscere ^{rispetto} le ~~giunte~~
sulle in oggetto ~~indagini~~ ~~funzioni~~
giudicate in Corte Corte add.
10 6 1949 e ~~condannati~~
a 4000 di multa*

Per informazioni e assistenza
per la definizione di un nuovo
procedimento di lavoro
potete rivolgervi al mio
ufficio

Il Procuratore Generale
R. G.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4063/1/L.

JJK/rm.
18 December 1945.

SUBJECT : LAZZARI Carlo et al.

TO : Regional Commissioner (Att. Regional
Legal Officer), VENETIAN Region.

1. Reference your RAIL/LE/POLZ/A/CH of 15 Nov. 45.
2. The record in the above case has been reviewed.
3. The gist of the Prosecution offense and the aggravating circumstances in the Italian offenses is an alleged unauthorized use of C.I.C. Authority. It is not understood why such important issue was set by a written statement of the C.I.C., in lieu of testimony before the Court by the Agent.
4. Further^{it} is pointed out that the Court permitted one of the accused to testify by unsworn testimony. The Court's attention should be directed to "Rules of Procedure" 9, (c) (1); Consolidated Instructions.
5. As the conviction and sentences can be sustained under Article 62a, Italian Penal Code, without regard to the above, under Rules of Procedure 21, Consolidated Instructions, the convictions and sentences are affirmed.
6. Record is returned herewith.

By command of Rear Admiral FONE:

134

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

(2567)

HEADQUARTERS ALLIED COMMISSION
APG 394
LEGAL SUB-COMMISSION

AC/4083/1/L.

JEM/rm.
18 December 1945.

SUBJECT : CAMPELLO Pasquale and others.
TO : Regional Commissioner (actn. Regional
Legal officer), LOMBARDIA Region.

1. Reference your LAC/5607 of 29 October 1945.
2. I have read the record and the finding of the Court is based thereon and is supported therein. I have concluded that the convictions and sentences and fines must be affirmed.
3. Record is returned.

By command of Rear Admiral STONE:

JOHN K. WHEAT,
Colonel,
Chief Legal Advisor.

Incl.

133

HEAD QUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

JRM/rm.

17 December 1945.

AG/4193/1/L.

SUBJECT : Review of cases against VIVODA Giovanni
and others.

TO : SCMO (Attn. Senior Legal Officer)
VENETIA GIULIA Region.

1. Reference your 184/453 of 13 Nov. 45 and enclosures.
2. I have carefully examined the record of trial by way of review in the cases of GABRIELLI Oscar, et al, your numbers 51, 51A, 51B, 51C, 51D, 51E and 51F.
3. It will be observed that the accused were charged with violation of Proclamation 1, Article VI, Section 1, (conspiracy) and Proclamation 1, Article I, Section 11, (theft). But one specification was set out, however, and this alleged conspiracy. No attempt was made to set forth two distinct charges supported by relevant specifications, as is required by Article 12, Consolidated Instructions for Allied Military Courts.
4. The rule announced in Article 12, supra, is a salutary one. It informs the accused and his counsel of the nature of the facts which will be presented against him. Not infrequently, as for example in each of these charges in question, a variety of offenses may be carved out of the charge. Examples of charges and specifications are to be found in Article 12, supra.
5. The specification also serves as a useful guide to the court in setting forth the elements which must be proved to make out an offense. It is believed that had such specification been set out in these cases under the theft charge it would have been readily apparent that such charge was not appropriate to the undisputed facts.
6. Larceny is the taking and carrying away, by trespass, of personal property which the trespasser knows to belong either generally or specially to another, with intent to deprive such owner permanently of his property therein.
7. It is essential to the offense that there be a taking and carrying away. The taking must be from the actual or constructive possession of the owner. The carrying away means any movement by the thief of the property, however slight, from the precise place where it was at the time

- 2 -

it was seized; except that possession by the thief must be complete.

8. At no time did the possession of the trailer become complete in the defendants. The trailer was in an enclosure of the Allies. In order to leave the enclosure, it was necessary to pass the scrutiny of armed guards at the gate. Until the trailer cleared such enclosure, the most that can be said of the defendants is that they had custody of the trailer; that this custody never blossomed into complete possession because the guards arrested the defendants and took custody and possession of the trailer before it cleared the enclosure. The possession of the trailer remained at all times in the allies.

9. It follows therefore, that from the undisputed facts the accused did not commit the offense of theft as alleged. They did, however, commit the offense of attempted theft, denounced by Proclamation 1, Article VII, Section II.

10. Under the provisions of Article 21, "Rules of Procedure" Consolidated Instruction the question arises, has injustice been done the defendants by reason of the error? It has been concluded that injustice has not been done. In all cases, the punishment given under the second charge is identical with that given under the first charge, and is concurrent with the first charge.

11. We have examined the petitions for review filed by some of the accused. In one, that of VIVODA Giovanni, we have been impressed with the arguments advanced therein and have concluded that the record sustains such contentions. Accordingly, the conviction of VIVODA Giovanni is sustained, but the sentence in each charge is reduced to eighteen months, sentences to be concurrent. In the cases of all other defendants, the convictions and sentences are affirmed.

12. The record is returned.

By command of Rear Admiral STONE:

131

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

9 full
2565
HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

MC/4063/1/L.

JHW/rm.
17 December 1945.

SUBJECT : PARISIO PERROTTI Giuseppe.

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

1. Reference your letter (No reference) of 6 Dec. 45.
2. In the case of PARISIO PERROTTI Giuseppe the conviction and sentence are affirmed.
3. This office has received the report of examination of the defendant made by the prison psychiatrist; this report finds the ~~ex~~ defendant to be sane.

By command of Rear Admiral STONE:

JOHN K. WHEAT,
Colonel,
Chief Legal Advisor.

130

13

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMBINE
LEGAL DIVISION
APO 394

L-8108

13 December 1945

SUBJECT: Case of MI SAIVO Andrea di Gioacchino.

TO : HQ., Allied Commission
(Att: Legal Sub-Commission)1. Enclosed herewith letter No.4355, dated 3
December 1945, from R. Pretura of Bagheria.2. The file concerning the above individual
is not with our office because he was tried by an
Allied Military Court at Palermo.

For the Commissioner.

Rosario A. Gaziano
ROSARIO A. GAZIANO
Captain, Infantry
Senior Legal Officer

RAG/ms

Incl. /.

LEG. SUB-COMMISSION	
CIO	
DELO	
Chief Counsel	
CIO	
Italian Section	
CL RKS	
17 DEC 1945	

129

BIGLIETTO POSTALE DI STATO URGENTE

MINISTERO

DI

GRAZIA E GIUSTIZIA

BAGHERIA

il 3 DIC. 1945

194

Bollo
dell'Autorità
mittente

Per il nominato in oggetto,

R. PRETURA - BAGHERIA

N.

1198

Risposta al N.

del

Oggetto

Di Salvo Ambro
di Gioacchino e
di Marianna
Pianco rosso nato
il 12.6.1926 a
Bagheria

Devo farvi avere con
certe urgenza, per
suo cinghio fragia,
l'opera della sentenza
concernente quel Tribunale
Milano allato di Palermo
a 5.1.1944 2^a repubb.
quell'altra sentenza
emessa dalla Commissione
Alente di controllo adde-
29.11.1944

Il Direttore

120

Cala Sottocommissioni Legali

del Quindici

GRAZIA E GIUSTIZIA

BAGHERIA

3 DIC. 1945

194

R. PREFETTURA - BAGHERIA

N. 1158

Risposta al N.

del

Oggetto

Di Salvo Ruben
di Gioacchino e
di Marinanna
francese nato
il 12.6.1926 a
Bagheria

Si nominato in oggetto,

Ugo farini avere con
cardi e urgenza, per
suo citanga Bagheria,
scopri della sentenze
emessa dalla Commissione
Militare allata di Palermo
a 5.1.1944 2° grado.
quell' altra sentenza
emessa dalla Commissione
Allata di Catello a 29.11.1944.

Il Pretore

128

alla Sottocommissione Legale
del Quartiere Generale della
Commissione Allata

Palermo



MINISTERO DI GRAZIA E GIUSTIZIA

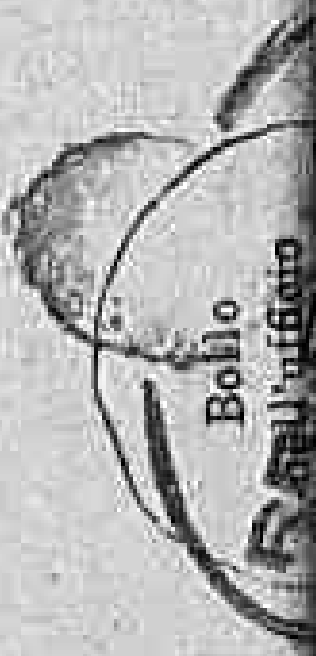
BIGLIETTO POSTALE DI STATO URGENTE

R. PRETURA - BACHERIA

(da spedirsi e recapitolarli coi mezzi ordinari e da aprirsi subito dall'ufficio destinatario)

*Allegato Commissione Lepore
del Quartiere Generale
Allegato Commissione Alvaro*

[Signature]



WAPLE

757



MINISTERO DI GRAZIA E GIUSTIZIA



BIGLIETTO POSTALE DI STATO URGENTE
R. PREFETTURA - BAGHERIA

(da spedirsi e recapitolarsi coi mezzi ordinari e da aprirsi subito dall'ufficio destinatario)

*Allegato all'Amministrazione Lepore
del Quartiere Generale
della
Mella Comunità della Pa*

Salerno



NAPOLI

Castiglia succ. A. Renna - Palermo

lip 83/1

2563

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

AC/S/G 11

3 December 1945.

SUBJECT: Copy of sentence.

TO : HQ. Allied Commission, APO 394
(for Legal Sub-Commission)

1. Enclosed please find copy of a letter from Regia Pretura di Siracusa asking for a copy of sentence issued on 18th September 1943 against D'Arrico Mario by the Allied Court of Syracuse.

2. May the necessary action be taken on this and may we be advised accordingly.

W.J. MacCallum
W.J. MacCallum, ED, Lt. Col.
A.C. Liaison Officer, SICILY.

/mg.

127

*Recd
C. et al
copy of
sentence*

LEGAL SUB-COMMISSION	
CLO	
OCLO	
Chief Counsel	
CJO	
Italian Section	
CL RKS	
14 DEC 1945	

R. PREFETTURA DI SIRACUSA

Li 19-11-945

On. Commissione Alleata
Ufficio Legale
CATANIA

Si prega voler trasmettere copia della sentenza emessa il 18 Settembre 1943 dal Tribunale Militare Alleato di Siracusa contro D'Arrico Mario fu Stefano e fu Trovato Rosa nato in Siracusa il 6 Agosto 1894 con la quale fu condannato ad anni sei di prigione perché trovato in illegale possesso di derrate (zucchero)

La detta copia occorre perché il D'Arrico ha fatto istanza per grazia.

IL PRETORE REGGENTE

Copia conforme all'originale.

126

4083/11
32-35-195
2562
HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

File: L.5040

11 December 1945

SUBJECT: Detainee Vigilante Vincenzo.

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

1. Enclosed herewith letter No.829, Tit.3-1-V, dated 14 Nov.1945, and petition by above detainee, for your action.

2. Our office has no file concerning above detainee because he was tried and sentenced during the month of October 1944.

For the Commissioner.

Rosario A. Gagliano
ROSARIO A. GAZIANO
Captain, Infantry
Senior Legal Officer

Copy to: Direz. Carceri Giudiziarie Lanusei.

(Translation-Traduzione)

OGGETTO: Detenuto Vigilante Vincenzo.

A : Quartier Generale Commissione Alleata
Sottocommissione Legale.

1. Si trasmette l'unita lettera N.829, Tit.3-1-V, data 14 Nov.1945 con allegata l'istanza del detenuto in oggetto.

2. Presso questo Ufficio non risulta il fascicolo perché il Vigilante fu giudicato nell'Ottobre 1944.

Ministero di Grazia e Giustizia
DIREZIONE DEL

Ministero di Grazia e Giustizia
DIREZIONE DEL
Carcere Giudiziario Lanusei

Foglio di trasmissione al La

Settima Corte Superiore
Alleata

824 3 Fasc. I V

Napoli

ALLEGATI	OSSERVAZIONI
I Lettera aperta relativa al condannato Vigilante Vincenzo.	Che si trasmette per dovere di ufficio.
Ho: Rome	25

IL PROCURATORE DEL REGNO

IL DIRETTORE
(Dott. Antonio Flaisant)

121

Will. Vignola Vincennes
L'œuvre qu'il y a
L'œuvre qu'il y a
L'œuvre qu'il y a

Allo rettore corte superiore
et clero

Napoli

Lanani 7-11-1944

Lo sotto scritto Viglante Vincenzo e di
 Vincenzo e di Carmela Barone
 con dimora della settimana intera
 superior oltretutto per quanto il
 giorno 3-10-1944 chiese a questo
 ufficio la statura della mia
 sentenza, perche qui risulta
 una copia esautorata

Viglante Vincenzo

per via di ufficio

file
HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/L.

2561
/rm.
15 December 1945.

SUBJECT : D'ARRIGO Mario.

TO : Liaison Officer of A.C.
PALERMO Sicily
c/o N.O.B. Navy 157

1. Reference your AC/3/G 11 of 3 December 1945.
2. Our records show that D'ARRIGO Mario was tried at Siracusa by an Allied Military Court on the 24th September 1943 for stealing allied property, and was sentenced to 6 years imprisonment which on re-review on the 11 March 1944, was reduced to 3 years imprisonment.

By command of Rear Admiral STONE:

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

12
123

File (256)
HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/L.

RAP/rm.
14 December 1945.

SUBJECT : BUONASERA Giuseppe.

TO : Minister of Pardon and Justice.

1. Reference your 151424/92242 of 12 Dec. 45.
2. The record in this case gives no indication as to whether or not the fine imposed has been paid.
3. In view of the doubt in the matter it is felt that the accused should not be detained on account of the fine.
4. Please therefore issue the necessary instructions for the release of the accused, unless held for some other lawful cause.

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

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

L - 5040

13 December, 1945.

SUBJECT: Petitions for extracts of sentences.

TO : HQ Allied Commission (attn. Legal Subcommittee).

1. Enclosed herewith are forwarded ~~4~~ 5 applications relative to the following individuals:

PIAZZA Ferdinando di Andrea 4455
PIAZZA Nicola di Andrea 4455
PIAZZA Andrea fu Nicola 4475
MARTONE Paolo fu Giuseppe 4809
FOSCHINI Ciro Silvio di Domenico. 4809

2. This office has no records about the above individuals because they were tried by an Allied Court in Benevento.

For the Commissioner.

Rosario A. Gaziانو
ROSARIO A. GAZIANO
Captain, Infantry
Senior Legal Officer

121

RAG/eb

Incl. 5.

4455

21 Jan 44 Benevento Proc
Encl. 8. Reform Santa Maria
for me year

~~Proc 2 art I (5)~~

Proc 2 art 3 + art I (5)
possession of arms

F 14 Jan 44 B sup

Proc 2 art I (5)

possession of arms

Rev 24 Aug 44
aff.

3 mos

IO- LEGAL OFFICE

A.M.G. PROVINCIAL Building

N a p l e s

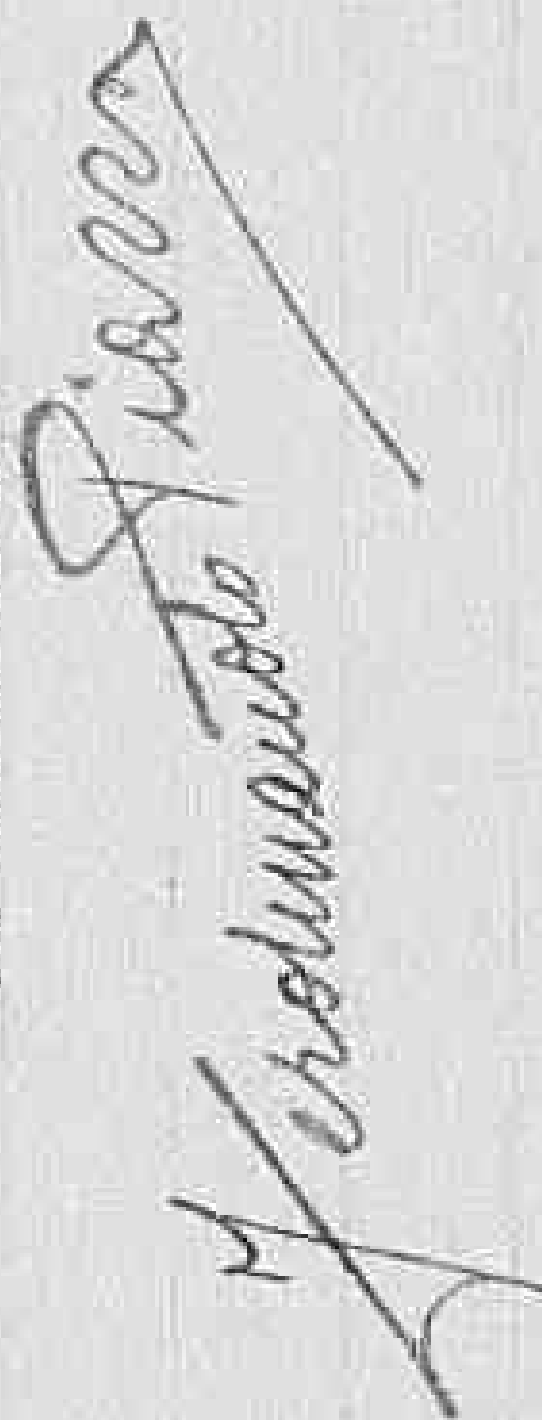
Io sottoscritto PIAZZA Ferdinando di Andrea e di
 Alleva Vincenzina, nato a Cascelvenere (Benevento) il
~~20/12/44~~ 1° Dicembre 1927 ed ivi domiciliato, chiedo
 all'Ufficio A.M.G. in Napoli l'esito della sentenza
 emessa nella causa fatta nel Comune di Telese (Bene-
 vento) il giorno 21 Giugno 1944 e in cui venne condan-
 nato ad un anno di riformatorio.

Tale estratto di sentenza viene chiesto per esibirlo
 alle Autorità Italiane perchè le stesse hanno ri-
 pigliato di nuovo il processo medesimo, e per tale
 disciolpa occorre il documento che si richiede.

Distinti Ringraziamenti

Napoli, 11 Dicembre 1945

Il Richiedente



120

IO: LEGAL OFFICE

A.M.G. PROVINCIAL BUILDING

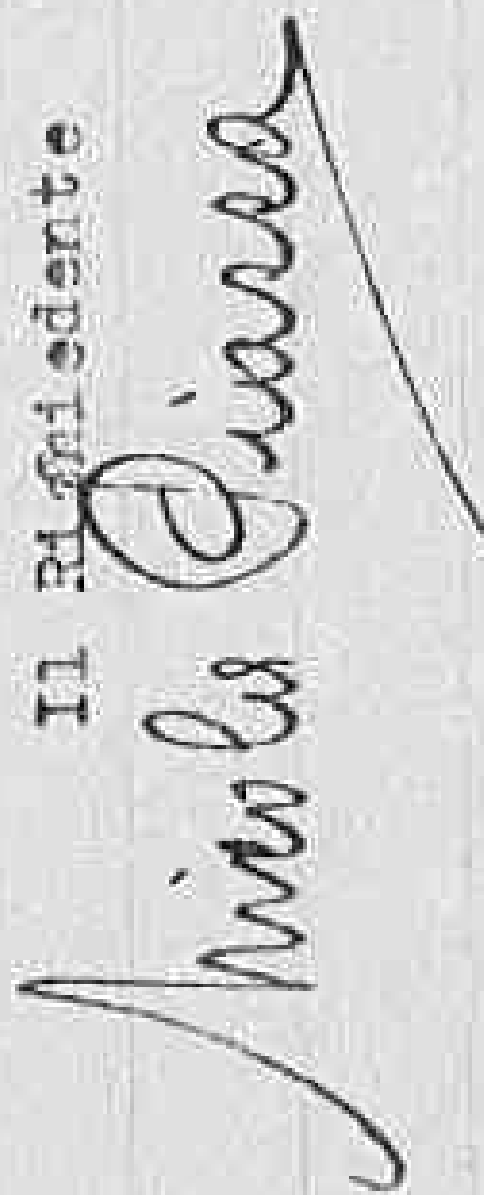
N A P L E S

Io sottoscritto PIAZZA Nicola di Andrea e di Allegra Vincenzina, nato a Castelvenere (Benevento) il 4 Marzo 1925 ed ivi domiciliato, chiedo all'Ufficio A.M.G. di Napoli l'esito della sentenza emessa nella causa fatta nel Comune di Telese (Benevento) il giorno 21 Giugno 1944 e in cui venne assolto. Tale estratto di sentenze viene chiesto per esibirlo alle Autorità Italiane perchè le stesse hanno ripigliato di nuovo il processo medesimo, e per tale discolpa abborre il documento che si richiede.

Distinti ringraziamenti

Napoli 11 Dicembre 1945

Il Richiedente



113

IO LEGAL OFFICE

A.S.G. PROVINCIAL BUILDING.

NAPLES

Io sottoscritto Raffaele Andrea da Niccolò e di
Ferrigni Anne nato a Castelvenere (Benevento) il
 giorno 29/10/1895 ed ivi domiciliato, chiedo all'Uf-
 ficio A.S.G. di Napoli l'esito della sentenza emessa
 nella causa fatta nel Comune di Telesse (Benevento)
 il giorno 21 giugno 1944 di cui venne assolto.
 Tale estratto di sentenza viene chiesto per esibirlo
 alle Autorità Italiane perché le stesse hanno ripigliato
 il nuovo il processo medesimo, e per tale discolpa
 occorre il documento che si richiede.

Distinti ringraziamenti.

Napoli, 11 Dicembre 1945

Raffaele Ferrigni

118

Io Legal Office

A.M.G. Provincial Building.

Naples

=====

Io sottoscritto Martone Paolo fu Giuseppe, nato
a Castelvenere(Benevento) il giorno 15/4/1894 ed
ivi domiciliato, chiedo all'Ufficio A.M.G. di Napoli
l'esito della sentenza emessa nel Capoluogo di Pro-
vincia Benevento il giorno 14 giugno 1945 di cui
venne assolto-

Tale estretto di sentenza viene chiesto per esi-
birlo alle Autorità italiane perché le stesse hanno
ripigliato il processo, e per tale disciolpa occorre
il documento che si richiede-

Distinti ringraziamenti.

Napoli, 11 Dicembre 1945

117

Il richiedente

Martone Paolo

To Legal Office

A.M.G. Provincial Building.

Naples

Io sottoscritto Foschini Ciro Silvio di Domenico
nato a Castelvenere il giorno 2/5/1912 ed ivi domiciliato, chiedo all'Ufficio A.M.G. di Napoli l'esito della sentenza emessa nella causa fatta a Benevento Capoluogo di Provincia il giorno 14/6/1944 di cui venne condannato a tre mesi di carceri, pena già scontata.

Tale estratto di sentenza viene chiesto per esibirlo alle Autorità italiane perché le stesse hanno ripigliato il processo, e per tale discolpa occorre il documento che si chiede-

Distinti ringraziamenti

Napoli 11 dicembre 1945

118

Il richiedente

Foschini Ciro Silvio

4083/1
HEADQUARTERS
ALLIED COMMISSION
ANCONA.

11 Dec 45. 1362

Ref.: ANC/11/12

SUBJECT: Release of Prisoners - Vitale Luigi.
TO: H.Q., A.C., Public Safety Sub-Commission.

1. Ref. this office letter ANC/11/12 of 30 Nov 45 and your AC/14208/PS of 7 Dec 45.
2. As per instructions the sum of 50,000 Lire, forfeited surety money in respect of the above, was paid to-day by the Commander of CCRR Station, Ancona, into the Banca d'Italia, Ancona, to be credited to a/c of Finance Sub-Commission (A.F.A. No 1 Account); Banca d'Italia, Rome.
3. The Commander of CCRR Station of Cingoli (Ancona Prov.), where the a/m resides, has been instructed to arrest Vitale Luigi and return him to Ancona Prison to complete serving his sentence. Attached herewith is the relevant copy letter of this H.Q.
4. Any further information on the matter will be communicated to you.

KFV/ag

R. F. Vaughan
R. F. VAUGHAN, Capt. Man. Regt.
A/Liaison Officer, ANCONA.

Copy to: HQ, A.C. Legal Sub-Commission (with enclosure)

" " HQ, A.C. Finance Sub-Commission, A.F.A.
(with enclosed Duplicate Receipt Voucher)

Enc. (as per para 3)

14 DEC 1945

115

HEADQUARTERS
ALLIED COMMISSION
ANCONA.

Ref.: ANC/11/12

10.12.45

SUBJECT: VITALE Luigi.

TO:Coman.Stazione CORR di Cingoli (Prov.Ancona.)

1. Per disposizione della Commissione Alleata, Sotto-Commissione della Pubblica Sicurezza, Vi comunico quanto segue:
2. VITALE Luigi di Enrico fu condannato dal Tribunale Militare Alleato di Ancona in data 15 maggio 1945 a quattro mesi di prigione e 10.000 Lire di multa. La multa fu pagata il giorno stesso. Dopo un mese di detenzione il VITALE fu mandato in licenza per quindici giorni e depositò Lire 50.000 quale cauzione per il suo ritorno in carcere dopo l'espiro della licenza.
3. Non essendosi il Vitale presentato alle carceri dopo l'espiro della licenza, la suddetta somma di Lire 50.000 viene confiscata.
4. Inoltre, Vitale Luigi deve essere arrestato e tradotto alle Carceri di Ancona per scontarvi tre mesi di prigione, cioè il rimanente della pena detentiva secondo la sentenza del suddetto Tribunale.
5. Vogliate confermare in ricevimento della presente ed informare questo Comando dei passi da Voi intrapresi.

K.F. Vaughan
K.F. VAUGHAN, Capt. Man. Regt.
A/Liaison Officer, ANCONA.

114

KPV/ag

4083/10
 ✓

HL

(2556)

HEADQUARTERS
 ALLIED MILITARY GOVERNMENT
 NAPLES COMMUNE
 LEGAL DIVISION
 APO 394

L-5040

11 December 1945

SUBJECT: Cerasuolo Michele.

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

1. Enclosed herewith letter No. 4355, dated 25 Nov. 1945, from Intendenza di Finanza, Provincial Office of Avellino Treasury.

2. The file concerning the above individual is not with our office because he was tried by an Allied Military Court at Avellino.

For the Commissioner.

Rosario A. GAZIANO
 ROSARIO A. GAZIANO
 Captain, Infantry
 Senior Legal Officer

*Free
 Get out
 copy of
 sentence*
 RAG/eb

NA

Cppy to: Intendenza di Finanza-Ufficio Prov. del Tesoro di Avellino.

(Translation-Traduzione)

OGGETTO: Cerasuolo Michele.

A : QG della Commissione Alleata (per la Sottocommissione Legale).

1. Incluso alla presente rimettiamo a codesto Ufficio la lettera No. 4355 del 25 Nov. 1945 pervenuta dalla "Intendenza di Finanza", Ufficio Provinciale del Tesoro di Avellino.

2. Presso questo Ufficio non risulta il fascicolo poiché trattasi di individuo giudicato dal Tribunale Militare Alleato di Avellino.

DETO
 Chief Counsel
 CIO
 Italian Liaison
 CL PK5

18 DEC 1945

113

Mod. 1 (Proprietario)

Avellino 25/II/1945

INTENDENZA DI FINANZA
Ufficio Prov./le al
Tesoro di Avellino

Al l'On. Corte Militare
Alleata di
N A P O L I

Prov. N. 4355 Rip.

Riscontro alla nota del

Div. Sez. N.

OGGETTO: Pensionato privilegiato di guerra
Cerasuolo Michele iscriz: 1774457

Si prega di dare cortese sollecito riscontro
alla nota di questo Ufficio pari numero ed ogget-
to del 7/8/1945 che ad ogni buon fine qui di se-
guito si trascrive:

Il pensionato in oggetto ha dichiarato a que-
sto Ufficio di essere stato detenuto per un anno
nel Carcere Giudiziario di Avellino, in seguito
a sentenza emessa dal Tribunale Militare Alleato
di Avellino perché in possesso di indumenti di
pertinenza dell'Esercito Alleato.

Per ulteriori provvedimenti di questo Ufficio
si interessa la cortesia di codesta On. Corte,
perché sia qui trasmesso un estratto, in carta li-
bera, della relativa sentenza, i cui estremi l'in-
teressato non è in grado di precisare -

Il Direttore del Tesoro
(Laudonia)

112

1000

4083/10
 HQ
 HEADQUARTERS
 ALLIED MILITARY GOVERNMENT
 NAPLES COMMUNE
 LEGAL DIVISION
 APO 394

L - 5040

11 December, 1945

SUBJECT: Quadrale Antonio fu Michele.

TO : HQ Allied Commission (Attn. Legal Subcommittee).

1. Herewith enclosed application by Avv. Giacomo Casiello to obtain an abstract of sentence regarding the above individual.

2. Our office has no file concerning the above individual who was tried during the month of October 1944.

For the Commissioner.

Rosario A. Gaziano
 ROSARIO A. GAZIANO
 Captain, Infantry
 Senior Legal Officer

RAG/eb

NA

*Free
 copy of 111
 sentence*

LEGAL SUBCOMMISSION	
CLO	
DCLO	
Chief Counsel	
CIO	
Italian Section	
CL RKS	
13 DEC 1945	

Ufficio Legale R. Pretore

Roma

La sottofatta avvocato, nello in-
terme di Quadrante Antonio per
Michèle, esposto dalla Corte Supre.
riore Allestire il 9 agosto 1964

chiende

estratto della sentenza di altri.
luzione subdita. Lettera per
esibiti per richiederla al posto di
nell'interesse del Quadrante.

Il processo si vuole d'impegno a due
Superiore d'Anagni a carico, oltre
del Quadrante Antonio, anche altri
Maggior Carmine e Barbone Antonio.

L'istituto Quadrante elegge domini.
L'istituto di sottocultura avvocato Corti
Lo, Riccardo di Antonio 267. Napoli
Napoli 8^a. XII. 1965

avv. Giacomo Forciell

Teste di Quadrone Antonio per
Michele, cassato dalla Corte Superiore
 di Palermo il 9 agosto 1944

chiende

estratto della sentenza di altro.
 l'azione subdita - L'azione per
 esibire per richiesta di posto d'armatore
 nell'industria del Quadrone.

Il processo si svolge d'innanzi alla Corte
 Superiore d'Appello a carico, oltre
 del Quadrone Antonio, anche del
 Magnifico Carmine e Barbone Antonio.

L'istante Quadrone elegge ^{II}
 lo stesso il sottoscritto, avvocato Carlo
 Lo, Rivista di Chiusa 267. Napoli.
 Napoli 8^{da} XII. 1945

avv. Giacomo Forciello
 Rivista 267

4083/1 ✓

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

File 2554

L- 3029

12 December 1945.

SUBJECT: PROTO Beniamino.

TO : HQ Allied Commission (attn. Legal Subcommittee).

1. Reference your AC/4083/1/L of 6 December 1945.
2. Receipt is hereby acknowledged of record relative to above detainee.

For the Commissioner.

Rosario A. Gazianno
ROSARIO A. GAZIANN
Captain, Infantry
Senior Legal Officer

RAG/eb

LEGAL SUBCOMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Liaison	
CL RKS	
16 DEC 1945	

←

103

4083/1 ✓
SUBJECT:- Civilian Enquiries

FLORENCE COMMAND
(211 SUB AREA)

Tel. 1669

G 59

10 Dec 45

Legal Sub Commission
H.Q. Allied Commission
RAAC

1. Attached are two memoranda Nos 7164 and 7165 dated 26 Oct 45 from the "CASA DI RECLUSIONE PER DONNE", PERUGIA, addressed to the Allied Military Tribunal, FLORENCE, requesting certain information regarding the sentences stated to have been passed by that tribunal on

(a) COSTA Carla - sentenced 18 Dec 44 and

(b) CHECCHI Fernanda - sentenced 16 Jan 45.

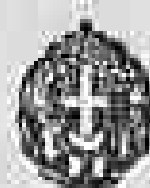
2. These documents are passed to you for whatever action you consider necessary.

CMF
RARE/FH

OK
file
→
CLO
DCLO
Chief Counsel
CLO
Religion Commission

Copy to: HQ 61. Area.

Collector
Captain,
CSO III,
for Lt Col,
Commander



DIREZIONE

del

CASA DI RECLUSIONE PER DONNE

PERUGIA

N^o 164 Tit. 2 Fasc. 1 Lett. 5/106

Risposta alla lettera

del

OGGETTO

Richiesta di Isola Isidoro
in giudizio della Procura
18-12-1944 di codesto
Tribunale a carico della
condannata
Costa Carla di Igino
al Tribunale Militare
celso
Firenze

Modello N. 31 (Carceri)

HEADQUARTERS
1 DEC 1945
FLORENCE COMMAND
Perugia 20/10/1945
Anno _____

Prego la S. V. di mandare a
questo Ufficio quanto è indicato
in margine.

Il Direttore

[Signature]

DIREZIONE DEGLI STABILIMENTI CARCERARI DI

CASA DI RECLUSIONE PER DONNE
PERUGIAP E R U G I A
=====

26 OTT. 1945

Prot. 7165 3....1 5467

O G G E T T O

Richiesta di passaggio
ingiudicato della sentenza
emessa contro*Cherchi Fernanda**fu... Edders.....*

Per ottemperare alle disposizioni di cui all'articolo 173 del vigente regolamento per gli Istituti di Prevenzione e di Pena e successive istruzioni impartite dal Ministero di Grazia e di Giustizia, inerenti alla classifica dei condannati, prego codesto ufficio volermi comunicare con possibile sollecitudine, la data del passaggio in cosa giudicata della sentenza emessa da codesto Tribunale

il 16 gennaio 1945
contro la nominata in oggetto, facendomi conoscere anche la data del commesso reato.

IL DIRETTORE 108

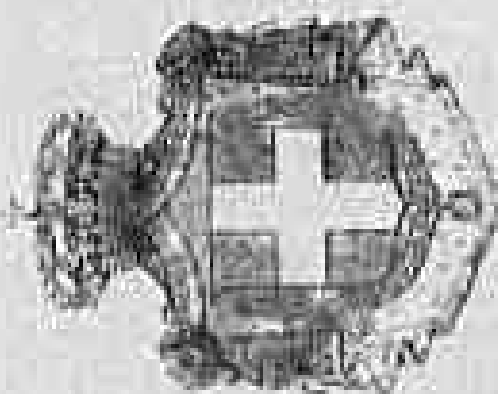
(Dott. A. Paoleroso)

ALLA CANCELLERIA DEL

Tribunale Militare Mead

di

Ficuz
*****



40831/1
 2552
 Ministero di Grazia e Giustizia

DIREZIONE GENERALE ISTITUTI DI PREVENZIONE E DI PENA

Ufficio III°

Prot. N. 197502/32676

Risp. al f. N.º A. C. 4083/1. L.

Del 18 ottobre 1945

Roma,

Alla Commissione Alleata -Sottocom-

missione Legale

R O M A

OGGETTO: Minore COPPOLA Antonio di Antonio, detenuto nella

Casa Penale per minori di Sant'Eufemia.

In relazione alla nota sopraindicata, questo Ministero ha richiesto al Giudice di Sorveglianza presso il Tribunale per i minorenni di Napoli di escarcerare il minore in oggetto e sottoporlo a libertà vigilata. In caso di trasgressione da parte del COPPOLA alla condizione di serbare buona condotta durante la permanenza del Governo Alleato, il suddetto Giudice di Sorveglianza è stato richiesto d'informare codesta On.le Commissione per i provvedimenti del caso, e questo Ministero.

per il MINISTRO

LEGAL SUB-COMMISSION

CCIO

Chief Counsel

CIO

105

Ufficio III°

Prot. N. 197502/32676

Resp. di f. N. A. C. 4083/I. L.

Del 18 ottobre 1945

Roma,

1 DIC 1945

Alla Commissione Alleata - Sottocommissione Legale

R O M A

OGGETTO: Minore COPPOLA Antonio di Antonio, detenuto nella Casa Penale per minori di Sant'Eframio.

In relazione alla nota sopraindicata, questo Ministero ha richiesto al Giudice di Sorveglianza presso il Tribunale per i minorenni di Napoli di escarcerare il minore in oggetto e sottoporlo a libertà vigilata. In caso di trasgressione da parte del COPPOLA alla condizione di serbare buona condotta durante la permanenza del Governo Alleato, il suddetto Giudice di Sorveglianza è stato richiesto d'informare codesta On/le Commissione per i provvedimenti del caso, e questo Ministero.

per il MINISTRO

LEGAL SUB-COMMISSION	
CIO	
CIO	
Chief Counsel	
CIO	
Italian Section	
GL RKS	
18 DEC 1945	

17

103

20

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

(2551)

AC/4083/1/L.

RAP/rm.
11 December 1945.

SUBJECT : GIUSTO Carmelo.

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

1. Herewith correspondence received from Regional Prison Inspector, Naples.
2. Our records reveal no trace of the name GIUSTO Carmelo.
3. If you have any trace in your records will you please supply the required information direct.

By command of Rear Admiral STONE:

Incls.

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

104

12

4083/10

H

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HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

7 December, 1945.

SUBJECT: Detainee Longo Luigi.

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

1. Enclosed herewith letter No. 5065-3-1-2131, dated 2 Nov. 1945, from the Direction of the "Casa di Lavoro all'aperto-Mamone".

For the Commissioner.

Rosario A. Galiano
ROSARIO A. GALIANO
Captain, Infantry
Senior Legal Officer

RAG/eb

LEGAL SUB-COMMISSION	
CLO	☐
DCLO	☐
Chief Counsel	☐
CJO	☒
Italian Section	☐
CL RKS	☐
10 DEC 1945	☐

103

Mod. 25. quater



Marone li 2. Novembre 1943

DIREZIONE

DEL LA

Casa di Lavoro all'Aperto-Marone-

96 5065 =3=I=8131

Risposta alla lettera

del 10 Settembre 1945

96 AC.4083/I/L

Oggetto

Detenuto Longo Luigi
identificato per
Montella Alfredo
di Nicola

Con riferimento alla nota del 10 Settembre u.s. mi onoro comunicare a codesto On.le Ufficio, che, con sentenza di questa Ecc.ma Corte in data 7 Aprile 1944 venne condannato alla pena di anni 7 di reclusione per violazione al Proclama 2 N°2 il nominato Longo Luigi di ignoti.

Il reato fu commesso a Napoli il 10 Gennaio 1944 ed esso Longo venne arrestato nello stesso giorno.

Poichè il Longo è identificato per Montella A.fredo di Nicola e di Rizzuti Carolina nato a Napoli il 13 Febbraio 1904, prego voler provvedere alla rettifica del nome in detta sentenza.

Allego una dichiarazione con la quale il Longo afferma chiamarsi Montella & resto in attesa di un cortese cenno di riscontro e ringrazio.

Alla Commissione Alleata
Sottocommissione Legale

Napoli

Il Direttore
(E. Katano)

102

affidamento 30-10-1945

A richiesta dell'off. di cui al capo 1.º
F.lli 178. Si è visto come risulta
da carta di lavoro all'aperto.

Si è affidato
che sotto scritto si chiama che il
mio vero nome è Off. di cui al capo 1.º
Si è visto che non sono mai
sotto il cui nome si è visto
nella carta all'aperto di cui al capo 1.º
alla quale si è visto il soggetto
di cui al capo 1.º per cui si è visto
affidato di cui al capo 1.º
che è Off. di cui al capo 1.º

4083/P
✓

file

2549

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMME
LEGAL DIVISION
APO 394

6 December 1945

SUBJECT : Detainee Parisio Perrotti Giuseppe.

TO : HQ Allied Commission,
(Att. Legal Sub-Commission).1. Herein enclosed medical certificate issued by Director
of Judiciary Asylum relative to above detainee.2. Form 8 relative to this case was forwarded to Legal
Sub-Commission on 12 Nov. 1945.

For the Commissioner.

Rosario A. Galiano
ROSARIO A. GALIANO
Captain, Infantry
Senior Legal Officer

RAG/eb

Case 7011

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Section	
CL RKS	
10 DEC 1945	

R00

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4083/1

2547

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref.: LEG/5007

19 September 1945

SUBJECT : Petition for Review - case No. 000442

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

1. The enclosed petition for review relates to the case of DE GRANDI Andrea and others, the papers in which were forwarded to you under the above reference on the 7th September.

2. This Petition has been presented personally to the Regional Commissioner by the Sindaco of Milan who states that he is personally acquainted with the defending lawyer and with one of the accused, and that the case is one in which he recommends clemency.

For the Regional Commissioner :

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

99

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IL MINISTRO DELLA REAL CASA

014726 /34/C

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Roma, 11 2 novembre 1945

Legal S/C - A.C.
Italian BranchR O M A

- Via Vittorio Veneto -

d'ordine di S.A.R. il Luogotenente Generale del Regno mi fo premura di segnalare a codesta Cn. Sottocommissione - per informazione e per quanto sia possibile di fare - l'ac-

- 1 - clusa memoria illustrativa relativa a De Grandi Andrea, Pavese Renzo e Caiardelli Giovanni condannati dal Tribunale Militare Alleato di Bergamo con sentenza del 7 agosto 1945.

Con la migliore considerazione.

w. H.
Kurd

CLO

CCLO

Chief Counsel

CLO

Italian Section

C. M.S.

5 NOV 1945

unifera

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4083/1 ✓
HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

1387
85
81
2545

Ref.: LEG/5007

24 October 1945

SUBJECT : Review of cases.

TO : Headquarters Allied Commission
(Legal Sub-Commission)

1. A check of our records shows that the following cases tried before the 31st August last were submitted for review on the dates mentioned :

7.9.45 - ✓ DE GRANDI Andrea and others - 5842
14.9.45 - ✓ LONATI Luigi and another - 5995
21.9.45 - ✓ INSELVINI Virginio and others - 6334
21.9.45 - ✓ CORTI Paolo - 6333
25.9.45 - ✓ BALDUINI Antonio and another - 6390
25.9.45 - ✓ SEVESI Emilio. - 6389 ✓

2. It would be appreciated if the decisions on review might now be promulgated.

For the Regional Commissioner :

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

DOLO	
Ches. Court	
CLIO	
Relian. Division	
CL RKS	

45

File

2544

HEADQUARTERS ALLIED COMMISSION
APO 994
LEGAL SUB-COMMISSION

JKN:rm.
6 December 1945.

AC/4083/1/L.

SUBJECT : PROTO Beniamino.

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

1. Reference your L-3029 of 13 November 1945.
2. I have carefully considered the contentions made in this case and have reviewed the record of trial.
3. In my opinion, the conviction and sentences were fully warranted.
4. I am unable to agree with any of the contentions made by counsel for the accused. The findings and sentence will not be disturbed.
5. Record is returned herewith. Please acknowledge receipt.

By command of Rear Admiral STONE:

JOHN K. WEBER,
Colonel,
Chief Legal Advisor.

98

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

7 December 1945

AC/4083/1/L

SUBJECT :- Release of Prisoners.

TO :- The Minister of Pardon and Justice

1. At an Allied Military Court sitting at CERIGNOLA the following convictions were made :-

- (a) VITALE Ettore - sentenced to a total of 6 years imprisonment and fines amounting to 200,000 Lire on 29 April 1944.
- (b) TRAVISONNI Vito - sentenced to 6 years imprisonment and a fine of 150,000 Lire on 29 April 1944.
- (c) DI BISCEGLIA Natale - sentenced to 6 years imprisonment and a fine of 150,000 lire on 24 May 1944.
- (d) PALIERI Filippo - sentenced to a total of 2 years imprisonment and a fine of 350,000 lire on 23 June 1944.

2. All defendants are confined in the prison at CERIGNOLA.

3. On reconsideration, the convictions against VITALE, TRAVISONNI and DI BISCEGLIA at (a), (b) and (c) above are affirmed. The sentence of imprisonment in each case is reduced to expire on 10 December 1945. The fines, if unpaid, are hereby cancelled. The conviction and fine imposed against PALIERI at (d) above are affirmed and the sentence in this case is also reduced to terminate on 10 December 1945. This fine has been paid.

4. Please therefore issue the necessary instructions for the release of the above named four defendants as of 10 December 1945, unless detained for other lawful cause, and please confirm to this HQ.

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

4080371 / File 0 (2542)

HEADQUARTERS
PIEMONTE REGION
ALLIED MILITARY GOVERNMENT
APO 394

30 November 1945

PR/LE/312

SUBJECT: A.M.G. Cases - CAFFARO Domenico.

TO : H.Q. A.C. For Legal Sub-Commission.
(Attn. Italian Branch)

with record

Herewith further petition by a/m: the record of his trial is presently with you for review.

DDM to him Major

D.D. Mc Colm
Major, R.A.
Regional Legal Officer.

DDM/AR

Encl.: petition.

Cor 5996

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Section	
CL RKS	
6 DEC 1945	

12

File 40891

2541

HEADQUARTERS ALLIED COMMISSION
APO 364
LEGAL SUB-COMMISSION

AC/4082/1.

13/rm.
4 December 1945.

SUBJECT : Sentences of Allied Military Courts.
TO : The Minister of Pardon and Justice.

In connection with the eventual restoration of the Military Government territory to the Italian Government this Sub-Commission wishes to point out that all sentences rendered or to be rendered by Allied Military Courts in Italy will remain within the exclusive control of Allied authorities as provided by Art. 2 of RIL 11 February 1944 No. 31 and Art. 2 of D.L. 20 July 1944 No. 162. It is not proposed to modify the present procedure for revision of such sentences or for adjudication of petitions for pardon and conditional liberty in respect of such sentences agreed with your Ministry in Salerno (vide circular of Dir. Gen. Aff. Pen. Prot. No. 26013 of 28 April 1944) and confirmed in Rome (Letter UFF. Colleg. 7154/208, 3 Oct. 1944 of 3 Oct. 1944).

G.S. HANBARD.
Lt. Col.,
Deputy Chief Legal Advisor.

Copy to : Executive Commissioner
for information.

33

75

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

2540

AC/4083/1/L.

EAP/rm.
4 December 45.

SUBJECT : PIAGGESI Ezio.

TO : Minister of Pardon and Justice.

Reference your 149540/61771 of 1st Dec. 45
It is regretted that this Sub-Commission is not yet in
a position to reply to your letter of 21st Nov. 45. As
soon as certain enquiries are completed reply will be made.

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

75

92

Da ingombrare

AUTORITA' MITTENTE	DATA		
4083/15	Giorno	Mese	Anno
	15	12	1945
	Ore	Minuti	

N. DI PROTOCOLLO 149540/61771 RISPOSTA AL N. ✓ DEL (2539) 193
 Ufficio VI

OGGETTO : RIAPRESI EZIO.-

Si prega di volere, con cortese urgenza, dare riscontro
 alla ministeriale pari numero del 21 s.m., riguardante la scar-
 cerazione del detenuto in oggetto.-

REG. ST. C. 105501
CLO
DCLO
Chief Counsel
CIO
Italian Section
CLERKS
4 DEC 1945

D'ordine del Ministro



...

91

15

Mod. 1383 M. G. G.



MINISTERO DI GRAZIA E GIUSTIZIA

Biglietto urgente di servizio

Alla COMMISSIONE ALLEATA

SOTTOCOMMISSIONE LEGALE

Bollo
dell'ufficio
postale di
partenza

Bollo
dell'autorità
mittente

R O M A

Ord. 390 - 12-3-1936-XIV - Roma, Tip. Mantellate (c. 25.000)

File

HEADQUARTERS ALLIED COMMISSION
ATO 394
LEGAL SUB-COMMISSION

(2536)

/rm.
30 November 1945.

AG/4083/172.

SUBJECT : COZZOLINO Luigi,
 GIOIA Gennaro and
 GIOIA Valerio.

TO : R. Pretura - N. P. L. E. U. -

1. Reference your letter No. 2878 dated 24 November 1945.
2. According to our records COZZOLINO Luigi, GIOIA Gennaro and GIOIA Valerio were tried by a General Military Court on the 14th May 1945 at Naples for forgery, possession of counterfeit money and for conspiracy.
3. For each charge they have been sentenced to 15 years imprisonment, sentences to be served concurrently.
4. On review the sentences on each charge for all accused were reduced to 12 years imprisonment, sentences to run concurrently.

ANTHONY J. POTTER,
Major,
Chief Counsel,
for Chief Legal Advisor.

90



R. PRETURA DI NAPOLI

Risposta a nota N. _____

N. 2878 di protocollo

del _____

OGGETTO: _____

*Richiesta estratto sentenza**penale -*

Allegati N. _____

Napoli, 24. 11. 1945*urgente**Legal Sub. Commission**A.C. Hq.**Roma*

CIO

DCLO

Chief Counsel

CIO

Italian Section

CL RKS

20 NOV 1945

*Si prega. far tenere, con cortese
 urgenza, a questo ufficio, l'estratto
 di sentenza emessa dalla Corte
 Alleata, qui in Napoli, il 19
 maggio 1945, contro Girolfi Valle-
 rio fu Ernesto, Cognolino e Gioia,
 con la quale il 1° veniva condannato
 a 15 anni di reclusione e conseguenze
 di legge.*

81

Fale estratto di sentenza sero

a questo ufficio per aprire
la tutela nell'interesse del
Ciolfi che è in istato di inter-
dizione legale per effetto della
sua ipertrofia endocrina.

Il Giudice

Lignolo

4083/11 *Rls*
 HQS. AMG. NAPLES COMMUNE
 FINANCE OFFICE
 BAILS & FINES SECTION
 APO 394 U.S. Army

2535

R/6996

Naples 29 November 1945

Reference: AC/408/11-dated 16/10/45

SUBJECT : Panebianco Gaetano di Lorenzo.

TO : Legal Sub-Commission
Apo 394 U.S. Army.

1. The monies confiscated from the above mentioned has been paid in favor of the Treasury of U.S. on 19/11/1945, as per instruction of your office.

2. Copy of letter forwarded to the 47th. Disbursing Section, P.B.S. Area., is herewith attached.

For the Commissioner:

Carl J. Carrillo
 CARL J. CARRILLO
 Major, F. A.
 Acting Deputy
 Commissioner.

MR/mr.

Enclosures:

1 letter for: 47th. Finance Disbursing Section, P.B.S. Southern.

LEGAL SUB-COMMISSION	
SCLO	
Chief Counsel	
CLD	
Religion Section	
CL RKS	
NOV 1945	

88

HQS. AMG. NAPLES COMUNE
FINANCE OFFICE
RAILS & FINES SECTION
APO 394 U.S. Army.

R/6959

Naples 19 November 1945

SUBJECT : Credit for Treasury of U.S.
TO : 47th. Finance Disbursing Section,
Southern District F.B.S. Area.

1. Enclosed please find check No. 138619 for the sum of sixtyfive thousand fivehundred lire (L.65.500.--) which sum is to be deposited in favor of the Treasury of the U.S.

2. This sum represents funds confiscated from Sign: PANEBIATCO GAETANO di Lorenzo as ordered by the Allied Military Government Tribunal, Naples, case No. 12610, 31 August 1945, as a result of violation of Proclamation No. 2, art. 1, Section 11.

3. Please note that the original sum confiscated is lire sixtysixthousand (66.000.--) and not 65.500.--, as mentioned in attached copy of letter from Legal Sub-Commission, and please note also that of this sum one bill of five hundred lire denomination was found to be counterfeit and was turned over to the Banca d'Italia, Naples, as per receipt attached.

4. The disposition to credit this sum in favor of the Treasury of the U.S. is laid down by the Legal Sub-Commission, Hq. A.C. and is forwarded to you for necessary action and acknowledgement please.

For the Commissioner:

MR/mr.


Carlo J. Carrilio.
Major F. A.
Adjutant.

Enclosures:

- 1 check.
- 1 receipt from Banca d'Italia.
- 1 letter from Legal Sub-Commission.
- 1 letter from Naples Legal Division.

4083/1 ✓

HEADQUARTERS
VENEZIE REGION
ALLIED MILITARY GOVERNMENT
APO 394

2534

29 November 45

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

SUBJECT :- Superior Court case Thierry Emilio.

FILE No. :- RXII/LE/Bol/A/04.

1. Record of trial and observations of trial
Judge in the above case ~~are~~ forwarded herewith for
review.

2. In my view the accused was wrongfully
convicted on charge 4 and I recommend that the
conviction and sentence on that charge should be
quashed.

C.L.P. Gilshenan

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

LEGAL SUB COMMISSION
CIO
DELO
Chief Clerk
CLP
Reg. Sec.
CL RKS
8 DEC 1945

TS

Case 7063

86

4080/1
 HEADQUARTERS
 VENEZIA REGION
 ALLIED MILITARY GOVERNMENT
 APO 394

29 November 1945

TO : Chief Judicial Officer, Legal Sub-Commission
 HQ. A.S. (for Italian Branch)

SUBJECT : Review of Superior Court cases tried in Verona.

FILE NO : RXII/LE/Ver/A/04

MELCHIORRI GINO ✓ FERRARI FILIPPO ✓ COTTUMACCIO ✓
 NICOLA ✓ MENECHELLI ARMANDO ✓ PAZZOCCHI GIUSEPPE ✓

1. Records of trial in the above cases are forwarded, for review.
2. In my opinion the sentences imposed on MELCHIORRI Gino, FERRARI Filippo, and PAZZOCCHI Giuseppe, might reasonably be reduced as to both fine and imprisonment, and the fines imposed on MENECHELLI Armando, and COTTUMACCIO Nicola substantially reduced.

LEG. SUB-COMMISSION	
CIO	
CIO	
Chief Clerk	
CL	
For the Commission	
CLERKS	
3 NOV 1945	

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

81

Case
 7064

2532

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

ESP/rw.
30 November 1945.

C/4083/1/L.

SUBJECT : TOSI Mario.

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

1. Reference your LRO/5007 of 27 Nov. 45 the record of trial
and petition in the case of TOSI Mario are returned.

2. The petition has been carefully considered and it is
denied.

By command of Rear Admiral WOOD:

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

83

6083/11
✓

2531

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref. LEG/5007

27 November 1945

SUBJECT : TOSI Mario - Case No 00138

TO : Headquarters Allied Commission
(Legal Sub-Commission)

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

For the Regional Commissioner :

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

LEG 1 SUBCOMMISSION
LO
LO
Ref Counsel
LO
Non Commissioned
2 RKS
30 Dec

81

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
ROMANIA REGION
APO 394
Legal Division

Ref.: LEG/5007

27 November 1945

SUBJECT: ANTONIO Pietro et al.
Case No. 000709TO: Headquarters Allied Commission
(Legal Sub-Commission)

1. Further to our LEG/5007 dated 13 November 1945
enclosing Record of Trial in the above case, herewith enclosed
please find petition for review on behalf of

CAPTAIN Stefano. *with record*

For the Regional Commissioner:

LEG. SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italia	
C	
30 Dec	

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

81

408 3/1

SLO

(2529)

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
ROMANIA REGION
APO 394
Legal Division

Ref. LEG/5007

27 November 1945

SUBJECT : ANTONINO Pietro et al.
Case No. 000709

TO : Headquarters Allied Commission
(Legal Sub-Commission)

1. Further to our LEG/5007 dated 13 November 1945
enclosing Record of Trial in the above case, herewith enclosed
documents to be attached to the Petition for Review on behalf
of

with record

LEONE Salvatore

For the Regional Commissioner :

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CL RG	
<i>Do Not</i>	

W.J. Purcell
W.J. PURCELL

Lt. Colonel
Regional Legal Officer

80

t2

2528

File

HEADQUARTERS MARINE CORPESION
APO 394
LEGAL SUB-COMMISSION

42/4083/1/L.

JTB/m.
20 November 1945.

SUBJECT : Case of FERRI Vittorio.

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

1. Reference your RXII/L2/Reg/K/01 of 24 Nov. 1945 the case of FERRI, Vittorio has been re-examined, and the recommendation of the Regional Legal Officer has been considered.

2. On reconsideration, the conviction on the first charge is disapproved, and the sentence of five years imprisonment is set aside. The conviction on the second charge is affirmed. The sentence of five years is reduced to end as of 1 December 1945. The accused will be released as of that date.

3. Record returned herewith. Please acknowledge receipt.

By command of Rear Admiral STONE:

JOHN K. WILSON,
Colonel,
Chief Legal Advisor.

•••

79

HEADQUARTERS
VENEZIE REGION
ALLIED MILITARY GOVERNMENT
APO 394

24 November 1945

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

SUBJECT :- Second appeal of Ferri Vittorio tried by
General Court at Padova on 26th June 1945
and sentenced to five years imprisonment.

FILE No. :- RXII/LE/Reg/K/Ol.

1. The papers in this case including an informal
petition received at this H.Q. on September 27th 1945 are
forwarded for further consideration.

2. The case was ^{viewed} received by the Chief Judicial
Officer on 7th August 1945 and the conviction and sentence
affirmed.

3. The informal petition now received discloses
that Carabinieri Barletta who gave evidence for the prose-
cution in the case, committed suicide on the 29th July 1945
in the presence of his fiancée Petrillo Concetta, having
previously told her that he could not bear to live any longer
because of the remorse he suffered for having caused an
innocent colleague to be sent to prison for five years. ⁷⁸

4. It will be observed that Petrillo in her second
statement says that Barletta told her that it was he, and
not Ferri Vittorio, who fired the shot which wounded the
English soldier. The convicted man Ferri has now served five
months in prison and I recommend that the remainder of the
term of five years should be remitted.

(218)

TO : Chief Judicial Officer, Legal Sub-Commission,
H.Q. AC. (for Italian Branch)

SUBJECT :- Second appeal of Ferri Vittorio tried by
General Court at Padova on 26th June 1945
and sentenced to five years imprisonment.

FILE No. :- RXII/LE/Reg/K/01.

1. The papers in this case including an informal petition received at this H.Q. on September 27th 1945 are forwarded for further consideration.
2. The case was ^{viewed} received by the Chief Judicial Officer on 7th August 1945 and the conviction and sentence affirmed.
3. The informal petition now received discloses that Carabinieri Barletta who gave evidence for the prosecution in the case, committed suicide on the 29th July 1945 in the presence of his fiancée Petrillo Concetta, having previously told her that he could not bear to live any longer because of the remorse he suffered for having caused an innocent colleague to be sent to prison for five years.
4. It will be observed that Petrillo in her second statement says that Barletta told her that it was he, and not Ferri Vittorio, who fired the shot which wounded the English soldier. The convicted man Ferri has now served five months in prison and I recommend that the remainder of the term of five years should be remitted.

CEO	
DCLO	
Chief Counsel	
CIO	
Italian - Section	
CL RKS	
27 NOV 1945	

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

HEADQUARTERS ALLIED COMMISSION
APO JPL
LEGAL SUB-COMMISSION

2526
CAP/SA.
26 November 1945.

AC/4083/1/L.

SUBJECT : GINI Aurelio.

TO : Minister of Prison and Justice.

1. GINI Aurelio was convicted by an Allied Military Court sitting at Florence on the 17th November 1944 and sentenced to 1 year imprisonment on the first charge entered against him and 6 months on the second charge, sentences to run consecutively.

2. On review of this case on 29 December 1944 the following decision was made : "Conviction affirmed. Sentences to run concurrently instead of consecutively as sentenced". This has the effect of making the total term of imprisonment to be served by the defendant only 1 year, instead of 1 1/2 months. The term of one year has now expired. The defendant however is still confined in jail at Santa Teresa.

3. Will you please therefore issue instructions for the release of GINI Aurelio, unless detained for other lawful cause and confirm to this HQ.

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

Copy to : Avv. Gen. Tancredi GATTI,
Via Angelo Raffaele, 3,
ROMA.
(your 06409 of 25 Nov. 45 refers).

77

STUDIO LEGALE
 PROF. AVV. COMM. TANCREDI GATTI
 DELLA UNIVERSITA' DI ROMA
 PATROCINANTE IN CAUSE
 ROMA - VIA ANGELO PROFUMO, 11
 TELEF. 31-815

Rome, November 25th 1945

2525

4083/1

Alla Commissione Alleata in Italia
 Legal Sub Commission
 Via Vittorio Veneto
 ROMA

On replying please
 quote 06409

As defender of GINI AURELIO of deceased Emilio, I am honoured to expose to this respectable Legal Sub Commission what is following: The Gini was condemned by the Superior Allied Tribunal of Florence the 20 November 1944 with 18 months of prison for violation of proclamations of the Allied Command. Against such judgement regular request of revision was proposed by means of the lawyer Giovanni Nelli of Florence, requesting an attenuation of the pain or a commutation in penalty of it. The 5 March 1945 the Provincial Legal Office communicated to the above-mentioned lawyer Nelli that consequently to such request for revision the pain inflicted to the Gini had been restricted to 12 months.

I let it be known that the Gini was arrested since 2 November 1944, therefore now he ought to have completely expiated the pain like above restricted. On the contrary he is still detained in the prison of Portolongone, where nothing has been communicated about the exit of the judgement of revision.

As to-day the Provincial Legal Office has been suppressed, I beg respectfully this eminent Legal Sub Commission will dispose opportune inquiries about the matter relative to the Gini and will communicate to him if this request of revision was accepted, and if it was I beg to give opportune dispositions in order that an end is put to his condition of detention for he has already expiated his pain.

We remain yours

prof. T. Gatti
 -lawyer-

U R G E N T

2523

HEADQUARTERS ALLIED COMMISSION
APO 374
LEGAL SUB-COMMISSION

2le
AC/4083/1/L.

RAP/ra.
26 November 1945.

SUBJECT : ROMEO LUIGI.

TO : Minister of Pardon and Justice.

1. Herewith enclosed a copy of a letter 02154412 of 17 Nov. 45 received from R. questura, NAPOLI.

2. It is confirmed that ROMEO LUIGI was sentenced on 6 April 44 to 7 years imprisonment and that on the 8th August 1944 the case was reviewed, the conviction affirmed but the sentence was reduced to one of 18 months' imprisonment.

3. Please therefore issue the necessary instructions for the release of the accused unless detained for other lawful cause and please confirm to this HQ.

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

U R G E N T

23
11

15

785016

4083

6053 / 57

RM. PALERMO 2202 56 23 1505 = ION

Message Centre No:

Date Time Rec'd:

Precedence:

FROM

TO HQ ALLIED COMMISSION ASD 394 FOR LEGAL SUB
COMMISSION ROMA ==

PREGASI INVIARE CORTESE URGENZA QUESTA CORTE ASSISE COPIA
SENTENZA EMESSA CORTE SUPERIORE ALLEATA PIANA ALBANESI NOVE
OTTOBRE 1943 CONTRO BARCA GIUSEPPE URGENDOMI CONOSCERE SE
BARCA CONDANNATO ANCHE LANCIO BOMBE CONTRO CARABINIERI PREGO
TELEGRAFARE AVENDO QUESTA CORTE BISOGNO URGENTE SAPERE
CONTENUTO SENTENZA ALLEATA RINGRAZIO -

PRESIDENTE ASSISE APRILE =====

23 NOV 1945 22-70

My 73
N 83 23

0820 hrs
74

4TR UNO ORE 23/2/23/11/45MASIA =====

===== ROY AT SOB MARTINO

2524

4083/1 file
PRESIDENT COURT OF ASSIZE PALERMO

8747

26 NOVEMBER 1945

PRIORITY

UNCLASSIFIED PD

PARA ONE PD SUBJECT IS BARCA GIUSEPPE

PARA TWO PD RECORDS SHOW BARCA GIUSEPPE CONVICTED TENTH
OCTOBER FORTYTHREE OF POSSESSION OF FIREARMS SENTENCED
SEVEN YEARS IMPRISONMENT PD

PARA TO PRESIDENT CMA COURT OF ASSIZE CMA PALERMO FROM
HQ ALCOM CITE ACING PARER

PARA THREE PD CASE FOR PROSECUTION INCLUDED EVIDENCE
THAT BARCA THREW TWO GRENADES FROM WINDOW WHEN POLICE
ARRIVED TO ARREST HIM

LEGAL SUB-COMMISSION

302

75

601-341 2h (2522)
 Napoli, 11 17/11/1945

Alia Segreteria della Corte
 Alleata-Palazzo della Provincia
N A P O L I

02154412 2°

Espresso alla corte

Div

Condannato Longo Luigi.

Con preghiera di mettermi in condizioni di ri-
 sordere trascrive la seguente nota del 25/9/1945
 del Tribunale di Napoli:

"Longo Luigi, attualmente detenuto presso la Casa Pe-
 nale di Memene, è stato condannato il 4.10.1944 dal-
 la Corte Militare Alleata di Napoli a 7 anni di re-
 clusione. Egli asserisce che in seguito a revisione
 la pena gli è stata ridotta a 18 mesi, sicché fra
 breve dovrebbe essere scarcerato.

Ignorando quest'Ufficio se la Corte predetta sita
 tuttora in Napoli, pregasi codesto Ufficio di voler
 accertare se quanto asserisce il Longo corrisponde
 a verità, provvedendo la trasmissione del competente
 Ufficio dei relativi documenti."

IL QUESTORE

72

FO/S

Ansley

Form. 25 P. S.
(Art. 211 del Reg. P. S.)

Pubblica Sicurezza

in di _____ figlio _____

residente _____

in di _____

di _____

e di presentarsi _____

entro il giorno _____

te.

Il latore si scosta dall'infine-
termine prefisso non si
diretto, sarà tradotto in-
v. pel prescritto procedi-

si trovi sprovvisto del
a lungo il viaggio, o che
sico di mezzi di trasporto,

Il Comune di _____
anticiperà a _____
la competenza di L. _____
indennità di viaggio dal detto Comune a quello
di _____
in ragione di cent. 5 per chilometro e così per
chilometri N. _____

Lo provvederà inoltre di mezzo di trasporto
con carro od altro simile veicolo sino al detto
Comune, riportando dal conduttore ricevuta
del prezzo pagato.

Dal _____ il _____ di _____ 19 _____

Il Comune di _____
anticiperà a _____
la competenza di L. _____
indennità di viaggio dal detto Comune a quello
di _____
in ragione di cent. 5 per chilometro e così per
chilometri N. _____

Lo provvederà inoltre di mezzo di trasporto
con carro od altro simile veicolo sino al detto
Comune, riportando dal conduttore ricevuta
del prezzo pagato.

Dal _____ il _____ di _____ 19 _____

Il Comune di _____
anticiperà a _____
la competenza di L. _____
indennità di viaggio dal detto Comune a quello
di _____
in ragione di cent. 5 per chilometro e così per
chilometri N. _____

Lo provvederà inoltre di mezzo di trasporto
con carro od altro simile veicolo sino al detto
Comune, riportando dal conduttore ricevuta
del prezzo pagato.

Dal _____ il _____ di _____ 19 _____

Il Comune di _____
anticiperà a _____
la competenza di L. _____
indennità di viaggio dal detto Comune a quello
di _____
in ragione di cent. 5 per chilometro e così per
chilometri N. _____

Lo provvederà inoltre di mezzo di trasporto
con carro od altro simile veicolo sino al detto
Comune, riportando dal conduttore ricevuta
del prezzo pagato.

Dal _____ il _____ di _____ 19 _____

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAFILES COMBINE
LEGAL DIVISION
APO 394

15 November 1945

L-8104

SUBJECT : Port Summary Courts 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 25 September thru
29 September 1945.

FOR THE COMMISSIONER :

Carl C. Bando
CARL C. BANDO
Captain, A.C.
Senior Legal Officer.

AA/TC

LEGAL SUB-COMMISSION			
CLO			
DCLO			
Chief Counsel			
CJO			

(2521)

40831

SUBJECT: Fort Summary Courts 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 25 September thru
29 September 1945.

FOR THE COMMISSIONER :

Carl O. Bando
CARL O. BANDO,
Captain, A.C.
Senior Legal Officer.

AA/mc

LEGAL SUBCOMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Section	
CL RKS	
20 NOV 1945	

7018-1062

+57

4083/1
COPY TRANSLATION

From : MINISTRY OF WAR

Ref : I26299/I/I

II2-17-361

To : M.M.I.A.

Date: 17/II/45.

Subject: Request for sentence awarded Lt. SALUSTO Michele
Inf. Res.

In acknowledging receipt of the letter from the legal Sub-Commission containing the information of Lt. SALUSTO's guilt, we think it necessary to point out that in letter I24702/I/I dated 26/IO/45 we had asked for a copy of the sentence passed on the said officer, or a genuine copy of the document signed by the judges, by which the Allied Military Court of Lanciano condemned Lt. SALUSTO to 9 months imprisonment and 50,000 lire fine.

We would be pleased if you would once again approach the Legal Sub-Commission in order that they release a copy of the document requested, needed in order to settle the disciplinary position of Lt. SALUSTO.

(Signed) Illegible.

20

/ecc

04083/1

(2519)

Subject: SALUSTO Michele.Land Forces Sub-Comm A.C.,
(M.M.I.A.) R O M E

A 260

21 Nov 45.

To : Legal Sub-Comm A.C.,

Reference your AC/4083/I/L dated 2 Nov 45 and
our A 260 dated 30 Oct 45.

1. From the attached copy letter from the Ministry of War, it will be seen that a more formal document is required for the purposes of their files.
2. If you will kindly supply this, we will forward it to the Ministry.

LEGAL SUB COMMISSION	
CLO	
DELO	
Chief Counsel	
CJO	
Legal Section	
CL RKS	
23 NOV 1945	

J.A.C. Pearce
J.A.C. PEARCE, Major.
for Major General,
M.M.I.A.

63

JACP/ccc.

(2518)

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/8083/1/L

23 November 1945

SUBJECT: Sallustio Michele

TO: Land Forces Sub-Commission (LMI)

1. Reference your A 260 of 21 November 1945 it is hoped that the enclosed will meet the requirements of the Ministry of War.

2. This sub-commission is not prepared to forward a statement any more detailed or formal than the attached and it is considered that the signature of an officer of this sub-commission should be sufficient certification that the details are accurate.

A. P. NUGENT,
Major, Spec. Res.,
Chief Counsel,
For Chief Legal Advisor.

68

TO WHOM IT MAY CONCERN,

SALLUSTIO, Michele-Putignano, Prov. of Bari, Bank officer.

CERTIFIED that Sallustio Michele was on the 25, 26 and 27 May 1944 tried by an Allied Military Court sitting at LANCIANO and found guilty of a violation of Proclamation No 2, Art III, Para 1, in that he did procure or assist in the commission of an offence - between 11th and 13th May 1944 at LANCIANO, procured a member of the Allied Forces to carry letters or communications not authorized by the Military Authorities, contrary to a published order posted 4 February 1944.

FURTHER CERTIFIED that the said Sallustio Michele was sentenced to imprisonment for 2 years to date from 13 May 1944, plus a fine of L.100,000 to be paid in 6 months from 27 May 1944, if in default to serve additional 1 year. On review the conviction was affirmed and the sentence was modified to read 8 months imprisonment and a fine of L.50,000, if in default the accused to serve an additional 9 months' imprisonment.

A. P. MUEENT,
Major, Spec. Res.
Chief Counsel,
for Chief Legal Advisor.

27 November 1945.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

25/7
EAP/

AC/4003/1/L

23 November 1945

SUBJECT :- ROSSI Carlo

TO :- Minister of Pardon and Justice

1. ROSSI Carlo, sentenced by an Allied Military Court and later released by order of an Allied officer, has now been rearrested by the Carabinieri. He is confined in Ancona Prison.

2. The Director of the Civil Prison of Ancona has indicated that he is unable to release this man until they receive the necessary authority in accordance with your Circular No 3103/1703 of 11 October 1945.

3. Will you please therefore issue the necessary instructions for the release of ROSSI Carlo unless detained for other lawful cause and confine to this in due course.

A. P. MUGENT,
Major, Spec. Res.
Chief Counsel,
for Chief Legal Advisor.

60131 TRANSLATION. (25/6)

DIRECTION OF CIVIL PRISON OF ANCONA.

Ref.: 8264.

Ancona, 19 Nov 45.

SUBJECT: ROSSI Carlo.

TO: A.C. Liaison Officer, Ancona.

Ref. your ANC/11/12 of 19 Nov 45 I beg to return the attached release order relating to the a/m prisoner, and inform that owing to instructions of the Ministry given with Circular 3103/1705 of 11 Oct 45, enclosed herewith in two copies, I cannot release the prisoner and await instructions in accordance with the said Circular.

The Director
(sgd) G. Nobile.

ff Lett. ANC/11/12 - 19 Nov 45.

MINISTERO DI GRAZIA E GIUSTIZIA
Direzione Generale per gli Istituti di Prevenzione e di Pena

Roma, il 11/10/1945

Circolare n° 3105/1703

Oggetto: Escarcerazione di detenuti a disposizione degli Alleati

La Commissione del Governo Militare Alleato comunica quanto segue:

"Questa Commissione è stata recentemente informata di due tentativi fatti in territorio soggetto al Governo Italiano di procurare la liberazione di detenuti a mezzo di falsi ordini di scarcerazione con false firme di Ufficiali Alleati. Tali falsificazioni erano così abili che sono state scoperte per puro caso.

Onde impedire che persone non autorizzate effettuino liberazioni dalle Carceri Italiane, di detenuti che sono a disposizione degli Alleati, vi preghiamo di voler informare i Direttori di tutti gli Stabilmienti 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 essere scarcerato prima che abbia finito di espiare la condanna, a meno che non vi sia ordine del Ministero di Grazia e Giustizia, in base a comunicazione ricevuta da questa Sottocommissione relativa alle decisioni od ai provvedimenti della stessa.

Questo procedimento sarà seguito soltanto nel territorio restituito al Governo Italiano".

La Sottocommissione legale avrà cura di comunicare al Ministero di Grazia e Giustizia il provvedimento della Sottocommissione a modifica della sentenza relativa ad un detenuto a disposizione degli Alleati in territorio restituito al Governo Italiano e così pure nel caso che venga respinta l'istanza di uno di tali detenuti.

Per MINISTRO

F.to Illeggibile

Ancona, il 19/11/1945

Per copia conforme il Segretario.



54

Oggetto: Escarcerazione di detenuti a disposizione degli Alleati

3.3. Governo Militare Alleato comunica quanto segue:

«Questa Commissione è stata recentemente informata di due tentativi fatti in territorio soggetto al Governo Italiano di procurare la liberazione di detenuti a mezzo di falsi ordini di scarcerazione con false firme di Ufficiali Alleati. Tali falsificazioni erano così abili da essere state scoperte per puro caso.

che sono state scoperte per puro caso.

Onde impedire che persone non autorizzate effettuino liberazioni da'le Carceri Italiane, di detenuti che sono a disposizione degli A'llean-
ti, vi preghiamo di voler informare i Direttori di tutti g'li Stabili-
menti Pena'i e le a'tre persone responsabi'i della custodia di detenu-
ti in territori restituiti al Governo Italiano che nessun detenuto che abbia
sia a disposizione degli A'lleanati dovrà essere scarcerato prima che abbia
finito di espiare la condanna, a meno che non vi sia ordine del Ministe-
ro di Grazia e Giustizia, in base a comunicazione ricevuta da questa
Sottocommissione relativa a'le decisioni od ai provvedimenti della stes-
sa.

Questo procedimento sarà seguito soltanto nel caso che venga respinta l'istanza di uno di tali detenuti.

Pe7 MINISTRO

F.to Illeggibile

Ancona, 17 I9/II/I945

Per copia conforme il Segretario.



— 10 —

4083/11/12

HEADQUARTERS
ALLIED COMMISSION
ANCONA.

Legal

(25/5)

Ref.: ARC/11/12

19.11.1945.

SUBJECT: ROSI Carlo

TO: Sig. Direttore delle Carceri Sperimentali,
ANCONA.

FROM: A.C. Liaison Office, ANCONA.

1. ROSI Carlo è attualmente detenuto presso
le Carceri in servizio a custodia del Tribunale
Militare Allente di Ancona dal 10 luglio 1945, che
lo condannava ad 8 anni di detenzione per furto di
proprietà della Forza Armata (Art. 5, para 27).

2. La Sotto-Commissione locale della Commissione
Militare, mediante lettera 40/4023/1/4 del 17 novembre
1945, pervenuta a questo Ufficio, ha ordinato la
sua scarcerazione in attesa della sentenza suddetta,
e che egli sia detenuto per altra causa legale.

3. Vogliate quindi prendere i provvedimenti
relativi a detta scarcerazione a quest'Ufficio.

Antonio Gualtieri Squarzi Capitano

Capo Ufficio, Cap. 1st. Corps
Liaison Office, ANCONA.

Copies to: Legal Sub-Commission, T. M. C. C.
(your 40/4023/1/4 of 17 Nov 45)

Sig. Prefetto di Ancona
(A V/lettera 40/4023 del 8.11.45)

13

63

HEADQUARTERS
ARMED COMMISSION
ARONA

Lloyd s/c
25/4

Ref.: AIC/11/12

20 Nov 45.

SUBJECT: ROSSI Carlo.

TO: Legal Sub-Commission, H.Q., A.S.

1. Copy letter this T.D., AIC/11/12 dated 19 Nov 45 and yesterday's telephonic conversation Major Lugent - Capt. Guthrie Squair refer.
2. Attached herewith is translation of letter No 6264 dated 19 Nov 45 from the Director of Prisons, Aroona, together with a copy of Ministerial Circular 3103/1203 dated 11 Oct 45 therewith enclosed.
3. The present position is that the Prisoner Rossi Carlo remains in custody until further action is taken by Rome.
4. The Prefect, who interested himself in the application by the Prisoner's wife for his release, has been informed in respect of para 3.

John L. Guthrie Squair Capt
J. L. GUTHRIE SQUAIR, Capt. Int. Corps
Liaison Officer, ARONA.

JMS/MS

2 Encls. (as per para 2).

4083/11

(2513)

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref.: LEG/5007

20 November 1945

SUBJECT : ANTONINO Pietro et al.
Case No. 000709

TO : Headquarters Allied Commission
(Legal Sub-Commission)

1. Further to our LEG/5007 dated 13 November 1945,
herewith enclosed formal petition for review on behalf of
PALESE Vincenzo and
PALESE Anna.

For the Regional Commissioner :

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

Encl.: 2 petitions.

LEGAL
CIO
DCIO
Chief Clerk
CIO
Italian
CIO
23 Nov

13

2512

HEADQUARTERS ALLIED COMMISSION
APO 334
Office of the Executive Commissioner

Ref: AG/4083/1/L

20 November 1945

SUBJECT: Decision on Review

TO : Regional Commissioner
Piemonte Region

1. Reference your AG/4083 of 2 November 1945.
2. Please find attached the considered opinion of the Chief Legal Adviser to Allied Commission. The Chief Commissioner has endorsed this with the comment "I am more concerned with maintenance of justice than prestige. I must agree with the C.L.A."

para
1 to 5 of
attached

For the Chief Commissioner:

F. H. WOOD
HGL
Brigadier
Executive Commissioner

Encl: 1

Copy to: C.L.A.

15

Chief Commissioner (thru CA Sec)

1. In letter flagged "A" the Regional Commissioner seeks to take the Legal Sub-Commission to task for a decision on review, presumably on the theory that the case was lightly considered, and the decision rendered without the knowledge of the Chief Commissioner.

2. The facts refute such premise. This case was carefully considered by a three judge review board. All of the officers have an imposing record of field service as Legal Officers. Before the decision was announced it was submitted to the Chief Commissioner for consideration. As pointed out in paragraph 11 of letter flagged "G", the reviewing authority was deeply concerned lest the decision leave the courts in a discredited position.

3. The vice of the case lies in the fact that it was ever tried in the first place. Many, many times, in my experiences in the field I have been confronted with temptations identical with the one disclosed in the instant case. A decision not to try such cases was exceedingly unpopular at times with military personnel; but I do not recall one single instance where the entire matter did not pass off as a tempest in a teapot in a few short days.

4. I am exceedingly jealous of the prestige of Allied Military Government Courts; but, as Blackstone has said, "A Court is a place where Justice is JUDICIALLY administered". While Allied Military Government Courts may not be formalistic Courts, nevertheless they are Courts within the definition of Blackstone, and their judgments are as effective and binding as courts anywhere. A group of headstones throughout Italy give mute testimony on that behalf.

5. If it is desired that the case be re-examined, may the Regional Commissioner be asked to return the record of trial?

6. Flags are as follows :

FLAG "A" - Letter from RO Piemonte Region addressed to Chief Commissioner referring to

FLAG "B" - Letter Legal S/C to RLO Piemonte quashing conviction.

FLAG "C" - Letter Legal S/C to Executive Commissioner submitting opinion on case for consideration.

53

53

of letter flagged "C", the reviewing authority was deeply concerned lest the decision leave the courts in a discredited position.

3. The vice of the case lies in the fact that it was ever tried in the first place. Many, many times, in my experiences in the field I have been confronted with temptations identical with the one disclosed in the instant case. A decision not to try such cases was exceedingly unpopular at times with military personnel; but I do not recall one single instance where the entire matter did not pass off as a tempest in a teapot in a few short days.

4. I am exceedingly jealous of the prestige of Allied Military Government Courts; but, as Blackstone has said, "A Court is a place where justice is JUDICIALLY administered". While Allied Military Government Courts may not be formalistic Courts, nevertheless they are Courts within the definition of Blackstone, and their judgments are as effective and binding as courts anywhere. A group of headstones throughout Italy gives mute testimony on that behalf.

5. If it is desired that the case be re-examined, may the Regional Commissioner be asked to return the record of trial?

6. Flags are as follows :

FLAG "A" - Letter from RC Piemonte Region addressed to Chief Commissioner referring to

FLAG "B" - Letter Legal S/C to RLO Piemonte quashing conviction.

FLAG "C" - Letter Legal S/C to Executive Commissioner submitting opinion on case for consideration.

Legal S/C
7 Nov 45

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

1.

TO: Chief Commissioner

It is most unlikely that a re-examination in this case would alter the considered view of CLA. It is as he says unfortunate that the case was brought to trial. Quashing of the conviction will unquestionably be made the most of and will serve to discredit the local military government. In view of the appeal made by the Regional Commissioner I suggest the case nevertheless be re-examined out of consideration for the officials in the field. A further lapse of time will not be undesirable.

14 Nov 45

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NOV 15 REC'D

1715

E.C.

I am more concerned with maintenance of justice than prestige. I must agree with the CLA

Eus
cc

3.

11/11

CSP

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submitted for signature.

bs. 19/4.

50

To: C.A. Sec.

Attached letter returned signed. Copy retained for E.C. file. Please see details 21/4. Sincerely, E.C.

Office of Sec. Commr.

30/11

HEADQUARTERS
VENEZIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

15 November '45

TO :- Chief Legal Adviser
Legal Sub-Commission
(for attention Italian Branch)

SUBJECT :- Review Superior Court Case: OBERFOLER Giorgio.

FILE No. :- RXII/LE/ECIZ/A/04.

Herewith record of above case for review.
The offences were committed after the German surrender
and during the Allied occupation, and having regard to
these factors, I consider the sentence far too severe
and recommend a substantial reduction.

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

LEGAL SUBCOMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Section	
CL RKS	
19 NOV 1945	

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4083/10

HEADQUARTERS
VENEZIE REGION
ALLIED MILITARY GOVERNMENT
APO 394

2510

16 November '45

TO :- Chief Legal Adviser
Legal Sub-Commission
(for attention Italian Branch)

SUBJECT :- Review Superior Court Case;
LAMER Carlo;
BIEDMANN Giuseppe;
HEUSINGER Federico.

FILE No. :- RXII/LE/BOLZ/A/04.

1. Herewith record in the above case for review.
2. No application for review has been submitted.

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

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

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HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

Date. 16 November 1945.....

SUBJECT: Case of ESPOSITO Ciro fu Gennaro.

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

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

For the Commissioner:

CCB/pv

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

55

File (2508)
HEADQUARTERS ALLIED COMMISSION
APO 37A
LEGAL SUB-COMMISSION

AC/4053/1/L.

2AP/rs.
17 November 1945.

SUBJECT : ROST, Carlo.

TO : A.C. Liaison Officer, ANCONA.

1. Reference your AC/11/12 of 13 Nov. 45 the petition therein enclosed is returned.

2. We refer you to our letter AC/4053/1/L of 9 Oct. 1945 (further copy enclosed) and your AC/11/12 of 22 Sept. 1945.

3. It appears that ROST Carlo was released on the order of an Allied Officer and in our inability to prove conclusively that the authority for release was genuine or false, this Sub-Commission felt it desirable to let the matter remain "quiesce non movere". There does not therefore appear to be any justification for his re-arrest.

4. Will you please therefore issue the necessary instructions to the appropriate authorities for his release unless detained for other lawful cause.

By command of Rear Admiral STONE:

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

54

4083/1

2507

HEADQUARTERS
MILITARY COMMISSION
ANCONA.

Ref.: MC/11/14

12 Nov 45.

SUBJECT: ROSI Carlo.

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

FROM: A.C. Liaison Officer, Ancona.

1. Ref. your MC/4083/1/L of 2 Oct 45.

An application referring to the a/m prisoner has now been forwarded by the Prefect of Ancona to this office and is passed on to you for any action you deem necessary.

John L. Quinn Capt
J.L. QUINN, Capt. Inf. Corps
Liaison Officer, RUSIA.

Enc/enc

1 Enc. as above.

LEGAL SUB-COMMISSION	
ACLO	
ADCLC	
Chief Counsel	
CLO	
Italian Section	
CH RKS	

15 NOV 1945

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11 NOV 1945

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HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

(2506)

L-3029

13 November 1945

SUBJECT: PROTO Beniamino.

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

1. Reference is made to conversation (Col. Weber-Capt. Banno) regarding petition of the above named which is herewith enclosed.

2. The case involves forgery of Allied documents by civilian employees of the Allies and others. The case was in the public eye and the defendants were represented by capable and famous counsel.

3. After sentence was imposed an appeal was made. The conviction and sentences were affirmed.

4. Thereafter several petitions for pardon were made on the same grounds as stated in the petition herein. Voluminous documents were attached to the petitions in support thereof. Said petitions were denied by your office.

5. The Court in imposing sentence was guided solely by the desire to punish the defendants in a manner that would have a deterrent effect on others and to reward for their honesty those persons employed in positions of confidence with the Allies. In Naples rumors have long persisted that Allied employees accept bribes and commit other illegal acts without fear of punishment. The case in question, it is believed, helped greatly to dispel such rumors.

6. Complete file and Form 8 are herewith forwarded for your examination and consideration of the petition in question.

For the Commissioner:

32
Carl C. Banno
CARL C. BANNO, Capt. A.C.
Senior Legal Officer.

3183
CCB/ga

(2505)

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

EAP/

AG/4083/1/L

18 November 1945

SUBJECT : IORNINI Genaro fu Bonomo

TO : Commissioner, (Attn Senior Legal Officer)
NAPLES COMMUNE

1. Reference your L-4014 of 14 November 1945 enclosing record of above. We were unable to trace this case owing to the inaccurate spelling of the name in the petition.

2. However, when forwarding the record, you omitted to return the petition. May this also be forwarded please.

By Command of Rear Admiral STONE :

A. P. NUGENT,
Major, Spec Res.,
Chief Counsel,
for Chief Legal Advisor.

+3

4083/10

2504

UNITED STATES CLAIMS SERVICE
REGIONAL OFFICE I
APO 512 U.S. ARMY

9 November 1945

FILE NO: N-5296-PD

SUBJECT: Claim Against the U.S.

TO : Commanding Officer,
Headquarters, Allied Commission,
Legal Sub Commission,
APO 794, U.S. Army.

1. Claim has been filed in this office by Signore Eduardo Moretti, # 24 Via Corso Vittorio Emanuele, Naples, Italy, for property damage resulting from his apprehension and confinement on 9 August 1944. The above mentioned Italian civilian was formerly employed by Headquarters American Red Cross in Naples, Italy.

2. Request a copy of the case if available.

3. In the event a copy of the case is unavailable, request information as to dates of confinement, trial, and sentence, nature of charges, Allied items in possession of Signore Moretti that were confiscated by Allied authorities, and file number of the case.

4. Above information is requested in order that the claim may be properly processed by this office.

For the Claims Officer in Charge:

Cecil A. Pope
CECIL A. POPE,
1st Lt., JAGD,
U.S. Claims Officer.

LEGAL SUB COMMISSION	
CLO	
DCLO	
Chief Counsel	
CIO	
Relief Section	
CLERK	
2. 100-1000	

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HEADQUARTERS ALLIED COMMISSION
APO 394
MILWAUKEE SUBCOMMISSION

SAF/rm.
15 November 1945.

AG/4383/A/L.

SUBJECT : Grain by MANUEL Eduardo di Manzi.

TO : United States Census Service,
Regional Office I - APO 312 -

1. Reference your H-5296-ED of 9 Nov. 45.

2. Our records show that MANUEL Eduardo was arrested on 9 August 1945 and tried by an Allied Military Superior Court sitting at Naples on the 15 August 45 and found guilty of

- (a) theft of Allied property and
- (b) illegal possession of arms.

He was sentenced to 1 year and 3 months imprisonment in respect of (a) and 3 months imprisonment and a fine of 184,700 lire in respect of (b).

3. The accused was searched one evening on leaving the Red Cross where he was employed and 1 case tooth picks, 2 pounds of cocaine and \$1847 (American money) was found in his possession. Subsequently his house was searched and the items listed in the attached were discovered.

By command of Rear Admiral CROSA:

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

4083/1
file

2502

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref.: LEG/5007

13 November 1945

SUBJECT : ANTONINO Pietro et al.
Case No. 000709

TO : Headquarters Allied Commission
Legal Sub-Commission.

1. Attached hereto Record of Trial in the above case involving a number of civilians and several Italian soldiers of the 502 Guards Battalion.

2. Petitions for Review on behalf of the accused

GANGI Andrea
GATTI Pietro
SAPORI Ettore
ANTONINO Pietro
LEONE Salvatore
PINO Maria
PALESE Vincenzo and Anna

are attached to the respective charge sheets. No Petitions for Review on behalf of the remaining accused have been received to date.

For the Regional Commissioner :

W.J. Purcell

W.J. PURCELL
Lt. Colonel
Regional Legal Officer

Encl.: Record of Trial

NOV 14 1945
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Legal Sec
6994

(2501)

1st Ind.

MTD/rwf

Hq MTOUSA, APO 512, U. S. Army, 11 October 1945

TO: Commanding Officer, Allied Commission, Legal Sub-Commission,
APO 394, U. S. Army.

1. Only available information at this Headquarters reveals that Capt. Joseph L. Canby, 0479289, and Capt. Darrow, 0499263, assigned to 7th Army, transferred to France 31 October 1944.

2. No information is obtainable on Captain Cox due to the insufficient information given.

BY COMMAND OF GENERAL MCNARNEY:

13 OCT 1945

M. F. Dyer
M. F. DYER
1st Lt., AGD
Asst Adjutant General

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

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 ABHQ.

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

Capt. CANBY CMC AMST
Capt. COX CMC AMST
Capt. LARSON P. 2. 7th Army

For the Chief Commissioner:

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

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

Date 8 November 1945
Date.....

SUBJECT: Case of MANNA Antonio (Ref. your AC/4083/1/L, 19 Oct.45
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

9 NOV 1945

0 *file* 0 2499

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

Date...12 November 1945.....

SUBJECT: Case of PARISIO PERROTTI Giuseppe et al.

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

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

For the Commissioner:

GCB/pv

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

Case No 7011

12

File 0 2498

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

Date...12. November. 1945.....

SUBJECT: Case of CINQUEGRANA Vincenzo and TUTINO Giulio.

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:

CCB/pv

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

Ans No 7010/

12
03

2497

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

Date... 12 November 1945

SUBJECT: Case of MARANIELLA Antonio & Giovanni.

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

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

For the Commissioner:

CCB/pv

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

12

Case No 7012.

ALLIED COMMISSION
LIAISON OFFICE
BARI

4083/1

6 November 1945

SUBJECT: TESSE Felicetta.

Ref : LB/53/164

TO : C.L.A., Legal Sub-Commission,
Hq. ALLIED COMMISSION,
C.M.F.

1. Ref. your letter AC/4083/1/L dated 9 Oct 45.
2. Herewith attached please find:
 - a) The documents attached to your a/m letter which are returned to you.
 - b) Our letter LB/53/149 of 18 Oct 45 addressed to the Procuratore del Regno, Bari, endorsed by various judicial authorities.
 - c) File of documents relating to the person mentioned in subject, passed to this office by R.Pretura of ANDRIA.

which are passed to you for your information.

3. The endorsements mentioned in para b) and the documents mentioned in para c) show that TESSE Felicetta was not tried by an Allied Court but by an Italian Military Court, as you will see.

DOLO

Chief Clerk
C/L

Italian Section

CL R 15
13 Nov 45



G.M. Reveley
G.M. REVELEY, Major
Liaison Office, A.C.
BARI.

ALLIED COMMISSION
LIAISON OFFICE
BARI

4083/1

(2495)

9 November 1945

SUBJECT: TESSE Felicetta

Ref : LB/53/168

TO : C.L.A., Legal Sub-Commission,
HQ. ALLIED COMMISSION,
C.M.F.

Ref your letter AC/4083/1 /L dated 6 Nov 45.

1. A reply was sent to you under reference LB/53/164 dated 6 Nov 45, all documents enclosed.
2. Herewith attached please find the documents enclosed to your a/m letter which are returned to you.



G.M. Revely
G.M. REVELY, Major
Liaison Office, A.C.
BARI.

GMR/fh

Chief Clerk	
CIO	
DOLO	
Chief Clerk	
CIO	
Asst. Chief	
C.L.A.	
<i>TS</i>	

40

File

(2494)

HEADQUARTERS ALLIED COMMISSION
APO 994
LEGAL SUB-COMMISSION

AC/1083/1/L.

Har/rm.
13 November 1945.

SUBJECT : TERESA Felicetta.

TO : The Minister of Pardon and Justice.

1. Your letters 131/640/2373/1945 of 3rd October 1945 and 17 October 1945 are now returned to you "per competenza".

2. On enquiry it has been ascertained that TERESA Felicetta was tried by an Italian Court and NOT an Allied Military Court. Papers forwarded to this Sub-Commission in connection with the enquiry are also enclosed.

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

file

(2493)

HEADQUARTERS ARMY COMMISSION
APO 394
LEONE SUBCOMMISSION

RAF/rm.

13 November 1945.

AC/4683/1/L.

SUBJECT : CANONS Giulio and PINAS Lomenico.

TO : Procureurs Generals Militaire of ROMA

1. Herewith enclosed copy of letter (in English and Italian) sent to the ROM Milan, which is self explanatory.

2. In view of the serious nature of the charges the papers are forwarded to you so you will no doubt wish to watch the progress of this case.

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

17

File *2692*
HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/L.

RAP/rm.
13 November 1945.

SUBJECT : CASTELLANO Nicola and
CASTELLANO Giuseppe.

TO : AC Liaison Officer

B A R I

1. Herewith petition received from the above.
2. Our records show that CASTELLANO Nicola and CASTELLANO Giuseppe have been tried before an Allied Military Court at Bari and were found guilty of violation of art. 648, Italian Penal Code, in that the accused received and acquired certain allied property. They were sentenced on the 12th January 45 each to 3 months imprisonment and a fine of 1000 lire; in case of default of payment 20 days additional imprisonment.
3. The information is passed to you for what value it may have to the Italian Courts.

By command of Rear Admiral STONE:

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

P.S. Since writing above letter from CC.RM and enclosures, also enclosed herewith, have been received.

31

43

0
4083/1

24

2490

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

Date...10 November 1945.....

SUBJECT: Case of AZZOPARDI Pietro fu Arturo.

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:

CCB/pv

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

3

72

4083/1

2489

HEADQUARTERS
VENEZIE REGION
ALLIED MILITARY GOVERNMENT
APO 394

2 November 1945

TO : Chief Legal Adviser, Legal Sub-Commission, H.Q., A.C.
SUBJECT : PITTIS Antonio.
FILE : RXII/LE/UDI/A/05.

I. Ref your AC/4083/I/L. of 27 October 1945, record of case herewith. I should be glad to have a note of your decision as soon as possible.

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

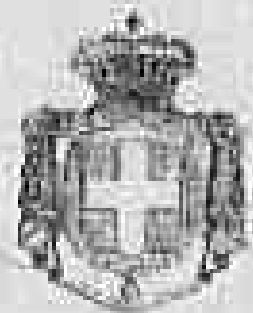
TO : Chief Legal Adviser, Legal Sub-Commission. HQ. AC.

Reference Your AC/4083/I/L of 5 November 1945
we enclose herewith record and enclosures as requested.

Champlin
for Regional Legal Officer
Venezie Region.

5 NOV 1945

13

File  *4083/1*
Ministero
di Grazia e Giustizia

DIREZIONE GENERALE
 PER GLI ISTITUTI DI PREVENZIONE E PENALE

Uff. VI

Rel. N° 148461/95084

OGGETTO: **detenuto Trabalza Feliciano**

1a Commissione Alleata
Sottocommissione Legale
ROMA

Deposito al f. del 19-10-1945

Dir. **LAC. N° 4083/1/L.**

2412

In riferimento alla nota sopra citata
 si informa codesta Commissione che il detenuto
 in oggetto, condannato da un Tribunale Milita-
 re Alleato di Perugia il 24-11-1944 è stato
 escarcerato dalle carceri di Perugia il 23-10
 u.s.

REG
 CLO
 DOLO
 Chief Counsel
 EJO
 Italian Section
 CL RKS
 10 NOV 1945

D'ordine del Ministro

[Signature]

3

72

for
4-83/1

(2487)

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

Date...8 November 1945.....

SUBJECT: Case of Criscuolo Giuseppe di Antonio and others.

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

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

For the Commissioner:

CCB/pv

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

33

Case No. 6996-7001
X5

9 NOV 1945

2486

4083/1

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

Date...8 November 1945.....

SUBJECT: Case of Rodolico 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 Commissioner:

CCB/pv

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

3

CASE No. 7002

15

9 NOV 1945

4083/1

2485

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

Date... 8 November 1945.....

SUBJECT: Case of Coppola Ciro di 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 Commissioner:

CCB/pv

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

31

Case No. 7003
+3

9 NOV

2486

4083/1

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

Date...8 November 1945.....

SUBJECT: Case of Scando Salvatore and others.

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

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

For the Commissioner:

CCB/pv

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

30

Cases No. 7004-7006
FS

V 4083/1
filed.
2483

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref.: LEG/5002

25 October 1945

SUBJECT : CAGLIARI Bruno et al.
Case No. 000694

TO : Headquarters Allied Commission
Legal Sub-Commission

1. Further to our LEG/5002 dated 16 October 1945
herewith enclosed informal application and statement on
behalf of

CAGLIARI Bruno and
VILLA Pietro.

For the Regional Commissioner :

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

Encl.: docts.

6762
15

→

LEGAL SUB-COMMISSION	
DCLO	
Chief Counsel	
CIO	
Italian Section	
Cl. Sec.	

29 OCT 1945

4083/1.0
✓ 7/30

(LH2)

HEADQUARTERS
LIGURIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

Lig/Leg/04

LDC/pm
3 November 1945

SUBJECT : Application for Review.

TO : Headquarters Allied Commission - Apo 394
(Attn: Chief Legal Advisor)

1. Enclosed herewith is appeals on behalf of BRAMBILLA Luigi, for Review.

For the Regional Commissioner:

L.D.GLERUM
Major, Infantry
Regional Legal Officer

Capt. M. Glerum

Encl/ 1;

LEGAL SUBCOMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Liaison	
CLERKS	
8 NOV 1945	

Hand with record 8/2/45



+5

U.N.C.L.E.-N.T

HEADQUARTERS ALLIED COMMISSION
ART 394
LEGAL SUBCOMMISSION

2481

LAP/rm.

6 November 1945.

File.
AC/4083/1/L.

SUBJECT : TESSÉ Felicette.

TO : A.C. Liaison Officer.

B.A.R.I.

1. enclosed herewith copy of letter forwarded to you on 9 Oct. 45.
2. Also enclosed further letter and Petition received from the Ministry of Justice.
3. May a reply be sent to our letter as soon as possible.
4. Please return enclosures.

By command of Rear Admiral STUBBS

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

Incis : 3

Classification No. 1

17
41

X3

4083/1

file

2479

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

5 November 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 24th 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
7 NOV 1945

Case NO.
6975 to 6995
+1

HEADQUARTERS
PIEMONTE REGION
ALLIED MILITARY GOVERNMENT
APO 394

2 Nov 45

REFERENCE: PR/010.

SUBJECT : Decision on Review.

TO : Chief Commissioner,
Hq Allied Commission.

6 NOV 1945

1. Reference letter Legal Sub-Commission AC/4083 1/L
subject: Case of LAIOLA Davide and UGOLINI Amedeo, contents
of which squash convictions after review, it is recommended
that the reviewing authorities take the following into
consideration:-

- a) The case was given wide publicity at the time that sentence was announced. Various collections were made by the Unita to pay the fines. This constituted a direct affront to A.M.G. and should have been followed by further prosecution.
- b) The reviewing authority recommends "that the accused should be reprimanded by the court for breach of their duty to speak the truth". There is a fine distinction between a reprimand and the sentence as ordered. It was the opinion of the Regional Legal Officer that the sentences imposed would result in less abuse of the truth in future articles.
- c) After receiving such wide publicity and press comment it will have a serious effect on future sentences to reverse these decisions.
- d) It is recommended that the reviewing authority study the case again with a view to upholding the sentences imposed.

2. For the information of the reviewing authority, Davide LAIOLA, editor in chief of Unita is the author of "Roche di Donne e di Pucili" (Mouths of Women and Guns) which was

-2-

Continued:-

published in 1939 and which was presented by the editor
as "The beginning of Fascist Imperial Literature".

ERM/JRG.

Eugene R. McPhee.
EUGENE R. MCPHEE,
Colonel, Ordnance,
Regional Commissioner.

SUBCOMMISSION	
CIO	
DELO	
Chief Counsel	
CIO	
Italian Section	
CL RKS	
6 NOV 1945	

20

4083/11 ✓

(2477)

HEADQUARTERS
VENEZIE REGION
ALLIED MILITARY GOVERNMENT
APO 394

2 November 1945

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

SUBJECT : Review of Superior Court Cases.

FILE NO : RXII/LE/Ven/A/04

1. Records and applications for Review in the
following cases are forwarded herewith :

VEN/304 (De Faveri Narciso
(Panon Fortunato

VEN/348 (Favara Giulio
(Da Lio Giovanni
(Franceschini Ernesto
(Bebazza Valentino

2. I recommend confirmation of conviction and sentence
in both cases.

INFO
CLO
DCLO
Chief Counsel
CJO
Italian Section
CL RKS
6 NOV 1945



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

4083/1 ✓

2476

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

6 September 1945

L-3028

SUBJECT: LONGO Luigi ("identificato per Montella Alfredo").

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

1. Reference is made to your letter AC/4083/1/L,
dated 1 September 1945.
2. Our records indicate that LONGO Luigi was tried
and convicted on 6 April 1944 for Violation of Proc.2,
Art.1, Sec.45. Superior Court N.1 sentenced said defendant
to 7 years imprisonment.
3. It will be noted that this case was heard in
1944 and not in 1945. Consequently it can be assumed
that the Form 8 was forwarded to your HQ together with
all records up to and including March 1945.
4. Returned herewith is the letter of the Ispetto-
rato Carceri Regione Meridionale.

For the Commissioner:

SEP 1945

Frank L. Vecchiolla
FRANK L. VECCHIOLLA, *4260*
Major, J.A.G.D.,
Senior Legal Officer.

CCB/ga

Encl.

Archives Sec. No. 6346

23

43

Ma/ta

UFFICIO CARCERI REGIONE MERIDIONALE
(presso C. G. FOGGIOREALE)
NAPOLI

Add. 5 agosto 1945

Prot. n. 28830

Cacerole

COMANDO ARMO - AMMIRAGLIO

Legal Office

ROMA

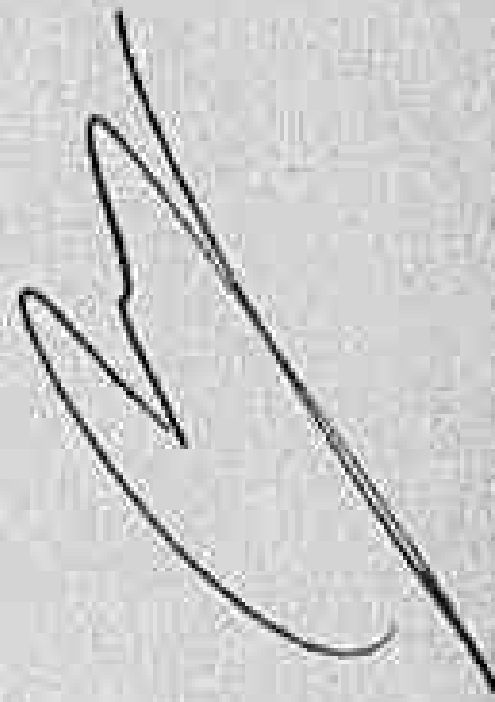
OGGETTO : CONSENTO LONCO INIGI (identificato per Montella Alfredo)

Per esecrare ad un'altra richiesta della Direzione della Casa di Lavoro all'Aperto di Tramariglio-Alghero (Sassari), dove l'in-teressato trovasi detenuto, presso convalesceri disporre che siano ri-messe con cortese sollecitudine a quell'Ufficio copia della sentenza di condanna pronunciata il 7 aprile u.s. dalla locale Corte Superiore a carico di Longo Inigi (identificato per Montella Inigi), copia della sentenza di revisione della Commissione Alzata, posizione giuridica ad ordine di esecuzione.

Con stima.

L'ISPIRATORE RESPONSABILE
(lett. Ernesto Bonomi)

22



HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUBCOMMISSION

JL/rm.

2 November 1945.

AS/4083/1/L.

SUBJECT : AMADORO Luigi et al.

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

1. Reference this HQ letter 4083/1/L of 23 Oct. 45 and your letter L-3026/A of 30 Oct. 45.

2. This HQ was satisfied that justice had been meted out on review as well as at the trial. However, on order to leave no stone unturned, the attorney's allegations in writing were passed to you for such comments as you might like to make.

3. It is suggested that you request the attorney in question to call at your office inquire of him his purpose in disseminating false information, consuming not only the time of this Commission but also the uneasy state in which he places the kind of the accused.

4. The record is returned herewith.

By command of Rear Admiral STONE:

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

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUBCOMMISSION

JL/rm.

5 November 1945.

AC/4083/1/L.

SUBJECT : DIAMANTI Alessandro.

TO : The Minister of Pardon and Justice.

1. Reference your letter "Ufficio I.A.P. Prot. No. 12/24/2566 of 29 Oct. 45.

2. Please refer to this letter 4083/1/L of 13 Oct. 45 which states

* 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.

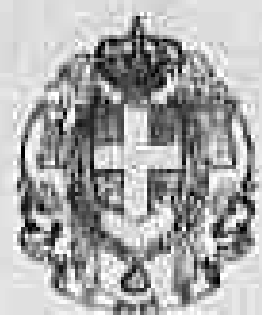
2. The charge of violation of Art. 1, Art. 2, Sec. 40, upon which the attached warrant is based is hereby quashed.

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.

(Sgd)

John H. Cohen,
Colonel, Infantry,
Chief Legal Advisor.

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



Ministero di Grazia e Giustizia

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

Ufficio 1° A.P.
Prot. N° 12/24/2566

Roma 19 Ottobre 1945

ALLA COMMISSIONE ALLEATA
SOTTOCOMMISSIONE LEGALE
ROMA

Rispostare al
Dir. Dir. N°

OGGETTO: DIAMANTI Alessandro di Severino, detenuto
a Roma a disposizione dell'Ufficiale della Giustizia
Alleata di Livorno, Ter. Johnson.- Sua liberazione.-

e, per conoscenza:

All. n° 1

ALL'UFFICIO COLLEGAMENTO
GABINETTO

Per notizia, si invia copia della lettera n° 162781, in data 12 Ottobre corrente, della locale R. Questura e si resta in attesa di conoscere le determinazioni che saranno state adottate dalle Autorità Alleate.-

CIO

DELO

d'ordine del MINISTRO

Chief Clerk

CIO

→ Italian Section

CL. RKS

NOV 1945

13

C O P I A

R E G I A Q U E S T U R A D I R O M A

N° di prot. 102791 Div. 3°

Addì 12 Ottobre 1945

OCCETTO: DIAMANTI Alessandro di Severino e di Diamanti Elvira, nato a Roma il 23/8/1938. Detenuto.-

AL MINISTERO DI GRAZIA E GIUSTIZIA

R O M A

Con rapporto n° 10812 in data 31 agosto u.s. del Commissariato di P.S. Appio, il soprascritto Diamanti Alessandro di Severino venne denunciato, inistato di arresto, alla locale Procura del Regno siccome responsabile di corruzione.-

Successivamente, con ordinanza del 31 settembre u.s., emessa dal Procuratore del "egno di Roma, egli ottenne la libertà provvisoria, ma fu trattenuto in carcere a disposizione di questo Ufficio essendo risultato che egli si era reso responsabile, nell'aprile 1944, di violazione al proclama 1.5/1945 emanato dal Comando Alleato di Firenze, per cui la R. Questura di Firenze, a richiesta di quel Tribunale Militare Alleato, aveva diramato le ricerche per addividere all'arresto del medesimo.-

Il Diamanti, pertanto, a seguito di accordi direttamente intervenuti fra questo Ufficio ed il locale Comando della Polizia Militare Alleata, è stato, in data 6 corrente, passato a disposizione del Tenente Johnson, Ufficiale della Giustizia Alleata di Livorno.-

Poichè quest'ultimo, per tramite della R. Questura di Livorno, ha fatto conoscere che per la liberazione del suindicato Diamanti, questo Ufficio riceverà disposizioni direttamente da codesto Ministero, si resta in attesa delle eventuali determinazioni in merito.-

16

IL QUESTORE

F/to firma illeggibile

Con rapporto n° 16812 in data 31 agosto u.s. del Commissariato di P.S. Appio, il soprascritto Diamanti Alessandro di Severino venne denunciato, inistato di arresto, alla locale Procura del Regno siccome responsabile di corruzione.-

Successivamente, con ordinanza del 31 settembre u.s., emessa dal Procuratore del Regno di Roma, egli ottenne la libertà provvisoria, ma fu trattenuto in carcere a disposizione di questo Ufficio essendo risultato che egli si era reso responsabile, nell'aprile 1944, di violazione al proclama 1.5/1945 emanato dal Comando Alleato di Firenze, per cui la R. Questura di Firenze, a richiesta di quel Tribunale Militare Alleato, aveva diramato le ricerche per addividare all'arresto del medesimo.-

Il Diamanti, pertanto, a seguito di accordi direttamente intervenuti fra questo Ufficio ed il locale Comando della Polizia Militare Alleata, è stato, in data 6 corrente, passato a disposizione del Tenente Johnson, Ufficiale della Giustizia Alleata di Livorno.-

Poichè quest'ultimo, per tramite della R. Questura di Livorno, ha fatto conoscere che per la liberazione del suindicato Diamanti, questo Ufficio riceverà disposizioni direttamente da codesto Ministero, si resta in attesa delle eventuali determinazioni in merito.-

16

IL QUESTORE

E/to firma illeggibile

PER COPIA CONFORME

Roma 23 Ottobre 1945

IL DIRETTORE CAPO DELL'UFFICIO I° AFFARI PENALI



4083/1 ✓

(2172)

Subject : Italian Military Personnel - TRAVISONNI, VitoLand Forces Sub Comm. AC.
(M.M.I.A.) R O M E

A 260

31 Oct. '45To : Legal Sub Commission
HQ Allied Commission

1. Further to our A/6 dated 17 March 45; we have again been asked by the Ministry of War for a certified copy of the sentence awarded to the a/n officer by the Supreme Allied Court at CERIGNOLA on 29th April 1944. We should be obliged if the matter could be expedited as it has been outstanding so long.

55-1-84
J.A.C. Pearce Day
Major General,
M.M.I.A.

JACP/er

Copy to :

LEGAL SUBCOMMISSION
124704
Ministry of War (Your 112-17-101 dated 25 Oct 45 refers)

DCLO

Chief

CJO

Hofio

CL RK5

file

17

1 NOV 1945

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

J./ra.
1 November 1945.

10/1052/1/-.

SUBJECT : NOCERA Perleto.

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

1. Reference your letter 16 Oct. 45.
2. Would you please request Comm. Grazio CICALANZI, whose address is Corso Vittorio Emanuele No. 432, (phone 76372) to call at your office, and learn from him the exact nature of his claim, requesting him to give you an itemized statement of his claim, giving a quantity of each product as well as the value of same.
3. Will you, then, please ascertain, from reliable and competent Italian business men, the value of said stock as of January 1944.

By command of Rear Admiral CROWE:

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

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

(2470)
JL/rjp

AC/4083/1/L

5 Nov. 1946

SUBJECT : MARINA Donato
TO : Commissioner (attl Legal Officer)
AMG Naples Zone

1. Reference your letter L-3028 of 3 Nov. 1946.
2. It was not the intention of this office to remit the fine; the decision on review has now been amended to disclose same.

By command of Rear Admiral STONE

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

Encl. 1 record

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/1/L

JL/es
5 November 1945

SUBJECT : PITTIS Antonio

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

1. Reference your letter returned herewith.
2. Please note that no record was enclosed.
3. May record and enclosures please be returned.

By Command of Rear Admiral STONE

A.P. NUGENT,
Major Spec. Res.,
Chief Counsel.

HEADQUARTERS RELIANT COMMISSION
APO 394
LEGAL SUBCOMMISSION

(2468)

AC/4003/1/L.

J-/ra.
3 November 1945.

SUBJECT : RACZYNSKI Tadeusz Janusz
Case No. 00012

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

1. Reference your letter Leg/0007 of 27 Oct. 45.
2. The petition has now been considered and pursuant to your recommendation the petition is denied.
3. Returned herewith is petition and record.

By command of Rear Admiral STONE:

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

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
APO 394
Legal Division

Ref.: LEG/5007

27 October 1945

SUBJECT : Raczynski Tadeusz Janusz
Case No. 000512

TO : Headquarters Allied Commission
(Legal Sub-Commission)

1. Reference your AC/4083/1/L dated 25 October 1945.
2. The accused was found guilty of three serious charges and sentenced respectively to terms of imprisonment of 3 years, 4 months and 2 years to be served concurrently.
3. The sentence on the first charge was reduced to two years on review.
4. As the sentence has already been reduced on review it is not considered that the second Petition discloses any substantial ground for altering the sentence.
5. The file is returned herewith.

For the Regional Commissioner :

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

12

CJO

DCLO

Chief Counsel

CJO

Action Section

CL RKS

2 NOV 1945

info

ALLIED COMMISSION
APO 394
MILITARY COMMISSION

(2466)

20/1002/1/2

/ra.
3 November 1945.

SUBJECT : ANTONIO NICOLA.

TO : Carceri Giudiziarie di MILANO

1. Reference your letter No. 1269 Tit 5 Mac 1 Lett A of 12 Oct. 45.

2. The above was sentenced by an Allied Military Court at Bitonto, Province of Bari, on 30th December 44.

3. The Court sentenced ANTONIO NICOLA to 2 years "reclusione" and 1,000 lire "multa" or, in default of fine, to serve additional 7 days imprisonment.

4. The conviction was affirmed on review, but the sentence to read as follows: "Reclusione for 12 months from 30 December 44 and a fine of 1000 lire".

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

12

X

(2465)

HEADQUARTERS ALLIED COMMISSION
APO 994
LEGAL SUBCOMMISSION

/rr.
3 November 1945.

40/4883/1/C.

SUBJECT : GIANNARELLA Giovanni and
GANCIO Domenico.

TO : Carceri Giudiziarie di

M. & F. I.

1. Reference your letters No. 1293 Tit 3 Fasc 1 of 17 Oct. 45
and No. 1269 Tit 3 Fasc 1 of 12 Oct. 45.

2. The above mentioned men were tried and convicted by an
Allied Military Court at Bari on 14th February 45.

3. The Court sentenced both GIANNARELLA Giovanni and GANCIO
Domenico to imprisonment for 18 months and a fine of 1000 lire. The
sentences were affirmed on review.

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

71

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HEADQUARTERS ALLIED COMMISSION
APO 974
LEGAL SUB-COMMISSION

3L/rm.

2 November 1945.

AC/4083/1/L.

SUBJECT : SALUSTO Michels.

TO : Land Forces Sub-Commission A.C.
(M.M.A.A.)

1. Reference your letter A/260 of 30 Oct. 45.
2. SALUSTO Michels was tried and convicted by an Allied Military Court at Landiano on 25 - 27 May 44.
3. The sentence, as modified on review, reads 8 months imprisonment and a fine of 50,000 lire. In default of fine the accused to serve an additional 9 months imprisonment. The case was affirmed on review.

By command of Rear Admiral STONE:

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

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✓
4883/1
0 (2462)
HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

L-3028/A

30 October 1945

SUBJECT: AMADORO Luigi and others.

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

1. Reference to your letter AC/4083/1/L,
23 October 1945, JL/rjp, relative to the above
subject.

2. Enclosed herewith is copy of correspond-
ence heretofore had in this case.

3. I remember this case distinctly and re-
call without fear of error that Avv. Festa was
asked whether he had anything to say in mitigation
or extenuation. The same question was asked of the
other Avvocato in the case and of every defendant.
These others also stated they had nothing to say
but left the matter of sentence entirely in the hands
of the Court.

4. Avv. Festa has practiced before the Allied
Courts on other occasions. He is presumed therefore
to know the procedure as well as his rights therein.
He also knows the difference between a plea of guilty
and a plea of not guilty for he entered a plea of
"guilty" and one of "not guilty" for his client on
the two charges.

5. Inasmuch as the second charge was withdrawn
and a plea of guilty remained on the first charge,



4083/1

Roma.

29 Ottobre 1945

Mod. 40

(2461)

Ministero di Grazia e Giustizia

DIREZIONE GENERALE DEGLI AFFARI PENALI
DELLE GRAZIE DELLA STATISTICA E DEL CASELLARIOla COMMISSIONE ALLEA-
TA SOTTOCOMMISSIONE LEGA-
LE ROMA

Ufficio I° A.F.

Prot. N° 131/540/2162

Ripartizione I° 21/8/1945

D. AC. P. N° 4083/L

OGGETTO LO MONACO Francesco fu Vincenzo.:-

e, per conoscenza:

ALL'UFFICIO COLLEGAMENTO

G A B I N E T T O

In relazione alla richiesta suindicata
si comunica che il Procuratore Generale di
Palermo ha assicurato che il condannato di
cui in oggetto, è stato escarcerato il 4 a-
gosto c.a., per sospensione della residuale
pena, giusta ordine di codesta Commissione
Alleata.-

DELO

Chia. 1945-1

CIO d'ordine del MINISTRO

Relazione

CL RKs

file

8 NOV 1945

8

- 2 -

Avv. Festa's client did not remain "indifeso". All he could state were facts in mitigation, which he understood and elected not to do.

6. I wish to point out that I took into consideration the fact that AMADORO pleaded guilty and consequently imposed a lighter sentence than would have been the case had he been found "guilty" after a plea of "not guilty". The record and the testimony produced, leave no doubt as to AMADORO's guilt irrespective of his plea. Together with him, he caused many young boys to commit the crime in question.

7. At any rate the rights of AMADORO and his Avvocato were respected and clearly explained to them.

8. Form 8 and pertinent documents are herewith returned.

For the Commissioner:

CCB/pv


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

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CLERK
Chief Counsel
CLERK
CLERK
CLERK

7

HEADQUARTERS ALLIED COMMISSION
APO 304
LEGAL SUB-COMMISSION

JKW/rjp

AG/4063/1/L

2 Nov. 1945

SUBJECT : CIPPOLARO Mario

TO : Commissioner (Att. Legal Officer)
AMG Livorno Zone

1. The able petition for review filed on behalf of the accused in the above case has been carefully considered. We have freely consulted with Italian authority on the questions discussed in the petition. It has been determined that the argument advanced therein, while impressive, is unconvincing.

2. The accused does not differentiate between the mental intention and the legal intention of the responsible parties in obtaining the Fiat 1500 automobile. While the persons concerned may not have mentally intended to requisition the car, if in law their acts constituted a dominion over the vehicle, it is immaterial what mental processes may have occupied the minds of the parties while so deporting themselves.

3. Much stress is made on the imposition of the sentence. The accused does not take into account that the adjective or procedural law of the case was founded in the Proclamations and not the Italian code.

4. The conviction and sentence on charges 1 to 6 are affirmed. The conviction and sentence on the 7th charge are quashed. The evidence is not deemed to be of the weight required by the rules for Allied Military Government Courts.

By command of Rear Admiral STONE

JOHN X. WEEHER,
Colonel, Infantry,
Chief Legal Advisor

4083/1 ✓

2459

SUBJECT : Sentence of Italian Officers

LAND FORCES SUB COM, A.C.
(M.M.I.A.) R O M E .
A 260
20 Oct. 45

TO : LEGAL S/C A.C.

The attached copy translation is forwarded for your attention.

Will you please pass same to the appropriate Section of A.M. Government, with a request that the information required be forwarded to this H.Q. as soon as possible.

[Signature]
Major General,
M.M.I.A.

COPY TO : Ministry of War (your 124702/1/1 dated 26 Oct.45 refers)
112-17-361

maf.

[Handwritten signature]

LEGAL SUBCOMMISSION
CLO
DCLO
Chief Counsel
CIO
Italian Section
CL RKS

1896
1 NOV 1945

Copy Translation

From : Ministry of War

Ref : 124702/1/1
112+17+361

To M.M.I.A.

Date 26 Oct 45

Subject : Request for the sentence of Infantry Lieutenant
(Officer-Reserve) Michele SALUSTO

Infantry Lieutenant (Officer Reserve Michele SALUSTO, on duty up to the 8 Sep 43 with the 20 A/A/REGt at BARI, was arrested at Campobasso on the 13 of May 44 by order of the A/M/G/for the offence of forwarding unauthorised private letters. He was sentenced by the Allied Military Court to a period of 6 months imprisonment, and a fine of 50,000 lire.

SALUSTO has subsequently been liberated and now resides at Campobasso .

In order to regularise the disciplinary position of this officer, it would be necessary to have a copy of the sentence.

We shall be grateful if the MMIA will kindly request the same from the above-mentioned Court and forward it to this Ministry.

By Order

Sgd. LOMBARDI

file
HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

(2458)

AC/4083/1/L.

JL/rm.
1 November 45.

SUBJECT : TRAVISORRI Vito.

TO : Land Forces sub-commission A.C.
(M.M.I.A.)

1. Reference your letter A/6 of 17 Mar. 45 and A/260 of 31 Oct. 45.

2. The long delay in complying with your request was due to the closing down of regions and transmittal of documents to this HQ. Our apologies for the inconvenience.

3. The above was tried and convicted by an Allied Military Court at Gerigola on 29 April 44.

4. The court sentenced TRAVISORRI Vito to imprisonment for 6 years and a fine of 150,000 lire. In default of fine the accused to serve additional 18 months imprisonment. The sentence was affirmed on review.

By command of Rear Admiral STONE:

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

2457

4083/1

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAILES COMMUNE
LEGAL DIVISION
ATO 394

L-3028

3 November 1945

SUBJECT: Marina DONATO.

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

1. Herewith returned is Fort Summary Court record concerning the above named.
2. The conviction and sentence of the Court therein were reviewed by your Office and affirmed. However a clause was added that conditioned on good behavior of the accused during the continuance of Allied Military Government the sentence is suspended.
3. Although we are of the opinion that there was no intention to remit the fine imposed, a petition was made claiming that that was the intent of the reviewing authorities. Said petition is herewith enclosed.
4. May we have a clarification on this point.

For the Commissioner:

CCB/ga

Encls:

- 1 Record, in Section
- 1 Petition.

LEGAL SUBCOMMISSION
CLO
DCLO
Chief Counsel
CJO
CLERK
6 NOV 1945

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

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34083/1 2456

ALLIED MILITARY GOVERNMENT
ALESSANDRIA PROVINCE
PIEMONTE REGION

REF: PR/AL/L/01/B

DATE 26 October 45

SUBJECT: Application for review of sentence

TO: RG (attn: RLO)

Legal

ARROBBIO Luciano - ARROBBIO Albertino - NERI Giovanni
MARMETTO Rodolfo - CICOGNA Ugo

1. Attached find application for review of Sentence in above cases.

Ray Derham
Ray Derham
Major AUS
Legal Officer.

HO *Record*
Date *to Reg AMG*
No **OCT 26 1945**

PR/LE/312

1st End.

DDM/AR.

HEADQUARTERS PIEMONTE REGION, A.M.G., LEGAL DIVISION, 29 Oct.45

TO: H.Q. A.C. For Legal Sub-Commission.
(Attn: Italian Branch)

1. Forwarded together with record of the trial.
2. The type of offence covered by the second charge was rather too frequent in the Province.

Encl.: record of trial.

D.D. Mc Colm
D.D. Mc Colm
Major, R.A.
Regional Legal Officer.

Chief Counsel

Italian Section

CL RKS

NOV

465
205

