

ACC

10000/142/592  
(VOL. 24)

REVIEW OF  
JULY 1946

10000/142/592  
(VOL. 24)

REVIEW OF COURT CASES, CORRESPONDENCE  
JULY 1946 - JAN. 1947

BEST COPY POSSIBLE  
FILMED AS FOUND  
IN COLLECTION

AC/1083/1/1.

Vol. 24

FROM : No. 2800

TO : No.

SUBJECT : REVIEW OF COURT CASES - CORRESPONDENCE

1001

SUBJECT : REVIEW OF COURT CASES - CORRESPONDENCE -

1001

10000 / 142

592

THIS FOLDER

CONTAINS PAPERS

FROM

TO

CATALOGUE.

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16 July 46. E.C. ref 2718

I agree with Col. Patterson's letter of 13th. Bail & fine money should be transferred to Hayes S/C, who will in turn turn it over to the Ministry of Justice with all required documents & justification.

Hayes S/C  
J. S. Ham-ford  
1466

D.C.L.A. 2

1. 2. Twenty 257 to the Legal Sec!

If you mean Italian legal authorities Naples this seems to clear the Cash side.

2. But I understand there were a one some goods in kind including some fruit. Lighter looks as "gold bars". Lot better. Had we this was some complication about these. Please remove that instructions cover their disposal. I think AFA heard all about the fruit.

M. L. Dwy.  
U.S.C.D.S.

19/7/46

3.

D.C.L.A.

You say "115 Fed" but are Naples quite clear as to what they are to do



110/3/1

SECRET

HEADQUARTERS ALLIED COMMISSION  
APO 794  
LEGAL DIVISIONfile in the file  
which was sent  
to Brig Carr & has  
his minutes in it.  
15.2.47 (T)

30 January 1947

SUBJECT : Spy and Sabotage Cases.

TO : The Chief Legal Officer

The following is a report of the Review Board on 29 spy cases involving 39 spies, 3 sabotage cases involving 5 saboteurs, and 7 cases where accused were both convicted and sentenced to life in jail or to 10 years in prison. Although most of the accused are spies, all are guilty of espionage or war treason offences. In the sabotage cases, the accused were caught before they had completed their missions. There is no evidence to show intent to commit acts of sabotage. They had the necessary explosives etc. in their possession. The sabotage cases are very similar to the spy cases where the spy was caught as he or she was entering our lines and before any work had been accomplished. The offences these accused committed, or attempted to commit, are considered as war crimes. In that the acts were acts of war against our armed forces, and the normal punishment for these offences is death. The Review Board is of the opinion that these cases are so similar they should be treated the same. (See Manual of Military Law, 1921 Amendment (a) (1) (British) The laws and usages of war on land. (iii) The punishment of war crimes (a) (1) (a) and (b)).

16.

With reference to the spy cases, your attention is called to the fact that international law recognizes the right of belligerents to employ spies and other secret agents for obtaining information of the enemy. Resort to the practice involves no offence against international law. Spies are punished, not as violators of the laws of war, but to render that method of obtaining information as difficult, and ineffective, as possible for the enemy. According to international law, the spy is punished with death whether or not he succeeds in obtaining the information or in conveying it to the enemy. (See F.M. 27-10, War Department, Basic Field Manual, Rules of Land Warfare par. 202, 203, and 204).

- 2 -

All spies were not sentenced to death by the courts. Some were given prison sentences. In this connection it is interesting to note that under international law, a spy is punishable by death. (See P.W. 27-10, Par. 209, "Rules of Land Warfare" - U.S. see also, Article 22, "Articles of War," "Manual of Courts Martial, U.S. Army, 1928", wherein death is the punishment for a spy.) The framers of the Proclamations assumed that a sentence less than death might lawfully be imposed upon a spy. In deference to such legal authority allied Military Courts have imposed terms of imprisonment for some persons convicted of being spies. It is with this situation that we are now confronted.

The following table lists all known accused to whom, because of their age, sex, or some other reason, the courts or the reviewing authority gave a sentence less than death:

| No | Name                    | Offence | Sentence of Court | Original Review |
|----|-------------------------|---------|-------------------|-----------------|
| 1  | Michelson, Gaston       | Spy     | 20 yrs            | Affirmed        |
| 2  | Barilli, Franco         | "       | 20 "              | "               |
| 3  | Ferrari, Giuseppe       | "       | Death             | 15 yrs          |
| 4  | Benvenuti, Giovanni     | "       | Life              | Affirmed        |
| 5  | Chachi, Fernando        | "       | Death             | Life            |
| 6  | Acqua, Gastone          | "       | Death             | 20 yrs          |
| 7  | Falleggini, Carlo       | "       | Death             | 20 yrs          |
| 8  | Alberti, Emilio         | "       | Death             | 20 yrs          |
| 9  | Rentaldi, Bruno         | "       | Death             | 20 yrs          |
| 10 | Havero, Valerio         | "       | Death             | 20 yrs          |
| 11 | Macagni, Eraldo         | "       | Life              | 20 yrs          |
| 12 | Micali, Silvio          | "       | Death             | Life            |
| 13 | Biondini, Francesco     | "       | Death             | Life            |
| 14 | Gorga, Aldo             | "       | 20 yrs            | Affirmed        |
| 15 | Costa, Carlo            | "       | 20 yrs            | " 101           |
| 16 | Gorga, Enrico           | "       | 15 yrs            | "               |
| 17 | Dei Brandis Anna Maria  | "       | 20 yrs            | "               |
| 18 | Galvagno, Claudio       | "       | Death             | 20 yrs          |
| 19 | Calisti, Otello Antonio | "       | Life              | Affirmed        |
| 20 | Rabbi Aristide          | "       | Death             | 25 yrs          |
| 21 | Registrelli Adolfo      | "       | Death             | 10 yrs          |
| 22 | Serra Egidio            | "       | Death             | 20 yrs          |

| No | Name                    | Offence      | Sentence of Court | Original Review |
|----|-------------------------|--------------|-------------------|-----------------|
| 23 | Dei, Ugo Enzo di Silvio | Spy          | Death             | 20 yrs          |
| 24 | Dei, Elio Guido         | "            | 20 yrs            | Affirmed        |
| 25 | Fugardi, Francesco      | "            | 15 yrs            | "               |
| 26 | De Santis, Vincenzo     | "            | 20 yrs            | "               |
| 27 | Lucia, Antonio          | "            | 20 yrs            | "               |
| 28 | Pickard, Isidoro        | "            | 20 yrs            | "               |
| 29 | Antonuccio, Giorgio     | "            | Death             | 20 yrs          |
| 30 | Barbani, Ivo            | "            | Death             | Life            |
| 31 | Curreli, Mario          | "            | Death             | Life            |
| 32 | Conca, Giovanni         | "            | Death             | Life            |
| 33 | Annalora, Emilia        | "            | 10 yrs            | Affirmed        |
| 34 | Borghiglioni, Carlo     | "            | 20 yrs            | "               |
| 35 | Spera, Olga             | "            | 18 yrs            | "               |
| 36 | Boni, Tecla             | "            | Death             | 10 yrs          |
| 37 | Baraldi, Giovanna       | "            | Death             | 10 yrs          |
| 38 | Navalacqua, Emilio      | "            | 20 yrs            | Affirmed        |
| 39 | Covella, Federico       | "            | Death             | 20 yrs          |
| 40 | Benvenuti, Leopoldo     | Sabotage     | Death             | 20 yrs          |
| 41 | Vaccari, Giorgio        | "            | Death             | 20 yrs          |
| 42 | Trifiro, Mario          | "            | Death             | 20 yrs          |
| 43 | Falconi, Mario          | "            | Death             | 15 yrs          |
| 44 | Lo Vento, Vincenzo      | "            | Death             | 15 yrs          |
| 45 | Paganotto, Fabio        | Aiding enemy | Life              | Affirmed        |
| 46 | Bandino, Carlo          | "            | 10 yrs            | "               |

In all other cases reviewed, the Board of Review were in a position to adjust the sentences, because the offences were penal in character. Where a deterrent sentence was given, the deterrent factor was removed and a reasonable sentence was recommended as if the offence were committed in time of peace. However, in these war offences, the Board cannot logically adjust a sentence which is not penal in nature. It is the opinion of the Review Board that the above accused were properly tried and convicted of war offences. All the above accused could have been put to death had the courts and reviewing officer desired the death sentence to be imposed. However, these sentences are purely deterrent and do not involve anything of a penal nature.

As pardon is not a function of the Review Board, and as the removal of the deterrent factor becomes in effect full pardon, it is recommended that these cases be referred to competent authority for action.

JAMES J. GIBBS  
Colonel, Infantry,  
Chief of Review Board.

ENTER  
andFILE  
2897ALLIED FORCE HEADQUARTERS  
G-5 Section  
APO 512

G-5: 936.10 R

2 January 47

SUBJECT: RICCI, Goffredo

TO : Chief Commissioner,  
Allied Commission  
APO 794.

1. It is confirmed that subject is of no Allied interest and may be released. Subject is being held at Forte Boccea prison.

BY COMMAND OF GENERAL MORGAN:

*For A. L. Hamblen*  
Colonel, G.S.C.  
Assistant Chief of Staff, G-5

7 Feb 47 -

Original given to Chief Clerk,  
A Branch, MMIA.

*RR*

HEADQUARTERS  
ALLIED MILITARY GOVERNMENT  
~~10-CORPS~~

VENEZIA GIULIA

Date 18 January 47

LEGAL DIVISION

FILE REF.: 136/AMG/LD/VG/136/209

SUBJECT: Superior Court Gorizia Case No. 216 -216n.  
Legal Division No. 6197. STROGAR Lamberto et al.

TO: Chief Commissioner (Attention Chief Legal Adviser).

H.Q. - A.C. - A.P.O. 794 - R O M E

The records in above mentioned cases, where seven accused  
were sentenced to more than two years imprisonment, are forward-  
ed herewith for Review.

For the Senior Civil Affairs Officer.

|                    |             |
|--------------------|-------------|
| LEGAL SV           | 3 JAN 33    |
| DIR DIA            |             |
| DIR G              |             |
| CHIEF COUNSEL      |             |
| MAJOR GENL         |             |
| Recd               | 22 JAN 1947 |
| Encl. a/m Records. |             |

*John L. Keefe*  
JOHN L. KEEFE  
LT. COL. INF.,  
REVIEWING OFFICER

*Sir,*  
Attached V.G. case for  
original Review.  
*Sgt Wills*

*Received 24 Jan 47. Review sent 27.1.47.*

*Case not returned but held with other*

*V.G. records gotten by Col. Gurnes.*

*MR*

*(The)*

HEADQUARTERS ALLIED COMMISSION  
APO 734  
LEGAL DIVISION

TW/ns

18 January 1947.

AG/4063/1/L

SUBJECT : Copy of sentence :  
MUNERATI Walter et al.

TO : Il Giudice Istruttore,  
Tribunale Civile e Penale di  
CUNEO.

1. Reference is made to your letter Prot.  
No 240/45 dated 26 December 1946, subject as above.

2. The following persons were arrested  
during the latter part of June 1945 and charged with  
numerous violations of the Italian Penal Code and Allied  
Military Government Proclamations, "Conspiracy and  
counterfeiting of false currencies and checks etc., and  
sale of the same".

- 1) MUNERATI Walter ✓
- 2) MAZZOLA Angelo
- 3) SOGOS Roberto ✓
- 4) ROVESCALMI Renzo ✓
- 5) FERRARI Enrico ✓
- 6) MAZZOLANI Fausto ✓

3. They were tried 5 September 1945 before  
a General Allied Military Government Court sitting at  
Milano. They were each found guilty of parts of the  
charges and sentenced as follows :

|                     | years of<br>imprisonment | fine       |
|---------------------|--------------------------|------------|
| 1) MUNERATI Walter  | 21                       | L 50,000.= |
| 2) MAZZOLA Angelo   | 4                        | " 4,000.=  |
| 3) SOGOS Roberto    | 5                        | " 6,000.=  |
| 4) ROVESCALMI Renzo | 5                        | " 6,000.=  |
| 5) FERRARI Enrico   | 12                       | " 12,000.= |
| 6) MAZZOLANI Fausto | 12                       | " 12,000.= |

4. On review, 30 December 1945, the

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./.

- 2 -

convictions and sentences were affirmed.

L.J. GILBRIDE,  
Major, ICD,  
Chief Counsel.

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HEADQUARTERS ALLIED COMMISSION  
APO 794  
LEGAL DIVISION

JKW/ns

AC/4083/1/1

27 January 1947.

SUBJECT : Review of Superior Court Case  
No 216 - 216 n.

TO : S.C.A.O. AMG VENEZIA GIULIA  
(Attn: Senior Legal Officer).

1. See your letter AMG/VC/136/209 of  
18.1.47.

2. The record of trial in the case STRGAR  
Lamberto et al, (Venezia Giulia No 6197, Superior Court  
Gorizia Nos. 216 - 216 n) has been reviewed. The Petitions  
for review have been carefully considered.

3. We are unable to follow the argument  
urged by the accused in their behalf. The convictions  
find support in the evidence, and the sentence finds  
support in the law.

4. The convictions and sentences are  
affirmed.

5. In view of the liquidation activities  
and the review of long term sentences as an incident  
thereto, we are keeping this record along with those  
recently returned to this office. It will come back to  
you with such files.

6. It is here emphasized that in cases  
wherein an accused pleads to the general issue and  
evidence is offered by the prosecution to sustain the  
charge, for failure to prove the case the court should  
find the accused "Not Guilty". An order dismissing the case  
does not lie. This is important in connection with former  
jeopardy.

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

MR

## ACQUEDOTTO DI NAPOLI

GESTIONE MUNICIPALE

Via Costantinopoli N. 98

NAPOLI

Telefoni 50654 - 53616

Registered

Naples, December 18th 1946

HEADQUARTERS ALLIED COMMISSION

APO 794

LEGAL DIVISION

VIA VENETO

R O M ASUBJECT: Sentences PAPARO and BARBUTOOGGETTO: Sentenze PAPARO e BARBUTO.

1. Reference is made to your letter dated 10 December 1946, AC/4083/I/L, signed by Major Gilbride.

2. Your information re. the sentences of Paparo Vincenzo and Barbuto Espedito is the most important, and we thank you very much.

3. Unfortunately, your letter happened to be typewritten on two separated sheets of informal paper, the first of which does not show any mark of authenticity. We submit to your attention that counterparties are so audacious as to oppose that this first sheet of the letter has been created by ourselves!

4. Therefore, we beg you to be so kind as to send us a new copy of the same letter, transcribing it all in one sheet of paper, with the signature of Major Gilbride on the same and, possibly, also with an official stamp of the Allied Commission.

1. Ci riferiamo alla Vostra 10/12/1946, AC/4083/I/L; sottoscritta dal Magg. Gilbride.

2. Le Vostre informazioni sulle sentenze Paparo Vincenzo e Barbuto Espedito sono importantissime, e ve ne ringraziamo vivamente.

3. Sfortunatamente, è accaduto che la Vs/lettera è stata dattilografata su due separati fogli di carta semplice, il primo dei quali senza alcun segno di autenticità. Sottoponiamo alla Vs/attenzione che gli avversari sono così audaci da poter opporre che quel primo foglio lo avremmo creato noi stessi!

4. Vi preghiamo perciò di voler gentilmente rimmetterci una nuova copia della stessa lettera, trascrivendola interamente su di un unico foglio, con la firma del Magg. Gilbride sullo stesso e, possibilmente anche con un timbro ufficiale della Commissione Alleata.

LEGAL SUB - COMMISSION

CHIEF COUNSEL

ITALIAN SECTION

27 DEC 1946

ACQUEDOTTO DI NAPOLI

Gestione Municipale

LA DIREZIONE

HEADQUARTERS ALLIED COMMISSION  
APO 794  
LEGAL DIVISION

FILE

AC/4083/1/L

13 January 1947

2885

SUBJECT : Sentences FAPARO and BAREUTO  
TO : Direzione Acquedotto di Napoli,  
Gestione Municipale,  
Via Costantinopoli No. 98,  
NAPOLI.

1. Reference is made to your letter dated  
18 December 1946, subject as above.

2. A signed copy of the letter in the form  
referred to therein is forwarded herewith as requested.

L. J. GILBRIDE  
Major IGD  
Chief Counsel  
for Chief Legal Advisor

Incl.

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112

HEADQUARTERS ALLIED COMMISSION  
APO 794  
LEGAL DIVISION

LJG/ns

10 December 1946

AC/4083/I/L

SUBJECT : COPIES OF SENTENCES:  
PAPARO, Vincenzo fu Vincenzo and  
BARBUTO, Rapedito.

TO : Direzione Acquedotto di Napoli,  
Cessione Municipale,  
Via Costantinopoli No. 98,  
NAPOLI.

1. Reference is made to your letters, dated 22 November 1946, subject as above.

2. The two above mentioned persons were arrested on or about 11/4/44 and charged with violating Proc.2, Art.3, Section 1.

3. They were tried before a Superior Allied Military Government Court sitting at Castelcapuano on 5 May 1944.

4. They were each found guilty as charged and sentenced to serve 3 years imprisonment.

5. On review, 19 June 44, the decision was announced that convictions and sentences were affirmed and that inasmuch as Barbuto appeared to be suffering from duodenal ulcer examination should be made regarding the advisability of his hospitalization.

6. On reconsideration, 11 July 1945 the sentence of BARBUTO, Rapedito was suspended, effective that date, conditioned on continuing good behaviour of accused during the continuance of Allied Military Government. 1.1

7. On further reconsideration, 31 December 1945 the sentence of PAPARO Vincenzo was suspended, effective 15 January 1946 conditioned on continuing good behaviour of accused during the continuance of Allied Military Government.

L. J. GILBRIDE,  
Major, IGD,  
Chief Counsel.

RECEIVED  
NOV 27 1946  
LEGAL DIVISION

2885

JKB/28

16 December 1946

AC/4057/1/6

SUBJECT : Decision on Review.

TO : S.C.A.G., A. G., VERONA, ITALIA.  
(Attn: Senior Legal Officer).

1. See your letter 136/3715 of 27 Nov. 46.

2. The records of trial in the cases of  
INTERIM, Mrs. G. BIANCHI, Vittorio and DANIO, Mario have been  
examined and the petition of appeal have been given  
serious consideration.

3. Counsel for accused have urged that  
under Italian procedure failure of the court to appoint an attorney to represent the accused was  
fatal error. It is sufficient answer to this contention  
that military government courts follow their procedure  
and not that established by Italian law. This rule is  
elemental. If an Italian court was called upon to  
adjudicate a question of Italian law, it would do so  
after the manner of its procedure and not that of the  
foreign jurisdiction.

4. While under Allied Military Government  
procedure failure to appoint counsel to represent an  
accused is not fatal error, there is reflected in  
the rules a strong policy in favor of such procedure.  
After running the record, we are not prepared to say it  
was error not to appoint counsel in this case.

Under the facts, accused were timely  
warned of their right to have counsel. They went so far  
as to seek the services of an attorney. They were advised

- 2 -

that they did not need an attorney. Such advice seems to have been given for the purpose of having an issue upon which to appeal, - the old familiar one used in this case. There can be no doubt that the accused invited the error about which they now complain. Not being fundamental error, a reversal will not be ordered.

All trial courts should be advised that in cases of this kind it is desirable that the Court exercise its power to appoint local civilian counsel and thus foreclose the inevitable plea of injustice as is done in this case. Why should a court be put in a position of being called upon to defend its judgment, when by the exercise of its powers, such issues are foreclosed?

By command of Rear Admiral STONE:

JAMES E. WARREN,  
Colonel, Infantry,  
Chief Legal Advisor.

Copy to AG/4005/L  
" " AG/4188/4/L FILE

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HEADQUARTERS ALLIED COMMISSION  
APO 794  
LEGAL DIVISION

FILE

AC/4083/1/5

AKH/28  
16 December 1946

SUBJECT : Decision on Review.

TO : S.C.A.D. R.O. VENEZIA VENEZIA.  
(Attn: Senior Legal Officer).

1. See your letter 136/3716 of 27 Nov. 46.

2. The record of trial in the cases of  
PETERLIN, BRUNO, ORLANDO, Vittorio and DALLA, ARIO has been  
examined and the petition of appeal have been given  
serious consideration.

3. Counsel for accused have argued that  
under Italian procedure failure on the part of the A.C.  
Court to appoint an attorney to defend the accused was  
fatal error. It is sufficient answer to this contention  
that military Government Courts follow their procedure  
and not that established by Italian law. This rule is  
elemental. If an Italian Court was called upon to  
adjudicate a matter of Italian law, it would do so  
after the manner of its procedure and not that of the  
foreign jurisdiction.

4. While under Allied Military Government  
procedure failure to appoint counsel to represent an  
accused is a fatal error, there is reflected in  
the rules a strong policy in favor of such procedure.  
After making the report, we are prepared to say it  
was error not to appoint counsel in this case.

Under the rules, accused were timely  
warned of their right to have counsel. They went on for  
as to seek the services of an attorney. They were advised

that they did not need an attorney. Such advice seems to have been given for the purpose of having an issue upon which to appeal, - the old familiar one used in this case. There can be no doubt that the accused invited the error about which they now complain. Not being fundamental error, a reversal will not be ordered.

All trial courts should be advised that in cases of this kind it is desirable that the Court exercise its power to appoint legal civilian counsel and thus forestall the inevitable plea of injustice as is done in this case. Why should a court be put in a position of being called upon to defend its judgment, when by the exercise of its power, such issues are foreclosed?

By command of Rear Admiral STONE:

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

Copy to AG/1005/L  
" " AG/1157/L/L FILE

152

9345

113895

HEADQUARTERS  
ALLIED MILITARY GOVERNMENT  
~~13~~ CORPS  
LEGAL DIVISION

Legal.

Date 27 Nov. 46

TELEPHONE NO.

REFERENCE NO. 189/AMG/LD/VC/136/3716

SUBJECT

Cases of PETELIN Drago, KUKANJA Vittorio, ADAMIS Mario  
Superior Court Gorizia No. 207 - 207b.

TO

Chief Commissioner (Attention Chief Legal Adviser)

H.Q. A.C. A.P.O. 794 ROME.

The records in above mentioned cases, where all three  
accused were sentenced to more than two years imprisonment,  
are forwarded herewith for Review.

For the Senior Civil Affairs Officer.

*H. J. Atkinson*  
H. J. ATKINSON  
LT. COL. CAV.,  
D/CHIEF LEGAL OFFICER

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Encl.: a/m Records.

|                          |             |
|--------------------------|-------------|
| LEGAL SUB - COMMISSIONER |             |
| CJO - CLA                |             |
| DCLO                     |             |
| CHIEF COUNSEL            |             |
| ITALIAN SECTION          |             |
| Recd                     | NOV 30 1946 |

HEADQUARTERS ARMY COMMISSION  
APO 794  
LEGAL DIVISION

26-

AC/4193/L/L

JFT/ns  
14 December 1946

SUBJECT : Case SACCOMANARI Alberto and  
FALLOSI Guglielmo.  
TO : HQ AND VENEZIA GIULIA.  
(Attn: C.I.O.).

1. The records of trial in the cases of SACCOMANARI, Alberto and FALLOSI, Guglielmo, have been reviewed, and upon due consideration, the convictions and sentence are affirmed.

2. The appeals go to the severity of the sentences. As the sentences are well within permitted boundaries, they will not be disturbed.

3. The records are returned. Please acknowledge receipt.

JOHN K. WEBER.  
Colonel, Infantry 150  
Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION  
APO 794  
LEGAL DIVISION

File  
2884

AC/4083/1/1

LIG/AM  
10 December 1946

SUBJECT : COPIES OF SENTENCES:  
PAPARO, Vincenzo Su Vincenzo and  
BARBATO, Aspetito.

TO : Direzione Regionale di Napoli,  
Cassione Municipale,  
Via Costantino, 98,  
NAPOLI.

1. Reference is made to your letters,  
dated 22 November 1946, subject as above.

2. The two above mentioned persons were  
arrested on or about 11/4/44 and charged with violating  
Proc. 2, Art. 3, Section 1.

3. They were tried before a Superior Allied  
Military Government Court sitting at Castelluccio on  
5 May 1945.

4. They were each found guilty as charged  
and sentenced to serve 3 years imprisonment.

5. On review, 19 June 45, the decision was  
announced that convictions and sentences <sup>were</sup> affirmed and  
that inasmuch as Barbato appeared to be suffering from  
severe gastric ulcer examination should be made regarding the  
necessity of his hospitalization.

6. On reconsideration, 11 July 1945 the  
sentence of BARBATO, Aspetito was suspended, effective that  
date, conditioned on continuing good behavior of accused  
during the continuance of Allied Military Government.

7. On further reconsideration, 31 December  
1945 the sentence of PAPARO Vincenzo was suspended, effective

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15 January 1946 conditioned on continuing good behaviour  
of accused during the continuance of Allied Military  
Government.

L. A. GILBRIDE,  
Major, IGP,  
Chief Counsel.

HEAD QUARTERS ALLIED COMMISSION  
APO 734  
LEGAL DIVISION



AC/4083/L/L

FM/RS  
14 December 1946

SUBJECT : BUZZETTI Vittore

TO : Commissione Provinciale per l'Esplorazione  
degli Antifascisti. MILANO.

1. Reference is made to your letter, Prot. 5511 of 4 October 1946, subject as above.

2. Records of this office show that BUZZETTI Vittore was arrested on or about 10 August 1945 and charged with violating Proclamation 1, Article 6, Section 13 (making a false statement in connection with an official matter), in that on or about 13 June 1945, at Milan, as General Secretary of the Pio Albergo Trivulsi, he made a false statement in his "schede personali" denying he had been a fascist "ante-murini" and "squadrista".

3. He was tried before an Allied Military Government Court sitting at Milan on 10 September 1945, found guilty, and sentenced to serve 1 year imprisonment.

4. On review, 28 September 1945, conviction and sentence in this case were quashed.

L.J. GILBRIDE,  
Major, IGD,  
Chief Counsel.

112

112  
 file  
 HONORABLE ARMY COMMISSION  
 AND  
 100/1 DIVISION

2882

100/100/1/1/1

13 December 1946

SUBJECT : CAVALETTI Emilio di Gastano.

20 : Direzione di Sanità Militare  
 Territoriale - RARI  
 Ufficio Mobilitazione.

1. Reference is made to your letter  
 No 1010/46., Dated 22 September 1946, subject as  
 above.

2. Records at this office show that  
 subject person was arrested on 27 February 1945 and charged  
 with violating Art. 41, paragraph 1 and 2, Art. 40,  
 paragraph 2, Art. 41, paragraph 3 and Art. 41, paragraph  
 4 and 5 of the Italian Penal Code for offences concern-  
 ing delinquency association and wanted credit.

3. He was tried before a General Field  
 Military Government Court sitting at Bari on 15 February  
 1945, found guilty of violating Art. 41(1) (wanted  
 credit, aggravated), and sentenced to serve 18 months  
 imprisonment and to pay a fine of 25,000 lire.

4. On review, 17 April 1945, such  
 conviction and sentence were affirmed.

110  
 L. J. GILBERT,  
 Major, 100,  
 Chief Counsel.

MR

HEADQUARTERS  
LIVORNO LIAISON OFFICER  
ALLIED COMMISSION

2882

Livorno, Date: 4 February 1946

Ref :

Subject: Decisions on review.

To : Hq, Allied Commission, APO 394  
Attn: Chief Legal Advisor, Legal Sub-Commission

Returned herewith with signature for receipt are decisions  
on review in the following cases:

BAIDACCI VALTELLINA and VANDA  
BARABOTTI GARIBALDI  
BERNARDESCHI IVO  
COMPILATO DOMENICO  
DEL SANTO BRUNO  
FERRUCCI RAFFAZZIO  
FERRETTI ENZO  
FIGLIA TOMMASO  
LAZZERETTI LIDO  
MANGIAPANE ANTONIO  
MENICHETTI PIETRO  
ORSINI FELICE  
PRATALI EMO  
TONACCI ROMOLO

For the Chief Liaison Officer:

OFFICIAL

Lt. ERIC FELDMAN

Exec. Ass't to Legal Liaison Officer

143

CLO

DCLO

Chief Counsel

Chief Counsel

Chief Counsel

Chief Counsel

Chief Counsel

Chief Counsel

Chief Counsel

Chief Counsel

Chief Counsel

Chief Counsel

8/2/46

NR

File

2881

/FJD

HEADQUARTERS ALLIED COMMISSION  
APO 394  
LEGAL SUB-COMMISSION

AC/4083/1/L

24 Oct. 1945

SUBJECT : Receipts of Decision on Review

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

Enclosed please find the following receipts :

11637  
11654  
11728 - 11729  
11731 - 11732  
11734 - 11738May the duplicates please be returned to this  
office.

By command of Rear Admiral STONE

Encl.

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

14

NR

HEADQUARTERS ALLIED COMMISSION  
APO 294  
LEGAL SUB-COMMISSION

/rjp

AG/4093/1/L

22 Oct. 1945

SUBJECT : Receipts of Decision on Review  
TO : Commissioner (att. Legal Officer)  
AMG Livorno Zone

Enclosed please find the following receipts:

11638-11653  
11655  
11657-11681  
11683-11698  
11700-11704  
11706-11713  
11715-11727  
11730

May the duplicates please be returned to this office.

By command of Rear Admiral STONE

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

Encl.

14

file

HEADQUARTERS ALLIED COMMISSION  
APO 394  
LEGAL SUB-COMMISSION

/rjp

19 Oct. 1945

AC/4083/1/L

SUBJECT : Receipts of Decision on Review  
TO : COMMISSIONER (att. Legal Officer)  
AMG Livorno Zone

Enclosed please find the following receipts:

11613-11615  
11617-11624May the duplicates please be returned to this  
office.

By command of Rear Admiral STONE

*J. K. Weber*  
JOHN K. WEBER,  
Colonel, Infantry,  
Chief Legal Advisor

Encl.

HEADQUARTERS ALLIED COMMISSION  
APO 394  
LEGAL SUB-COMMISSION

/rjp

AC/4083/1/L

18 September 45

SUBJECT : Receipts of Decision on Review  
TO : Commissioner (att. Legal Officer)  
AMG Livorno Zone

Enclosed please find the following receipts:

11558 - 11563  
11565 - 11578  
11580 - 11584  
11586 - 11611  
11625 - 11627  
11629 - 11633  
11634

May the duplicates please be returned to this  
office.

By command of Rear Admiral STONE

Encl.

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

141

HEADQUARTERS ALLIED COMMISSION  
APO 394  
LEGAL SUB-COMMISSION

/rjp

AC/4083/1/L

5 September 45

SUBJECT : Receipts of Decision on Review  
TO : Commissioner (att. Legal Officer)  
AMG Livorno Zone

Enclosed please find the following receipts

11504 - 11520  
11523  
11525 - 11526  
11528 - 11535  
11540 - 11557

May the duplicates please be returned to this  
office.

By command of Rear Admiral STONE

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

140

HEADQUARTERS ALLIED COMMISSION  
APO 394  
LEGAL SUB-COMMISSION

/rjp

8 August 45

AG/4083/1/L

SUBJECT : Receipts of Decision on Review  
TO : Commissioner, (att. Legal Officer)  
Livorno Zone

1. Enclosed please find the following receipts

11290 - 11296  
11298 - 11301  
11303 - 11305  
11307 - 11309  
11311  
11313 - 11316  
11318 - 11332

May the duplicates please be returned to this  
office.

By command of Rear Admiral STONE

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

139

HEADQUARTERS ALLIED COMMISSION  
APO 374  
LEGAL SUB-COMMISSION

/mb

AC/4083/1/L

8 August 45

SUBJECT : Receipts of Decision on Review

TO : Commissioner, (att. Legal Officer)  
Liverpool Zone

I. Enclosed please find the following receipts

II306  
II425 - II427  
II429 - II433  
II435 - II448  
II450 - II451  
II453 - II458  
II460 - II467  
II469 - II501

May the duplicates please be returned to this  
office.

By command of Rear Admiral STONE

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

138

HEADQUARTERS  
LIVORNO ~~PROVINCE~~ ZONE  
ALLIED MILITARY GOVERNMENT

26 July 1945

File:  
Subject: Decisions on review.  
To: Hq, Allied Commission, APO 394  
Attn: Chief, Legal Sub Commission.

Inclosed herewith are decisions on review which apparently have not been correctly completed.

For the Zone Commissioner:

*Arber Johnson*  
ARBER JOHNSON  
1st Lt. Infantry  
Legal Officer

5 Incls.

Incl.No.1 QUAGLIERINI, Angiolo  
Incl.No.2 PICCINI, Alfredo  
Incl.No.3 GIUNTINI, Aldo  
Incl.No.4 MARTELLI, Fiorina  
Incl.No.5 DOLCELLI, Fiorino

137

HEADQUARTERS ALLIED COMMISSION  
APO 39A  
LEGAL SUBCOMMISSION

JL/rm.  
20 August 1945.

AC/4883/1/L.

SUBJECT : Decisions on Review.

TO : Commissioner (attn. Legal Officer), AAC  
LIVORNO Zone.

1. Reference your letter of 26 July 45, subject as above.
2. The corrections have duly been made.
3. Will you please make a note on the receipt of MARITAL Fiorina whether or not the fine of 50,000 lire has been paid.
4. Returned herewith are receipt number 11263 - 11263 - 11270 - 11284 and 11286.

By command of Rear Admiral STONE:

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

*file*

HEADQUARTERS ALLIED COMMISSION  
APO 394  
LEGAL SUB-COMMISSION

ACW/rjp

AC/4083/1/L

27 July 45

SUBJECT: Receipts of Decision on Review

TO : Commissioner, (att. Legal Officer)  
Livorno Zone

1. Enclosed please find the following receipts

11335 - 11339  
11361 - 11383  
11398 - 11398  
11400 - 11410  
11412 - 11413  
11415 - 11419  
11421 - 11422  
11424

May the duplicates please be returned to this  
office.

By command of Rear Admiral STONE

*A.C.W.*

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

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HEADQUARTERS ALLIED COMMISSION  
APO 394  
LEGAL SUB-COMMISSION

JL/rjp

AG/4083/1/L

21 July 1945

SUBJECT: Receipts of Decision of Review

TO : Commissioner (att. Legal Officer)  
Livorno Zone

1. Enclosed please find the following receipts

11205 - 11221  
11223 - 11228  
11230 - 11272May the duplicates please be returned to this  
office.

By command of Rear Admiral STONE

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

*file*

HEADQUARTERS ALLIED COMMISSION  
APS 394  
LEGAL SUB-COMMISSION

AC/4083/1/L.

JL/rm.  
21 July 1945.

SUBJECT : Receipts of decision of review.

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

1. Enclosed please find the following receipts

11275 - 11279  
11282 - 11287  
11273 -

2. May the duplicate please be returned to this  
office.

By command of Rear Admiral STONE:

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

12 July, 1945.

SUBJECT : Toscana Region Case Records.  
TO : Colonel J. K. Weber, Legal Sub-Commission,  
HQ, AC, Rome.

1. On 5 July 1945 the Toscana Region Legal files were sent from Florence here to you there in Rome.

2. These files were as follows:

- a) 4 long boxes containing the index cards,
- b) A U.S. mail bag containing blank index cards and blank "decision on review" sheets,
- c) An oblong light-brown cabinet type box containing case records,
- d) An unfinished wood box containing:-
  - 1' Case records,
  - 2' Iron box containing secret files with key attached,
  - 3' Files marked for immediate attention of Col. Weber, including cases in which decision on review and petition for reconsideration are pending,
  - 4' Package marked for attention of Col. Weber containing rubber stamps used by Toscana Region Legal Office,

3. All 6 of these boxes and the mail bag were plainly marked "Legal Sub-Commission, Allied Commission, Rome" and were transported to HQ, AC Archives Branch along with other Region VIII files.

*C. F. Delbridge, Jr.*  
C. F. Delbridge, Jr.,  
Capt. Q M C  
Legal Officer.

CFD/CB.

12 July, 1945.

SUBJECT : Toscana Region Case Records.

TO : Colonel J. K. Weber, Legal Sub-Commission,  
HQ, AC, Rome.

1. On 5 July 1945 the Toscana Region Legal files were sent from Florence here to you there in Rome.

2. These files were as follows:

- Delivered*
- a) 4 long boxes containing the index cards,
  - b) A U.S. mail bag containing blank index cards and blank "decision on review" sheets,
  - c) An oblong light-brown cabinet type box containing case records,
  - d) An unfinished wood box containing:-
    - 1' Case records,
    - 2' Iron box containing secret files with key attached,
    - 3' Files marked for immediate attention of Col. Weber, including cases in which decision on review and petition for reconsideration are pending,
    - 4' Package marked for attention of Col. Weber containing rubber stamps used by Toscana Region Legal Office,
- Urgent*
- ~~Copy 1~~
- ~~Copy 2~~

3. All 6 of these boxes and the mail bag were plainly marked "Legal Sub-Commission, Allied Commission, Rome" and were transported to HQ, AC Archives Branch along with other Region VIII files.

C. F. Delbridge, Jr.,  
Capt. Q M C  
Legal Officer.

CFD/CB.

HEADQUARTERS ALLIED COMMISSION  
APO 794  
LEGAL DIVISION

FILE

AC/4043/L/E

TV/nb  
6 December 1946.

SUBJECT : DI TOMMASO Domenico.

TO : Senior Legal Officer,  
UDINE Province.

1. It is requested that the case record of DI TOMMASO, Domenico sentenced at Udine to 3 years imprisonment on 3 May 46, be forwarded to this Headquarters.

L.J. GILBRIDE,  
Major, IGD,  
Chief Counsel.

130

HR

HEADQUARTERS ALLIED COMMISSION  
APO 794  
LEGAL DIVISION

FILE

2979

AC/4088/1/L

HM/mb  
25 November 1946

SUBJECT : De FAVERI, Narciso  
TO : A.C. Liaison Office (PS)  
Hq. 86th Area, C.M.F.

1. Reference is made to your letter  
LO/V/PS/47 dated 14 November 1946.

2. The subject person was arrested  
on 28 August 1945, charged with illegal possession  
of arms.

3. He was tried before a Superior  
Allied Military Court on 5 October 1945, found  
guilty as charged, and sentenced to 4 years'  
imprisonment (1 year suspended).

4. The case was reviewed on 7 December  
1945 and the conviction and sentence were then  
affirmed.

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5. On being again reviewed on 11 Aug.  
1946, the sentence of the prisoner was reduced to  
two years' imprisonment from date of arrest.

L. J. GILBRIDE  
Major, IGD  
Chief Counsel

MR

FILE

2878

HEADQUARTERS ALLIED COMMISSION  
APO 794  
LEGAL DIVISION

AC/4088/1/L

TW/mb  
26 November 1946

SUBJECT : Restitution of Personal Property  
TO : PUTRINO, Vincenzo  
Casa Penale per Minoretti Fisici o  
Psichici Soriano nel Cimino

1. Reference is made to letter of 21 May 1946, subject as above, directed by you to the Allied Command, Florence, which has reached this Division for reply.

2. There is enclosed a receipt, signed by Dr. Giorgio Bonelli, Ufficio di Collegamento, Ministero di Grazia e Giustizia, Rome, covering delivery to that agency of all articles of personal property referred to by you which have come to the attention of this Division. These will be forwarded to you at the convenience of the Italian Government.

3. Acknowledgment of receipt of this letter is requested.

L. J. GILBRIDE  
Major, IGD  
Chief Counsel

Encl: as above

142

FILE

HEAD QUARTERS ALLIED COMMISSION  
AFG 734  
LEGAL DIVISION

2877

JKW/ny  
13 November 1946

AG/1083/1/1

SUBJECT : Case of LAUTIERI Francesco.

TO : HQ AMG VENETIA GIULIA  
(Attn: C.L.O.)

1. See your letter of 7 November 1946.  
to AMG/SP/136.

2. The record of the trial in the case  
of LAUTIERI, Francesco has been carefully considered on  
review and is returned for your files.

3. Finding no error, the conviction and  
fine are affirmed.

By command of Rear Admiral STONE:

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

Incls.

MR

5829

40831  
V

HEADQUARTERS  
ALLIED MILITARY GOVERNMENT  
~~13~~ CORPS

2176

GR/FB

VENEZIA GIULIA

TELEPHONE No.:

Date Nov. 7, 1946

REFERENCE No.: AMG/LD/136/

SUBJECT: Case of LAUTIERI Francesco. Superior Trieste 394.

TO: Chief Commissioner ( Attention Chief Legal Adviser ),  
H.Q. A.C. A.P.O. 394, Rome.

The records in above mentioned case, where defendant was sentenced to a fine exceeding Lire 50.000, are forwarded herewith for review.

For the Senior Civil Affairs Officer.

*H. J. Atkinson*  
H. J. ATKINSON  
LT. COL. CAV.,  
D/Chief Legal Officer.

Encl: a/m records.

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|                     |             |
|---------------------|-------------|
| LEGAL SUB - COMMISS |             |
| CJO - CLA           |             |
| DOLD                |             |
| CHIEF COUNSEL       |             |
| ITALIAN SECTION     |             |
| Recd                | NOV 12 1946 |

*for first Review*

NR

FILE

2875

HEADQUARTERS ALLIED COMMISSION  
APO 784  
LEGAL DIVISIONHM/mh  
24 November 1946

AC/4087/1/L

SUBJECT: Transmission of Personal Articles;  
PUTRINO, Vincenzo

TO : The Minister of Pardon and Justice

1. Reference telephone call Dr. Fiore -  
Dr. Bonelli, subject as above.

2. There is enclosed, copy of receipt  
for personal belongings of PUTRINO, Vincenzo,  
original of which was signed by Dr. Bonelli.

3. These items were taken from the accused  
at the time of his arrest by Allied authorities.

4. As the accused has made request for the  
aforementioned personal articles through the regular  
channels and as this Division has no objection to  
their return, will you please forward them through  
your channels to the accused, who is presently detained  
at Casa Penale per Minorati I Fisici e Psichici,  
Soriano nel Cimino.

125

L. J. GILBRIDE,  
Major, I.D.G.,  
Chief Counsel.

AL CONSIGLIERE LEGALE CAPO- Commissione Allesta, P.M. 794, ESERCITO  
DEGLI STATI UN.

Dal Ministero di Grazia e Giustizia, Roma. =

SI ACCUSA RICEVIMENTO dei seguenti effetti personali da  
consegnarsi al sig. Vincenzo PUTRINO, Casa Penale per Minorati  
Fisici e Psichici, Soriano nel Cimino.

1 valigia.

1 soprabito, colore marrone chiaro, con fodera a scacchi; presenta  
all'esterno macchie rosso-scuri.

1 Cintura del detto soprabito.

1 paio di calzoni azzurro-scuri mangiato dalle tarme.

1 sciarpa gialla a fantasia.

1 camicia di cotone leggero.

1 giacchetta o maglia senza maniche con macchie scure.

1 cravatta color marrone a strisce.

1 berretto apparentemente nuovo;

1 portafoglio di cuoio contenente: 2 biglietti da L. cinquecento  
dell'AM, serie:

A 23883406A

A 36000811A

1 biglietto da cento lire AL, serie:

A L2984208 B

1 copia fotografica di carta d'identità "Centro Raccolta  
Patrioti Firenze", al nome di FERINI Angelo.

1 copia fotografica di carta d'identità "Comune di Apuania"  
anche questa al nome di Ferini Angelo.

Vi è un'altra fotografia all'angolo inferiore sinistro.

1 penna stilografica - grey Waterman.

Data .....

Firma .....

Ministero di Grazia e Giustizia  
Cabinetto - Ufficio di Collegamento con l'AG  
Posta Tradotta

FILE

HEADQUARTERS ALLIED COMMISSION  
APO 794  
LEGAL DIVISION

JAN/18

15 November 1946

AC/4983/1/5

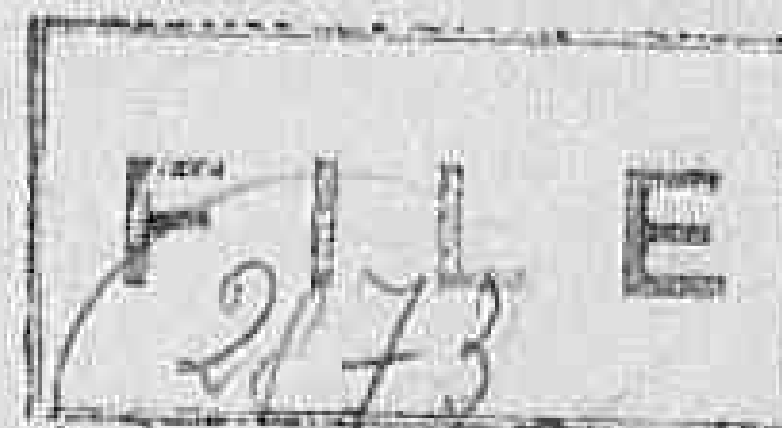
SUBJECT : LAURI Antonio, BUSIETTA Santo, BULICH Gregorio  
Superior Court Sala N° 33 - 33b.TO : Hq Allied Military Government  
13 Corps, Legal Division1. See your letter of 1st October 1946  
N° 136/AC3/13/15/292.2. The record of trial in the case of  
LAURI Antonio et al has been carefully considered on  
review and is returned for your files.3. The evidence is clear and convincing  
as against the accused LAURI, and the sentence appears  
reasonable as a deterrent.4. In the cases of BUSIETTA and BULICH,  
there is evidence that they with the accused LAURI when  
found on the truck in joint possession of the contents.  
There is further testimony by LAURI that all three were  
acting jointly for pay in a common enterprise for the  
illicit transport of contraband material. In their appeals  
these two accused adopt the defence of the accused LAURI.  
We are not prepared to say that such showing is insufficient  
for a conviction of these accused. A 205. The charges are not drawn with good  
legal craftsmanship.6. The convictions and sentences are  
affirmed.

By command of Rear Admiral STONE:

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

MR

HEADQUARTERS ALLIED COMMISSION  
APO 794  
LEGAL DIVISION



JIC7/ns

15 November 1946

AG/1053/1/1

SUBJECT : Case of MELINBOCK et al.

TO : Hq Allied Military Government  
13 Corps, Legal Division.

1. See your letter of 5 September 46.  
No 130/AMG/LD/184/2596.

2. The record of trial of MELINBOCK et al has been carefully considered on review and is returned for your files.

3. The various grounds urged on appeal were considered by the trial Court. After due consideration we are not prepared to disturb the ruling made thereon.

4. The procedure followed by the F.S.S. in taking a statement without an additional witness being present leaves much to be desired. Without in any manner being critical of police functions, it is believed to be in order that a suggestion be made that in taking statements witnesses of the fact such be present. 142

5. Attention is drawn to Article 26, 3 (a) of Consolidated Instructions. In suspending sentences the Court should adhere to the above rule. It will also be observed that Article 26, 3, (b), was not followed. A Court must fix a penalty in its entirety. Please stress these premises at your next conference of judges.

6. The convictions and sentences of the Court are affirmed.

By command of Rear Admiral STONE:

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

142  
Incls.

HEADQUARTERS  
ALLIED MILITARY GOVERNMENT  
13 CORPS

Date 5 September 1946.

LEGAL DIVISION

REF: 13C/AMG/LD/184/2596

SUBJECT: Case of MELINSCEK Edvard and al. Superior Court Gorizia No 108 a - 108g.

TO: CHIEF LEGAL ADVISER, H.Q. ALLIED COMMISSION, APO 394, ROME.

1. Accused MELINSCEK Edvard having been sentenced to imprisonment for over two years, the following documents are forwarded for you to review:

|                  |                          |
|------------------|--------------------------|
| MELINSCEK Edvard | Record and Formal Appeal |
| DRASCEK Luigi    | Record                   |
| BOLTAR Giovanni  | Record                   |
| JUG Giuseppe     | Record and Formal Appeal |
| LEBAN Antonio    | Record and Formal Appeal |
| BASSIN Daniele   | Record and Formal Appeal |
| ORLJUBEK Ignazio | Record.                  |

Judge's notes of evidence and exhibits are also enclosed.

2. In spite of the fact that the other accused were sentenced to term of 2 years or less, it would be appreciated if the whole case could be reviewed by you.

For the Senior Civil Affairs Officer.

|                            |  |
|----------------------------|--|
| LEGAL SUB COMMISSION       |  |
| CHIEF LEGAL ADVISOR        |  |
| DEPUTY CHIEF LEGAL ADVISOR |  |
| CHIEF COUNSEL              |  |
| STAFF OFFICER              |  |
| ITALIAN SECTION            |  |
| MEMBERS ROSENBERG          |  |
| SEP 9-1946                 |  |

Encl.: a/m Documents.

for *Charles H. Munncke*  
CHARLES H. MUNNCKE  
LT. COLONEL  
CHIEF LEGAL OFFICER

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HEADQUARTERS  
ALLIED MILITARY GOVERNMENT  
UDINE PROVINCE

12 October 1946.

To : Legal Sub-Commission,  
HQ Allied Commission, ROME.  
Subject: Trial Record of TEDOLDI Giovanni  
Ref. : SIO/HQ AC/OCT/10

Enclosed herewith please find trial  
record of TEDOLDI Giovanni, Superior Case No 50,  
for review.

*Returned  
to Udine  
15/11/46*

*C.L.P. Gilshenan*  
C.L.P. Gilshenan, Major,  
Senior Legal Officer.

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HEADQUARTERS MILITARY COMMISSION  
APO 994  
LUCASVILLE

file  
RC/4083/2/1a

2870  
14 November 1946

SUBJECT : Trial Record of TROISI, Giovanni.  
TO : Major, WINE Province.

1. The record of trial in the case of TROISI, Giovanni has been carefully considered on review and is returned for your files.

2. Proclamation offenses are the product of the law of occupation and have for their purpose the prohibition of offenses which are dangerous to Allied security. At the time and place this offense was committed, Proclamation Law was in full force and effect parallel with Italian law. The accused is not charged with a violation of Italian law. He is charged with an offense against such proclamations.

3. It is contended, by the accused that his conduct was privileged under Italian law. It is urged that such conduct in like manner should be privileged under the Proclamation, and by reason thereof a complete defense was offered to the Proclamation charge.

4. At the outset, we are confronted with the finding of the Court that in doing the act in question, the accused was not acting in the "bona fide" execution of his duty. Under such finding, it becomes unnecessary to determine the question of whether the act was privileged under the proclamation for the reason that the facts never elevated the act to a privileged one whereby it might be urged as a defense against the proclamation.

5. But it is urged that the error arose in finding that the accused was not acting in the "bona fide" execution of his duty, and the same argument is here made as was when presented to the Court before the determination of such factual issue.

6. Where there are facts in the evidence upon which the trial Court might predicate a finding, it is not within the powers of a Court on review to disturb such finding. The trial Court had before it the various witnesses. It was the judge of the credibility of such witnesses and the weight to be given their

- 2 -

testimony. In the instant case there is ample evidence reflected in the record and before the Court wherein it might find that the accused acted over and beyond the scope of his powers. Having found from such evidence that the act was not a privileged one, such finding will not be disturbed on review. To hold otherwise not only would usurp the rightful functions of a trial judge, but would serve to nullify an affirmative order of proclamation law designed for the security of the occupying force. It must be borne in mind that such orders are paramount in character and may not be lightly disregarded.

7. For all of these reasons, the conviction and judgment are affirmed.

By command of Rear Admiral STONE:

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

110

HEADQUARTERS ALLIED COMMISSION  
APO 798  
LEGAL DIVISION

2869  
File

JRW/na

15 November 1946

AC/4083/1/L

SUBJECT : VISTITIN Zorko.  
Superior Gorizia No. 186.

TO : Hq. Allied Military Government  
13 Corps, Legal Division

1. See your letter of 1st October 1946  
No. Etc/AMG/10/136/2940.

2. The case of VISTITIN, Zorko has been  
carefully considered on review and the record is returned  
for your files.

3. Concerning the first charge, the evidence  
is clear and convincing concerning the guilt of the accused.  
The sentence is lawful and reasonable.

4. From the remarks of the trial court  
properly set forth on the petition for review, and the  
evidence set out in the record, it is apparent that the  
conviction on the second charge cannot be sustained. There  
remains to be considered whether under all the facts, any  
the conviction be sustained under another charge, and if  
so, in sustaining such conviction, is substantial injustice  
done the accused? See Rule of Procedure No. 21. Consolidated  
Instructions.

5. Under all the facts, a charge might be  
brought for violation of Proclamation 1, Article V, Section  
36. By the Court's frank statement and from the evidence,  
the accused was seeking to "bluff" a member of the Allied  
Forces in the performance of his duty. A conviction under  
such offence may be sustained by the evidence.

6. We are not prepared to say however, under

142

- 2 -

the evidence in this case a sentence of four years should be imposed for such an offence. The imposed sentence of four years presumably was given for conviction under the charge then before the Court.

7. It is the order of the Chief Judicial Officer that the conviction and sentence under the first charge be, and the same is hereby, affirmed. Concerning the second charge, a conviction is sustained for the offence of obstructing a member of the Allied Forces in the performance of his duties. The sentence of four years imposed on charge two is reduced to two years. The sentences on charge one and two will run concurrently as ordered by the trial court.

8. The trial Judge is to be commended for giving his remarks on the application for Review. A court in the administration of Justice should not hesitate to act within the full dignity of the function it performs.

By command of Rear Admiral STONE:

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

Incls.

111

HEADQUARTERS  
ALLIED MILITARY GOVERNMENT  
13 CORPS

HJA/GE

## LEGAL DIVISION

TELEPHONE No.: 22701 Ex: 32.

Date 1st Oct. 1946

REFERENCE No.: 13F/AMG/LD/136/2940

SUBJECT : Case of VISINTIN Zorko, Superior Gorizia No 186.

TO : CHIEF LEGAL ADVISER, HQ ALLIED COMMISSION, APO 394 ROME.

The above mentioned accused having been sentenced to over  
two years imprisonment, the following documents are forwarded for you  
to review :

VISINTIN Zorko Record and Formal Appeal.

Judge's notes of evidence and exhibits are also enclosed.

For the Senior Civil Affairs Officer.

|                        |              |
|------------------------|--------------|
| LEGAL SUB - COMMISSION |              |
| GJO-CLA                |              |
| OGLO                   |              |
| CHIEF COUNSEL          |              |
| ITALIAN SECTION        |              |
| Recd                   | OCT 7 - 1946 |

*H. J. Atkinson*  
H. J. ATKINSON  
LT. COLONEL CAV.  
D/CHIEF LEGAL OFFICER

113

Encl.: e/a Record.

4083/1

2867

ALLIED FORCE HEADQUARTERS  
G-5 Section  
APO 512

G-5: 932.21

25 June 1946

SUBJECT: Property of Accused, V. PUTRINO.

TO : Chief Commissioner,  
Allied Commission,  
(Attn: Legal S/C),  
APO 794.

*with record*

1. Attached are copies of application from the above  
named person for return to him of his personal effects.

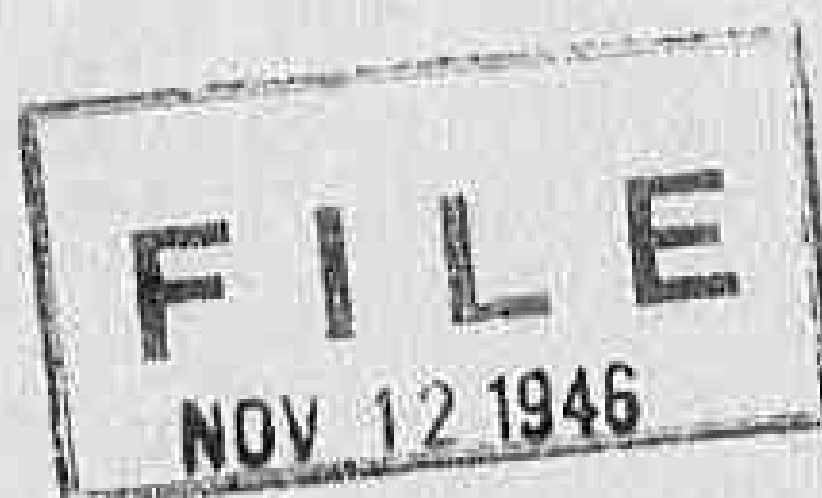
2. Will you please take the necessary action.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

*AKM*  
Major

*for* A. L. HAMBLEY  
Brigadier General, G.S.C.  
Assistant Chief of Staff, G-5

Incls:  
as above



11

MR

4083/1

ALLIED FORCE HEADQUARTERS  
G-5 Section  
APO 512

2866

14 September 1946

G-5 : 974.13

SUBJECT : Impounded 80 Golden Sovereigns -  
Property of SERAO Gennaro.

TO : Chief Commissioner,  
Allied Commission, APO 794  
(Attn: Legal Sub Commission)

FILE

Reference your AC/4083/1/C dated 13 July 1946.

Please inform the Italian Ministry of Treasury that in accordance with their letter 23162/226/1517 22 June 46 the 80 sovereigns have been deposited with the Bank of Italy as requested.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:



A. L. HAMBLEN  
Colonel GSC  
Assistant Chief of Staff, G-5.

11

HEADQUARTERS ALLIED COMMISSION  
AIO 794  
LEGAL DIVISION

FILE

AC/4083/1/A

28/08  
25 October 1946

SUBJECT : Accused - Angelo Saraceno.

TO : Assistant Chief of Staff, G-5, AFHQ.

1. Reference is made to letter G-5:934.22 dated 17 October 1946, subject as above. Earlier reply to correspondence referred to therein has not been made owing to difficulty in obtaining desired information in this case accentuated by meagreness of details supplied.

2. It has been ascertained finally, through the CID office of Naples, that this man, with 7 others, is now being held in the Poggioreale Prison at Naples, based upon initial charges of possession of 4 stolen tires and 5 forged permits to possess tires, conspiracy and delinquency, in violation of provisions of the Italian Penal Code. The scene of these offenses was the Albergo Brennero, which had become notorious as a resort for black market operators of all kinds.

3. Other evidence against these accused would indicate that they are members of a ring which has been engaged in these and similar violations of the law on a large scale over a period of time. They were arrested on 25 July 1946 by the CID of Naples and in accordance with proper procedure turned over to the Italian authorities there for prosecution. This, of course, is now the practice with regard to such matters in all parts of Italy, except Venezia Giulia and the Province of Udine where the Allied Military Government Courts are still functioning.

4. It is alleged that in a written confession made by Angelo Saraceno he has directly implicated himself in the commission of the specific offenses mentioned above, charges concerning which may be preliminary to others to be

42

- 2 -

loiged against any or all members of the gang upon completion of further investigation of their activities now being conducted by the Italian authorities. At that time all evidence so obtained is to be presented before the Referee of the Tribunale Court of Naples for the final framing of charges upon which these men will be tried. The case against them is now scheduled on the calendar of the 5th Section of that Court as Case No 22507, without reference to the date of trial.

L. J. GILBRIDE,  
Major, IGH,  
Chief Counsel,  
for Chief Legal Advisor.

III

4083/1  
V

ALLIED FORCE HEADQUARTERS  
G-5 Section  
APO 512

1700

Legal  
286A

G-5 : 934.21

17 September 1946

SUBJECT : Italian Awaiting Trial (Angelo Saraceno)

TO : Chief Commissioner,  
Allied Commission,  
APO 794

Herewith a copy of a letter from Mr. T.J. Lane to the U.S. War  
Dept, dated 27 August, referring to the arrest of Angelo Saraceno.

Will you please enquire and report on the matter complained of  
to enable CG. MTOUSA to reply to the War Dept.

The allegations are not at all clear from the letter. It is  
presumed that the alleged offence took place in Naples and that the Police  
were Italian.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

*A. L. Hamblen*  
A. L. HAMBLER  
Colonel GSC  
Assistant Chief of Staff, G-5.

Incl: as above

11

MR

5 September 1946

SUBJECT: Italian Awaiting Trial

TO : Commanding General  
Mediterranean Theater of Operations  
United States Army  
APO 512, c/o Postmaster  
New York, New York

1. Forwarded herewith for information on which to base a reply is a copy of a letter received by the War Department from Congressman Thomas J. Lane.
2. Request information as to the exact status of Italians, excluding residents of Zone A of Venezia Giulia and Udine, in regards to arrests and trial by military personnel.

1 Incl  
Cy ltr dtd 27 Aug 46  
to L&D fm Cong. Lane.

O. P. ECHOLS  
Major General, USA  
Chief, Civil Affairs Division

109



C  
P  
Y

CONGRESS OF THE UNITED STATES  
House of Representatives  
Washington, D.C.

August 27 1946.

Chief  
Legislative & Liaison Division  
War Department  
Washington 25 D.C.

Att: Colonel R. E. Master

Dear Sir :

Mr. Alfio Saraceno, 15 Knox Street, Lawrence, Massachusetts, has contacted me in the interest of his brother Angelo Saraceno, via Plabiscito 47, Catania, Sicily, Italy.

Mr. Angelo Saraceno was arrested about one month ago by the Allied Government, civilian police, for larceny of tires. He is now in Naples, Italy, awaiting trial.

His brother, in this country, has called upon me, requesting that I investigate this matter, and attempt to do everything I can to aid his brother, Angelo.

I will be thankful if you will kindly contact the proper authorities concerning this case, and furnish me with a report concerning this matter.

Thanking you for your cooperation, I am

Sincerely yours,

(S) Thomas J. Lane

100

SEP 25 1946

ALLIED FORCE HEADQUARTERS  
G-5 Section  
APO 512

G-5 : 934.21

17 September 1946

SUBJECT : Italian Awaiting Trial

TO : Chief Commissioner,  
Allied Commission,  
APO 794

Herewith a copy of a letter from Mr. T.J. Lane to the U.S. War Dept, dated 27 August, referring to the arrest of Angelo Saraceno.

Will you please enquire and report on the matter complained of to enable CG. MTOUSA to reply to the War Dept.

The allegations are not at all clear from the letter. It is presumed that the alleged offence took place in Naples and that the Police were Italian.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

*A. L. Hamblet*  
A. L. HAMBLET  
Colonel GSC  
Assistant Chief of Staff, G-5.

Incl: as above

107

SEP 1946

Sir - This is a copy of the  
letter which you had me give  
Fione & then go get it. Has  
any action been taken?

ALLIED [REDACTED] COMMISSION  
INTER-OFFICE MEMORANDUM

SUBJECT:

FILE No.

TO :

Major Gilbride

OCT 2 1945

194

Sir. This is the man we called  
AGENT Capone about in Naples. If  
you have heard nothing from him, I  
recommend calling on him for a report  
immediately.

Sgt Wills

ICE

ALLIED [REDACTED] COMMISSION  
INTER-OFFICE MEMORANDUM

SUBJECT:

TO

MAJOR GILBRIDE

FILE NO.

OCT 1 - 1946

194

Sir - I called Naples & got Agent Capone at 1500 hrs. I asked him to check on the information. He said SARACENO was in the Poggioreale jail last week. He asked your telephone number & I gave it to him. Agent Capone said he will call back giving the information either later this PM or in the morning.

Sgt Wilko

ALLIED CONTROL COMMISSION  
INTER-OFFICE MEMORANDUM

SUBJECT:

FILE No.

TO :

Major Gillside

SEP 30 1946

194

Sir - This morning I called the CID office in Naples and got the following information:

Sannicandro Angelo was arrested in Naples on 25 July 46 by Italian Police attached to CID, Naples. In his possession were found 14 counterfeit permits for the use of Allied Forces. He was turned over to the Italian Tribunal for disposal of his case.

In view of the above, I recommend having the Italian Section check with the Italian authorities by the most rapid means possible the ultimate

40%

JOHN E. NYGAARD

20355

20399

Radio

Shoes

Col Nygaard

Pyro 34

Naples 20399/

115

2:30

511

23

85

Angelo Savino

Via Placido 47

Calabria

Date of arrest <sup>25 July</sup> → also by whom -

Italian police

Language of trial? - 4 sets

4 foreign persons

Proposed date of trial -

use of force

Trial Court →

St. Tribunale Naples

478 218 (to check booking)

check -

proposed date of trial -

if tried - when, & result

where subject is ← Progioreale

what jail if not tried

Agent CAPONE

tomorrow <sup>10:30</sup> morning

agent Garo

319

4083/1  
 ALLIED FORCE HEADQUARTERS  
 G-5 Section  
 APO 512

2705  
 Legal s/c  
 2863  
 17 October 1946

G-5: 934.22

SUBJECT: Accused-Angelo Saraceno

TO : Chief Commissioner  
 Allied Commission  
 APO 794

Reference this Headquarters letter of even reference  
 dated 7 October 1946.

May a reply now be given please.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

*W. A. L. Hamblen*  
 W. A. L. HAMBLIN  
 Colonel, G.S.C.  
 Assistant Chief of Staff, G-5.

|                   |  |
|-------------------|--|
| LEGAL STAFF       |  |
| GJO-GIA           |  |
| DCLO              |  |
| CHIEF COUNSEL     |  |
| ITATION SECTION   |  |
| REC'D OCT 19 1946 |  |

ALLIED FORCE HEADQUARTERS  
G-5 Section  
APO 512

G-5: 934.22

17 October 1946

SUBJECT: Accused-Angelo Saraceno

TO : Chief Commissioner  
Allied Commission  
APO 794

Reference this Headquarters letter of even reference  
dated 7 October 1946.

May a reply now be given please.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

*L. Hamsien*  
Major  
Pvt. L. HANSIEN  
Colonel, G.S.C.  
Assistant Chief of Staff, G-5.

10

LEGAL SUB-COMMISSION

CIC-CHA

DOLB

CHIEF COUNSEL

LEGAL SECTION

Recd

934.21

9083/1

2444

LEGAL

2862

ALLIED FORCE HEADQUARTERS  
G-5 Section  
APO 512

7 October 1946.

SUBJECT: Accused-Angelo Saraceno.

TO : Chief Commissioner,  
Allied Commission,  
APO 794.1. An early reply to this Headquarters letters G-5:  
934.21 of 17 September is requested please.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

  
A. I. HAMBLIN  
Colonel, G.S.C.  
Assistant Chief of Staff, G-5

100

ALLIED FORCE HEADQUARTERS  
G-5 Section  
APO 512

G-5: 934.21

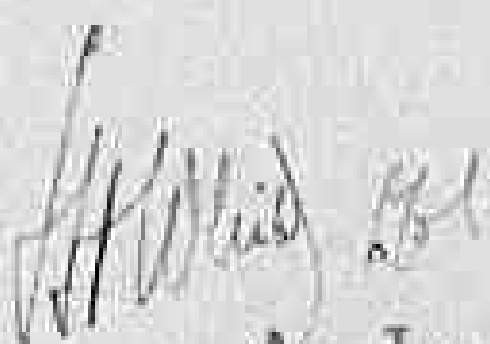
7 October 1946.

SUBJECT: Accused-Angelo Saraceno.

TO : Chief Commissioner,  
Allied Commission,  
APO 784.

1. An early reply to this Headquarters letters G-5:  
934.21 of 17 September is requested please.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

  
A. L. HAMBLER  
Colonel, G.S.C.  
Assistant Chief of Staff, G-5

ALLIED [REDACTED] COMMISSION  
INTER-OFFICE MEMORANDUM

FILE No.

SUBJECT:

TO

Major Gilbride

OCT 1 01946 194

Sir - This is the case I called  
Agent Capone in Naples about &  
gave him your & my phone numbers to  
ring one of us back. He has not called  
me. If you have not heard, I recommend  
calling again.

Sqr Will

2899

2851

ALLIED FORCE HEADQUARTERS  
G-5 Section  
APO 512

G-5: 151/5

24 October 1946

SUBJECT: Request for refund of fine reduced on Review.

TO : Chief Commissioner  
Allied Commission  
APO 794

Reference your AC/4083/1/L dated 1 October and this  
Headquarters letter even reference 8 October 1946.

May a reply now be given please.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

*A. L. Hamelen*  
for A. L. HAMLEN Major  
Colonel, G.S.C.  
Assistant Chief of Staff, G-5.

|                        |  |
|------------------------|--|
| LEGAL SUB - COMMISSION |  |
| CJO - CIA              |  |
| DCLO                   |  |
| CHIEF COUNSEL          |  |
| ITALIAN SECTION        |  |
| 8034                   |  |

ALLIED FORCE HEADQUARTERS  
G-5 Section  
APO 512

G-5: 151/5

24 October 1946

SUBJECT: Request for refund of fine reduced on Review.

TO : Chief Commissioner  
Allied Commission  
APO 794

Reference your AC/4023/1/1 dated 1 October and this  
Headquarters letter even reference 8 October 1946.

May a reply now be given please.

BY COMMAND OF LEUTENANT GENERAL MORGAN:

*SKM*  
*May*  
Pw. A. L. HANCOCK  
Colonel, C.S.C.  
Assistant Chief of Staff, G-5.

ALLIED CONTROL COMMISSION  
INTER-OFFICE MEMORANDUM

SUBJECT:

FILE No.

TO :

Major Gilbride

OCT 2 1946 194

I talked to Major JOFIO of AFPA &  
he confirmed that AFPA is the proper  
agency. He also asked that address  
be given to speed the refund of the  
money.

Sgt Wells

93

ALLIED [REDACTED] COMMISSION  
INTER-OFFICE MEMORANDUM

SUBJECT: *Return of letter*  
TO : *Major Gilbride,*

FILE No.  
OCT 7 - 1946

194

*Sir - This has come back from Economic  
Section. The CSO says that it should be  
directed to Allied Financial Agency.  
Recommend sending the attached letter  
& the original as an enclosure to avoid making  
the letter over, because we have already sent  
copies to AFAC, H. B. & J. C. Clamont Hearing. 91*

*Sgt. Will*

Pecchia -  
Via Vittorio Veneto 89  
Viareggio

Raffaelli -  
Via Umberto No. 168  
Viareggio

Scopus

4083/1

Subject: Refund of money

To: Allied Financial Agency  
Mazzacino  
Via Mazzacino 12  
% Bank of Italy Rome

Forwarded herewith letter which was  
directed to Finance Sub-Commission ~~in~~ by mistake  
The address of PEG HILL, given in Via Vittorio 89  
and that of RAFFAELE is ~~194~~  
Via Umberto No 168, both persons living  
in Via Reggio

D.H.

## ECONOMIC SECTION

Date 3 OCT 1946

| Fr                      | To | Fr                     | To |
|-------------------------|----|------------------------|----|
| Acting Vice President   |    | Chief Commissioner     |    |
| Chief Staff Officer     |    | Executive Commissioner |    |
| Admin. Pers. Officer    |    | Civil Affairs Section  |    |
| Message Center          |    | Establishments Section |    |
|                         |    | G-1 (A)                |    |
|                         |    | G-1 (B)                |    |
| Sup. Op. VC/Office      |    |                        |    |
| C.E.M. Br.              |    | ATTENTION OF:          |    |
| Food. & Agriculture Br. |    | LEGAL S/P              |    |
| Ind. & Utilities Br.    |    | MAJ Gilbelle           |    |
| Tr. & Shipping Br.      |    |                        |    |
| Commerce Br.            |    |                        |    |
| For appropriate action  |    | Information            |    |
| Please see me           |    | Investigation Report   |    |
| Dispatch                |    | Note & Retain          |    |
| Circulation & Return    |    | File                   |    |
| Signature               |    | Concurrence            |    |

NOTE : Initials should be placed in correspondence and not on this sheet.

Please use Routing & Work Sheet for comments.

Fair File No. \_\_\_\_\_

13 252/F

HEADQUARTERS ALLIED COMMISSION  
APO 794  
LEGAL SUB COMMISSION

AG/4033/1/L

TW/ns  
1 October 1946

SUBJECT : Refund of money.

TO : Finance Sub Commission.

1. <sup>of Via Vittoria Veneto 89 of Via Umberto 108, both Viareggio,</sup> PECCIA, Livia, and RAFFAELLI, Antonio, were tried before a Summary AMG Court sitting at Viareggio on 5 January 1945. They were each sentenced to pay a fine of 10,000 lire or serve 3 months imprisonment in default of payment thereof.

2. On review by the Regional Legal Officer 6 February 1945 the following decision was announced:

(a) "As regards PECCIA, Livia, the conviction is affirmed; the fine is hereby reduced to 3,000 (three thousand) lire; if the originally imposed fine has been paid, the difference will be refunded."

(b) "As regards RAFFAELLI, Antonio, the conviction is affirmed; the fine is hereby reduced to 5,000 (five thousand) lire; if the originally imposed fine has been paid, the difference will be refunded."

Div 3. Petitions have been received by this Sub-Commission from each of these persons respectively requesting 7,000 and 5,000 lire.

4. There has also been forwarded to this office by 90 Claims and Hirings, APO S.482, C.M.F. a carbon copy of the original receipt for payment of 10,000 lire by RAFFAELLI, Antonio. The name of the receiving officer is illegible, but his rank is captain. The number of the receipt is 49 394, and it is dated 9 February 1945.

./.

6 copies

- 2 -

5. It is requested that your accounts be checked in the above matters to ascertain whether :

- (1) the original fines, of 10,000 lire each were received by your office and,
- (2) the differences in fines, as amended, of 7,000 lire in the case of PECCIA Livia and 5,000 lire in the case of RAFFAELLI, Antonio have been subsequently refunded to these accused.

If these adjustments have not been made, it is requested that necessary action be taken to refund such sums to the proper persons.

*L.J. Gilbride*  
L.J. GILBRIDE,  
Major, IGD,  
Chief Counsel.

Copies to: - AFHQ, G-5 your G-5:151/5 of 24 Sep 46 refers

- 90 Claims and Hirings APO S. 482 CME your  
GH/90/G/152 folio 159 of 11 Sep 46 refers

- G-4 Claims Board - ALCOM your file 225 refers.

90

ALLIED [REDACTED] COMMISSION  
INTER-OFFICE MEMORANDUM

SUBJECT:

FILE No.

TO

Major Gelbride,

OCT 1 01945

194

Sir - I misdirected this to Finance Sub-Commission. It was returned from the message center & I passed it to you together with a recommendation to re-direct it to A.F.A. Do you still have the letter, as I do not remember receiving it again from you. I recommend redirecting the letter to AFSA & replying to AFH by indorsement that it has been so done.

Sgt. Mills

FILE

HEADQUARTERS ALLIED COMMISSION  
APO 794  
LEGAL DIVISION

2860

AG/1003/1/1

LJC/aa  
28 October 1946SUBJECT : Report of Money PROCTOR Davis  
and RAFFAELLI Antonio.

TO : Assistant Chief of Staff, G-5, AFHQ.

1. Reference is made to letter C-5:  
151/5, dated 24 October 1946, subject as above.

2. Letter, copy of which is attached,  
has been sent to the Allied Financial Agency for  
attention as a matter pertaining to that office.

For the Chief Commissioner :

L.J. GILBRIDE,  
Major, IGQ,  
Chief Counsel,  
For Chief Legal Advisor.

88

MR

HEADQUARTERS ALLIED COMMISSION  
AND THE  
LEGAL DIVISION

FILE

2159

AG/1001/2/5

28 October 1948

SUBJECT : Refund of money.  
TO : Allied Financial Agency.

1. FLORIO divia of Via Vittorio Veneto 39 and RAPPAROLI Antonio of Via Garibaldi 165, both Viareggio, were tried before a Summary and Court sitting at Viareggio on 5 January 1948. They were each sentenced to pay a fine of 10,000 lire or serve 3 months imprisonment in default of payment thereof.

2. On review by the Regional Legal Officer 6 February 1948 the following decision was announced :

(a) "As regards FLORIO divia the conviction is affirmed; the fine is hereby reduced to 3,000 (three thousand) lire; if the originally imposed fine has been paid, the difference will be refunded."

(b) "As regards RAPPAROLI Antonio, the conviction is affirmed; the fine is hereby reduced to 5,000 (five thousand) lire; if the originally imposed fine has been paid, the difference will be refunded."

3. Petitions have been received by this Division from each of these persons respectively requesting 7,000 and 5,000 lire.

87

4. There has also been forwarded to this office by 90 Claire and Hirsings, AGO H.402, D.S.V. a carbon copy of the original receipt for payment of 10,000 lire by RAPPAROLI Antonio. The name of the receiving officer is illegible, but his rank is captain. The number of the receipt is 43 394, and it is dated 9 February 1948.

5. It is requested that your accounts be checked in the above matters to ascertain whether :

(1) the original fines of 10,000 lire each were received by your office and,

(2) the differences in fines, as amended, of 7,000 lire in the case of PROULLA and 5,000 lire in the case of RAPPARELLI Antonio have been subsequently refunded to these accused.

If these adjustments have not been made, it is requested that necessary action be taken to refund such sums to the proper persons.

L.J. GILBRIDE,  
Major, ICD,  
Chief Counsel.

|                      |  |
|----------------------|--|
| LEGAL SUB-COMMISSION |  |
| G-5-CIA              |  |
| PCIC                 |  |
| CHIEF COUNSEL        |  |
| ITALIAN SECTION      |  |
| OCT 1 01946          |  |

1083/1

ALLIED FORCE HEADQUARTERS  
G-5 Section  
APO 512

2453 LEGAL

2858

8 October 1946

(Re: Civil and Property Claims)

Reference your AG/1083/1/L dated 1 October 1946,  
addressed to Finance Sub-Commission, which was dispatched  
some months ago.

May this Headquarters please be informed of the  
ultimate disposition of this case.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

*Skur*  
Major

W. L. BAKER  
Colonel, U.S.A.  
Assistant Chief of Staff, G-5.

2560

HEADQUARTERS  
ALLIED MILITARY GOVERNMENT  
12 CORPS  
VENEZIA GIULIA

HJA/GB

2857

Date 18 October 1946.

LEGAL DIVISION

FILE REF.: 13C/AMG/LD/136/3192

SUBJECT: Cases of OSSANI Valeriano, Superior Trieste 379 a. and  
MAURO Giacomo, Superior Trieste 379.

TO:

CHIEF COMMISSIONER (Attn. CHIEF LEGAL ADVISER),  
H.Q. A.C., APO 394, ROME.

4083/1

The records in above mentioned cases, where one of accused  
was sentenced to more than two years imprisonment, are forwarded herewith  
for Review.

For the Senior Civil Affairs Officer.

| LEGAL SUB - COMMISSION |  |
|------------------------|--|
| CJO - CLA              |  |
| DCLO                   |  |
| CHIEF COUNSEL          |  |
| ITALIAN SECTION        |  |
| Recd 1 OCT 22 1946     |  |

H. J. ATKINSON  
LT. COL. CAV.,  
D/CHIEF LEGAL OFFICER

81

Encl.: a/m Records.

121

HEADQUARTERS ALLIED COMMISSION  
APO 794  
LEGAL DIVISION

FILE

2856

JKV/ns

25 October 1946

AC/4083/1/L

SUBJECT : OSSANI Valeriano and MAURO Giacomo.

TO : HQ AMG 13 Corps, Legal Division.

1. See your letter of 12 October 1946, No 130/AMG/HD/136/3192.
2. The record of trial is returned. The conviction and sentence are affirmed.
3. As the sentence in this case is definitely deterrent, and is not disturbed, the case may be re-considered at a later date.
4. The findings of fact and conclusion of law in this case leave little to be desired. This practice is very commendable in all cases of long term imprisonment.

By command of Rear Admiral STONE :

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

12

2855

7

FILE

Rome, 24 October 1946.

My dear Mr. Lombardi,

In accordance with notification already forwarded to you I have caused inquiry to be made with Italian Judicial authorities concerning the status of the case of your brother and have been unable to discover any proper ground upon which any be based interference therein by the Allied Commission. In the course of the investigation made of the matter there was obtained a certified copy of the official record of sentence in the case, a translation of which I forward herewith for your information.

At the present time this matter is before the Court of Cassation, which is the highest Court of the land here, where in due course it will be considered on review. It is still possible, therefore, that at that time justification may be found for some favourable action in this connection.

Yours very truly,

[s/ Henry W. Stone

HENRY W. STONE  
Rear Admiral, USNR  
Chief Commissioner.

Mr. Michael Lombardi  
89 Underhill Ave.,  
Brooklyn, N.Y.

MR

FILE

HEADQUARTERS ALLIED COMMISSION  
APO 794  
LEGAL DIVISION

2854

AC/4083/1/L

TW/ns  
22 October 1946.

SUBJECT : LAZZARO Gasimiro.

TO : Il Direttore, Casa Penale di  
FAVIGNANA.

1. Reference is made to your letter numbered 5421, dated 22 September 1946, subject as above.

2. LAZZARO Gasimiro fu Stefano was arrested on or about 9 February 1944, for violation of Procl. 2, Art. 2, Sec 27 (theft of US mail). He was tried before an Allied Military Government Court sitting at Palermo on 9 March 1944, found guilty, and sentenced to serve 4 years imprisonment.

3. On review, 28 April 1944, such conviction and sentence were affirmed.

On further review, 16 March 1945, this sentence was so reduced as to end 9 November 1947.

4. It has not been the regular practice that expenses of court be assessed against defendants in Allied Military Government cases.

L.J. GILSKIDE, 3  
Major, IGD,  
Chief Counsel.

NR

4083/✓

HEADQUARTERS  
ALLIED MILITARY GOVERNMENT  
13 CORPS

LEGAL DIVISION

2853 9779  
Legal s/c.  
FILE

Date, 26 July 1946.

TELEPHONE No. 29701 Ex:33.

FILE REF.

: 13C/AMG/LD/184/2/27

SUBJECT

: Case of FLANI Ezio and al. Superior Court Trieste  
No 277 - 2771.

TO

: CHIEF LEGAL ADVISER, HQ Allied Commission, APO 394, ROME.

1. Accused FLANI Ezio having been sentenced to imprisonment for over two years, the following documents are forwarded herewith for you to review :

|        |          |                                          |
|--------|----------|------------------------------------------|
| FLANI  | EZIO     | Record and Formal Appeal                 |
| ZAGO   | VALERIO  | Record, Medical report and Formal Appeal |
| CORENI | GIACOMO  | Record and Formal Appeal                 |
| MODICA | GIOVANNI | Record.                                  |

Judge's notes of evidence and exhibits are also enclosed.

2. In spite of the fact that the other accused were sentenced to terms under 3 years, it would be appreciated if the whole case could be reviewed by you.

For the Senior Civil Affairs Officer.

←

*Charles M. Mumme*  
CHARLES M. MUMME  
LT. COLONEL  
CHIEF LEGAL OFFICER

JUL 29 1946

Encl.: a/s documents.

112/

4081/1  
V

HEADQUARTERS  
ALLIED MILITARY GOVERNMENT  
13 CORPS

2852

LEGAL DIVISION

TELEPHONE No. 29701 Ex:32.

REFERENCE No. 13C/AMG/LD/136/2628

SUBJECT: Review of Military Court Cases.

TO: CHIEF LEGAL ADVISER, H.Q. ALLIED COMMISSION, APO 394 ROME.

FILE

Date: 6 September 1946.

As requested in our telephon conversation of today I am sending the following list of cases forwarded to you for review over one month old, together with dates forwarded.

1. Letter 13C/AMG/LD/184/1607 dated 8 June 1946 concerning Superior Court Trieste No 244 - 244c :  
a) JANZ Adriano  
b) FRANCESCHINI Marino  
c) MERIGGI Mario  
d) SCARPA Angelo.

10 June 4083/1

2. Letter 13C/AMG/LD/184/2061 dated 19 July 1946 with the Petition for Grace concerning :  
a) FRANCESCHINI Marino.

22 July 4083/23

3. Letter 13C/AMG/LD/184/2127 dated 25 July 1946 concerning Superior Court Trieste No 277 - 277d :  
a) PLANI Ezio  
b) ZAGO Valerio  
c) CORENI Giacomo  
d) MODICA Giovanni  
e) SEROGLIA Romeo.

29 July 4083/1

For the Senior Civil Affairs Officer.

70

|                            |  |
|----------------------------|--|
| LEGAL SUB COMMISSION       |  |
| CHIEF LEGAL ADVISOR        |  |
| DEPUTY CHIEF LEGAL ADVISOR |  |
| CHIEF COUNSEL              |  |
| STAFF OFFICER              |  |
| PLANNING SECTION           |  |
| MEMBERS REVIEW BOARD       |  |
| SEP 12 1946                |  |

H. J. ATKINSON  
LT. COLONEL, CAV.  
D/CHIEF LEGAL OFFICER

HEADQUARTERS  
ALLIED MILITARY GOVERNMENT  
13 CORPS  
LEGAL DIVISION

FCSB/gb

8/63

Date 8 June 1946.

TELEPHONE No. 29701 Ex: 124.

REFERENCE No. 13C/AMG/LD/ 184 / 1607

SUBJECT Case of JANZ Adriano and all. Superior Court Trieste, No 244 - 244c.

TO Chief Legal Adviser, H.Q. Allied Commission, APO 394, Rome.

1. Accused SCARPA ANGELO having been sentenced to imprisonment for over two years, the following documents are forwarded herewith for you to review :

|              |         |                                |
|--------------|---------|--------------------------------|
| JANZ         | Adriano | Record                         |
| FRANCESCHINI | Marino  | "                              |
| SCARPA       | Angelo  | "                              |
| MERIGGI      | Mario   | Record and Petition for Grace. |

Judge's notes of evidence and exhibits are also enclosed.

2. In spite of the fact that the other accused were sentenced to terms under 2 years, it would be appreciated if the whole case could be reviewed by you.

For the Senior Civil Affairs Officer.

LEGAL SUBCOMMISSION

TO

FROM

Chief Counsel

E. G. D.

Legal Section

CL MRS

Encl.: a/m documents.

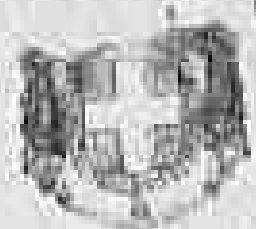
14 June 46

MR

A.E. GOLD  
MAJOR, A.U.S.  
CHIEF LEGAL OFFICER.



77

40831y  
V

Roma 6 ottobre 1946

Ministero di Grazia e Giustizia

La Commissione Alleata  
Sottocommissione Legale  
ROMAper gli istruiti di Prescrizione e di Penale  
Uff. VI

Prot. N. 152584/74592

Registrali del  
Gi. R. N. 1°

OGGETTO Detenuto Mistrilli Luciano M. N. 1°

Si comunica a questa Commissione Alleata che la direzione della casa penale di Civitavecchia, con foglio n. 6196 del 22 settembre U.S., ha riferito a questo ministero che il detenuto indicato in oggetto, condannato dal Tribunale militare Alleato di Venezia in data 7. 8. 1945 a mesi 18 di reclusione per contravvenzione al proclama N. 1, è stato trasferito alle carceri mandamentali di Parentino il 29 agosto U.S. -

FILE  
OCT 8 - 1946LEGAL SUB-COMMISSION  
OCT 8 - 1946

MR

al ministro

76

FILE

DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
LEGAL SUB-COMMISSION

TR/nn

1 October 1945

10/10/45/1/1

SUBJECT: Refund of money.

TO: Finance Sub-Commission.

RE: 11/10

1. PESCO, Maria and Lazzarini, Antonio were tried before a Summary and Court sitting at Viareggio on 5 January 1945. They were each sentenced to pay a fine of 10,000 lire or serve 3 months imprisonment in default of payment thereof.

2. On review by the Regional Legal Officer 6 February 1945 the following decision was pronounced:

(a) "As regards PESCO, Maria, the conviction is affirmed; the fine is hereby reduced to 3,000 (three thousand) lire; if the originally imposed fine has been paid, the difference will be refunded."

(b) "As regards Lazzarini, Antonio, the conviction is affirmed; the fine is hereby reduced to 5,000 (five thousand) lire; if the originally imposed fine has been paid, the difference will be refunded." 7

3. Petitions have been received by this Sub-Commission from each of these persons respectively requesting 7,000 and 3,000 lire.

4. There has also been forwarded to this office by SO Milan and Waring, AGO S. 422, D. 1. a carbon copy of the original receipt for payment of 10,000 lire by SA PESCO, Antonio. The name of the receiving officer is illegible, but his rank is captain. The number of the receipt is 49 394, and it is dated 9 February 1945.

HR

MLB

5. It is requested that your accounts be checked in the above matters to ascertain whether:

- (1) the original fines, of 20,000 lire each were received by your office and,
- (2) the differences in fines, as assessed, of 7,000 lire in the case of STELLA Livia and 5,000 lire in the case of SANTAVALLI, Antonio have been subsequently refunded to these accused.

If these adjustments have not been made, it is requested that necessary action be taken to refund such sums to the proper persons.

L. J. GILKINSON,  
Major, IAD,  
Chief Counsel.

Copies to: - AFHQ, 6-5 your 6-5:151/5 of 21 Sep 46 refers  
- 30 Claims and Hearings AGO 8. 182 627 your  
CH/40/8/152 folio 155 of 11 Sep 46 refers  
- 3-4 Claims Board - AGO 8 your file 185 refers.

4083/10

2848

FLB FLT

ALLIED FORCE HEADQUARTERS  
G-5 Section  
APO 512

G-5: 151/5

24 September 1946

SUBJECT: Appeal against Sentence -  
Mrs. Livia Pecchia.

TO : Chief Commissioner,  
Allied Commission,  
APO 794.

*with case record*

1. The enclosed letter from Mrs. Livia Pecchia, 16 September 1946,  
is enclosed for such action as you consider necessary.

2. It is not clear whether the offence was tried before an AMG  
Court or not.

3. The letter has not been acknowledged. Please send a copy of  
such reply as you make to this HQ.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

OCT 1 - 1946

*action taken*

*Shen*  
Major

*for* A. L. HAMBLEN  
Colonel, G.S.C.  
Assistant Chief of Staff, G-5.

Encl:  
as above.

73

LEGAL SUB-COMMISSION

CLO

OCLO

Chief Counsel

CJO

Italian Section

C. RKS

*MR*

SEP 26 1946

FLB

9973

NOT CLAIMS

9847

SUBJECT: Alleged entitlement to Re-imbusement of fine.Hq.,  
AC  
ROMERef: CH/90/C/152  
Tele: 217 Area 407-408

1. Attached is correspondence from:

a) Livia FECCHIA and

b) Antonio RAFFAELLI, both of VIAREGGIO relating to fines imposed upon them and, the reduction of their fines, on appeal is passed to you for attention, please.

2. Please acknowledge attached correspondence - 4 pieces in all plus Receipt Voucher No. 49394.-

90 Claims and Hirings  
APO S 482  
30 Jul 46  
1/VA

CMF

Thurman  
Major,  
DAD Claims & Hirings.Enclosed: as above

72

*File**40831*

to: UNITED STATES CLAIM OFFICE

R O M E*2846*

Naples 16th July 1946

SUBJECT: Release of  
confiscated sum -

*Requested to  
the Archives -*

The present application is made out and signed by:

VERRONE VincenzoMENTO NicolaSCALA GennaroFLAGIELLO Antimo

in order to explain and obtain what follows:

On 4th January 1945 the above people were summoned  
for a trial by Allied Forces in Naples, and on 27th  
December 1945 the Judge of Tribunal of Naples gave  
a sentence by which he ordered the release of

= 300.000 lire =

previously confiscated.

- In accordance to said sentence, the above  
proprietors of this sum ask ~~that~~ Office to give  
authorization to "BANCA D'ITALIA" (Bank of Italy) <sup>1</sup>  
to release mentioned sum.

- Being sure this application will have your  
approval, we remain

Yours sincerely

Verrone Vincenzo-Mento Nicola-Scala Gennaro-  
Flagiello Antimo

*No action  
taken  
Italian case*

*FR*

HEADQUARTERS ALLIED COMMISSION  
APO 794  
LEGAL SUB-COMMISSION

AC/40871/L.

TW/rm.  
30 September 1946.

SUBJECT : Copies of sentences.

TO : Il Direttore della Casa di Reclusione  
Favignana.

1. Reference is made to your letters nos. 5371, 5372  
and 5373 each dated 19 September 1946.

2. TONDA Carmelo, MANDISO Salvatore and CASCILLA Vito  
were arrested on or about 23 November 1943 and charged as follows:

- 1) In that the accused about 9a.m. of the day of  
23 Nov 43, in Trabia, occupied territory, incited  
the population to insurrection against the military  
authority and/or organized a public demonstration  
for such purpose contrary to Proc. N. 2, Art. 1,  
Para 21.
- 2) In that they did take part about 9a.m. of the day of  
23 Nov 43, in Trabia in a demonstration not authorized  
by the Allied Military Government contrary to Proc. N. 2,  
Art. II, Para 32.
- 3) Committed an act of pillage against the mill of Messi-  
neo and Co. and of the magazzino Ammasso Grano at  
about 9:30a.m. of the day of 23 Nov 43, in Trabia,  
contrary to Proc. N. 2, Art. 1, Para 18.
- 4) In company with a number of persons more than 5, did  
cause about 9:30a.m. of 23 Nov 43, the burning of the  
building used for the municipal house of Trabia contrary  
to Proc. 2, Art. IV in relation to Art. 423 and 112  
N. 1 of the Italian Penal Code.

3. The above mentioned persons were tried before a General  
Allied Military Government Court sitting at Termini Imerese on  
1 - 14 December 1943.

4. The above mentioned accused were found guilty as charged

- 2 -

and sentenced as follows:

- 1) TONDA Carmelo - 7 years imprisonment
- 2) MARCUSO Salvatore - 6 years imprisonment
- 3) CANCELILA Vito - 7 years imprisonment

All sentences were to run from 1 December 1943.

5. On review, 19 AUG 45, the following decision was announced:

"Conditional liberty is granted to the persons hereinafter mentioned after service of the terms of imprisonment specifically set out provided that in each case for the balance of the prison sentence originally imposed they shall be subject to 'liberta' vigilata' in accordance with article 230 of the Italian Penal Code.

| <u>NAME</u>       | <u>SENTENCE IMPOSED</u> | <u>CONDITIONAL LIBERTY<br/>GRANTED AFTER SERVICE OF</u> |
|-------------------|-------------------------|---------------------------------------------------------|
| MARCUSA Salvatore | 6 years                 | 3 years imprisonment                                    |
| TONDA Carmelo     | 7 years                 | 3½ years imprisonment                                   |
| CANCELILA Vito    | 7 years                 | 3½ years imprisonment                                   |

6. On further review, 6 March 1946, the decision of the review of 19 AUG 45 was affirmed.

7. Unless held for other lawful cause the accused will be released as indicated below:

- 1) TONDA Carmelo - 14 June 1947
- 2) MARCUSO Salvatore - 14 December 1946
- 3) CANCELILA Vito - 14 June 1947

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L.J. GILBRIDE,  
Major, MG,  
Chief Counsel,  
for Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION  
APO 754  
LEGAL SUBCOMMISSION

2844

AG/1003/1/L.

TS/ms.  
30 September 1946.

SUBJECT : STAZZI Natale di Alessandro.

TO : Il Direttore, Casa Penale di Cantinella.

1. Reference is made to your letter number G 310 Tit 3  
Fase 1 Lett 4222 dated 23 Sept 46 subject as above.

2. The above mentioned person was tried by an Allied  
Military Government Court sitting at Naples on 7 Dec 44. He was  
found guilty of violating Proclamation 2, Article 1, Sections 3  
and 11 and sentenced to serve 2 years imprisonment.

3. On review, 31 January 1945, the conviction and sentence  
were affirmed.

L.J. OLBRIE,  
Major, ILL,  
Chief Counsel,  
for Chief Legal Advisor.

66

MB

*Copy to Legal Sub/C.*

4083/1

FILE

HEADQUARTERS ALLIED COMMISSION  
APO 794  
INDUSTRY AND UTILITIES BRANCH

2842

Tel. 489081 - Ext. 432

WSB/mtf

Ref. HGO/1507/P

20 September 1946

SUBJECT : Claim of heirs of FERDINANDO NOCERA

TO : CONSORZIO NAZIONALE CANAPA  
P.zza Augusto Imperatore 27  
ROMA

1. The heirs of Ferdinando Nocera, through their Lawyer, Avv. Giuseppe Klein, of Via Vittorio Emanuele III 79, Secondigliano, (Naples), are claiming the return to them of the hemp manufactured goods seized at Casoria by the Allied Military Authorities in July 1944 and left in the custody of the Ammasso Canapo (Southern Region).

2. It is understood that these goods have since remained in your custody or have been disposed of by you.

3. After an examination of this Case, it would appear that the heirs of Ferdinando Nocera are entitled to have all the goods in question returned to them, or, on the other hand, the value you may have obtained from the disposal of such goods.

Copy to:

|                            |                               |
|----------------------------|-------------------------------|
| LEGAL SUB COMMISSION       | Avv. Giuseppe Klein           |
| CHIEF & G-1 ADVISOR        | Via Vittorio Emanuele III, 79 |
| DEPUTY CHIEF LEGAL ADVISOR | Secondigliano, (Napoli).      |
| CHIEF COUNSEL              |                               |
| STAFF OFFICER              |                               |
| TRAINING SECTION           |                               |
| MEMBERS REVIEW BOARD       |                               |

*Walker*  
H. M. WALKER  
Colonel, C.E.  
Director,  
Industry & Utilities  
Branch

67

SEP 23 1946

HEADQUARTERS ALLIED COMMISSION  
APO 794  
LEGAL SUB COMMISSION

FILE

2841

AC/ACB/1/1

TS/MS  
25 September 1946

SUBJECT : FORNELLI Giuseppe di Arcangelo.

TO : Direzione Stabilimento di  
Riadattamento Sociale  
ORVIETO.

1. Reference is made to your letter  
number 1946-3-1.8 of 21 September 1946.

2. The above-mentioned person was arrested  
on 23 November 1944 and charged with the violation of  
articles 81 and 648 of the Italian Penal Code in that at  
Bari, on the 13th day of November 1944, and at other times  
prior thereto, exact dates being unknown, by a series of  
acts of the same criminal intent, and with the object of  
unjust gain to themselves, they did acquire and conceal  
approximately thirty-five drums of paraffin of 360 pounds  
each and seven containers of kerosene of 20 litres each,  
belonging to the Allied Government, knowing that said articles  
were the product of a crime.

3. FORNELLI Giuseppe was tried, together  
with 8 other accused, by a Superior Allied Military Govern-  
ment Court sitting at Bari from 12 January 1945 to 19  
January 1946. The subject accused was found guilty of  
having violated Article 648 (Italian Penal Code) and was sentenc-  
ed to serve 3 years imprisonment from 23 November 1944 and to  
pay a fine of 5000 lire.

On review, 6 March 1945 the conviction and  
sentence were affirmed.

L.J. GILBERTON,  
Major, 180,  
Chief Counsel.

NR

FILE

HEADQUARTERS ALLIED COMMISSION  
APO 794  
LEGAL SUB COMMISSION

2840

AC/4033/1/D

AF/na  
26 September 1946

SUBJECT : CAPOBIANCO Pasquale and  
SORIVANO Alfredo.

TO : Ministry of Prison and Justice  
(Attn: Dr. Bonelli).

1. Reference is made to your letters  
ac/4439-1 and ac/4544-2 of 15 September 1946.

2. Evidence introduced in the case  
shows that the two accused accepted a proposition made  
to them regarding the purchase of 624,000 lire of counter-  
feit money, of which 425,000 lire were found in possession  
of Capobianco Pasquale and 201,000 lire in possession of  
Sorivano Alfredo.

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

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1R

HEADQUARTERS ALLIED COMMISSION  
APO 794  
LEGAL SUB COMMISSION

711A

2839

TW/na

26 September 1946

AC/1083/1/L

SUBJECT : FIERHOFFER Carlo.

TO : Direzione delle Carceri Giudiziarie di  
BOLOGNA.

1. Reference is made to your letter No 3655,  
Tit. 3, Enc. 1, Lett. P, dated 19 September 1946, subject as  
above.

2. The above mentioned person was tried by  
an Allied Military Government Court sitting at Merano on 1  
December 1945. He was charged with violating: (1) Proclama-  
tion 1, Article 5, Section 27, (improper receiving of Allied  
property); (2) Proclamation 1, Article 5, Section 27, (im-  
proper receiving of Allied property); (3) Proclamation 1,  
Article 4, Section 10, (being in restricted territory with-  
out permission).

3. FIERHOFFER, Carlo was sentenced as follows:

Charge 1 - 6 months imprisonment  
Charge 2 - 1 year imprisonment  
Charge 3 - 1 year imprisonment

62

The sentences were to be served consecutively, the total  
term of imprisonment being 2 1/2 years.

4. On review 12 January 1946, this sentence  
was reduced to 18 months imprisonment.

L.J. GILBRIDE  
Major, ICB,  
Chief Counsel.

NR

MODULARIO  
G.G. 083/1Mod. 25 (Carceri)  
" 51 (Riformatori)

FILB Bolzano

add. 1949 19 46

Ministero di Grazia e Giustizia

DIREZIONE  
DELAlla Cancelleria della Commission  
Alleata-Sottocommissione Legale

Carceri Giudiziarie Bolzano

R O M A

N3655 Tit. 3 Fasc. 1 Lett. P

Risposta alla lettera

- R A C C O M A N D A T A -

del

Ufficio

N.

Allegati N.

OGGETTO : Condannato Pierhofer Carlo di igno-  
to e di Pierhofer Rosa, nato il 2.2.1925 a Merano (Bol-  
zano), condannato dal Tribunale Militare Alleato con  
sentenza 1.12.1945 alla pena di anni 2, mesi 6 di recl.  
per furto ed altro, ridotta la pena con ordinanza della  
stessa Autorità in data 17.1.1946 a mesi 18 reclusione.

Il Ministero di Grazia e Giustizia ha ordinato di  
istruire, nel più breve tempo possibile le pratiche di  
liberazione condizionale ai condannati a pena non supe-  
riore ai cinque anni. E poiché il condannato in oggetto  
ne ha fatto richiesta a questo Ufficio, si prega far  
tenere con quanta maggiore sollecitudine possibile copia  
della sentenza di condanna inflittagli.

IL DIRETTORE

Dott. Venturoli Sebastiano

STAFF OFFICER

LEGAL SECTION

MEMBERS REVIEW BOARD

63

25 SEP 1946

4083

COPIA

ILB

Roma, addì 21 - 9 - 1946

MINISTERO DI GRAZIA E GIUSTIZIA

Direzione Generale per gli  
Istituti di prevenzione e di pena

UFF. VI

Alla Commissione Alleata  
Sottocommissione Legale

R O S S

Prot. N. 151602/68716

Risposta al foglio del 7-8-1946  
AD/4083/1/R.

All. N. 1

OGGETTO : Detenuto MAGLIONE Arminio di Angelo Michel

Con riferimento alla suindicata nota, si trasmette a codesta Commissione Alleata la posizione giuridica del detenuto in oggetto, significando che lo stesso fu arrestato il 28.3.1944 e condannato dalla Corte d'Assise di Avellino ad anni 2 e mesi 8 di reclusione per rapina a mano armata, con sentenza del 6 - 10 - 1945.

Poichè il MAGLIONE termina di espiare la detta pena il 28 - 11 - 1946 da tale epoca comincerà ad espiare la pena di mesi 6 di reclusione inflittagli con sentenza del 1 - 6 - 1954 della Corte Alleata di Ariano Irpino per possesso di armi.

Pel ministro

62

(firma illegibile)

MR

C O P I A

DIREZIONE DELLE CARCERI GIUDIZIARIE di Avellino

UFFICIO di MATRICOLA

POSIZIONE GIURIDICA

di MARINO Brainio ..... figlio di Angelo Michele .....  
 d'anni 21 ..... nato a Savignano ..... di professione  
contadino ..... arrestato il 28 - 3 - 944 .....  
 entrato in carcere il 29 - 6 - 945 ..... a disposizione di .....  
Corte d'Assise ..... quale .....  
 I) Corte Assise Avellino sentenza 6.10.945 anni 2 e mesi 8 reol.  
Lire 5000 di multa per il reato di rapina e sono rimasta Def.  
fine pena 29. 11. 946 .....  
 II) Corte d'Assise Avellino Isp. sentenza 1 - 6 - 944 mesi 6 reol.  
per possesso di armi Def. fine pena 29 - 5 - 947 .....  
 punizioni: 22. 11. 945 art. 165 ce la 24. 10 art. 153/5 .....  
29. 1 - 945 art. 165 cella 45. 3 cella art. 153/5

61

PER IL MATRICOLLO

Firma illegibile

HEADQUARTERS ALLIED COMMISSION  
APO 794  
LEGAL SUB-COMMISSION

AC/4083/1/L.

TW/rm.  
20 September 1944.

SUBJECT : SCATOZZA Adelchi.

TO : Tribunale Civile e Penale di P-E-S-C-A-R-A.

1. Reference is made to your letter No. 114/45 dated 12 August 1944, subject as above.

2. SCATOZZA, Adelchi was arrested on or about 25 October 1944 for the violation of Proclamation 1, Article 5, Section 27, in that he was in illegal possession of property of the Allied Forces and for the violation of General Order 20, Article 4, Paragraph 1 in that he used a motor vehicle for a purpose not authorized in the permit for said vehicle.

3. The accused was tried before a Summary Allied Military Government court sitting at Ancona on 31 October 1944. He was found guilty as charged and sentenced to serve 3 months imprisonment on the first charge and 1 month imprisonment on the second charge, the total term of imprisonment being 4 months. The property was ordered confiscated and turned over to the appropriate Military Authorities.

4. On review 12 November 1944, the conviction and sentence were affirmed.

5. On 16 November 1944, the sentence was re-affirmed and again reaffirmed on 29 December 1944.

6. SCATOZZA was committed to Ancona prison.

L.J. GILBRIDE,  
Major, ICD,  
Chief Counsel,  
for Chief Legal Advisor.

HR



4073/1  
STZ  
Ministero di Grazia e Giustizia

Mod. 2

FILE

Gabinetto di S.E. il Ministro  
Ufficio di Collegamento con L'A.C.

Roma, 18. 6. 1946 19

Protocollo N. 00/62491

OGGETTO Giardina Raffele e Tocco Angelo - spedita di am-lire  
false -

ALLA COMMISSIONE ALLEATA  
Sottocommissione Legale

ROMA

Si trasmette in copia l'unita lettera del Giudice Istruttore della X Sezione Penale del Tribunale di Roma relativi all'oggetto.

Con preghiera di volere esperire le indagini richieste e di volerne informare questo Ufficio.

59

L'UFFICIO DI COLLEGAMENTO  
(Dr. G. Bonelli)

*Bonelli*

SUB COM

O

O

Chief Counsel

O

Italian Section

CL-RKS

Unable to locate any  
record in archives

Sgt Wells

FILE

COPIA

25/8

UFFICIO D'ISTRUZIONE DEL TRIBUNALE DI ROMA

- Sezione 10 -

Al Dottor PONELLI, funzionario di collegamento con l'Ufficio Legale della Commissione Alleata di controllo.

MINISTERO DI GIUSTIZIA E GUSTIZIA

Procedo contro Martina Raffaele e Zocco Angelo, imputati del delitto di detenzione e spendita di anilire falsificate.

I pervenuti vennero denunciati con rapporto n. 22032 G.I. del Commissariato Ario in data 24 novembre 1941, e gli atti sequestrati (di cui otto portanti il n. di serie A. 96745147 A., uno il numero A. 96745134 A. e l'ultimo il numero A. 347602350 A), vennero consegnati da un agente del predetto commissariato di P.S. all'Ufficio Legale del Capitano Gilreath il 30 stesso mese.

Nonchè, agli atti poi trasmessi all'Autorità Giudiziarie Italiana risultò allegato un solo biglietto falso, portante il numero A. 96745147 A., per cui è da supporre che gli altri dieci biglietti sequestrati rimasero giacenti presso l'Ufficio del Cap. Gilreath.

Prego, pertanto, di intervenire le competenti Autorità Alleate perchè si compiaciano esprimere indagini in merito e vogliono trasmettermi, ove dette indagini sortano buon esito, la moneta in questione con la massima urgenza.

Ringrazio.

Roma, 3 giugno 1943.

IL GIUDICE ISTRUTTORE Gen. I.

7-10-50-10-30-10-10

Al Dottor BONELLI, funzionario di collegamento  
con l'Ufficio Legale della Commissione Alleata  
di controllo.

MINISTERO DI GIUSTIZIA E P.S.

Procedo contro Giovanni Raffaele e Leopoldo Angello, imputati  
del delitto di detenzione e spendita di em-lire falsificate.

I pervenuti vennero denunciati con rapporto n. 24052 G.I.  
del Commissariato di P.S. in data 24 novembre 1942, e gli atti  
assunti, nonché gli undici biglietti em-lire del taglio di 3.1000-  
sequestrati (di cui otto portanti al n. di serie A.36745147 A., due  
al numero A.36745162 A. e l'ultimo il numero A.347863350 A), venne-  
ro consegnati da un agente del predetto commissariato di P.S. al-  
l'Ufficio Legale del Capitano Filireath il 23 stesso mese.

Senonchè, agli atti poi trasmessi all'Autorità Giudiziale Ita-  
liana risultò allegato un solo biglietto falso, portante il numero  
A.36745147 A., per cui è da supporre che gli altri dieci biglietti  
sequestrati rimasero giacenti presso l'Ufficio del Cap. Filireath.

Prego, pertanto, di intervenire le competenti Autorità Alie-  
te perchè si procedano a scovare indagini in merito e vogliono  
trasmettermi, ove dette indagini sortano buon esito, le monete in  
questione con la massima urgenza.

Ringrazio.

Rome, 3 giugno 1943.-

IL GIUNTO ISTRUTTORE Sez. X.-  
P.to: 304124331042

M.P. Con la risposta si restituisca la presente nota

V...  
Bonelli

Subject:

GIARDINA RAFFAELE and  
ZOCO ANGELO.

passing of forged AM-Lire.

The Ministry of Interior and Justice forwards on the 18<sup>th</sup> June 1946 copy of letter, which they have received from the Investigating Judge of the 8<sup>th</sup> Penal Section at the Court of Rome. Said Ministry requests to be informed of the following:

A penal proceeding <sup>being</sup> brought against Giardina Raffaele and Zocco Angelo, charged with detention and passing of forged AM-Lire. Said accused persons were denounced by the Commissioner of Appia on the 24<sup>th</sup> November 1944, eleven AM-Lire banknotes of 1000 lire each were sequestered and handed over on the 26<sup>th</sup> November 1944 to Capt. Gireath of the Legal Office.

When the file was transmitted to the Italian Judicial Authority, there resulted only one forged banknote of 1000 lire. It is supposed that the other ten sequestered banknotes were retained at the Captain's Gireath office and the

The Ministry of Justice and Justice forwards on the 18<sup>th</sup> June 1946 copy of letter, which they have received from the Investigating Judge of the I<sup>th</sup> Penal Section at the Court of Rome. Said Ministry requests to be informed of the following:

A final proceeding is <sup>being</sup> brought against Giandoma Raffaele and Zocco Angelo, charged with detention and passing of forged AM-Lire.

Said accused persons were denounced by the Commission of Enquiry on the 24<sup>th</sup> November 1944, eleven AM-Lire banknotes of 1000 lire each were sequestered and handed over on the 26<sup>th</sup> November 1944 to Capt. G. Breach of the Legal Office.

When the file was transmitted to the <sup>51</sup>Italian Judicial Authority, there resulted only one forged banknote of 1000 lire. It is supposed that the other ten sequestered banknotes were retained at the Captain's G. Breach office.

The investigation of this case and the forwarding of the remaining banknotes is urgently requested.

FILE

HEADQUARTERS  
ALLIED MILITARY GOVERNMENT  
13 CORPS

2834

LEGAL DIVISION.

TELEPHONE No. 28701 Ex:32

Date 4 September 1946.

REFERENCE No. 133/AG/ED/104/2587

SUBJECT : Case of ERATUS Erwin and SAKSIDA Ivan, Superior Council No 45.

TO : CHIEF LEGAL ADVISER, H.Q. ALLIED COMMISSION, APO 394 Rome.

ERATUS Erwin having been sentenced to imprisonment of over 3 years  
the following documents are forwarded herewith for you to review:

ERATUS Erwin Record, Formal Appeal and Petition for Grace.

SAKSIDA Ivan Record.

Judge's notes of evidence and exhibits are also inclosed.

For the Senior Civil Affairs Officer.

|                            |  |
|----------------------------|--|
| LEGAL SUB COMMISSION       |  |
| CHIEF LEGAL ADVISOR        |  |
| DEPUTY CHIEF LEGAL ADVISOR |  |
| CHIEF COUNSEL              |  |
| STAFF OFFICER              |  |
| ITALIAN SECTION            |  |
| MEMBERS REVIEW BOARD       |  |
| SEP 9-1946                 |  |

*Charles M. Munnick*

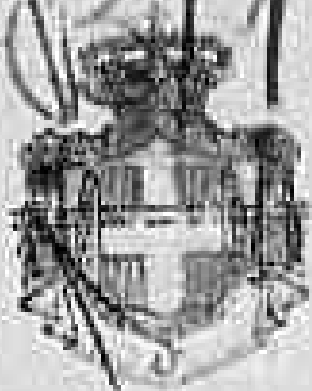
CHARLES M. MUNNICK  
LT. COLONEL  
CHIEF LEGAL OFFICER.

56

*Returned*  
SEP 16 1946

Encl.: 3 Documents.

fm



FILE

Roma, 7 settembre 1946

Ministero di Grazia e Giustizia

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

ROMA

Ufficio II A.P. Sub. V. 128.24bis/1418

Risposta al f. V. AC.4083/I/L/  
del 1° luglio c.a.

OGGETTO SERAO Gennaro - Sequestro di sterline aeree.

e per conoscenza:

AL MINISTERO DEL TESORO

Direzione Generale per le Valute

(risp.f.22.6.946 n.23162/228/1517)

ROMA

All'UFFICIO DI COLLEGAMENTO - Gabinetto

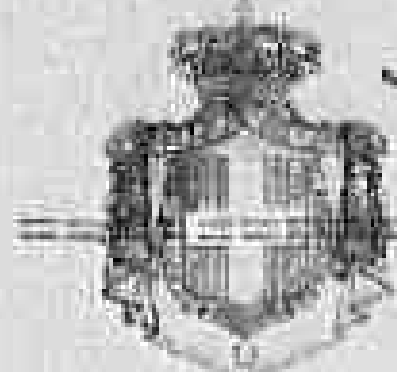
SEDE

Con riferimento alla precorsa corrispondenza relativa alla persona in oggetto, e da ultimo alla ministeriale del 10.8.c.a. pari numero, si partecipa che il Procuratore Generale presso la Corte di Appello di Napoli, con foglio del 28 agosto u.s., ha comunicato, ~~se-~~  
~~endo~~ seguito al suo precedente foglio del 21 agosto detto mese, che SERAO Gennaro di Giuseppe fu giudicato per lo stesso reato dalla 10<sup>a</sup> Sezione del Tribunale di Napoli, che con sentenza del 21.12.1945 lo assolveva per insufficienza di prove.

Lo stesso Magistrato ha aggiunto che, pertanto, il Procuratore della Repubblica di Napoli ha richiesto il locale Giudice Istruttore perchè pronunzi sentenza di non doversi procedere contro il detto SERAO perchè estinto il reato per precedente giudicato.

d'ordine del MINISTRO

fin



Roma. / Agosto

1946

2832

Ministero di Grazia e Giustizia

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

ROMA

Ufficio II° A.P. Sub. V.° 128.24bis/1418/46 Risposta al f.° V.° 4083/1/1/ AC  
del 1.7.946

OGGETTO SERAO Gennaro - Sequestro di sterline aeree.

e per conoscenza:

ALL'UFFICIO DI COLLEGAMENTO - Gabinetto

SEDE

e  
AL MINISTERO DEL TESORO - Direzione Generale per le  
Valute

(risp. a nota 22.6.946 n.23162/228/1517).

ROMA

Facendo seguito a precedente corrispondenza relativa all'oggetto, si informa che la Procura Generale presso la Corte d'Appello di Napoli ha testè riferito che contro il SERAO è in corso procedimento penale per il delitto di commercio clandestino dell'oro, previsto e punito dagli articoli 1 e 2 del R.D.L. 3.9.941 n.582.

Il predetto Ufficio ha aggiunto che nei confronti del SERAO è stato emesso ordine di comparizione assicurando che il procedimento sarà definito con la massima urgenza.

Non si mancherà, a suo tempo, di comunicare l'esito a codesta On.le Sottocommissione.

pel MINISTRO

Subject: SERRAO JENNARO, sequestration of gold

Sovereigns. 408341

FILE

2790 attached

With reference to letter 4083/1/L/AC of the

1st July 1996 the Ministry of Justice  
informs this legal S/C that the General Prosecutor  
of the Court of Appeal at Naples has reported that  
the penal proceeding against Serrao for unlawful  
trading of gold, punishable under articles 1 & 2  
of R. D. L. 3.9.941 No 882, has been initiated.

Said office also communicates that a  
summons to appear before the Court was issued  
against Serrao, and that this proceeding will be  
dealt upon with urgency.

The results will be duly communicated  
to this legal S/C.

53

✓ Cpt. Mills -

Suspend this letter to 9 Sept 96  
for further inquiry, if necessary.

WJL

1st July 1996 the Ministry of Justice  
informs this legal S/C that the General Prosecutor  
of the Court of Appeal at Naples has reported that  
the penal proceeding against Srao for unlawful  
trading of gold, punishable under articles 1 & 2  
of R. D. L. 3. 9. 941 No 882, has been initiated.

Said office also communicates that a  
summons to appear before the Court was issued  
against Srao, and that this proceeding will be  
dealt upon with urgency.

The results will be duly communicated

to this legal S/C.

53

✓ Cpl. Wills -

Suspends this letter to 9 Sept 96  
for further inquiry, if necessary.

WWS

FILE

9831

HEADQUARTERS ALLIED COMMISSION  
APO 394  
LEGAL SUB-COMMISSION

/mds.

AG/4083/1/L.

2 May 1946.

SUBJECT : Records of Trials.

TO : Chief Liaison Officer, VENETIAN Region.  
(Attn: Senior Legal Officer).

1. Please forward to this Sub-Commission the Records  
of Trials in the following cases :

|    |           |           |
|----|-----------|-----------|
| a) | SACCOMANI | Baldino ✓ |
| b) | MAVER     | Niccolo ✓ |
| c) | PREVETTO  | Arvinia ✓ |
| d) | FERRARI   | Remo ✓    |
| e) | MORGIA    | Dante ✓   |

By Command of Rear Admiral STONE :

H. J. ATTINSON,  
Lt. Colonel, IGD,  
Chief Counsel.

52

XJ

FILE

2830

HEADQUARTERS ALLIED COMMISSION  
APO 794  
LEGAL SUB-COMMISSION

AC/4003/1/L.

AP/rm.  
13 September 1946.SUBJECT : 80 Gold Sovereigns.  
SEBASTIO Giovanni.

TO : AFHQ, G-5.

1. Reference your G-5/123 of 29 June 1946.
2. The Ministry of Pardon and Justice has now advised this Sub-Commission that SEBASTIO Gennaro has already been tried once for the same offense on 21 December 1945 by the Tribunal of Naples and found not guilty owing to lack of evidence.
3. In view of the above the "Procuratore Generale" of the Court of Appeal, Naples has requested the local "Giudice Istruttore" to declare in his judgment that no proceedings can be brought against SEBASTIO owing to the fact the same was found not guilty in the previous trial.

For the Chief Commissioner :

J. J. HARRISON, JR.,  
Lt. Colonel,  
Deputy Chief Legal Advisor.

51

XS

FILE

HEADQUARTERS ALLIED COMMISSION  
AFO 794  
LEGAL SUB-COMMISSION

HM/rm.

4 September 1946.

AC/4083/1/L.

SUBJECT : RIAGGI, Filippo fu Pietro.  
TO : Carabinieri Station of Montepescato, ROME.

Reference is made to your letter dated 2 September 1946.

1. The subject person was arrested on 1 August 1944, charged with wrongful possession of an automobile belonging to the Allied Forces.

2. His case came up for trial before an Allied Military Court on 9th August 1944. After three adjournments he was found not guilty on 6 September 1944 and the case dismissed.

3. On review on 25 October 1944 the action of the Court was affirmed.

L.J. GILBERT,  
Major, ICB,  
Chief Counsel,  
for Chief Legal Advisor.

50

TRANSLATION

Carabinieri Station of  
MONTESPACCATO -Rome.

The Allied Commission is kindly requested to  
transmit to this Office a copy of the sentence passed on  
a certain BIACCHI Filippo fu Pietro by an Allied Military  
Court in Rome on the 9th August 1944.

2nd September 1946.

IL Maresciallo RR.OO.  
(signed) Piero Guspini

STAZIONE CARABINIERI  
Montespacci - Roma

Al Commissionario Allato  
Sott. Subcommissario Legato

Via Veneto

Il sottoscritto chiede che gli  
sia fatta avere copia autentica  
della nota intestata emessa  
dalla Corte Superiore Allato  
alla il giorno 9 agosto 1944  
nel procedimento penale  
a carico di Maggi Filippo  
di Pietro.

A. Riportarsi L.

Roma li 2-9-1946

L. MARESCIALLO PACE A. CAV.  
Comandante la Sezione  
(Piero Cassini)

*[Signature]*

2828

HEADQUARTERS ALLIED COMMISSION  
APO 734  
LEGAL SUB-COMMISSION

FILE

AC/4083/1/L.

AP  
3rd Sept 46.

OGGETTO : Nota di pagamento - RENDA Costantino.

Al Presidente  
dell'Ospedale Psichiatrico diPALERMO

Si restituisca la nota di cui all'oggetto signi-  
ficando che la stessa deve essere indirizzata all'autori-  
tà italiana competente per il pagamento.

L. J. GILBRIDE,  
Major, I.G.D.,  
Chief Counsel.Incl. All. 1

41

X5

Sir,

the enclosed papers relate to a certain RENDA Costantino, a minor, who was sentenced by an Allied Military Court to a term in a reformatory.

The Director of the Lunatic Asylum of Palermo sends us a bill of expenses incurred ~~by~~ the treatment of the above minor.

I prepared a letter in Italian saying that the bill is returned and ~~the same~~ must be addressed to the appropriate Italian authority for payment.

## OSPEDALE PSICHIATRICO DI PALERMO

## SEGRETERIA GENERALE

Risposta alla nota N.

del

N.

di protocollo 1113

di posizione

OGGETTO Renda Costantino di Pietro e di Toscano Carmela na-  
to in Palermo il 1° gennaio 1927  
Palermo, 26 Marzo 1945

Allegati N.

Ill.mo Sig. CORTE MILITARE ALLEATA DI

Annot. Liber. dal Carcere - Palermo

Trasmetto a Codesto Ufficio la liquidazione con-  
tabile del nominato in oggetto per il periodo che va  
dal 26 gennaio 1944 (data di ricovero) al 29 febbraio  
1944, significando che il Renda é stato qui ammesso con  
ordinanza di codesta Corte Militare Alleata (che si alli-  
ga in copia) emessa il 26 gennaio 1944.

IL PRESIDENTE



4083/1  
HEADQUARTERS  
ALLIED MILITARY GOVERNMENT  
13 CORPS

Date 6 August 1946.

## LEGAL DIVISION

FILE REF: 13C/AMG/LD/184/2236

SUBJECT: Case of HRESOAK Dusan, Superior Trieste No 388.

TO: CHIEF LEGAL ADVISER, H.Q. Allied Commission, APO 394, ROME.

Accused HRESOAK Dusan having been sentenced to a fine exceeding  
50,000 Lire the following documents are forwarded herewith for you to review:

HRESOAK Dusan Records and Formal Appeal

Judge's notes of evidence and exhibits are also attached.  
A/m accused paid the fine of Lire 200,000 on 29 July 1946.

For the Senior Civil Affairs Officer.



CHARLES M. MUNNECKE  
LT. COLONEL  
CHIEF LEGAL OFFICER

Encl.: a/m documents.

XS

FILE

2226

HEADQUARTERS ALLIED COMMISSION  
APO 794  
LEGAL SUB-COMMISSION

AC/4083/1/L.

LJG/rm.  
10 September 1946.

SUBJECT : MAZZONI Giuseppe.  
Application for restitution of  
bail money.

TO : Chief Legal Officer,  
Province of Ugento.

1. There is enclosed herewith copy of letter of the  
Office of the Chief Liaison Officer, Bolzano, subject as above  
which is self-explanatory.

2. No record of this case has been found in Archives of this  
Commission. Maj. BACHHOFF, mentioned as having been the presiding  
judge of the Court before which accused appeared, states that at  
the time in question he was out of the service in England.

3. It is believed now that the record concerned may be in  
the files of your office. If this may be so it is requested that  
it be forwarded here as soon as may be practicable. In any case a  
reply will be appreciated.

By command of Rear Admiral STONE:

L.J. GILBRIDE,  
Major, IGD,  
Chief Counsel,  
for Chief Legal Advisor.

XS

4083/1

2825

EYRES & BACKHOUSE,  
SOLICITORS.  
H. BACKHOUSE,  
COMMISSIONER FOR OATHS  
TELEGRAMS: "EYRES & BATH"  
TELEPHONE NO. 2120.

2. Wood Street,  
Queen Square,  
Bath.

21st August, 1946.

Dear Colonel, Mazzoni, Giuseppe. Your Ref. ACIO/BZ/108.11.

Thank you for your letter of 3rd July, which  
I have only received by this morning's post.

I am sorry to say that I have no recollection  
of this case, and do not think that I could have tried it  
as, you will remember, I left Bolzano towards the end of  
July 1945, and relieved Col. Willmer as Regional Legal  
Officer of Venezia Region at Padua. I see that you state  
that the case was heard by me at Bressanone on 29th September  
1945, but in point of fact I was demobilized in this country  
on 26th September.

It is correct that Dr. Max Katzburg was prosecutor  
when I was at Bolzano, but he still occupied this position  
under my successor when I left Italy. I do not know where  
Dr. Katzburg is, but he was an extremely able and honest man,  
and would probably be able to remember the facts.

Whilst I was at Bolzano I cannot remember ever  
having taken bail money, because I found that it was always  
such a nuisance holding it. Finance Officers, throughout  
the two years during which I was in Italy, always objected  
to giving receipts for bail money, because they said that it  
messed up their books when they had to return it. What they  
always insisted upon was that one put the bail money up in an  
envelope, marked it on the outside, and the Finance Officer  
merely gave a receipt for the envelope. I never kept any  
money whatever in my own safe, except possibly for a night, and  
to the best of my knowledge Dr. Katzburg similarly handed over  
any money which he collected in respect of fines in the same  
way, keeping money overnight only if the Finance Office was  
closed. I know nothing, therefore about the allegation that  
"bail deposits were kept in a safe", and if several such  
deposits were so found, they were certainly not made in my  
time.

I do not know when the A.M.G. Court Cases were handed  
over to the Procuratore del Regno of Bolzano, but it must have  
been some time after my demobilization.

If you happen to know Dr. Katzburg's address, and  
could let me have it, I will gladly write to him on the matter,

as I know him very well, and think that he would be likely to remember any cases in which he was concerned. Personally, I kept a detailed record, in a specially printed book, of every single case that I tried, and also wrote up records of adjourned cases. I do not know whether my successor continued to use this book. I do not, however, understand how my name appeared as judge in the case in question, so long after I had left Bolzano.

I shall be very glad indeed to hear from you as to how this matter progresses; I hope that you will look me up if you ever happen to be in this country.

With kind regards.

Yours sincerely,

P. Jackson

Col. John K. Weber,  
H. Q. Allied Commission,  
Local Sub-Commandant,  
Rome,  
Italy.

FILE

HEADQUARTERS ALLIED COMMISSION  
APO 794  
LEGAL SUB-COMMISSION

THE

2824

AC/4003/1/L.

LJC/ra.  
10 September 1946.SUBJECT : MAZZONE Giuseppe - Application  
for bail money.TO : COL. S.W. MILLER,  
C.L.O., Polzano.

1. Reference is made to your letter ACLE/BZ/108.11 dated 22 June 1946 and letter of this office AC/4003/1/L. dated 2 July 1946, subject as above.

2. Further search of the Archives of this Commission has not revealed the records of this case. Reply to a letter directed to Maj. BACHMANN, whom you have mentioned as the presiding judge of the Court at the time in question, copy of which is attached, provides no assistance. It is noted that he believes also that Dr. MAX KATZBERG might have desired information. With the possibility that the file covering this case may be in Udine letter has been directed to the Chief Legal Officer there, copy of which is also forwarded herewith.

3. If at this time you may be in a position to supply additional detail in this connection it is requested that you do so.

By command of Rear Admiral STONE :

L.J. GILBRIDE,  
Major, LCD,  
Chief Counsel,  
for Chief Legal Advisor. 41

Incl.

Copy to : CLO UDINE Province.

X5

HEADQUARTERS ALLIED COMMISSION

APO 784

LEGAL SUB COMMISSION

2123

AO/4083/1/L

HMG/ns  
10 Sep 1946

SUBJECT : TOSI Mario.

TO : Tribunale Civile e Penale di VARESE  
Il Giudice di Sorveglianza.

Reference your letter recently received at this Sub-Commission.

1. The subject person was arrested in early June 1945, charged with possession of notes made legal tender by the Allied Military Government knowing same to be false.
2. He was tried on 7 July 1945 before an Allied Military Superior Court sitting at Varese, found guilty and sentenced to 3 years imprisonment.
3. On 21 Aug 1945 the case was reviewed and conviction and sentence of the Court were affirmed.

L. J. GLIBRIDE,  
Major, IGD,  
Chief Counsel.

40

X5

Request of Copy of Sentence  
by the Tribunal Civil  
Penale de Varise,  
Prison de S. M. de Phons,  
TOSI Mario 39573

210914 TRIBUNALE CIVILE E PENALE DI VARESE  
GIUDICE DI SORVEGLIANZA

OGGETTO Detenuto TOSI Mario fu Giuseppe. Liberazione condizionale. SENTENZA del 7/7/1946 del Tribunale Militare Alleato.

Al Gruppo di Collegamento per la Lombardia  
presso la Commissione Alleata, trasferitasi  
a ROMA

Ai fini della istruttoria della pratica per la liberazione condizionale del detenuto in oggetto indicato, condannato alla pena di anni tre di prigione per spaccio banconote alleate con sentenza del Tribunale Militare Alleato in Varese, prego voler disporre, con cortese urgenza, l'invio a questo Ufficio di copia della sentenza emessa il 7 luglio 1946.

IL GIUDICE DI SORVEGLIANZA

(Accardi)



HEADQUARTERS ALLIED COMMISSION  
A/C 793  
LEGAL SUB-COMMISSION

AG/4082/1/1.

LAD/rm.  
6 September 1946.

SUBJECT : Request for copy of sentence.  
ROVATI Bruno di Pasquale.

TO : AVV. G. LANDSCHEIN  
Procuratore

PAVIA

Piazza del Carmine, 3

1. Reference is made to your letter dated 29 August 1946,  
subject as above.

2. This sub-Commission does not provide information from  
its case records other than on request of interested public authority.

L.J. GILERINI,  
Major, ICD.  
Chief Counsel,  
for Chief Legal Advisor.

XJ

**Avv. G. LANGSCEDER**  
**PROCURATORE**

PIAZZA DEL CARMINE 3 - TELEFONO 4-111  
**PAVIA**

On.le Commissione Alleata  
 Sotto commissione Legale  
ROMA

Pavia, li 29 agosto 1946

2821

Mi occorrerebbe avere, con ogni possibile urgenza, copia della sentenza con la quale il Tribunale Militare Alleato di Pavia ha condannato in data 22.5.45 Revati Bruno di Pasquale alla pena di anni cinque di reclusione per detenzione abusiva d'armi, condanna modificata in data 16 agosto 1945 alla pena di anni 5 di cui tre con la condizionale.  
 Prego gravare di assegno la lettera per le competenze di codesto Ufficio.

*Lang*  
 Sir, a request for copy  
 of sentence from a private  
 lawyer. Any Action 36  
 1/10/46

HEADQUARTERS ALLIED COMMISSION  
APO 794  
LEGAL SUB-COMMISSION

FILE

AG/4083/1/L.

WJ/rm.  
12 September 1946.

SUBJECT : Conditional liberty (FELDER Federico).  
TO : Ministry of Pardon and Justice.

1. Confirming the conversation between Dott. BONELLI and Dott. FIORE I take the liberty to draw your attention to the attached letter from the Director of the Judicial Jail of Polzano.

2. This Sub-Commission is receiving similar letters from private individuals as well as from Judicial Authorities who are constantly requesting copies of sentences for the application of conditional liberty.

3. In my opinion the Italian Authorities concerned should be advised that all applications for conditional liberty are to be referred to your Ministry.

Incl.

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

X5

Excerpts from the decision on review rendered in the case of MALAVITA, Guido, 22 April 1946.

Three British soldiers left their camp in BAGNOIA at about 5.30 P.M. on the 6th March 1944. They were looking for entertainment and went first to an American Organization where they expected to attend the movie pictures. The picture show having been cancelled, the 3 British soldiers started in search of something to drink. They went to about 3 different wineshops and drank wine and cherry brandy. The witness who appeared before the court stated, all 3 drank about the same amount and that none of them were drunk. At about 9.30 hrs these 3 soldiers could no longer find any wineshops or as there was a curfew in effect. Wandering around the streets of FUORICORTA, Naples, they noticed a faint light coming from a window in a private home. They went to the door of the house and knocked; the light in the house went out. They then left, but decided to go back to the house as they wanted some more to drink. When they reached the door again, they began to hammer and kick on it. Then one of the soldiers began to push the door in with his shoulders, the door opened and an Italian civilian stood in the doorway and asked what they wanted. One soldier, Driver FALLA, could speak a little Italian and he demanded wine. The Italian civilian answered "no, no" several times. The soldiers persisted. There was a flash caused by a gun and 2 of the soldiers ran away. These soldiers stated that Driver FALLA was seen by them standing at the doorway. As the 2 soldiers ran away, they heard two or 3 more shots coming from the direction of the house and running in different directions it took them 2 or 3 minutes to get together again. They went in search for Driver FALLA and found him lying faced down on the curb in front of the doorway. of the house of the accused. After the firing ceased, the accused left his house and went to the house of his neighbor. The accused, a man 62 years old, was dressed in a shirt and shorts and he had shoes on which were unlaced. The wife of the accused aged 61, also went to the house of the neighbor, dressed in her nightshirt and an overcoat. The accused made statements at that time in which was indicative that he may have shot the soldier although he did not say so. The soldier witnesses who appeared before the court stated definitively that FALLA was shot by the accus-

they were looking for entertainment and went first to an American Organization where they expected to attend the movie pictures. The picture show having been cancelled, the 7 British soldiers started in search of something to drink. They went to about 3 different wineshops and drank wine and cherry brandy. The witness who appeared before the court stated, all 3 drank about the same amount and that none of them were drunk. At about 9.30 hrs these 3 soldiers could no longer find any wineshops on as there was a curfew in effect. Wandering around the streets of BUONICONTA, Naples, they noticed a faint light coming from a window in a private house. They went to the door of the house and knocked; the light in the house went out. They then left, but decided to go back to the house as they wanted some more to drink. When they reached the door again, they began to hammer and kick on it. Then one of the soldiers began to push the door in with his shoulder, the door opened and an Italian civilian stood in the doorway and asked what they wanted. One soldier Driver FALLA, could speak a little Italian and he demanded wine. The Italian civilian answered "no, no" several times. The soldiers persisted. There was a flash caused by a gun and 2 of the soldiers ran away. These soldiers stated that Driver FALLA was seen by them standing at the doorway. As the 2 soldiers ran away, they heard two or 3 more shots coming from the direction of the house and running in different directions it took them 2 or 3 minutes to get together again. They went in search for Driver FALLA and found him lying faced down on the curb in front of the doorway. of the house of the accused. After the firing ceased, the accused left his house and went to the house of his neighbor. The accused, a man 62 years old, was dressed in a shirt and shorts and he had shoes on which were unlaced. The wife of the accused aged 61, also went to the house of the neighbor, dressed in her nightshirt and an overcoat. The accused made statements at that time in which was indicate that he may have shot the soldier although he did not say so. The soldier witnesses who appeared before the court stated definitely that FALLA was shot by the accused, but did not actually see him. The court found the accused guilty of unjustified killing and for having unlawful possession of firearms and sentenced him to 20 years imprisonment.

I have carefully reviewed the "Reasons for Judgment" written by the distinguished British jurist who tried this case, Colonel Wilmer, now back in England and on the bench once more. I have carefully considered the review opinion of Colonel Carnes, a lay member of the board,

5

- 2 -

concurred in by Major Vecchiola, also returned to his civil occupation as a State Judge in the United States.

The division of thought in these respective views, while not clearly stated in precise words, turns on what is an "immediate imminence or extreme peril" under the facts of this case.

In domestic law, both in the U.S. and the U.K., the expression has been repeatedly passed on by the appellate Courts. It is used in connection with the offence of "murder" and "manslaughter", as defined or patterned after the Common Law, and in the defence of "self-defence", likewise defined in terms of the Common Law. If we were dealing with such law within our domestic jurisdictions, these constructions by the appellate Court would be all-prevailing.

It will be observed, however, that the offence with which the accused was charged is no way patterned after "murder" or "manslaughter" as defined by Common Law. Occupational law flows from International Law, bottomed as well on Roman Civil Law as English Common Law, and is evidenced by Proclamations. In fixing the offence with which the accused is charged the framers of the Proclamations wisely and carefully avoided the adoption in an alien land of the offence of "murder" or "manslaughter" as known to domestic Anglo American common law, and defined the offence simply as "whoever kills a member of the Allied Forces," etc.

This is important. The writers of the law were legislating for an alien people, of habits, characteristics and temperament Italian, not Anglo American. It was the law of an invading force, asserting its power by force of arms. It contemplated being administered in the tumult of armed violence against a people subjugated by the superior military might of the invading force whose members were flushed with victory and apt to resort to the ancient law of occupation, "To the victors belongs the spoils".

So often has the error been made in occupational cases of applying common law rules to offences of war, wherein the accused is unfortunately measured by a yardstick of peace and tranquillity, imported from an alien people, and applied to situations foreign to the legislated offences charged.

by the appellant Courts. It is used in connection with the offence of "murder" and "manslaughter", as defined or patterned after the Common Law, and in the defence of "self-defence", likewise defined in terms of the Common Law. If we were dealing with such law within our domestic jurisdictions, these constructions by the appellate Court would be all-prevailing.

It will be observed, however, that the offence with which the accused was charged is no way patterned after "murder" or "manslaughter" as defined by Common Law. Occupational law flows from international law, bottomed as well on Roman Civil Law as English Common Law, and is evidenced by Proclamations. In fixing the offence with which the accused is charged the framers of the Proclamations wisely and carefully avoided the adoption in an alien land of the offence of "murder" or "manslaughter" as known to domestic Anglo American common law, and defined the offence simply as "whoever kills a member of the Allied Forces," etc.

This is important. The writers of the law were legislating for an alien people, of habits, characteristics and temperament Italian, not Anglo American. It was the law of an invading force, asserting its power by force of arms. It contemplated being administered in the tumult of armed violence against a people subjugated by the superior military might of the invading force whose members were flushed with victory and apt to resort to the ancient law of occupation, "To the victors belongs the spoils".

So often has the error been made in occupational cases of applying common law rules to offences of war, wherein the accused is unfortunately measured by a yardstick of peace and tranquillity, imported from an alien people, and applied to situations foreign to the legislated offence charged.

Even if we apply the rule of "immediate imminence of extreme peril", we must do so in the light of an invading army in a fear-torn enemy territory, when all the ordinary rules of domestic tranquillity have been swept aside by all the force which the devastating instrumentalities of modern warfare can bring to bear upon a fearful civil population.

Measured by such yardstick of reality, I have no hesitancy in saying that the conviction

- 3 -

in this case for unjustified killing of a member of the armed force is so reduced in strength until it has reached the vanishing point.

I join, therefore, the majority opinion of the review board, and set aside the conviction, and sentence for unjustified killing a member of the Allied Forces.

As no division of the penalty was made in the two offences, and the accused has been in prison for two years, it is ordered that the sentence of the accused be reduced to end as of 1 May 1946.



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

Noted and concur - Lorenzo R. HOLMES, Lt. Col., 26-4-46.

I concur - Lester C. BARN, Capt. 26-4-46.

Noted. Concur as to immediate release (1 May 46) E. J. ATKINSON,  
Lt. Col. 26-4-46.

HEADQUARTERS  
ALLIED MILITARY GOVERNMENT  
13 CORPS

LEGAL

703

2818

LEGAL DIVISION

FILE REF: 13C/AMG/LD/

SUBJECT:

1083/1  
184/2386

Date 16 Aug 1946

Case of PELTRANE Pomero et al.  
Superior Trieste No 295

TO:

Chief Legal Adviser H.Q. Allied Commission  
APO 394 Rome.

1. Ref. your letter A.C./4083/dated 10 Aug 1946
2. I beg to acknowledge receipt of record and decision on Review in the a/m case.
3. All interested parties have been duly informed.

For the Senior Civil Affairs Officer



Charles M. Munneek 31  
Lt. Colonel  
Chief Legal Officer.

X 8

FILE

HEADQUARTERS ALLIED COMMISSION  
APO 794  
LEGAL SUB COMMISSION

2817

AC/4083/1/L

TW/ns  
22 August 1946

SUBJECT : SALEMI Vincenzo

TO : Rome Area Allied Command  
Office of the AC of S, G-2, APO 794, U.S. Army.

1. Reference is made to your letter P/5627 dated 23 July 1946, subject as above.

2. Records of this Headquarters indicate that:

a) One SALEMI, Vincenzo di Rosario, Via Unso 30, Favara, appeared before an Allied Military Court in Favara on 3 December 1943 for violation of Proc. 8, Art. II and corresponding provisions of the Italian Penal Code;

b) On the same date his case was referred by the trial Judge of that Court to the Italian Courts for disposition.

L.J. GILBRIDE, 30  
Major, IGH,  
Chief Counsel.

4083/1

ROME AREA ALLIED COMMAND  
Office of the AC of S, G-2  
APO 794, US ARMY

P/5627

PJC/lp  
23 July 1946

SUBJECT: SALEMI Vincenzo.

TO : Allied Commission  
Legal Subcommittee.

1. Enclosed petition of CASTALDI Assunta wife of subject SALEMI Vincenzo has been received by this office.
2. Subject was tried and acquitted on 30 September 1943 by an Allied Court in Agrigento (Sicily).
3. Subject requests copy of sentence of acquittal.
4. Will you please advise this office of any action taken.

|                            |  |
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| LEGAL SUB-COMMISSION       |  |
| CHIEF LEGAL ADVISOR        |  |
| DEPUTY CHIEF LEGAL ADVISOR |  |
| CHIEF COUNSEL              |  |
| STAFF OFFICER              |  |
| ITALIAN SECTION            |  |
| MEMBERS REVIEW BOARD       |  |
| JUL 24 1946                |  |

*Philip J. Corso*  
PHILIP J. CORSO  
Captain, GSC  
AC of S, G-2

29

FILE

4093/1  
426

HEADQUARTERS  
ALLIED MILITARY GOVERNMENT  
13 CORPS

LEGAL  
2816

Date, 9 August 1946.

LEGAL DIVISION

FILE REF. : 133/AMG/2D/184/2398  
SUBJECT : Case of TROP VLADIMIR, Superior No 245, Trieste.  
TO : Chief Legal Adviser, H.Q. Allied Commission, APO 394 ROME.

1. Ref. your letter 10/1073/1/1 dated 3 Aug 46.
2. I beg to acknowledge receipt of record and decision on Review in the a/m case.
3. Your remarks relating to the preparation of record have been passed on to the trial judge concerned.
4. All interested parties have been duly informed.

For the Senior Civil Affairs Officer.

*Charles M. Minnecke*  
CHARLES M. MINNECKE  
LT. COLONEL  
CHIEF LEGAL OFFICER

28

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| LEGAL SUB COMMISSION     |  |
| CHIEF LEGAL ADVISOR      |  |
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AUG 13 1946  
AUG 15 1946

HEADQUARTERS ALLIED COMMISSION  
APO 794  
LEGAL SUB COMMISSION

AC/4083/L/L

JKW/ns  
3 August 1946

SUBJECT : TROP Vladimir.

TO : Hq. ANG 13 Corps  
(Attn: Chief Legal Officer).

1. At the request of the Chief Legal Officer, A.M.G. 13 Corps, I have reviewed the record of trial of TROP Vladimir, and have considered the appeal filed therein. In my opinion the conviction and judgment should be affirmed, and it is so ordered.

2. The reviewing authority desires to comment favorably on the care used by the trial judge in the preparation of this record.

3. Please acknowledge receipt of this record.

By command of Rear Admiral STONE :

27

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

ENT  
as  
BLC

4287/1

HEADQUARTERS  
UNITED STATES FORCES IN AUSTRIA  
USACA SECTION  
LEGAL DIVISION  
APO 777, U.S. ARMY

2815

SAS/sl

28 June 1946

SUBJECT: Returned Correspondence.

TO : Headquarters Allied Commission  
Legal Sub Commission  
APO 794

This was sent to the Legal Division by error.

FOR THE DIVISION CHIEF:

|                      |  |
|----------------------|--|
| LEGAL SUB-COMMISSION |  |
| CLD                  |  |
| DCLO                 |  |
| Chief Counsel        |  |
| ED                   |  |
| Section Section      |  |
| CLARKS               |  |
| JUL 11 1946          |  |

26

Stanley A. Samuels  
STANLEY A. SAMUELS  
US Civilian  
Legal Division

4083/1

FILE

114

(28/4)

1st Ind.

HEADQUARTERS, MILITARY GOVERNMENT, LAND SALZBURG - AUSTRIA  
OFFICE OF THE LEGAL DIVISION, 24 June 1946

TO : Headquarters Allied Commission  
Legal Sub Commission  
APO 794

This is to verify that all statements contained  
in basic communication are correct.

*Robert M. Woodward*  
ROBERT M. WOODWARD  
Lt. Col., AUS  
Chief, Legal Division,  
Land Salzburg.

*copy handed to Count Plater-Sieberg  
17 Aug 46. HM.*

23

HEADQUARTERS ALLIED COMMISSION  
APO 794  
LEGAL SUB COMMISSION

AC/4083/1/E

JKW/ns  
14 June 1946.

SUBJECT : Count Henry PLATER - SIEBERG.

TO : Headquarters Military Government,  
SALZBURG, AUSTRIA.  
(Attn: Legal Division)

1. May we have verification, please, of  
the following record :

NAME : Count Henry PLATER-SIEBERG

PLACE OF TRIAL : SALZBURG, Austria

CHARGED WITH : Looting of Fischhorn Castle near  
Zell-am-See, Austria

DEFENCE COUNSEL : Robert E. BOWKER, 1st Lt., Inf.,  
Legal Officer

COURT : Intermediate

FINDINGS OF COURT : NOT GUILTY

For the Chief Commissioner :

21

*W. Carr*  
for M. CARR,  
Brigadier,  
VP CA Sec.

Copy handed to  
Count Plater-Sieberg  
17 Aug 46  
*H. Carr*

HEADQUARTERS ALLIED COMMISSION  
APO 794  
LEGAL SUB COMMISSION

AC/4083/1/L

JKW/ns  
3 August 1946

SUBJECT : TROP Vladimir.

TO : Hq. AMG 13 Corps  
(Attn: Chief Legal Officer).

1. At the request of the Chief Legal Officer, A.M.G. 13 Corps, I have reviewed the record of trial of TROP Vladimir, and have considered the appeal filed therein. In my opinion the conviction and judgment should be affirmed, and it is so ordered.

2. The reviewing authority desires to comment favorably on the care used by the trial judge in the preparation of this record.

3. Please acknowledge receipt of this record.

By command of Rear Admiral STONE :

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

2

TO : Hq. AMG 13 Corps  
(Attn: Chief Legal Officer).

1. At the request of the Chief Legal Officer, A.M.G. 13 Corps, I have reviewed the record of trial of TROP Vladimir, and have considered the appeal filed therein. In my opinion the conviction and judgment should be affirmed, and it is so ordered.
2. The reviewing authority desires to comment favorably on the care used by the trial judge in the preparation of this record.
3. Please acknowledge receipt of this record.

By command of Rear Admiral STONE :

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

**HEADQUARTERS  
ALLIED MILITARY GOVERNMENT  
13 CORPS**

LEGAL DIVISION.

TELEPHONE No. 29701 E. 2195.

Date, 23 July 1946.

FILE REF. : 130/AMG/LD/184/2116

SUBJECT : Case of TROP VLADIMIR. Superior Trieste No. 245.

TO : Chief Legal Advisor, H. Q. ALLIED COMMISSION, APO 394, ROME.

Accused VLADIMIR TROP has been sentenced to 2 years imprisonment plus a fine of Lire 25,000.- payable by 23 June 1946 or 12 months additional imprisonment in default of payment. Accused did not pay the fine, the following documents are therefore forwarded herewith for you to review :

TROP VLADIMIR Complete record and Formal Appeal.

Judge's notes of evidence and exhibits are also enclosed, as well as committal warrant issued by ALO Trieste in default of payment of fine.

For the Senior Civil Affairs Officer.

|                            |  |
|----------------------------|--|
| ALLIED SUB COMMISSION      |  |
| CHIEF LEGAL ADVISOR        |  |
| DEPUTY CHIEF LEGAL ADVISOR |  |
| CHIEF COUNSEL              |  |
| STAFF OFFICER              |  |
| ITALIAN SECTION            |  |
| MEMBERS REVIEW BOARD       |  |
| JUL 27 1946                |  |

*Charles M. Munroe*  
CHARLES M. MUNROE  
LT. COLONEL  
CHIEF LEGAL OFFICER

Encl.: a/m documents.

FILE

HEADQUARTERS ALLIED COMMISSION  
APO 794  
LEGAL SUB COMMISSION

2812

AG/4083/1/L

LJC/ns  
18 July 1946.

SUBJECT : VITALE Brothers Case Record.  
(Case against PASSARO Raffaele, CARBONE  
Vincenzo and IOVINO Donato under Italian  
Law).

TO : Senior Legal Officer, Headquarters  
NAPLES Liaison Group, AG, APO 794.

1. Reference your letter L - 5101 dated  
9 July 1946, subject as above.
2. Receipt of the record in this case  
is acknowledged.

By command of Rear Admiral STONE :

L.J. GILBRIDE,  
Maj., ICD,  
for Chief Legal Advisor.

71

4083/1  
fm

*Ministero di Grazia e Giustizia*  
DIREZIONE GENERALE DEGLI AFFARI PENALI  
DELLE GRAZIE E DEL CASELLARIO

128.24bis.1416/46  
1946  
28/11  
Al PROCURATORE GENERALE  
presso la Corte d'Appello  
NAPOLI

Ufficio

II° A.P.

128.24bis.1416/46

OGGETTO SERAO Gennaro - Sequestro di sterline auree

e per conoscenza:

ALLA COMMISSIONE ALLEATA - Sottocommissione Legale  
(risp. a f. 1.7.946 n. AC/4083/I/L) ROMA

ALL'UFFICIO DI COLLEGAMENTO - Gabinetto -  
S E D E

Si fa seguito alla ministeriale di pari numero in data 28 u.s. e relativi allegati, pregando codesto Generale Ufficio di volersi interessare, giusta desiderio della Commissione Alleata, per la sollecita definizione del procedimento a carico del SERAO, resosi responsabile di illegale commercio di sterline auree.

Questo Ministero gradirà conoscere se

l'imputato sia in istato di libertà ed, a suo tempo, avere notizie circa la definizione del processo.

pel MINISTRO

Italian

GRKS

JUL 19 1946

FILE

HEADQUARTERS ALLIED COMMISSION  
APO 794  
LEGAL SUB COMMISSION

2810

AG/4083/1/L

LJS/na  
7 August 1946.

SUBJECT : MAGLIONE, Erminio.

TO : Ministry of Pardon and Justice.

1. Attention is invited to the attached copy of our letter dated 26 April 1946, subject as above.

2. It is again requested that this office be informed, as promptly as may be practicable, regarding correction of the record in this case.

L.J. GILBRIDE,  
Major,  
for Chief Legal Advisor.

19

+3

HEADQUARTERS  
NAPLES LIAISON GROUP  
ALLIED COMMISSION  
LEGAL DIVISION  
APO 794

3 June 1946

L-3120

SUBJECT: CALONE Carmine fu Salvatore.

TO : Chief Legal Adviser, Headquarters,  
Allied Commission, Legal Sub-Commission,  
APO 794, U.S. Army.

1. Herewith enclosed is petition of CALONE Carmine fu Salvatore with documents relative to his case, for your consideration.

2. On 16 July 1944 one CALONE Carmine was arrested in Naples by S.I.S. agents because, upon a search made in his house, a certain amount of U.S. dollars and English pounds were found.

3. On 28 July 1944 the above individual was tried by the 7th Superior Court (AMG) and sentenced to 6 months imprisonment on the 1st charge, 3 months on the 2nd charge, to be served consecutively, one month on the 3rd charge, to be served concurrently with other terms.

4. On 14 September 1944, upon review of sentence, the latter was thus modified: "Conviction on first two charges quashed. Sentences on those charges quashed and the sum of £ 15,000 to be refunded to the accused. Conviction and sentence on third charge affirmed".

5. This office then ordered the 15,000 lire to be refunded with voucher No. 9584, 1 November 1944.

6. As specified in the enclosed petition, CALONE Carmine up to-day has not yet succeeded in cashing the sum

Chief Counsel

JO

Liaison Section

L RKS

6 June 46

of £ 15,000 due to him, because such amount does not result deposited with the Allied Finance Office, Naples Liaison Group.

For the Chief Liaison Officer.

*Rosario A. Gaziano*  
ROBARTO A. GAZIANO  
Captain, Infantry  
Senior Legal Officer

Incls.

- Incl.1. Petition of CALONE Carmine fu Salvatore
- Incl.2. Copy of decision on review in the CALONE case.
- Incl.3. Copy of refund order (£ 15,000)
- Incl.4. Letter from PIS, 803rd M.P. Battalion, 7 March 46.

RAG/ms



According to AFA records, £20,000 was collected from this account on 20 July 1944.

£20,000 was refunded on 29 July 1944.  
No record of any fine or confiscation.

ENTER  
and  
FILEHEADQUARTERS ALLIED COMMISSION  
APO 794  
LEGAL SUB COMMISSION

TS/ns

23 July 1946

AC/4083/1/L

SUBJECT : GIARDULLO Franco.

TO : Lombardia Liaison Group  
(Attn: Public Safety Liaison Officer)

1. Reference is your PS/9 dated 12 July 1946.
2. It is regretted that we are unable to forward any information as regards the above mentioned person.
3. A careful search of the records of both the Legal Sub Commission and the Archives Division has failed to disclose any information pertinent to the alleged trial by an AMG Court for the theft of W.D. Petrol.

By command of Rear Admiral STONE :

11

LESTER C. BIRM,  
Captain, Infantry,  
for Chief Legal Advisor.

ENTER

and

FILE

TS

408311

FILE

(2807)

HQ ALCON FROM LASH

191905 JULY 1946

AG CLO NAPLES.

(Lives &amp; Bonds)

4242

UNCLASSIFIED

REFERENCE YOUR DOC OBOE TWO ONE THREE DATED FIFTEEN JULY PD  
 INSTRUCTIONS BEING ISSUED REGARDING DISPOSAL OF PAPER AND BAILS WHICH SHOULD ENABLE YOU  
 TO CLOSE DOWN DEFINITELY NOT LATER THAN THIRTY ONE JULY PD

COPY TO: Legal Sub-Commission

LEGAL SUB-COMMISSION

CLO

CLO

Chief Counsel

CLO

Italian Section

For info: → Major Gilbride  
 → Capt Bern  
 JUL 20 1946

N. W. HIND-SMITH

PRIORITY

Office of the Executive Commissioner

NICHOLAS RIOMBINO  
 CWO USA  
 Asst Adjt

300

FILE

FILE

## HEADQUARTERS ALLIED COMMISSION

A P O 794

Office of the Executive Commissioner

Ref. : 7002/433/ED

12 July 1946

SUBJECT: Closing down - NAPLES

TO : CLO  
NAPLES.

1. Reference your un-numbered letter dated 20 July and this H signal 4245 dated 19 July.
2. Enclosed herewith is a copy of AFM letter ref. 20020/R/A/50 dated 13 July which sets out the manner in which the Fines and Bails fund should be disposed of. It is not understood why you have not already received this letter, but please take immediate action so that the matter can be wound up at once.
3. The question of the disposal of requisitioned and purchased furniture must also be settled without delay as it is necessary that your Liaison Group be closed down definitely by 31 July and no further extension of time can be granted.

BY COMMAND OF REAR ADMIRAL STONE:

*McRan*  
Brigadier,  
Executive Commissioner.

Encls. as above.  
Copy to: Legal S/C —  
A.F.A.

| SUB-COMMISSION  |    |
|-----------------|----|
| CLO             | 13 |
| Chief Counsel   | ✓  |
| CLO             | ✗  |
| Liaison Section | ✓  |
| CL RKS          |    |
| JUL 23 1946     |    |

COPY408/1  
ALLIED FINANCIAL AGENCYBranch of  
Allied Force HQ  
G-5 Division CMFPostal Address  
APO 794 US Army

13 July 1946

Ref: 20020/F/450

SUBJECT: Bails and Fines Account, Naples, Liaison Group.

TO : H.Q. Naples Liaison Group A.C.  
APO 394.

1. Reference is made to your letter NLG/51/687 dated 24 June 1946.

2. This Agency has conferred with the Director, Legal Sub-Commission, H.Q. Allied Commission, on the subject of your letter, and you are requested to take the following action: -

a. Bails outstanding, L. 3,503,700, should be paid over by you to the competent Italian Legal Authority in Naples. All available records of the bails making up the total should accompany the payment, and a copy of the latter should be attached to the relevant payment form which will support your entry on the final abstract of accounts.

The difference between the above payment and the balance on hand should be paid into Banca d'Italia for credit of AFA N.1 a/c at Banca d'Italia, Rome. This will be the closing item on the account. A bank statement showing that the account has been closed should accompany the final abstract forwarded to this Agency.

b. With reference to items 3 and 4 of the statement attached to your letter under reference, please forward to this Agency complete details and records of the items making up the sums of L. 713,250 and L. 1,700,000 (approx) as quoted by you. This information will be transmitted by us, immediately on receipt, to the Director, Legal Sub-Commission, who will give his decision as to disposal.

3. It is requested, in view of the imminent closing-down of Naples Liaison Group, that the information requested in para. 2 (b) above be despatched as soon as possible.

SUBCOMMISSION  
(Signed)L.R. BATTENSBY,  
Lt. Col., G.L.,  
Director of AFA.Copy to: Director  
Legal Sub-Commission  
HQ. Allied Commission.

Chief Counsel

C/O

Italian Section

CL RKS

JUL 23 1946

4083/1  
ALLIED FINANCIAL AGENCYBranch of  
Allied Force HQ.  
G-5 Division CMP.Postal Address:  
Apo 794 US Army.

PA/4.00

2 August 1946

SUBJECT : Refund.

TO : Banca d'Italia,  
Rome Branch.

1. You are hereby requested to instruct your Livorno Branch to pay BARSAGLI Vittorio - Via Paoli 5 - Livorno, the sum of L.45.000 (Lire forty five thousand) as per enclosed Form F/13a in triplicate, two copies of which you will return to us duly signed by recipient and Bank of Italy, Leghorn when debit will be given to APA n.1 Account.

2. The third copy of F/13a will be retained by the recipient.

[Signed] C. FLETCHER RANDALL

L.E. BATTERSBY  
COLONEL G.L.  
DIRECTOR  
ALLIED FINANCIAL AGENCY

Encl: as stated

Copy to : HQ AC Legal Sub Commission  
Ref.AC/4083/1.L,LOB/WS of 30.7.46.Att. Capt. Lester C. Bern,  
For your information following telef.conversation  
of to-day.

SBM/Am.

HEADQUARTERS ALLIED COMMISSION  
APO 794  
LEGAL SUB COMMISSION

2804

FILE

AC/4831/L

LCB/ns  
30 July 1946.

SUBJECT : Refund of fine.

TO : Allied Financial Agency  
(Attn: Major Sofio)

1. BARZAGLI Vittorio was convicted by an AMG Superior Court in Livorno on 4 September 1945. Found guilty, he was sentenced to serve 9 months imprisonment and to pay a fine of 60,000 lire.

2. This Sub Commission has been advised that AFA records indicate that the above-mentioned fine was paid 28 February 1946.

3. On reconsideration of the case, the fine is being reduced to 15,000 lire, balance to be remitted to accused.

4. May this Sub Commission please be furnished with the necessary forms so that restitution of the 45,000 lire may be ordered.

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

LESTER C. BERN, 10  
Captain, Infantry,  
for Chief Legal Advisor.

HEADQUARTERS  
LIVORNO LIAISON OFFICER  
ALLIED COMMISSION

Livorno, Date: 28 June 1946

Ref : LLO/2011

Subject : Informal petition

To : H.Q. Allied Commission, APO 794, U.S. Army  
attn: Chief Legal Advisor, Legal Sub Commission

1/ Forwarded.

For the Chief Liaison Officer, A.C.



*Lt. Eric Feldman*  
Lt. Eric Feldman,

exec. ass't. to the Legal Liaison Officer

LEGAL SUB-COMMISSION

CLO

DCLO

Chief Counsel

CJO

Italian Section

CL RKS

JUL 1 - 1946

*The fine of 60,000  
has been reduced to 15,000  
lire. The excess will be  
remitted the amount*

31 JUL 1946

*[Signature]*  
Col. Inf.  
Chief Judicial Officer  
for Chief Civil Affairs Officer.

Livorno 25 June 1946

To: Col. JOHN K. WEBER  
Chief Judicial Officer  
Allied Commission

R O M E

I the undersigned BARZAGLI ETTORE, living at Leghorn, Via Paoli 5 A, ask respectfully your assistance on what follows:

My son BARZAGLI Vittorio, was tried at Leghorn by A.M.G. Court and sentenced to serve 9 months imprisonment and to pay 60,000 Lire fine or to serve further 6 months imprisonment.

Before the sentence was expired I paid such an amount of money only to avoid that my son, 18 years, had to remain in jail longer than the detention term.

Now I have heard that the other accused in the crime such as BORGHINI Piero and CAPRINA Sergio, have been released in consequence of the grace granted by you, grace which has been extended also to the fine sentence.

I am a poor work-man, I worked for a long time with the Allied Forces and I would not have been able to pay the fine imposed upon my son Vittorio, if I had not found a friend of mine who helped me to have available said sum of money.

I have not yet given back all the money received from my friend, and it is for this <sup>only</sup> that I ask your goodness to remit the ~~fine~~ inflicted upon my son and return to me at least a part of the amount paid.

It is my strong hope that also this time you will demonstrate your friendship with Italian people, and thanking your very much I remain your servant

*Ettore Barzagli*

BARZAGLI ETTORE  
Via Paoli 5 A  
LIVORNO

PROVINCIAL LEGAL OFFICE  
LIVORNO PROVINCE  
REC'D 27 JUN 1946  
FILE NO. 1979  
OFFICIAL

## ALLIED FINANCIAL AGENCY

Branch of  
Allied Force HQ  
G-5 Division CMF

Postal Address:  
APO 794 US Army

Ref: 13845/F/A/18

16 Jul 1946

SUBJECT: MAZZONI Giuseppe - Application for  
Restitution of Bail Money, 5000 Lire.

TO : Legal Sub-Commission, Hq Allied Commission  
R o m e.

1. Reference Par 20 ACLO/BZ/108.11 - 22 June 1946,  
Liaison Group, Bolzano.

2. Search of records of this office fails to reveal  
that subject bail money was ever paid into accounts Allied  
Financial Agency.

*L. R. Battensby*  
for L. R. BATTENSBY,  
Colonel G.L.,  
Director,  
Allied Financial Agency.

HAM/lt

Copy to: Chief Liaison Officer, Bolzano.

LO

CLO

Chief Counsel

CLO

Liaison Section

CLARKS

JUL 17 1946

*Seen by Capt Bern*  
JUL 18 1946

HEADQUARTERS ALLIED COMMISSION  
APO 794  
LEGAL SUB COMMISSION

2802

FILE

AC/4083/I/L

AP/na  
13 July 1946.

*Donati*  
*Russ*  
Sig. Avvocato e Procuratore  
Cav. Avv. Giuseppe Bertagnolli

B O L Z A N O  
via Giovane Italia 12

In riscontro alla Sua lettera del 19 giugno 1946, sono spiacente doverla informare che questa Sotto Commissione non rilascia copie di sentenze se non al ministero di Grazia e Giustizia od altri organi governativi.

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

6

13

Bolzano, 19 giugno 1946

AVVOCATO E PROCURATORE

Cav. Dott. Giuseppe Bertagnolli

BOLZANO, Via Principe / 12 / P.le / 12 / 11

Via Giovane Italia, 12  
Tel. 20-48

Spett.

FILE

2801

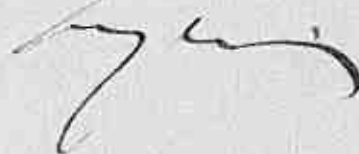
L'H.Q. Allied Commission  
attn Legal Sub-CommissionR o m a

Nel procedimento per mancata denuncia ~~anni~~ prescritta dal bando alleato a carico di Ferrari Renzo Vittorio (coimputati anche Martino, Elio e Duilio Ferrari) al ) procedimento dinanzi alla Corte Alleata venne in data 14 novembre 1945, al dibattimento celebrato dal predetto Tribunale Militare Alleato di Bolzano pronunciata sentenza colla quale Renzo Mario Ferrari venne condannato a 3 mesi di reclusione. Al nominato interessa avere una copia di detta sentenza e prega perciò codello onorevole Comando affinché gli venga rilasciata una copia autentica della medesima.

Se ci fossero spese pregasi di spedire in assegno.

Ringraziando

con osservanza



FILE

5



Advocate BERTAGNOLLI GIUSEPPE of  
Bologna communicates on the 19<sup>th</sup> of June 1946  
to this Legal S/C that a person named FERRARI  
RENZO VITTORIO was sentenced on the 4<sup>th</sup> No-  
vember 1945 by the Allied Military  
Court of Bologna  
to three months imprisonment, under charge of unlaw-  
ful possession of arms.

Other persons named MARTINO, ELIO and  
LUIGIO FERRARI were also convicted together  
with Ferrari Renzo in said trial.

The advocates requests that a copy of  
said sentenced be forwarded, charged on delivery.

Col Atkinson;

Is it now our policy to supply  
lawyers with copies of sentences? At the  
time of trial the defending lawyer was furnished  
with copy of ~~sent~~ charges and sentence.

RENZO VITTORIO was sentenced in  
November 1945 by the Allied Military  
Court of Bologna  
to three months imprisonment, under charge of unlaw-  
ful possession of arms.

Other persons named MARTINO, ELIO and  
GIULIO FERRARI were also convicted together  
with Ferrari Renzo in said trial.

The advocates requests that a copy of  
said sentence be forwarded, charged on delivery.

Col Atkinson:

Is it now our policy to supply  
lawyers with copies of sentences? At the  
time of trial the defending lawyer was furnished  
with copy of ~~sent~~ charges and sentence.

AC

HEADQUARTERS ALLIED COMMISSION SUB  
APO 794  
LEGAL SUB COMMISSION

FILE

AC/4083/1/L

AP/ns  
13 July 1946

SUBJECT : Disposal of confiscated sovereigns.  
SKEAO Gennaro.

TO : AFHQ, G-5.

1. Reference is made to your G-5/  
123 of 29 June and previous correspondence.

2. Herewith enclosed letter from  
the Ministry of Justice and other documents relating  
to the above mentioned case.

3. May it please be noted that a  
translation of letter N°23162/228/1517 of 22 June 1946  
from the Ministry of Treasury was already forwarded  
to you with letter AC/4083/1/L of 24 June 1946.

For the Chief Commissioner :

G.G. HANNAFORD, 3  
Colonel,  
Deputy Chief Legal Advisor.

Incls.

Gal SUB COMMISSO

CLO

CLO

Chief-Commissioner

CJO

Italian Section

CL RKS

JUL 15 1946

Postal Address  
APO 794 US Army

13 July 46

Ref: 20020/T/A/50

SUBJECT: Italy and France Account, Naples, Liaison Group.

TO : H.Q. Naples Liaison Group A.G.  
APO 134.1. Reference is made to your letter HIB/31/687 dated  
24 June 46.2. This Agency has conferred with the Director, Legal  
Sub-Commission, H.Q. Allied Commission, on the subject of  
your letter, and you are requested to take the following  
action:-

a. Bills outstanding, L. 3,305,700, should be paid  
over by you to the competent Italian legal authority in Naples.  
All bills should be accompanied by a copy of the latter should be  
attached to the relevant payment form which will support your  
entry on the final abstract of accounts.

The difference between the above payment and the  
balance on hand should be paid into Italian A'italia for credit  
of AYA #1 a/c at Banca d'Italia, Rome. This will be the  
closing item on the account. A bank statement showing that  
the account has been closed should accompany the final abstract  
forwarded to this Agency.

b. With reference to items 3 and 4 of the statement  
attached to your letter under reference, please forward to  
this Agency complete details and records of the items making  
up the sum of L. 713,250 and L. 1,700,000 (approx) as quoted  
by you. This information will be transmitted by us, immediately  
on receipt, to the Director, Legal Sub-Commission, who will  
give his decision as to disposal.

It is requested, in view of the imminent closing-down

20 : H.Q. Naples Liaison Group A.G.  
ATC 294.

1. Reference is made to your letter HQS/51/457 dated 24 June 46.

2. This Agency has conferred with the Director, Legal Sub-Commission, H.Q. Allied Commission, on the subject of your letter, and you are requested to take the following action:-

a. Bills outstanding, L. 1.388.700, should be paid over by you to the competent Italian legal authority in Naples. *All available*  
Records of the bills making up the total should be accompany the payment, and a copy of the latter should be attached to the relevant payment form which will support your entry on the final abstract of accounts.

The difference between the above payment and the balance on hand should be paid into Banca d'Italia for credit of APA 901 8/3 at Banca d'Italia, Rome. This will be the clearing item on the account. A bank statement showing that the account has been closed should accompany the final abstract forwarded to this Agency.

b. With reference to items 3 and 4 of the statement attached to your letter under reference, please forward to this Agency complete details and records of the items making up the sums of L. 713.250 and L. 1.700.000 (approx) as asked by you. This information will be transmitted by us, immediately on receipt, to the Director, Legal Sub-Commission, who will give his decision as to disposal.

3. It is requested, in view of the imminent closing-down of Naples Liaison Group, that the information requested in para. 2 (b) above be despatched as soon as possible.

Copy to: Director  
Legal Sub-Commission  
H.Q. Allied Commission.

(Signed) L. R. BATTENBY

L. R. BATTENBY,  
Lt. Col., G.L.,  
Director of APA.

FEB/rz

