

ACC

10000/142/597
(VOL. 2)

PETITIONS FOR CLEF
SEPT. - NOV. 1944

10000/142/597
(VOL. 2)

PETITIONS FOR CLEMENCY, ALLIED MILITARY COURT CASES
SEPT. - NOV. 1944

From : 1 September 1944.

To : 3 November 1944.

TO : H.Q. ALLIED COMMISSION - LEGAL SUB-COMMISSION
 FROM : ABRUZZI MARCHE REGION
 SUBJECT : Petition on behalf of DE LEONARDIS Michele
 REF. : AMR/511/14
 DATE : 3 Nov. '44

Legal s/c
✓
2287
4083/23

1. Ref. your AQ/4083/23/L dated 31 Oct. '44. Petition is returned herewith.
2. This case was submitted with this office letter of even file dated 31 Oct. '44.

For the Regional Commissioner

	LEGAL SUB-COMMISSION
	CLO
<i>mx</i>	DCLO
	Chief Counsel
<i>→</i>	CJO
<i>Aut</i>	Italian Section
	CL RKS
	4 NOV 1944

R. G. S. Alexander
 R. G. S. ALEXANDER, Major
 R.L.O.

71

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/23/L

3 November 1944.
/adl.

SUBJECT : Case of SALME Carlo

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

1. Ref. RLE 013.03/1588 (Case no. 537) of 20 October.
2. The record in the proceedings against SALME, LANZAPANE and SILVA is returned herewith.
3. IT is not proposed to disturb the sentence of the Court as affirmed on Review.

By Command of Commodore Stone :

W. E. BEHRENS,
Colonel
Deputy Chief Legal Advisor

76

ENCLOSURE :
Record re SALME Carlo

file

HEADQUARTERS ALLIED COMMISSION
Legal Sub-Commission
APO 394

/jpl

AO/4083/23/L

3 Nov. 44

Subject: PALIERI Filippo.

To : H.E. BASSANO, Sotto Segretario di Stato.

1. On receipt of the letter from your Excellency's Secretary dated 21st September, concerning the conviction of PALIERI Filippo I sent for and re-examined the record of the case.

2. It is a serious case; PALIERI failed to amass no less than 13,500 litres of oil which he sold at black market prices.

3. In the circumstances I must inform your Excellency that it is not possible to interfere with the decision of the Court as affirmed on Review by the Legal Sub-Commission of the Allied Commission.

75

Palieri
Enc: 1-Record

W. E. BIERENS,
Colonel
Deputy Chief Legal Adviser

HEADQUARTERS ALLIED COMMISSION
Legal Sub-Commission
APO 394

/jpl

AOC/4083/23/L

3 Nov. 44

Subject: PALIERI Filippo.

To : Regional Commissioner (Att. Regional Legal Officer)
Southern Region.

I return herewith the record of the proceedings against
PALIERI Filippo, which you forwarded at our request.

Enc: 1 Record.

lc
W.E. BARRIS
Colonel
Deputy Chief Legal Advisor

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/23/L.

/rm.

3 Nov. 44.

SUBJECT : Case of DE LEONARDIS Michele.
TO : Regional Commissioner (attn. R.L.O.)
Abruzzi-Marche Region.

1. Reference your AMR/511/14 of 31 Oct. 44.
2. An examination of the record and the petitions in the case of DE LEONARDIS Michele reveals no special ground for suspending any part of the sentence imposed by the court.
3. It will be appreciated that if this sentence were suspended on the grounds advanced, namely "in view of the restoration of the territory" every other sentence imposed by Allied Courts would have to be similarly re-considered. Such is not the policy of this M.C.
4. This letter cancels our ref. 4083/23 of 31 Oct.

By Command of Commodore STONE:

12
R.E. BEHRENS
Colonel,
Deputy Chief Legal Advisor

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/23/L.

IGHC/ap
3 November 1944.

SUBJECT : Case of CASTALDI Mario and others.

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

1. The record in the proceedings against CASTALDI Mario and others is returned herewith.
2. On Review, the convictions of all accused were confirmed. However, since Review certain factors have come to light which, had they been before the Reviewing authority, would have led to the conviction of CASTALDI Mario being quashed.
3. The Decision on Review has therefore been modified by quashing that conviction : the other convictions stand.
4. Please communicate the above to CASTALDI Mario.

By Command of Commodore STONE :

12
W. E. BEHRENS,
Colonel,
Deputy Chief Legal Advisor.

Incl: 1 Record.

HEADQUARTERS ARMY COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4095/23/L.

/ps.
2 Nov 44.

SUBJECT : Case of TARTAGLIA Giuseppe and GENTONANTI Gaetano.

TO : Regional Commissioner (Attn. for Regional Legal Officer)
ALBUKURKI - MARCHIS Region.

1. Reference your AG/511/14 dated 31 October 1944.
2. Returned herewith are the records in the cases of TARTAGLIA Giuseppe and GENTONANTI Gaetano.
3. As to the case of TARTAGLIA, I agree that the sentence is grossly excessive. He has already served over 3 months.
4. As to GENTONANTI, I am not so sure. The record is inadequate, but it appears that the Court forced the view that the accused knew where he had hidden the stock of the gun. If this is correct, the sentence is not out of the way heavy.
5. You will notice that this HQ had made no decision as to the action to be taken.
As to TARTAGLIA, a Petition for Review has been presented and conviction and sentence were affirmed: any further petition should be dealt with by you HQ (Comm. Instrs. Art. 35 (5)).
As to GENTONANTI: the trial took place on 4 October: the petition is undated but Major COHEN's remarks thereon are dated 31 October: and although Lt. Col. Willis expressed his ~~dislike~~ ^{dislike} stamp he entered no decision on Review: i.e. the case remains to be reviewed at your HQ.

BY COMMAND OF COMMISSIONER STAFF :

12.
W. R. HUTTON,
Colonel,
Deputy Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4083/23/L.

IGHC/ap.
2 November 1944.

SUBJECT : Baruffa Federico.

TO : Regional Commissioner, (Attn R.L.O.)
Lazio-Umbria Region.

Reference your RCH/AC of 30 Oct 44.

1. The Record of the above case is returned here-
with.

2. It is the responsibility of the Italian Prison
Officials to arrange for the Petitioner's removal to a
hospital or institution if they think this is necessary to
avoid his death or a serious injury to his health : see
Consolidated Instructions Art. 36 (2).

3. You should pass the application to Public Safety
whose responsibility it is to initiate and supervise action as
above : see ibid Art 36 (4).

By Command of Commodore STONE :

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

Incl.

SUBJECT : AMG Summary Court Case
REF. : AMR/511/14
TO : H.Q. ALLIED COMMISSION
(for attention of Legal Sub-Commission)

31 Oct. '44

DE LEONARDIS Michele

1. Enclosed is the Record in this case. Though the sentence was not unduly severe at the time, it is felt that this is probably a case in which the last 3 months of the term might be suspended in view of the restoration of territory.

2. This case was originally reviewed by you.

By order of the Regional Commissioner

P. Backhouse
P. BACKHOUSE, Major
A/RIO ABRUZZI MARCHE REGION



69

*Inter-
J.L.*

8965

SUBJECT : AMG Court Cases
REF. : AMR/511/14
TO : H.Q. ALLIED COMMISSION
(for attention of Legal Sub-Commission)

31 Oct. '44

- (1) TARRICONI Giuseppe
(2) CENTOFANTI Guerino

1. New appeals have been received in these cases, and in view of the restoration of territory, they are submitted to you.
2. It is thought that the sentence on TARRICONI for possessing what was apparently a shot gun might well be reduced by suspending a substantial part of it.
3. With regard to CENTOFANTI, the only thing apparently found is the barrel of a sporting rifle. There are apparently no grounds for disbelieving his statement.

By order of the Regional Commissioner



P. BACKHOUSE, Major
A/RLO ABRUZZI MARCHE REGION



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4906

HEADQUARTERS ALLIED COMMISSION
Legal Sub-Commission
APO 394

/321

31 Oct. 44

AG/4083/23/L

Subject: Petition on behalf of DE LEONARDO Michele.

To : Regional Commissioner, (att. Regional Legal Officer)
ABRUZZI-MARCHE Region.

1. I enclose a petition submitted on behalf of DE LEONARDO Michele (convicted on 4 Feb. 44 at CERIGNOLA for carrying a pistol and sentenced to 1 year of imprisonment) which has been forwarded to this Sub-Commission on the instructions of His Royal Highness the Lieutenant.

2. In my experience, the higher the authority who sends a petition the lower the value and merits of the petition; but will you look at the record and let me have your comments, please.

3. At the same time, please return the petition.

By Command of COMMODORE STONE.

/e

W. A. BERRIES
Colonel

Deputy Chief Legal Adviser.

ENC: 1 Petition.

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LAZIO UMBRIA REGION
APO. 394

L/1002-J 603

D-2206

Recd 28-10-1944

28th Oct. 1944

SUBJECT: Medical Examination of BURATTA FEDERICO.

TO : Legal Office.

1. On 27th Oct. 1944 examined BURATTA Federico at Regina Coeli Prison.

2. The above named man is aged 46. He suffers from chronic bronchitis and asthma. He also has large ventral hernia of an old appendicitis operation scar, and a small right inguinal hernia. - His general condition is not good.

3. This man is not physically fit to undertake any hard labour, and he should not be required to undertake any but light physical exertion.

L. G. Norman M.D.

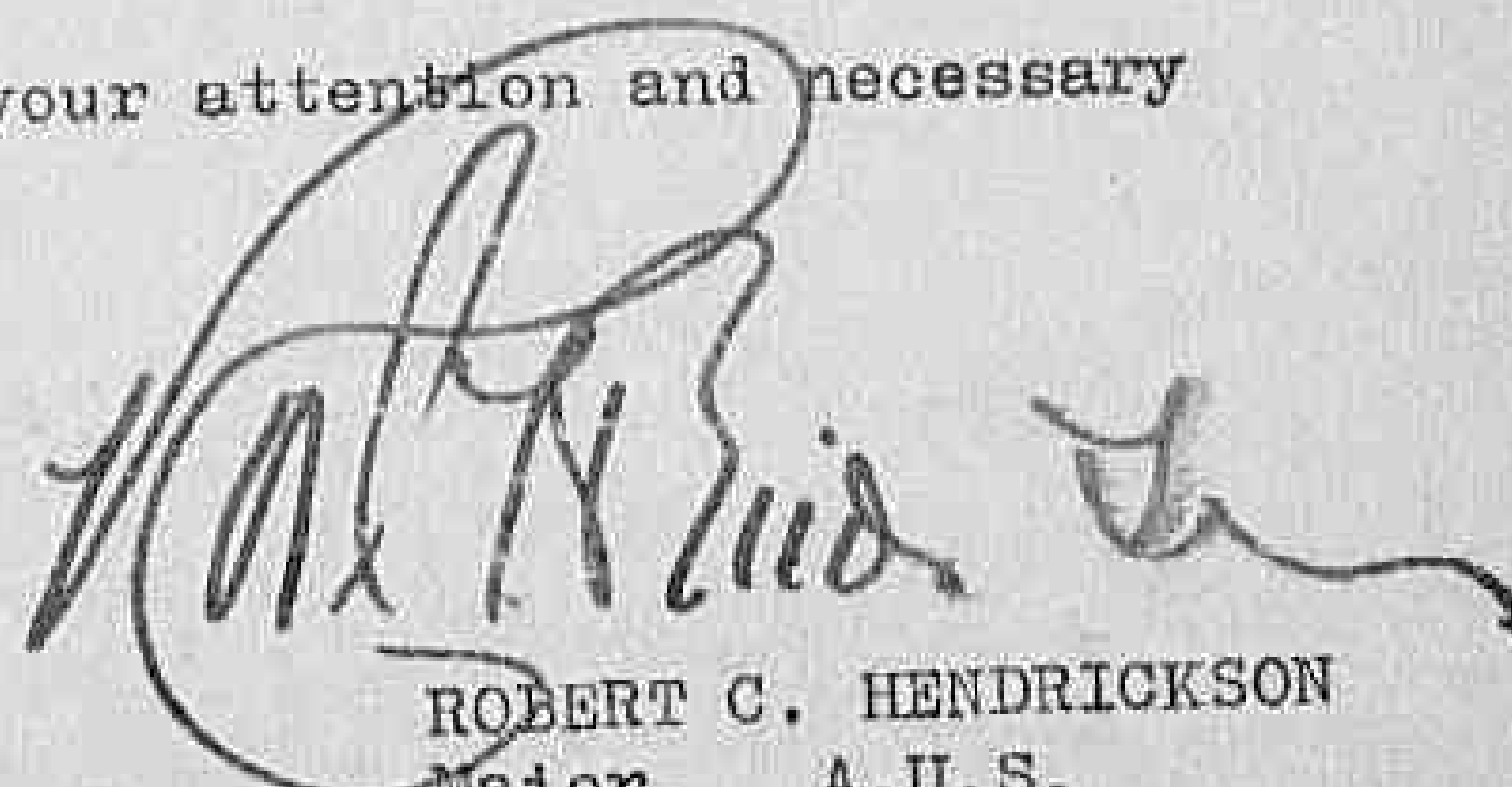
L.G. NORMAN, MAJOR R.A.M.C.
Public Health Division

1st. Ind.

RCH/AC.

FROM: REGIONAL LEGAL OFFICER, AMG LAZIO UMBRIA REGION, APO 394, 30 OCT. 1944.
TO : LEGAL SUB-COMMISSION, ALLIED COMMISSION.

1. The attached is forwarded for your attention and necessary action.



ROBERT C. HENDRICKSON
Major, A.U.S.
Regional Legal Officer.

IL MINISTRO DELLA REAL CASA

Roma, li 28 ottobre 1944

1715

Alla Sottocommissione Legale
della Commissione AlleataR O M A
Via Veneto
Palazzo ex Corporazioni

- 1 -

La nominata Gaetana Balducci, residente a Corato, ha diretto a Sua Altezza Reale il Luogotenente Generale del Regno l'acclusa istanza nell'interesse del marito Michele De Leonardis condannato, per porto abusivo di rivoltella, ad un anno di carcere dal Tribunale Militare Sommario Alleato in Cerignola.

Secondo le intenzioni di Sua Altezza Reale, in vista delle circostanze prospettate, segnalo l'istanza alla benevola attenzione di codesta Sottocommissione per il miglior conto che crederà di poterne fare. Con anticipate grazie e la migliore considerazione.

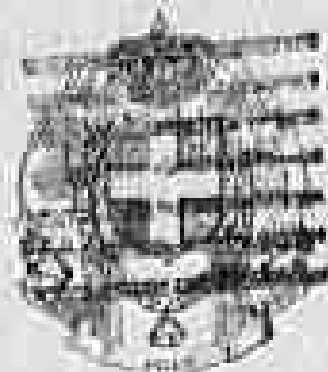
Dev. ^{mo}

Lucifero

65

(F. Lucifero)
Ministro della Real Casa

Mod. 462 MGG



4083/1

Roma. 26 ottobre 1944

Il Guardasigilli

MINISTRO DI GRAZIA E GIUSTIZIA

Prot. N.

7462/311

Alla

COMMISSIONE ALLEATA DI CONTROLLO

Sottocommissione di P.S.

R O M A

OGGETTO : Istanza di Valentini Giuseppina.

Allegati : 1.

Nel trasmettere per competenza l'acclusa istanza di Valentini Giuseppina si prega la cortesia di codesta Sottocommissione di voler informare questo Ministero circa la fondatezza dei gravi fatti menzionati nella istanza stessa e di chiarire l'attuale situazione nei riguardi degli istanti.

IL MINISTRO

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Carpi

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

26 Oct. 44

AGC/4083/23/L

Subject: Petition on behalf SANTIAGATI Orazio.

To : Regional Commissioner, (Att. Regional Legal Officer).
SICILY Region.

1. The enclosed petition alleges that SANTIAGATI Orazio is being held without charges, and apparently not tried for any offences as yet.
2. Will you please investigate the allegations, taking the necessary action in the said matter.

BY COMMAND OF COMMODORE STONE.

W.E. BEIRNE
Colonel.
Deputy Chief Legal Adviser.

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

25 Oct. 44

ACC/4083/23/L

Subject: Petitions for Clemency.

To : Regional Commissioner. (ATT. Regional Legal Officer) ABRUZZI
MARCHE- Region.

1. Returned herewith are petitions submitted on behalf of

FERRAIOLI Alfonso
NARDULLI Lino

2. As these petitions raise no points of law or fact it is not proposed to interfere with the sentence imposed by the Court.

By Command of COMODORE STONE.

le
W.E. BIRKES
Colonel
Deputy Chief Legal Adviser.

enc: 2 Petitions.

4083/23
✓
R-E-S-T-R-I-C-T-E-DHEADQUARTERS
ALLIED MILITARY GOVERNMENT
LAZIO-UMBRIA REGION, LEGAL DIVISION
A.P.O. 394
b-1740

24 October 1944

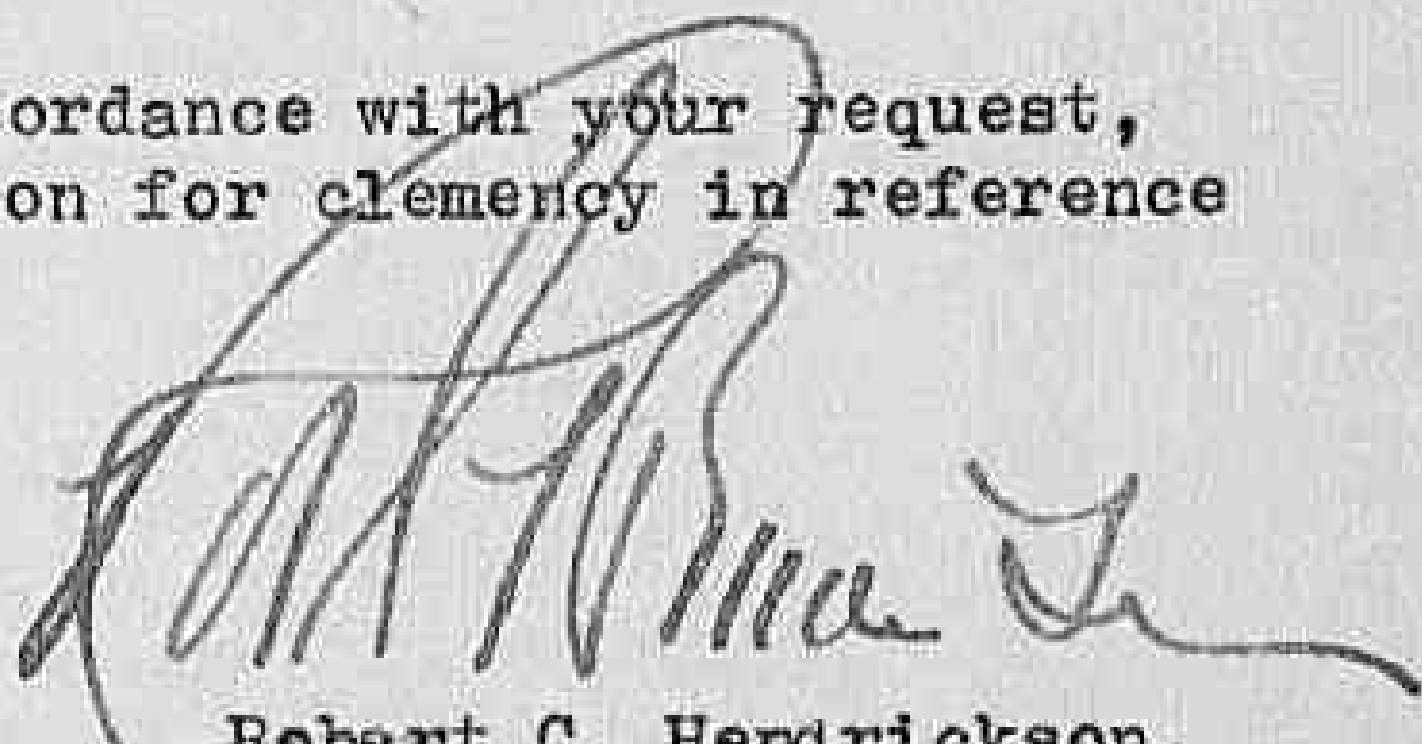
L/1706

SUBJECT : Case of BARUFFA Federico.

TO : Legal Subcommittee,
Headquarters, A.C.C.

1. Reference your letter ACC/4083/25/L dated 22 October 1944.

2. Enclosed herewith, in accordance with your request, the record, proceedings and petition for clemency in reference to the above case.


Robert C. Hendrickson,
Major, A.U.S.
Regional Legal Officer,

RCH/PA.

ENCLOSURE:

Record, proceedings in above-mentioned case.

26 Oct. 44

Case returned without letter
by order of Lt. Bryce.

Cpl. Latella.

R-E-S-T-R-I-C-T-E-D

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

ACC/4083/23/L

24 Oct. 44

Subject: Petitions for clemency.

To : Regional Commissioner (Att. Regional Legal Officer)
Southern Region.1. Enclosed please find the following petitions submitted on
behalf of

(a) TADESCO	Vincenzo	
(b) D'ANGELO	Nicodemo	
(c) BALDI	Matteo	
(d) TREVERI	(captain)	
(e) DE SIO	Antonio.	(f) LOVERO Pasquale

2. With reference to De Sio Antonio's alleged illness may the
necessary action please be taken in accordance with Art. 36 of the Consolidated
Instructions for Allied Military Courts.3. As these petitions raise no points of law or fact it is not proposed
to interfere with the sentence imposed by the Court.

BY COMMAND OF COMMANDER STONE.

1C

W.E. BISHOP
Colonel

Deputy Chief Legal Adviser.

Enc: 5 petitions.

60

file

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/351

ACG/4033/23/L

24 Oct. 44

Subject: Petitions of CANUTO Malchione.

To : Regional Commissioner, (att. Regional Legal Officer)
SICILIAN Region.

1. The petition of CANUTO Malchione is returned herewith.
2. The petition does not raise any point of law or fact, therefore it is not proposed to interfere with the sentence imposed by the Court.

BY COMMAND OF COLONEL W. E. BERRENS

Enc: 1 petition.

W. E. BERRENS
Colonel
Deputy Chief Legal Adv. Com.

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HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 994

/rm.

24. Oct. 44.

ACC/4083/23/L.

SUBJECT : Petitions for Clemency.

TO : His Excellency the DIRECTOR of
GRACE and JUSTICE.

1. I have the honour to return the petitions on
behalf of the following:

ANASTASIO	Vincenzo ✓	OREFICE	Vincenzo ✓
APUZZO	Luigi ✓	MARZULLO	Tommaso ✓
AREARONE	Raffaele ✓	MELILLO	Enrico ✓
BIABCO	Francesco ✓	MIGNOCCHI	Salvatore ✓
BARBA	Linda ✓	MURABITO	Giuseppe ✓
BRICO	Francesco ✓	MARFELINI	Gennaro ✓
BUCCINO	Federico ✓	MAFOLI	Giuseppe ✓
CA. DIPI. BOA	Agostino ✓	PACIELLO	Giuseppe ✓
CATALANO	Raffaele ✓	PARRILLO	Michele ✓
DELLI CAYE	Antonio ✓	PARTISI	Agatino ✓
DELLI RE	Giuseppe ✓	PASQUI	Guglielmo ✓
DI BOA	Giovanni ✓	PIAZZA	Giuseppe ✓
DI MONNIZO	Francesco ✓	PIAZZESE	Giovanni ✓
DI RIENZO	Salvatore ✓	PISCOPO	Francesco ✓
FERRICHELLO	Carlo ✓	RODILLO	Erilia ✓
FALCONE	Francesco ✓	RUSSO	Alfonso ✓
MONTANA	Francesco ✓	SABINO	Domenico ✓
GIORGIANO	Salvatore ✓	SANTAGATI	Oratio ✓
GIACCHANI	Pasquale ✓	SCALA	Paolo ✓
LA MURA	Vincenzo ✓	TUBARO	Lino ✓
LIARULE	Felicia ✓	TUORCO	Antonio ✓
		VITALE	
		MAFFINA	Pietro ✓

2. For the reasons set out in my previous letters in
regard to similar appeals, these appeals are rejected.

10
W.E. BIRRENS,
Colonel,
Deputy Chief Legal Advisor.

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 794

WGB/pa.

ACC/4083/27/L.

27.Oct. 44.

SUBJECT : NICOTRA Alfio fu Natale.

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

1. With reference to your RLE 013.03/TER of 14 Oct. 44,
I return the further petition of the above petitioner
herewith.

2. It is not proposed to take any action on the
petition. However your attention is drawn to the statements
contained therein concerning the state of the prisoners
health. Will you please take the necessary steps to ensure
that Art. 36 Consolidated Instructions is complied with in
this respect.

BY COMMAND OF COMMODORE STONE:

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

IL MINISTRO DELLA REAL CASA

Roma, 11 23 ottobre 1944

1581

4083/23

On. 19
Sottocommissione legale
della Commissione Alleata di Controllo

R O M A
- Via Veneto -
Palazzo ex Corporazioni

- 1 -

Secondo le intenzioni di Sua Altezza Reale
il luogotenente Generale del Regno segnalo a co-
desta On. Sottocommissione, per il miglior con-
to che - nei limiti del giusto e del possibile -
crederà di farne, l'acclusa istanza con la quale
tale Nunzia Civile di Gela invoca il patrocinio
dell'Augusto Principe in favore del figlio Inno-
cenzo Mondello, condannato a tre anni di carcere
dalla Corte Superiore Alleata di Caltanissetta.

Con anticipate grazie e con la migliore
considerazione.

Dev. mo

Lucifero

56

F. Lucifero
(Ministro della Real Casa)

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

AOC/4083/23/L

22 Oct. 44

Subject: Petition on behalf of EUPAFA Federico.

To : Regional Commissioner, (att. Regional Legal Officer) Lazio-Umbria Region.

1. Herewith a petition submitted on behalf of the above mentioned EUPAFA Federico.

2. The said petition is forwarded to you so that the necessary action as prescribed in the Consolidated Instructions for Allied Military Courts, Art. 36, sec. 3 may be taken.

Enc. 1 petition.

W. H. Wilmer
RICHARD H. WILMER
Colonel, GAO
Chief Legal Adviser.

4085/230

ALLIED CONTROL COMMISSION
SIGILTA REGION HEADQUARTERS
APC 354

20 October 1944

FILE: RLE 043.03/EXM (Case No. 537)

SUBJECT: Case of SALIM GAVLO. Petition for Clemency.

TO : Legal Sub-Commission, A.C.C. HQ., APC 354.

1. With reference to your letter 400/4083/21/I of 27.9.44 enquiries have now been made in the above case. In the meantime a similar petition was also received from another prisoner in the same case, LANZAFLE, and enquiries have been made in this case also so that both petitions can be considered together.

2. The two accused and a woman SILVA Lucia were all found guilty on 17.12.43 of (1) Offering a bribe to a member of the Allied Forces (2) Attempting to assist escape of a prisoner. The two men received 5 years and the woman 2 years. The file is sent herewith. From the record the evidence appears to have been clear and conclusive. The sentences were affirmed.

3. Two previous petitions for clemency on behalf of SALIM were refused on 7.9.44. These also alleged ill-health. One similar petition on behalf of LANZAFLE has also been refused. This also alleged illness.

4. The two petitions now under consideration both allege ill-health and both prisoners have been medically examined - see reports with the file. While both are undoubtedly suffering from complaints which are extremely common amongst prisoners here I am of the opinion that adequate treatment should and can be given under prison arrangements and that this fact alone does not justify release.

5. Both petitions also allege poverty. It has been difficult to obtain information on this but it is felt that these allegations **5** are probably true.

6. In these circumstances I do not recommend immediate release. Having regard however to the effect that prolonged imprisonment may have upon these two feeble men and to the altered circumstances in Region I (there are now no prison camps and few Allied soldiers) I do recommend for your consideration a reduction of both the 5 years sentences to 2 years.

For the Regional Commissioner.

1. With reference to your letter AGC/4083/23/I of 27.9.44 enquiries have now been made in the above case. In the meantime a similar petition was also received from another prisoner in the same case, IN 247402, and enquiries have been made in this case also so that both petitions can be considered together.

2. The two accused and a woman SHIVA Inchi were all found guilty on 17.12.43 of (1) offering a bribe to a member of the Allied Forces (2) Attempting to assist escape of a prisoner. The two men received 5 years and the woman 2 years. The file is sent herewith. From the record the evidence appears to have been clear and conclusive. The sentences were affirmed.

3. Two previous petitions for clemency on behalf of SATISH were refused on 7.9.44. These also alleged ill-health. One similar petition on behalf of LAKSHMAN has also been refused. This also alleged illness.

4. The two petitions now under consideration both allege ill-health and both prisoners have been medically examined - See reports with the file. While both are undoubtedly suffering from complaints which are extremely common amongst prisoners here I am of the opinion that adequate treatment should and can be given under prison arrangements and that their feet alone does not justify release.

5. Both petitions also allege poverty. It has been difficult to obtain information on this but it is felt that these allegations are probably true.

6. In these circumstances I do not recommend immediate release. Having regard however to the effect that prolonged imprisonment may have upon these two feeble men and to the altered circumstances in Region I (there are now no prison camps and few Allied soldiers) I do recommend for your consideration a reduction of both the 5 years sentences to 2 years.

For the Regional Commissioner:

sf

Encl: P.H.S.

E. K. M. Allen C.M.
~~E. K. M. Allen C.M.~~
 Regional Prison Officer.

HEADQUARTERS
SOUTHERN REGION, ALLIED CONTROL COMMISSION
LEGAL DIVISION
APO 394, U. S. ARMY

19 October 1944

L-

SUBJECT: Transmission of Enclosed Documents relating to Pardon.
(A.M.G. Case)
TO : Chief Legal Officer, Legal Sub-Commission, A.C.C., Rome.

1. There is transmitted herewith in accordance with Executive Memo No. 4, 7 February 1944, the following application for pardon:

1) FAIVO Antonio.

file

ETK/pv

L. F. Dawson
L. F. DAWSON, *By E. T. Key*
Lt. Col., G.I., *Capt.*
Regional Legal Officer.

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HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION

ACG/4083/23/L.

19 Oct. 44.

SUBJECT: New Trial of TORARELLI Quadrio et al.

TO : Regional Commissioner, Lazio-Umbria Region.
(Att. Regional Legal Officer, for Capt. FALK).

1. On 16 Sept. 44, ref 4083/1/L the Deputy Chief Legal Officer ordered that the case of TORARELLI Quadrio et al. accused of being in wrongful possession of firearms should be retried.

2. Please inform this HQ. of the action taken in the matter.

BY COMMAND OF COMMODORE STONE:

R/S
RICHARD H. WILKIN,
Colonel, SAC,
Chief Legal Advisor.

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HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SECTION

ACC/4083/23/L.

19 Oct. 44.

SUBJECT: New Trial of TOMARELLI Quadrio et al.

TO : Regional Commissioner, Lazio-Umbria Region,
(Act. Regional Legal Officer, for Capt. WALK).

1. On 18 Oct. 44, ref ACC/1/1 the Deputy Chief Legal Officer ordered that the case of TOMARELLI Quadrio et al. accused of being in wrongful possession of firearms should be retried.

2. Please inform this HQ of the action taken in the matter.

BY COMMAND OF COLONEL STONE:

WFS
RICHARD H. WILSON,
Colonel, SAC,
Chief Legal Advisor.

51

Note

1. DC.L.O directed new trial
2. " also informed Falk
to inform us of result of
trial

3.Action

If no info received by
13 Oct, write to Falk to
ask result

6

3 Oct

WEAPONS CASES.

1. BATTILIONI, Antonio - 1 Pistol- 30 rds: 1 Bayonet - 3 yrs.
Appeal- Was a refugee in the country and knew nothing of the Proc: When he returned he surrendered his arms.
2. CALDERINI, Antonio - 1 Dbl-barrell Shot-gun - 18 months.
Appeal- Was in charge of a steam engine that he could not leave - did not know of Proc: When he could leave engine took gun to RR.CC on advice of Camparetti Pietro.
3. PASCIUTO, Vitaliano - 1 Dbl-Barrell Shot-gun - 18 months.
Appeal - Was porter at a factory burned by Germans. Told to stay to guard, knew nothing of Proc: when told by C.F. to deliver up his arms he did so.
4. BETTI, Mario - 1 Pistol -9cartdgs, 3 hnd granades - 1 Dbl-Barrell shot gun - 1 bayonet = 3 years.
Appeal - Knew nothing of order and when asked by Brig. RACC if he had arms surrendered them.
5. TOMASELLI, Anadriò - 1 Dbl-barrell shot gun - 18 months.
Appeal- Stayed in his house because he was afraid to go out as he had been threatened. When told by C.P. to surrender his arms he did so.
6. BOSCHETTI, GIUSEPPE - 1 Revolver - 4 rds. ammo- 1 Dbl-barrell gun 18 months.
Appeal- Was a refugee in place where no order was posted. On returning and seeing notice, surrendered arms to the RR.CC.
7. CASAGRANDE, Prosetti - 1 revolver- 1 bayonet - 12 months.
Appeal Was a refugee in the country. Knew nothing of order until the RR.CC. told his father. ³ Took the revolver to the Police himself.
8. PETRECHIANO Elfidio - 1 Dbl Barrell shot gun - 18 months.
Appeal- Was a refugee in the country- knew nothing of order. Took gun to Police when ordered by Marsciallo.
9. MASSACORSI, Mario - 1 Dbl barrell shot gun.
Appeal - Stayed at home for several days as he was afraid to go out because he had been threatened. Surrendered gun when advised by C.F.

(con.t)

In this case several points arise:

- (1) According to the evidence of the Prosecutor the order to surrender arms was posted on 19th June 1944. The accused was arrested on 24th June 1944 N.B. 5 days after the posting. These orders for surrender of arms usually have a space in which is to be written the date by which the arms must be handed in. It is to be presumed therefore that such period was in this case one of less than 5 days which seems unduly short. On the other hand if the period allowed was longer than 5 days - the accused was wlearly not guilty.
- (2) The accused pleaded guilty but in this statement before the Court in several cases defences were made out. In my opinion the accused should have been told to change this plea to not guilty when the prosecutors orders could have been given in full and the facts as to whom and how the accused delivered their arms properly proved (vd. statement of BETTI Mario, BOSCHETTI, Giuseppe, CASAGRANDE, Prosetti).
- (3) From the defence statements it appears that several of the accused voluntarily surrendered their arms on hearing of the Order either from seeing it or from being told to do so by the of the Fascist Republican Party or the Carabinieri. (vd. CALDERINI, BETTI Mario, BOSCHETTI etc.)

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

ACC/4083/23/L

17 Oct. 44

Subject: Petition on behalf of PALMA Raffaele.

To : Regional Commissioner, (Att. Regional Legal Officer)
Southern Region.

1. I enclose a petition presented personally to me on behalf of PALMA Raffaele who was convicted by an A.M. Court at SESSE AURUNGA on 22 Dec. 43 and sentenced to 1 year of imprisonment and 150,000 lire fine.

2. The offence was serious, but having regard to the facts

- (a) that he has already served nearly 8 months
- (b) that he has paid his fine of 150,000 lire (receipt attached)
- (c) that he has lost his wine for which he had paid 80,000 lire
- (d) that he has lost his truck
- (e) that he is paralysed in both legs
- (f) that his daughter aged 20 has recently died
- (g) that he was granted conditional liberty in error but in good faith

I consider that it would be excessive to order him to return to prison to serve the balance of his sentence.

3. It is thought that you will concur in the above views if so will you please arrange accordingly.

By Command of Commodore STONE.

Enc: 1 Petition
1 Receipt
1 Death Certificate.

NP-
48
RICHARD H. WILMER
Colonel, OAO
Chief Legal Adviser

4083/23/L
SUBJECT : Appeal - EM LOZZI Emilio
TO : CIA LEGAL SUB COMMISSION
FROM : A/RLO ABRUZZI MARCHE REGION

AMR/511/14/

16 Oct. 44

1. Ref. your ACC/4083/23/L dated 12 Oct., the appeal in English is a copy of the appeal originally lodged on Form 11.
2. It appears from the Record that the case was reviewed on 27 Sep. by the Regional Commissioner, the then ~~Legal~~ Regional Legal Officer having been the trial judge.
3. The second document in Italian, enclosed with your letter, contains merely statements that the accused's possession of the tyres was justified in Court, and that the penalty unduly severe.
4. I have perused the record and the exhibits with all possible care, and have no doubt whatever from them :-
 - a) that the accused was very well aware of the gravity of his offence
 - b) that he made, or attempted to make, three different explanations to justify his possession of the tyres
 - c) that these explanations were utterly irreconcilable
 - d) that even if the tyres did belong to the Commune (which, observe, the Court expressly stated that it did not believe), the Communal secretary did not know that they were in the accused's possession.
5. I know nothing whatever about this case, apart from what is contained in the Record and the Appeals, and from these alone have no hesitation whatever in confirming the conviction and sentence.

HEADQUARTERS

17 OCT 1944

A.C.C.

Backhouse 47
P. BACKHOUSE, Major,
A/RLO ABRUZZI MARCHE REGION

7510

4083/23
✓

ALLIED CONTROL COMMISSION
SICILIA REGION HEADQUARTERS
APO 394

File : RLE 013.03/LRM

14 October 1944

SUBJECT : NICOTRA Alfio fu Natale.

TO : Legal Sub-Commission, ACC. HQ.

With reference to this matter and my letter to you
of 27.9.44, I now enclose further petition received from the A/M
and Medical Certificate for your consideration.

For the Regional Commissioner Brigadier M. CARR:

E. K. Matthews Capt.
E. K. MATTHEWS, Capt.
Regional Legal Officer.

cls.

Encl. n° 2.

file

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

12 Oct. 44. /mt.

ACC/4083/23/L.

SUBJECT: Case of NAPOLI Giuseppe.

TO : Regional Legal Officer - Sicilia Region.

1. The record of the case of NAPOLI Giuseppe is returned to you herewith.

2. It is not proposed to take any action in this case.

3. Your remarks in Para 2 of your letter are noted. This Hq. receives very many petitions every week - all of these are carefully scrutinized and although the greater majority obviously raise no material question yet in a few statements appear which make it necessary to examine the record of the case. -

H/S
RICHARD H. WILLER,
Colonel, JAG,
Chief Legal Advisor.

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

ACC/4083/23/L

12 Oct. 44

Subject: EMIDIO Emiliozzi

Legal Officer

To : Regional/Abruzzi-MARCHE Region.

1. The enclosed documents were received here from the British ^{LEGATION} Embassy to the Holy See. The case is within your jurisdiction for review and the documents are forwarded accordingly. It is not clear whether they are originals, or copies of documents already in your possession.

2. The British ^{MINISTER} Ambassador states that the case is of interest to His Eminence Cardinal CACCIA Dominioni; the ^{MINISTER} Ambassador adds, without any evidence, "it seems fairly clear that Signor Emiliozzi was unaware of the gravity of his offence, for which the penalty certainly seems to be on the severe side."

3. On the facts already known to me I entirely dissent from the ^{MINISTERS} remarks. You will, I am sure, see that the case is reviewed with your usual care and I feel that it is unnecessary for me to add that you will review both the conviction and sentence solely on the basis of the evidence given at the trial and the arguments contained in the petition.

RICHARD H. WILMER
Colonel, CAC
Chief Legal Adviser.

File

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ACC/4083/23/L.

WGB/ep.

12 October 1944.

SUBJECT : Case of DI BISCEGLIA Natale.

TO : Regional Legal Officer, Abruzzi-Marche Region.

1. A further petition has been received at this HQ in regard to the case of DI BISCEGLIA Natale.

2. As this further petition raises a point of law will you please forward to this HQ the record of the above case which we understand was sent to you from Cerignola (Foggia) on 9 June 44.

WfB

RICHARD H. WILMER,
Colonel, CAC,
Chief Legal Advisor.

SUBJECT : Appeals
 TO : CLO HQ AGO
 FROM : ABRUZZI - MARCHE REGION

AMR/511/14/P

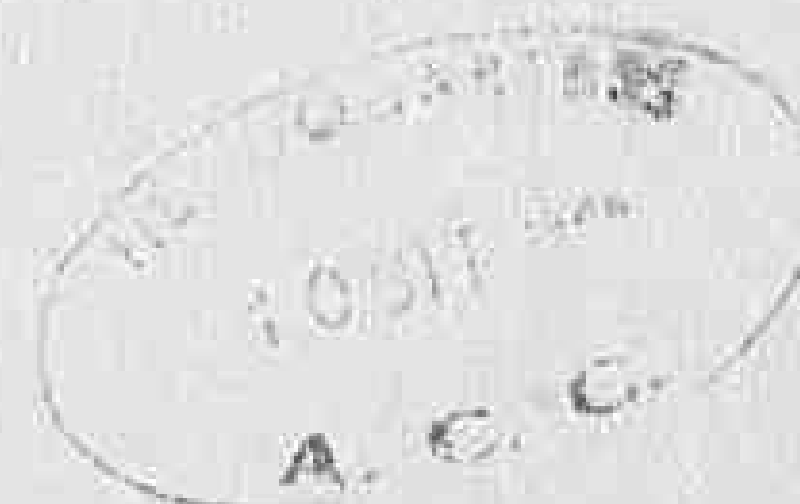
9 Oct. 44

1. The annexed papers have been received from FLO Foggia.
2. Despite an extensive search, no trace of the Court Record can be found. There is only a card for NARDELLI in the card index.
3. The case was apparently reviewed by the CLO on 4 Mar. The convictions and sentences were affirmed.
4. The card, which is in the handwriting of Col. Behrens, describes the charge as
 Proc. 2 Art. II Para 34
 10.000 L to American E M
 for truck - 9 barrels olive oil
5. The sentences were 7 years imprisonment and £ 50.000 or one year further in each case.
6. I have learnt from Lt. Col. Montague that this case was tried at Torremaggiore in Feb., Col Behrens presided. This was a very bad case of bribery and illicit dealing in olive oil. It is understood that a full report was kept in the Public Safety Office at Lucera.
7. I am informed that the two appellants were among these followed the whole way by Col. Briggs until the arrest was made. The stories now told by the appellants are not true.
8. It is strongly recommended that the appeals should be denied.

For the Regional Commissioner

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

J. L. WILLIAMS
 Lt. Colonel,
 ELO



4083/23
HEADQUARTERS
SOUTHERN REGION, ALLIED CONTROL COMMISSION
LEGAL DIVISION
APO 394, U. S. ARMY

9 October 1944

L-
SUBJECT: Record of cases. *(D. Bisceglia)*
TO : Chief Legal Officer, Legal Sub-Commission, A.C.C.,
Rome.

1. Upon receipt of your communication ACC/4083/23/L, 27 September 1944 I immediately wrote the Legal Officer, Foggia, to forward to this office the record in the case of DI BISCEGLIA Natale.

2. I am attaching hereto the record this day received from Major Rolfe together with a copy of his letter. It would appear that the Regional Legal Officer, Region 5 now has the record of this case.

L. F. Dawson
L.F. DAWSON, *by E.T.K.*
Lt.Col., G.I., *offer*
Regional Legal Officer.

ETK/pv

File

41

REF/3066
5 Oct 1944

SUBJECT: DI BISCEGLIA Natale

TO : Regional Legal Officer Southern
Region

FROM : Legal Officer A.C.C. Foggia Zone.

1. Your letter of the 2 October 1944 is
acknowledged.

2. Herewith are the only papers appertain-
ing to the case we have; the record was sent to
Regional Legal Officer Region 5 on the 9th June
1944.

/S/ Major Rolfe

Major

Legal Officer

A.C.C. Foggia Zone.

COPY

40

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 384

/jpl

400/4083/23/L

7 Oct. 44

Subject: BASILE Germino

To : Regional Legal Officer, Sicilian Region.

1. Returned herewith is the record in the proceedings against
BASILE Germino.

2. It is not proposed to interfere with the sentence of the Court
(as affirmed on review) in spite of the appeal addressed to the President
of the United States of America "the greatest man of the world."

12
RICHARD E. WILSON
Colonel, CAC
Chief Legal Officer

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4083/123

HEADQUARTERS
SOUTHERN REGION, ALLIED CONTROL COMMISSION
LEGAL DIVISION
ABO 394, U.S. Army

5 October 1944

Subject: Petitions for Pardon (A.M.G. Court cases).

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

1. Attached herewith are the Forms 8 and the applications for pardon relating to the accused TEDESCO Vincenzo and CASTALDO Mario et al. In both these cases the sentences exceeded 2 years imprisonment.

ETK/pv

L. F. Dawson
L.F. DAWSON,
Lt.Col., G.L.,
Regional Legal Officer.

30

4083/23.
✓

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LAZIO-UMBRIA REGION, LEGAL DIVISION
APO 394

0-9421

L/1023

3 OCTOBER 1944

SUBJECT : Re Agatino PARISI.

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

1. Indications show from the attached petition that the accused was convicted and sentenced by a Military Court in CATANIA 18 January 1944 to 10 years for participation in an unlawful demonstration.

2. Since the case is not within our jurisdiction, same is forwarded to you for attention.


ROBERT C. HENDRICKSON
MAJOR A.U.S.
REGIONAL LEGAL OFFICER

RCH/GG.

ENCLOSURE :
Petition Re a/m.

31

4083/23.

0-9183

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LAZIO-UMBRIA REGION, LEGAL DIVISION
APO 394

L/1023

3 OCTOBER 1944

SUBJECT : Re Melchiorre CANNITO.

TO : Legal Sub-Commission A.C.C.
Lt. Col. HANNAFORD.

1. The petition in the a/m case has been carefully examined.
2. The accused was convicted and sentenced to 21 years in prison for murder in CALTANISSETTA Sicily.
3. Suggest the petition be forwarded to Minister of Grace and Justice for attention.


ROBERT C. HENDRICKSON
MAJOR A.U.S.
REGIONAL LEGAL OFFICER

RCH/GG.

ENCLOSURE :
Petition Re a/m.

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✓
4083/23

ALLIED CONTROL COMMISSION
SICILY REGION HEADQUARTERS
APO 394

FILE: RIB 013.03/EXY

2 October 1944

SUBJECT: Records of Cases.

TO : Legal Sub-Commission, A.C.C. HQ. - APO 394.
(Attention: Col. WILLER)

1. Reference your letter ACC/4083/23/L dated 27.9.44 there are forwarded herewith the records in the following cases:-

- a BASTIE Carmine. It will be noted that this man was an AMG interpreter and the case was rather a bad one. The imprisonment imposed was 2 years and not 5 years as stated in your letter.
- b NATOLI Giuseppe. It will be noted that this accused made an application for grace which was refused by me acting for the Regional Commissioner under Art. 33 of the consolidated Legal Rules on 11 Sept. '44. The application in my opinion revealed no fresh facts or grounds for clemency.

2. The second case I think raises a matter of general policy which you may wish to take into account when considering these petitions as follows:-

- a At present I am receiving an average of 5 such petitions per day and the great majority are of course refused. Each prisoner, and at least one of his relatives appear to submit a petition at least once a month. The existence of the Legal Sub-Commission HQ. at Rome is now becoming well known to all Sicilians with the result that every petition refused here is likely to produce a petition 30 to you and this will be especially so should many cases be dealt with leniently at HQ.

For the Regional Commissioner:

E. K. Matthews Cpl.
E.K. MATTHEWS; Captain,
Regional Legal Officer.

sf

Encl: Records of cases.

4083/23

HEADQUARTERS
SOUTHERN REGION, ALLIED CONTROL COMMISSION
LEGAL DIVISION
APO 394, U.S. Army

L/3020

2 October 1944

Subject: GRAGNANI Pasquale. Natale di Bisceglia

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

1. Reference is made to your communication ACC/4083/23/L, 28 September 1944, relative to the above subject.

X 2. There is attached hereto the complete file in the case of GRAGNANI Pasquale.

3. I have this day written to the Legal Officer Foggia, requesting that he send to you the file in the case of NATALE di Bisceglia.

BTK/pv

L. F. Dawson By E. T. Fern
L.F. DAWSON,
Lt.Col., G.I.,
Regional Legal Officer.

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission,
APO 394

/rm.

ACC/4083/23/L.

2 Oct. 44.

SUBJECT : Petition on behalf of BOSCA Nevio
and CANVAS Carlo.

TO : Partito di Unione Proletaria
Via dei Gracchi N°. 291
ROME

1. Receipt of the above petitions, endorsed by you is hereby acknowledge.

2. The cases were carefully studied and considered on review and the sentence of 3 years imprisonment imposed by the Court was reduced to 12 months imprisonment, 6 months of which were suspended.

3. The fresh petitions does not disclose any ground for interfering with the decisions on review.

4; The petitions are returned herewith.

R
RICHARD H. WILMER,
Colonel, GAC,
Chief Legal Advisor.

33

file

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

AOC/4083/23/L

30 Sept. 44

Subject: GAUDINO Salvatore.

To : Regional Commissioner, Lazio Region.

1. In answer to your letter R/2896 of 31 August, concerning the case of GAUDINO Salvatore, in which Cardinal MAGLIONE interceded.
2. The record has been sent for and reconsidered. The facts do not justify any shortening of his sentence or release on parole.
3. The case concerned a black-market operation in American flour wrongly disposed of by a coloured soldier. In his statement GAUDINO admits that he was charged by two others to find purchasers of the flour; that he attempted to do so; that he had very slight success; and that he received 2,000 lire reward for his trouble.
4. The judge, in fact, imposed a sentence of 2 years imprisonment, but suspended 1 year on account of assistance given by GAUDINO in the course of the investigations.

ke

RICHARD H. WILMER
Colonel, CAC
Chief Legal Officer.

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 994

/jpl

30 Sept. 44

ASO/4083/23/L

Subject: Petition on behalf of NICOTRA Alfio

To : Segretario Particolare del
MINISTRO SEGRETARIO di Stato PALMIRO TOLLINATI

1. This Sub-Commission has received your letter No. 2/886 PI del
prot. PG/sg. dated 14 Sep 44 requesting the release of Nicotra Alfio in
Matale before the expiration of the sentence imposed on him by the Court.

2. It is regretted that applications such as this are not entertained by
this Sub-Commission: all cases are dealt with purely on their merits.

3. For your information, the record of the case was reviewed in the
normal course by the proper authority: at the review all the facts and cir-
cumstances of the case were taken into consideration: and the sentence imposed
by the Court was affirmed.

10
RICHARD H. WILMER
Colonel, CAC
Chief Legal Officer

file

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

28 Sept. 44

ACG/4082/23/L

Subject: Record of Cases.

To : Regional Legal Officer, Southern Region.

1. Reference sub para (b) of para one of this H.Q.'s letter 4082/23/L dated 27 Sept. 44.

2. Due to a typographical error, the name was misspelled. The correct spelling is GRAGNIANI Pasquale.

3. Will you please forward the record of the proceedings against GRAGNIANI Pasquale. Your assistance in this matter is appreciated.

W. H. Wilmer
RICHARD H. WILMER
Colonel, GAC
Chief Legal Officer.

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

ACC/4083/23/L

26 Sept. 44

Subject: Petition on behalf of DI BISCEGLIA Natale

To : Avv. SIN J. A. SERRAO K.B.S.
36 Via Regina Elena
Rome

1. I have received the petition submitted by you on behalf of DI BISCEGLIA Natale. The record of the case has been sent for and the points that you raise will be considered.

2. I am sorry that, owing to the fact that I have been away^{in London}, there has been some delay in this matter.

K
I.R.H. CAMPBELL
Lt. Colonel,
Chief Judicial Officer.

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ACC/4083/23/L.

SUBJECT : Records of Cases. /ap.
27 September 1944.

TO : Regional Legal Officer, Sicilia Region.

1. Further petitions have been received at this HQ in regard to the following cases :-

a. BASILE Carmine- Messine- 10/11/43- Falsification of car permit- 5 years and L. 20,000.-

b. NAPOLI Giuseppe -Agrigento- 3/9/43- Shooting at American soldiers- 5 years.

2. Will you please forward the records of these cases to this HQ for reconsideration in regard to these fresh petitions.

WBF
RICHARD H. WILMER,
Colonel, OAC,
Chief Legal Officer.

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ACC/4053/23/L.

27 September 1944.
/ap.

SUBJECT : Case of Salme Carlo.

TO : Regional Legal Officer, Sicilia Region.

1. The enclosed petition forwarded to this HQ is made on behalf of SALME CARLO tried at Syracuse by a Superior Court in December 1943 and sentenced to 5 years imprisonment for attempted bribery of the guards at a P.O.W. Camp.

2. Will you please consider the record of this case again, and investigate the state of the prisoner's health and the condition of his family and forward to this HQ your recommendations as to the action that should be taken in regard to this petition.

Bygrr

RICHARD H. WILMER,
Colonel, CAC.,
Chief Legal Officer.

Encl : Petition for clemency.

file

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION

APC 394

ACC/4083/23/L.

/sp.
27 September 1944.

SUBJECT : Petition for clemency.

TO : Regional Legal Officer, Abruzzi-Marche Region.

1. Enclosed please find a petition submitted on behalf
of SALUSTIO Michele.

2. The petition contains no reason for interfering
with the sentence imposed by the Court and is accordingly denied.

10
RICHARD H. WILMER,
Colonel, CAC,
Chief Legal Officer.

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

JFK/jpl

27 Sept. 44

ACG/4023/23/L

Subject: Petitions for clemency.

To : His Excellency the MINISTER of GRACE and JUSTICE.

1. I have the honour to return the petitions on behalf of the following:

ALISI	Luigi	LE GIO	Antonio
BADOLATO	Ugo &	DE DONNA	Salvatore
BADOLATO	Renzo	DE MATTEO	Giuseppe
BARBATI	Francesco	DE NOSTRO	Vincenzo
BARGERA	Calogero	DE NOSTRO	Concetta
BARDINELLI	Leonardo	DE NOSTRO	Alfonso
BELLINZANI	Giuseppe	DE NOSTRO	Giuseppe
BRIGNOLA	Enrico	DE NOSTRO	Vincenzo
BUCCHAGLIA	Alfonso &	DE NOSTRO	Armando
BUCCHAGLIA	Giuseppe	DE NOSTRO	Sofio
CALDERONA	Luigia	DE NOSTRO	Antonio
CARDINELLI	Gennaro	DE NOSTRO	Aldo
CASIERO	Francesco	DE NOSTRO	Corrado
CEPO LAHO	Ciro	DE NOSTRO	Vincenzo
CLOTOLA	Antonio	DE NOSTRO	Pietro
CONGIUSTA	Gennaro	DE NOSTRO	Giovanni
COTTA	Vincenzo	DE NOSTRO	Corrado
CRICCIULO	Celestino	DE NOSTRO	Domenico
DE BAZIO	Michelangelo	DE NOSTRO	Carmina
DE VISCINO	Michelangelo	DE NOSTRO	Alfonso
DE MARTINO	Ama	DE NOSTRO	Ernesto
DE MARTINO	Giovanni	DE NOSTRO	Pietro
		DE NOSTRO	Giuseppe
		DE NOSTRO	Carmina
		DE NOSTRO	Alfio

2. For the reasons set out in my previous letters in regard to similar appeals, these appeals are rejected.

3. Petitions by the following have been retained for further investigation:

TURARO	Lino	MANGIONE	Romolo	BACILE	Carmina
NATALI	Giuseppe	GRILLANI	Pasquale	MAROLI	Giuseppe

27

S. GIUSEPPE	Alberto
GAZZARI	Ernesto
SCHIEROTTO	Pietro
VISIUCCI	Giuseppe
VITALE	Carmine
ZUCCO	Alfio

(c)
RICHARD H. WINTER
Colonel, GAC
Chief Legal Officer.

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ACC/4083/2/L.

27 September 1944.
/sp.

SUBJECT : Record of Cases.

TO : Regional Legal Officer, Southern Region.

1. Further petitions have been received by this HQ
in regard to the following cases :-

a. Natale di Bisceglia- Cerignola(Poggia) -24/6/44-
Proc.8 Art.IV (Italian rationing laws)
6 years and L. 100,000.

b. Graziani Pasquale- Naples- 16/6/44- False medical
certificate and contempt of Court- 1 year.

2. Will you please forward the records of the above cases
to this HQ for consideration in regard to those new petitions.

RS
RICHARD H. WILMER,
Colonel, CAC,
Chief Legal Officer.

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

file

ACC/4083/23/L

27 Sept. 44

Subject: Petitions for Clemency

To : Regional Legal Officer, Southern Region.

1. Petitions for clemency have been submitted on behalf of the following persons:

DE SLA ME	EMILIO
D'ETTORE	RAFFAELE
GUASCO	Vincenzo
MOZZILLO	Corrado

2. The petitions disclose no reason for interfering with the ^{*in fact*} sentences imposed by the Court and are accordingly denied.

Enc: 4 Petitions.

10
RICHARD H. WILSON
Colonel, OAC
Chief Legal Officer.

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ACC/4083/22/L.

27 September 1944.
/ap.

SUBJECT : Records of Cases.

TO : Regional Legal Officer, Lazio Region.

1. Further petitions have been received at this HQ in regard to the following cases.

- (a) Tuharo Lino - Rome(?) - 24/6/44 - Curfew - 6 months
- (b) Mangione Romolo - Rome - 12/6/44 - Assault on American soldiers - 12 months.

2. Will you please forward the records of the above cases to this HQ for consideration in regard to these fresh petitions.

6434
RICHARD E. WILMER,
Colonel, GAC,
Chief Legal Officer.

File

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ACC/4083/23/L.

/ap.
27 September 1944.

SUBJECT : Petition for Grace.

TO : H. E. The Minister of Grace and Justice.

1. I have the honour to return the ^{petition} sentence on behalf of
PERSPICACE Francesco.

2. The petition discloses that the sentence was for a period
of 6 months from 19 Feb.44.

3. Since the sentence has been complied with no further
action is necessary.

lc
RICHARD H. WILMER,
Colonel, CAC.
Chief Legal Officer.

4083/23

ALLIED CONTROL COMMISSION
SICILY REGION HEADQUARTERS
APO 394

40 83/23

27 September 1944

FILE: RIM 013.03/EKM

SUBJECT: NICOTRA Alfio in Natale.

TO : Local Sub-Commission, A.C.C. HQ. - APO 394.

1. In accordance with your instructions I have now ascertained that the A/C has not been released and is still in Niscemi Prison, Galtaniseetta.

2. I am not however able to forward the file in the matter as despite a most exhaustive search it cannot be found in this office. The only documents relating to the case and enclosed herewith are an application for Conditional Liberty date 10.9.44 and an application for transfer dated 13.4.44 which have not been dealt with. I accordingly set out hereunder a statement of the facts based on the quite clear recollection of the Interpreter Di Bella which substantiated as to dates etc. by various entries in my office record books and which I feel is correct.

FACTS

Superior Court at Catania on 20.1.44 before Major (now Lt. Col.) CAMPBELL sitting alone. Prosecutor - T/S Delu. Nicotra represented by Avv. Calvo Allergo.

There were four accused as follows:

<u>NAME</u>	<u>CHARGE</u>	<u>SENTENCE</u>
Granatelli Ettore	1. Proc. 2, Par. 36 Buying 36 tins of Bully Beef.	9 Months (has since died in prison).
	2. Proc. 2, Par. 40 Unlawful poss. of 23 tins of Allied Rations.	20
DeMartino Giacomina	1. Proc. 2, Par. 40 Wrongful poss. of 36 tins of Bully Beef.	3 Months (now released)
Gattuso	Not known	1 Month (now released)

See
File

On. le Ufficio Legale della A. d. G.
Catania

Il sottoscritto Nicotru Alfio fu Datale attualmente detenuto in questo carcere mandamentale di Niscemi da scontare la pena di mesi diciotto imputato per avere comprato 24 scatolette di carne presso un soldato inglese avendo compiuto otto mesi, prego codesta On. le Commissione alleata di controllo a volergli concedere la libertà condizionata o sospensione pena di come ne hanno goduti molti altri detenuti nelle stesse condizioni. Trattandosi di un impiegato postale con 27 anni di servizio solo la detta commissione alleata può aiutare me e la mia famiglia composta di tre figli di tenera età in mezzo alla miseria, fiducioso che voi apportatore di libertà esaminerete con bontà il mio caso disperato trovandomi annalato in questo carcere da circa otto mesi. Subordinato

Niscemi 10. 9. 1944

Nicotru Alfio

Office Legale dell'A.M.G.
Catania

Je soussigné Nicotra Alfio fu Natale
condanné du Tribunale Civile de
Catania, a 18 mois de prison pour
avoir acheté des boîtes de viande le
20 janvier 1944. Je me trouve malade
dans cette prison inhumaine, et
privé de médecine recouvrant et
d'autre aide qu'il pourrait porter ma
famille, me cause de la distance de
100 km de Catania et privé de moyen.
Prie cette Office Legale de se faire
approcher sans une maison de cure
écarter la propre famille ou aller
écarter la propre résidence ou
aller la suspension de peine. cette
prison dévère votre demande pour
exclure le Certificat du médecin qu'il
prouve ma maladie de tuberculose.

Je suis sure que vous examinerait
avec bonté le brait d'un acte
employé père de trois fille

Recevez mes sinceres
salutation

Nicola Alfio

Carcere Sbandamentale

Viscemi Prov. Caltanissetta

13-9-948

CARTOLINA POSTALE



Milico Legale

M. Alfio

Caltanissetta

Je suis sûr que vous examinerait
avec toute le brait d'un nete
employé père de trois fille

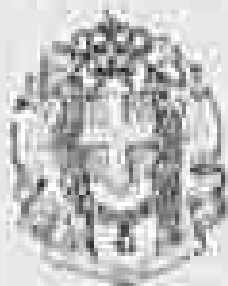
Recevez mes vives

salutations

Nicolas Alfio
Chambre d'administration
Niscemi Prov. Catanzaro

13-9-94

CARTOLINA POSTALE



Ufficio Legale
Dell'A.M.F.

Catania

<u>NAME</u>	<u>CHARGE</u>	<u>SENTENCE</u>
Nicotra Alfio	1. Proc. 2, Par. 40 Wrongful poss. of 2 tins of cheese, 1 case of rations and 2 pints of petrol.	18 Months

The case centred round the selling by an Allied soldier of Army Rations. This soldier gave evidence and it is understood that he was subsequently tried by Court Martial. It is understood that Nicotra came into the case after the original arrests as a result of the finding of the above Allied property at his house when it was searched. It is believed he received the heaviest sentence as the evidence showed that he was the ringleader and regularly receiving such property. An appeal was lodged by Nicotra and the sentence affirmed on 16.3.44 (Form J3 No. 962). An application for Pardon was refused by Major Vecchiolla acting for the Regional Commissioner on 14.6.44.

3. I regret I cannot give you any further information as I personally have no knowledge of the case. It is probable however that Lt. Col. Campbell would recollect the case after reading the above.

For the Regional Commissioner:

E. K. Matthews Capt.
E.K. MATTHEWS, Captain,
Regional Board Officer.

sf

Encl: 2

4082/23
file
A/CC 383.5 - 1

2nd Ind.

HEADQUARTERS ALLIED CONTROL COMMISSION, APO 394 27 September 1944.

TO : Commanding General SOS Natouza, APO 750.

1. The three cases as to which the correspondence was applicable have been considered.
2. Two of these cases (Aster Tango and Francesco Barbati) which were tried in Allied Military Courts have been carefully reviewed and no error appears to have been committed as to conviction or sentence in either of them.
3. The third case (D. Ardizzone) which was tried in Sicily by an Italian Court prior to our invasion of the Island has been called to the attention of the Minister of Justice of the Italian Government for such action, if any, that he deems necessary.
4. The correspondence is returned herewith.

ELLERY W. STONE
Captain, USNR
Acting Chief Commissioner

Encls
n/c

17

CC:
Prepared by: Col. R.H. WILMER, CLO, Legal Sub-Commission*Richard H. Wilmer*
Colonel, C.A.O.

Mod. 805 MG.



Ministero di Grazia e Giustizia

DIREZIONE GENERALE
PER GLI ISTITUTI DI PREVENZIONE E DI PENA

Roma, 21 SET. 1944

Legal *sc*

Ala Commissione Alleata
di Controllo - Sottocommissione
Legale.

R O M A

Ufficio Liberazione condizionale
Prot. N.° 7646/44

Rispett. all' N.°
del

Oggetto: detenuto Palma Raffaele - Liberazione condizionale.

In relazione alla nota in data 13 corrente A.C.C./4083/23 L. relativa al detenuto in oggetto, si assicura codesta On. Commissione che questo Ministero ha invitato il Giudice di Sorveglianza presso il Tribunale di S. Maria Capua Vetere a provvedere alla revoca della liberazione condizionale concessa al Palma Raffaele ed al conseguente arresto del medesimo per l'espiatione della residua pena.

Si assicura altresì che questo Ministero non mancherà di richiamare la particolare attenzione degli uffici interessati alla scrupolosa osservanza delle istruzioni concertate con codesta On. Commissione in ordine alla diversa competenza delle Autorità Alleate e delle Autorità Italiane circa la concessione del beneficio suddetto.

16

pel MINISTRO

Amilano

Per
M.A.
sc

HEAD OFFICES
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
PO 394

WEB/SM.
22 Sept 44.

ACC/1085/25/L.

SUBJECT : Applications for conditional liberty in AMC Court cases.

TO : Regional Legal Officers (then Regional Commissioners) Regions I, IV, V, VI, VIII, IX, XI, XII; Southern, Piemonte and Liguria Regions.

1. Cases have occurred recently in which Italian judges have granted conditional liberty to persons convicted by AMC Courts. It is pointed out that during the continuance of the Allied Control Commission the Italian authorities have no jurisdiction to take such action. The position is clearly stated in the Ministerial Circular No. 26013 dated 24 April 1944 and addressed to all Procuratori Generali which provides that for the grant of pardon and conditional liberty

" Per i reati giudicati dai Tribunali Alleati, sia in territorio occupato che non occupato, la competenza spetta al Governo Alleato " .

(Offences tried by Allied Military Courts either in occupied or unoccupied territory will fall within the jurisdiction of the Allied Government).

2. This position is also clearly defined in para 2 of the Chief Legal Officer's Directive of 28 April 1944 reference as above.

3. Persons who have been convicted by AMC Courts but are serving their sentence in territory which either was at the time of conviction or later becomes Italian Government Territory do in fact submit petitions to the Minister of Grace and Justice. These cases are and, during the continuance of the Allied Control Commission, will continue to be referred by the Minister to the Legal Sub-Commission.

4. Executive Memorandum No. 72 para 2 (c) (1) and Consolidated Instructions Art. 26 (1) (c) provide that in the case of long sentences the Italian practice may operate and conditional liberty may be granted after a portion of the sentence has been served.

5. This is no departure from the principles expressed above and simply refers to the fact that after the Peace Treaty and/or the cessation of ACC the Minister of Justice will, in the absence of stipulation to the contrary, have full authority to deal with any application for pardon and conditional liberty in accordance with the normal Italian usage provided of course that he respects the integrity of the original sentence as if it had been imposed by an Italian Court.

RICHARD E. WILLER,
Colonel, CAC,
Chief Legal Officer.

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

AGC/4083/1/L

22 Sept. 44

Subject: Case of IMPROTA Giuseppe

To : Regional Commissioner, Region IV.

1. With reference to your letter of 19 Sept. 44 (ref: R/2975) in regard to the above case.

2. Giuseppe Improta was rightly convicted of a serious black market offence. The case was reviewed by this H. C., when the conviction and sentence were affirmed.

3. It is no doubt unnecessary to point out that the Rules of Procedure lay down very definite and adequate directions to be followed in cases when prisoners fall ill while serving a sentence of imprisonment. However, I have today written a letter to the Regional Legal Officer, Southern Region, asking that the Public Safety authorities concerned be requested to investigate the truth of this alleged illness and to take any step they may deem necessary, if it has not already been brought to their attention.

4. It is not proposed to re-consider this case.

RICHARD H. WILMER
Colonel, CAC
Chief Legal Officer.

copy to 4083/43

4083/23

Legal

HEADQUARTERS
AMG FIFTH ARMY
APO 464 U.S. ARMY

22 September 1944.

208/13.

Subject: Petition for clemency - Salme Carlo.

To : C.L.O., ACC HQ.

1. The accompanying petition addressed to the C.G., Fifth Army has been forwarded to this Division with a direction that the case be investigated and a direct reply be made to the petitioner.

2. The petition is made on behalf of one Salme Carlo, who was tried by Superior Court at Syracuse in December 1943 and sentenced to 5 years imprisonment for attempted bribery of the guards at a POW Camp, and follows the usual Sicilian form.

3. In view, however, of the circumstances it is suggested that R.L.O., Region 1 be asked to investigate the allegations regarding the prisoner's health and the conditions of his family, and that in due course the petitioner be informed of the result of her petition.

For the Commanding General:

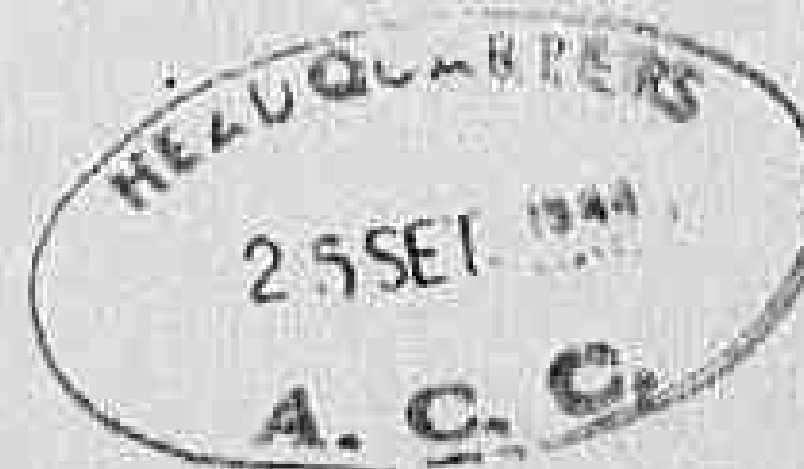
SUB COMMISSION

H.M. Dickie W/Car.

H.M. DICKIE, W/Cdr, RAF,
Legal Officer,
AMG Fifth Army.

/jm

Chief Counsel	
CIO	
Region Section	
CL-RKS	



13

SUBJECT: Request for clemency in the case of
Salme Carlo, of S. -acu...

H.Q.,
A.C.C.

4083/23

Legal S/C 9041
D.D. Claims and Hirings,
41 Claims and Hirings,
C.M.F.

CH/41/C/22.
21 Sep 44.

I forward herewith a copy of a letter from Signora Angelina Salme, addressed to the Prime Minister, and passed to this unit by the office of the British High Commissioner in Italy, for onward transmission to the appropriate authority.

HEADQUARTERS

22 SEP 1944

A. C. C.

Farrell

(R. FARRELL.)

Capt.,
for Colonel,
D.D. Claims and Hirings.

1..

Copy to: Office of the British High
Commissioner in Italy,
ROME.

SEGRETERIA PARTICOLARE
DEL
MINISTRO SEGRETARIO DI STATO
PALMIRO TOGLIATTI

Roma, li 14/9/44

Nº. 2/886 RI del prot. PG/sg

Commissione Alleata di Controllo
Sottocommissario Legale

R O M A

A nome di S.E. Togliatti Ministro Segretario di Stato,
prego codesta onorevole Sotto-Commissione di voler benevol
mente considerare quanto segue:

il signor Nicotra Alfio fu Natale domiciliato in Catania
Piazza Federico di Svevia 85 fu, alcuni mesi fa, arrestato e
condannato a 18 mesi di carcere per aver acquistato 24 scatolet
te di carne di provenienza delle forze armate alleate.

Egli ha ormai scontato 8 mesi della sua pena. La sua fa
miglia versa in condizioni di estrema miseria. Durante questi
mesi di detenzione la sua condotta è stata irreprensibile.

Ci permettiamo pertanto segnalare alla vostra attenzione
la opportunità di disporre l'anticipata liberazione del signor
Nicotra che attualmente si trova imprigionato nelle Carceri
Giudiziarie di Caltagirone -(Sicilia)-

Nella certezza che vorrete cortesemente interessarvi del
caso in questione e tenermi informato nell'esito del vostro in
teressamento, porgo i più deferenti saluti.



*forward to
Chief Judicial Officer*

Il Segretario Particolare
(Pietro Grifone)

Grifone

file

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

WEB/pa.
14 Sept 44.

ACC/4083/23/1.

SUBJECT : Case of TIMONI Giuseppe.

TO : H.E. The Minister of Pardon and Justice.

1. In reply to Your Excellency's letter of 12 Sept 44, I have to advise you that I have already given my decision on review in this case.

2. I have affirmed the conviction and sentence but I have suspended the balance of the prison sentence.

RICHARD H. WIMER,
Colonel, CAC,
Chief Legal Officer.

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

WEE/pa.
13 Sept 44.

ACC/4083/23/L.

SUBJECT : Case of PAIMA Raffaele.

TO : H.E. The Minister of Pardon and Justice.

1. Your Excellency has kindly brought to our attention the fact that by inadvertance the giudice di sorveglianza of the Tribunale di S. Maria C.V. has granted conditional liberty to PAIMA Raffaele who was sentenced by an AMG Court at Sessa Aurunca on 23 Dec 1943 to (inter alia) imprisonment for one year.

2. We regret that we cannot agree to this grant of conditional liberty and must request Your Excellency to see that PAIMA Raffaele is rearrested and that he serves the remainder of his prison sentence.

3. No doubt Your Excellency will take such steps as you consider necessary to impress upon all judges concerned that they are not authorized to interfere with sentences imposed by AMG Courts so as to avoid a repetition of this incident.

RICHARD H. WILMER,
Colonel, CAG,
for Chief Legal Officer.

File

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

gld

ACC/4083/23/L.

/ap.
11 September 1944.

SUBJECT : Case of Mozzille Corrado.

TO : Regional Legal Officer, Southern Region.

1. The attached petition is returned herewith.
2. No record was forwarded with the petition. The case has already been affirmed on review and the bare allegations made in the petition are not sufficient to change that decision. The allegations themselves are almost common form.
3. You might care, however, to look at the record and if you think that the statements in the petition may be true and an injustice may have been committed, perhaps you would see if you could investigate the allegations in any way.

I Incl.

RICHARD H. WILMER,
Colonel, CAG.,
Chief Legal Officer.

8

408323
✓

Legal 8146

AG 201-P-Basile, Carmine (It Civ)

3d Ind

JWM/jg

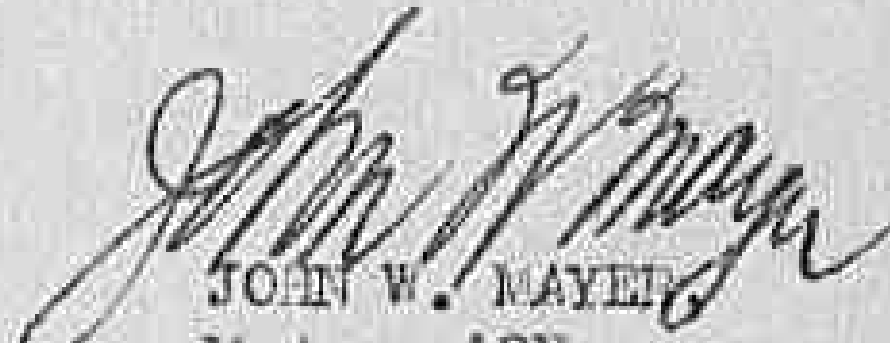
(22 Mar 44)

Hq NATOUSA, APO 534, U. S. Army, 6 September 1944.

TO: CO, Allied Control Commission, APO 394. ✓

This matter is referred to your headquarters for appropriate action,
as the trial took place in an Allied Military Court.

By command of Lieutenant General LEVERS:

HEADQUARTERS
7 SEP 1944
A. C. G.
JOHN W. MAYER
Major, AGD,
Asst. Adj. Gen.

408323

7

4083/28
✓

HEADQUARTERS
SOUTHERN REGION, ALLIED CONTROL COMMISSION
LEGAL DIVISION
APO 394, U.S. Army

6 September 44

Subject: Application for pardon.

To : Chief Legal Officer, Legal Sub-Com-
mission, A.C.C., Rome.

1. At the request of Lt.Col. Simpson, J.A.G.D.
I am attaching hereto Form 8 and record in the case
of IERVOLINO Aniello together with Lt.Col. Simpson's
recommandation.

ETK/pv

L. F. Dawson by *E. T. F.*
L.F. DAWSON,
Lt.Col., G.L.,
Regional Legal Officer. *Capt.*

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APD 394

/rm.
3 Sept 44.

ACN/4083/23/L.

Subject : Petitions for Clemency.

To : His Excellency the MINISTER of GRACE and JUSTICE.

1. I have the honour to return the petitions on behalf of the following:

ANDRE'	Corrado	GIORDANO	Vincenzo
ANGELONI	Gilda	IRMA	Luotano
BARBI	Matteo	LANDI	Adolfo
BONATI	Anleto	MANZI	Salvatore
BRANCASIO	Antonio	MARINO	Francesco
CANDULLO	Salvatore	MARTINELLO	Liberato
FOSTANZO	Vincenzo	OGLIANO	Antonio
DI LEO	Giuseppe	RANDAZZO	Concetta
GIACONE	Maria Giovanna	RUSSO	Salvatore

letters

2. For the reason set out in my previous/in regard to similar appeals, these appeals are rejected.

Signed W. E. Barker

RICHARD H. WILMER, 5
Colonel, CAS,
Chief Legal Officer.

Enc: 18 petitions.

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

ACG/4083/23/L

1 Sept. 44

Subject: Petition on behalf of FORTE Luigi

To : Regional Legal Officer, Southern, Region.

1. Returned herewith is the record of the proceedings in the
above mentioned case.

2. The petition shows no ground for interfering with the sentence
imposed by the Court.

RC
RICHARD H. WILMER
Colonel, GAO,
Chief Legal Officer.

4.

7.3

HEADQUARTERS
ARMED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ACC/ACCS/23/L.

/pa.
1 Sept 44.

SUBJECT : Petition on behalf of RUSSO Lomario.

TO : Regional Legal Officer, Region V.

1. Returned herewith is the file in the above mentioned case.
2. The petition shows no ground for interfering with the sentence imposed by the Court.

RE
RICHARD H. WEINER,
Colonel, JAG,
Chief Legal Officer.

file

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ACC/4083/23/L.

/gb.
1 Sept 44.

SUBJECT : Petition on behalf of TORCHIA Giuseppe.

TO : Regional Legal Officer (~~then Regional Commissioner~~)
Southern Region.

1. The enclosed petition was sent to Region IV,
which in turn forwarded to this Head-Quarters.

2. The petition has been considered and clemency
is ~~generally~~ denied.

(12)
RICHARD H. WILMER,
Colonel, CAC,
CHIEF LEGAL OFFICER.

file

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ACC/4083/23/L.

/gb.
1 Sept 44.

SUBJECT : Case of FARINOLA Giovanni.

TO : Regional Legal Officer (~~Thru Regional Commissioner~~)
Region IV.

1. I enclose herewith papers, relating to the above case, as follows:-

- (a) A statement of grounds upon which revision of sentence is asked on reviews.
- (b) Petition by wife (with other documents therein referred to)

2. The accused was convicted on 28 July on two charges: stealing a car and being in illegal possession of the same car. The Court sentenced the accused to 2 years imprisonment on each charge, the sentences to run concurrently. Hence the case will be reviewed by you.

3. Please inform this Sub-Commission of the decision on review as soon as the review is completed: or if already completed, what decision was given.

12

RICHARD H. WILMER,
Colonel, CAC,
Chief Legal Officer. 1

*note bring forward
in 7 day - 8 Sept*

