

ACC

10000/142/600
(VOL.5)

PETITION
JAN. - AT

10000/142/600
(VOL.5)

PETITIONS FOR GRACE & CLEMENCY, AMG CASES
JAN. - APR. 1945

C.A. Sec

For submission to Chief Commissioner is an answer to letter from Gen INFANTE (translation at folio 19)

28 Mar 45.

1. Lampela car
for DC.L.A

EC.

for signature by CC. if approved.

Handwritten signature
for VP.

CA.
28 Mar 1945

CA Sec

Legal ✓

Letter signed & returned for despatch copies have been withdrawn for CC & EC files.

2 Apr 45.

Handwritten signature
for VP.

128

127

Handwritten note:
1/11/45
1/11/45

Handwritten signature:
E. J. Jordan
Capt.

cos You may like to see 1A.

CA
5 FEB. 1945

2

CA Sec

File returned with thanks.

9 Feb 45

FROM : 31 January 1945

TO : 3 April 1945

126

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4083/23/L.

/lrh.
3 April 1945.

SUBJECT : Confiscation of Goods by AMG Courts.

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

1. In reply to your RS/511/14/AMG of 30 March 1945. It is to be noted that this RS letter to which you refer does not apply to confiscation in all "black market" cases; but only to confiscation of vehicles. The statement that confiscation of a vehicle should only be ordered in "very exceptional cases" is intended to discourage the making of such confiscation orders except in those rare cases when the judge considers that justice cannot otherwise be achieved.

2. Article 27 of Consolidated Instructions provides that normally confiscation will not be ordered unless the wrongful use or possession of an article is the substance of, as opposed to incidental to, the charge. Such an order would therefore be "exceptional". In cases where the value of the article concerned is entirely disproportionate to any thing else in the case, including the jurisdiction of the court, such an order should be "very exceptional".

3. In cases where a person is charged with traveling without a permit, or buying or exporting goods without a permit, the use of the vehicle is incidental to the charge, since in most cases the actual offence could not be committed without the use of the vehicle. As a general rule, moreover, it is perfectly simple to impose an adequate punishment by fine or imprisonment or both without the necessity for the additional punishment of confiscation with all the disadvantages previously explained.

4. Cases do occur, however, where the normal punishment would not achieve the results desired by the court. Examples, which are not intended to be exhaustive, are:-

the repeated use of a vehicle for purposes of this nature;
the impracticability of sending the accused to prison;
the particular gravity of an individual offence;
the necessity for punishing the owner (as opposed to the driver) of the vehicle.

- 2 -

5. It should perhaps be added that a local shortage of transport is not a "very exceptional case" either for this, or any other purpose.

6. The last part of your letter, I think, must be based on a misreading of our letter: it does not prohibit confiscation by a summary court; on the contrary it states expressly:

"It is permissible for such an officer" (i.e. a non-legal summary court officer; and a fortiori, the same must apply to a legal officer) "to award a sentence within the jurisdiction of a summary court and to make an order of confiscation."

The above quoted passage is in accordance with Consolidated Instructions Article 27 (4) which provides that the power of forfeiture is additional to other powers but that officers sitting in Summary Courts will not make use of the power merely to impose a penalty which will, in fact, exceed 50,000 lire.

The two cases dealt with in this HQ letter of 13 March were both heard before a Summary Court in one case the court consisted of a legal officer and in the other of a non-legal officer. It is thought that both these courts used their power to order forfeiture in such a way as to impose a financial penalty which they could not, and probably would not, do by fine.

Nothing in that letter is intended to depart from the principle laid down in Consolidated Instructions Article 27: but cases where an article worth many millions of lire may be confiscated should be heard by a Superior Court.

By Command of Rear Admiral SIGHE:

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

Copy to file
AG/4002/L.

124

AC/4083/23/L.

31 March 1945.

Dear General Infante:

Thank you for your letter dated 19 March 1945 about the case of Dr. Alecco.

I have had enquiries made and find that on review, which takes place in every case tried before an Allied Military Court, the sentence was reduced from three months to one month of imprisonment. As this sentence has now almost expired no intervention seems to be necessary.

Yours very truly,

/s/ Elmer W. Stone

ELMER W. STONE
Rear Admiral, USNR
Chief Commissioner

12

S.E., il Generale Adolfo Infante,
Primo Aiutante di Campo Generale
di S.A.R. il Luogotenente Generale del Regno,
R O M A.

Perfected
in date of receipt from
O. of E.C.
2 APR 1945

Translation

2952 / A.G.

4083/23

L. J. de
20 MAR 1945

Rome, 19 March 1945

20 MAR 1945

Dear Admiral,

We have been informed about Dr. Antonio ALBOCCI's case which seems particularly worthy of interest. As from the enclosed memorandum, he was condemned to 90 days detention by the allied military legal authority and is at present in the Terni prison.

I shall be most grateful if you will kindly examine whether Dr. ALBOCCI's situation can be re-considered, to see whether it would be possible to be lenient with him.

I remain,

Very truly yours,

s. Gen. A. Infante

Admiral Ellery Stone
Chief Commissioner
Allied Commission

e.o.

R O M E

LEGAL SUBCOMMISSION

CEO

DOLO

Chief Counsel

CJ

1C.

21 MAR 1945

EC II 1st - 19 MAR 45

Action: C A Sec.
INFO: CHIEF Com. 22.
Exec Comm

2455

Translation

Dr. ANTONIO ALECCO who is barely 22 - he graduated on December 15th 1944 and got married on January 31st 1945 - was travelling with his wife in the car of his father in law, Colonel Prof. Marino, to visit his aunt, who is ill, in Umbria.

In Terni, an Italian Carabinieri accompanied by a British policeman searched the car and found two pistols in the side pockets of the car.

Mr. Alecco was very much surprised for he was quite ignorant of the existence of the two pistols. It was later discovered that the pistols belonged to Colonel Marino, who had just collected them from the shop in via Pasento where he had had them cleaned, and then forgotten them; he had been unable to warn his son in law who left without his knowledge.

During the examination, Colonel Marino swore he had forgotten the pistols, but Dr. Antonio Alecco was nevertheless condemned to 90 days imprisonment and he has been in the Terni prison since March 1st, waiting for the verdict of the Appeal Commission, presided by Maj. Gilreath, Chief of the Legal Division, Region IV.

We do not question the presence of the two pistols which is a fact, and we will not even question the verdict in appeal is still pending.

We only want to point out the very special circumstances in which the law was broken.

Considering the age of the defendants (22 years old), and the presence of his young wife (19 years old) in the car, is it likely that they meant to use these weapons, had they known that they were there? Is it likely they meant any harm?

Based on ourselves on the fundamental point of the question, which has a purely moral character, we ask for leniency.

Dr. Alecco has already been in jail 15 days, his honeymoon has been interrupted. His wife and mother are both in tears.

We believe that this case is really worthy of pardon.

Translation

2952 / A.G.

Rome, 19 March 1945

Dear Admiral,

We have been informed about Dr. Antonio ALSCOE's case which seems particularly worthy of interest. As from the enclosed memorandum, he was condemned to 90 days detention by the allied military legal authority and is at present in the Terni prison.

I shall be most grateful if you will kindly examine whether Dr. ALSCOE's situation can be re-considered, to see whether it would be possible to be lenient with him.

I remain,

Very truly yours,

S. Gen. A. Infante

Admiral Ellery Stone
Chief Commissioner
Allied Commission
R o m e

e.o.

120

9455
1755

Translation

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In Terni, an Italian Carabinieri accompanied by a British policeman searched the car and found two pistols in the side pockets of the car.

Mr. Alecco was very much surprised for he was quite ignorant of the existence of the two pistols. It was later discovered that the pistols belonged to Colonel Marino, who had just collected them from the shop in via Sarento where he had had them cleaned, and then forgotten them; he had been unable to warn his son in law who left without his knowledge.

During the examination, Colonel Marino swore he had forgotten the pistols, but Mr. Antonio Alecco was nevertheless condemned to 30 days imprisonment and he has been in the Terni prison since March 1st, waiting for the verdict of the Appeal Commission, presided by Maj. Gilreath, Chief of the Legal Division, Region IV.

We do not question the presence of the two pistols which is a fact, and we will not even question the verdict in appeal is still pending.

We only want to point out the very special circumstances in which the law was broken.

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Based ourselves on the fundamental point of the question, which has a purely moral character, we ask for leniency.

Mr. Alecco has already been in jail 15 days, his honeymoon has been interrupted. His wife and mother are both in tears.

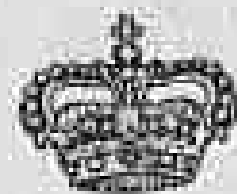
We believe that this case is really worthy of pardon.

119

c.c.

2455

MAR 19 RECD



Roma, 11 19 Marzo 1945

20 MAR 1945

2952/A.G.

IL PRIMO AIUTANTE DI CAMPO GENERALE
DI S.A.R. IL LUOGOTENENTE GENERALE DEL REGNO*Care Ammiraglio,*

è stato qui segnalato il caso particolarmente pietoso del Dr. Antonio ALECCE il quale, per le circo stanze accidentali, esposte nell'accluso promemoria, si è visto condannato a 90 giorni di detenzione dalla autorità giudiziaria militare alleata ed attualmente è nelle carceri di Terni.

Le sarei molto grato se volesse cortesemente considerare se possa essere ripresa in esame la situa zione del Dr. ALECCE al fine di stabilire se, nei suoi confronti, vi sia modo di adottare un provvedimento di clemenza.

Colgo l'occasione per porgerle i miei cordiali e deferenti saluti.

Gen. A. Infante
(Generale Adolfo Infante)

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All'Ammiraglio Ellery STONE
Presidente della Commissione Alleata

R O M A

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2455

Il Dott. ANTONIO ALECCE di appena anni 22 - laureatosi il 15 Dicembre 1944 - sposatosi il 31 Gennaio 1945 - si recava con la macchina del suocero Colonnello Prof. Marino, in compagnia della moglie a far visita alla propria Zia ammalata in Umbria.

Passando per Terni un Carabiniere Italiano in compagnia di un police Inglese perquisiva la macchina nelle cui buste laterali trovò due pistole automatiche.

Ne rimase sorpreso l'Alecce che ignorava in maniera assoluta l'esistenza delle due pistole. Si chiarì dopo che le pistole appartenevano al Colonnello Marino, il quale le aveva prelevate dall'armiere di Via Basento dove le aveva portate per ripulirle, dimenticando poi di rilevarle, e comunque non aveva potuto avvertire il genero, il quale partì senza che il suocero lo avesse saputo.

Nella udienza il Colonnello Marino giurò di avere dimenticato lui le due pistole, ma ciò nonostante il Dott. Antonio Alecce è stato condannato a 90 giorni di detenzione ed immesso fin dal 1° Marzo nelle carceri di Terni dove attende ~~che~~ una giustizia riparatrice dalla Commissione di Appello, presieduta dal Maj. Gilreath, Capo della Divisione Legale, 4ª Regione.

Orbene, non si contesta la presenza delle pistole ^{711/2} giacchè questo è un fatto. E, a sentenza emessa, e mentre pende ancora il giudizio in appello, non si vuole nemmeno impugnare il giudizio.

Si vuole solo fare presenti le particolarissime circostanze nelle quali si è verificata l'infrazione alla Legge.

Data l'età dell'imputato (22 anni), data la presenza a bordo della macchina della giovanissima sua sposa (19 anni), è presumibile, è ammissibile che, anche qualora la presenza delle

2455

armi a bordo fosse da essi conosciuta, essi avessero davvero l'intenzione di servirsene? Di fare con esse del male?

E' questo, di carattere puramente morale, il punto fondamentale del dibattito, e su di esso ci basiamo per chiedere l'intervento della clemenza e del condono.

Il Dott. Alecce ha già scontato 15 giorni di prigione, interrompendo con ciò quello che per tutti è il periodo più bello della vita: il viaggio di nozze. Sua moglie è nel dolore e nel pianto. E nel dolore e nel pianto è sua madre.

Se in un caso la grazia ed il condono possano essere consentiti, a noi pare che proprio questo esso sia.

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

31 March 1945

SUBJECT: Applications for pardon.

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

1. Attached hereto is applications for pardon filed on behalf of several persons who were tried as joint defendants. The file in this case has been forwarded to your HQ and may be located in the list of cases entitled "Superior Court No.7".

For the Regional Commissioner:

ETK/pv

L.F. Dawson
L.F. DAWSON,
Lt.Col., G.L.,
Reg.Chief Legal Officer

By E. T. Stern
115

1 APR 1945

HEADQUARTERS ALLIED COMMISSION
APO 824
LEGAL SUB-COMMISSION

AG/4085/23/L.

/lrh.
31 March 1946

SUBJECT : SACCONI Antonio.

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

I understand you are already familiar with the
case of Count Antonio SACCONI. Lawyer Yacelli brought the
enclosed memorandum to this HQ yesterday and I forward it
to you to put with the papers.

By Command of Rear Admiral STONE:

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

2 Encl:

1. Copy of letter of
23 Mar 45 to Lazio-Umbria Region.
2. Letter of 30 Mar 45 to
"Allied Command".

31 mar 45

TAKEN BY HAND OF LT. MILLER

1/4 Yacelli

114

73

4083/23

Legal

TO : HQ ALLIED COMMISSION
(for attention of Legal Sub-Commission)

FROM : HQ AMG/AC MARCHE UMBRIA REGION

SUBJECT : CANNELLA Tommaso & PAOLINI Domenico

REF. : R5/511/14/CH

DATE : 31 March 1945

Ref your AC/4083/23/L dated 24 Mar. '45 it is confirmed that reduction of the sentences on each of above from 6 to 2 years has been duly intimated and acknowledgement of intimation obtained.

For the Regional Commissioner



V.P.W.

1 APR 1945

R. G. S. Alexander

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

113

6099

408 3/23

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

KPM/WSW

G-5: 014.5

30 March 1945

SUBJECT: Application for Mercy.

TO : Headquarters, Allied Commission, APO 394.

Reference is made to attached appeal which
is forwarded for consideration.

For Asst. Chief of Staff, G-5:

K. P. Manno
K. P. MANNOCK,
Jr. Comdr.

file

75

112

4083/23
 TO : HQ ALLIED COMMISSION
 (for attention of Legal Sub-Commission)
 FROM : HQ AMG/AE MARCHE NIGERIA REGION
 SUBJECT : Confiscation of vehicles
 REF. : R5/511/11/AMG
 DATE : 30 March 1945

Ref your AC/4083/23/1 dated 13 Mar. '45 I subjoin excerpt from a letter received from one of my PIOs on above subject. I take it that the exceptional cases you have in mind are cases of exceptional gravity where it is considered that the owner of a vehicle should be prevented from having the use of it again. I do not however wish to issue an interpretation of the phrase without referring the point to you. I take it also that your intention is that a Summary Court should not in any circumstances confiscate a vehicle. Will you please confirm?

For the Regional Commissioner



R. G. S. ALEXANDER Major
 R.L.G.

EXCERPT REFERRED TO :

The policy laid down by Legal Sub-Commission in AC/4083/23/1 prohibits confiscation in black market cases, except "in very exceptional cases", but that phrase is not defined. Can this be clarified for future guidance?

HEADQUARTERS ALLIED COMMISSION
NO 394
LEGAL SUB-COMMISSION

/rm.
30 March 1945.

AC/4082/ 3/1.

SUBJECT : LATTABULO Vito.

TO : 15th Army Group.

Reference your letter of 27 Feb. 45 subject "LATTABULO Vito Vincenzo."

1. LATTABULO Vito Vincenzo was tried on various charges. The record was reviewed with great care by more than one officer at this HQ. As a result, the conviction on one charge was quashed and other orders were made, including the reduction of the term of imprisonment to be served.

2. At a later date, LATTABULO addressed a communication to the Chief Commissioner. The Legal Sub-Commission then reconsidered the case and was still of opinion that LATTABULO was properly convicted.

3. The case is res judicata; no machinery exists for re-opening the case; moreover, the reduced term has been served and therefore no useful purpose can be served by giving the case any further consideration.

4. It is observed that you ask this Commission to take action. As the petition is addressed to Lt. General Mark W. Clark by name it is thought that the answer, if any, should be from his HQ. If it is decided to answer LATTABULO, it is suggested that the answer should be limited to a formal reply stating that it is not proposed to comply with the request contained in his letter.

For the Chief Commissioner:

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

110

4083/23
fileHEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4002/L.

/lrb.
30 March 1948.

SUBJECT : Informal Petitions.

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

1. As your Excellency is, no doubt, aware a person convicted by an Allied Military Court has the right to present a petition for review within 30 days of conviction. At the expiration of this period every case, with any petition presented, is reviewed by the competent authority. No right exists to present any further petition.
2. In practice it has been found that persons convicted present innumerable petitions, the vast majority of which have no merit whatever.
3. In the past, these petitions were either disposed of at Regional HQ or forwarded by Regional HQ to this Sub-Commission.
4. It is anticipated that, with the withdrawal of the Allied Commission personnel from Italian Government territory, these petitions will be sent direct by the convicted person or by his family to this Sub-Commission - indeed, a few have already been received.
5. In future such petitions will be perused by this Sub-Commission. If no action is called for, no answer will be sent to the petitioner. If, however, in any particular case this Sub-Commission decides that some action is called for, it will be necessary for this Sub-Commission to request your Excellency to communicate the decision to the petitioner or the authority concerned through the channels of the Ministry, no other channels being available.
6. It is not thought that this will impose any substantial burden on your Excellency's Ministry as the number of cases of the latter class is very small.

le

303

Copy to file 4083/23/L.
4061/L.W. E. BERRENS,
Colonel,
Deputy Chief Legal Adviser.

45

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4083/23/L.

/L.S.
29 March 1945.

SUBJECT : MERCADANTE Raffaele

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

1. The petition on behalf on MERCADANTE Raffaele is denied.
2. Please ensure that the petition is returned to the individual.

By Command of Rear Admiral SPONE:

lc
W. E. BENBENS,
Colonel,
Deputy Chief Legal Adviser.

100

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/23/L.

SUBJECT : NOGERA Ferdinando.

29 March 1945. /lrh.

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

1. Reference your letter 9 March 1945 Subject " Case of NOGERA Ferdinando".
2. It is not thought fit to accede to the application for pardon on behalf of NOGERA Ferdinando.
3. The record is returned herewith.

By Command of Rear Admiral STONE:

Encl: Record

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

Sgt Papps

Short letter will be typed on short
pieces of paper.

lc.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/rpb.
29 March 1945.

AC/4083/23/L.

SUBJECT : FIORDELLI Angelo.

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

1. Reference is made to your letter of 21 March 1945.
The papers are returned herewith.

2. The further petition by the above named together
with your recommendation have been considered and the
sentence is reduced from three and a half years to two and
a half years.

3. Will you see that this decision is communicated to
FIORDELLI Angelo.

By Command of Rear Admiral STONE:

lc

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

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43

file

HEADQUARTERS ALLIED COMMISSION
APO 324
LEGAL SUB-COMMISSION

AG/4063/23/L.

/lrb.
29 March 1945

SUBJECT : CHIAROLANZA Raimondo.

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

1. The enclosed petition for release from prison on grounds of ill health is, together with the file, returned herewith for transmission to Provincial Public Safety Officer in accordance with Art. 36, Sect. 4 of Consolidated Instructions.

By Command of Rear Admiral STONE:

lc

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

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/23/L.

Aut- / r.p.
29 March 1945 .

SUBJECT : CARDIERI Francesco.

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

1. The latest petition and file are returned herewith.
2. The said petition raises no new point and is accordingly rejected.

By Command of Rear Admiral STONE:

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

100

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4093/23/L.

/Lrb.
29 March 1945.

SUBJECT : Informal Petitions.

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

1. The petitions submitted on behalf of LIPPI Roberto
and SCARDIGLI Mario are denied and returned herewith.

2. Please ensure that the petitions are returned to
the above individuals.

By Command of Rear Admiral STONE:

C

Encl: Petitions

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

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file

HEADQUARTERS ALLIED COMMISSION
APC 394
LEGAL SUB-COMMISSION

AG/4083/23/L.

/Arb.
29 March 1945

SUBJECT : BALESTRO Vito

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

1. Forwarded herewith is the record and informal
petition on behalf of BALESTRO Vito.

2. The papers originally were sent to this HQ. by
Regional Legal Officer, Lazio Umbria. Since the record
of the cases in Terni and Perugia Provinces are now in
your custody the enclosed record is sent to you for safe
keeping.

3. The informal petition has been considered and
denied.

4. Please ensure that the petition is returned to
the individual.

By Command of Rear Admiral STONE:

lc

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

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file
HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/23/L.

/rpb.
23 March 1945.

SUBJECT : COCOZZA, Gaetano.

TO : H.E. F. Lucifero, Minister of Real Casa.

1. With reference to your Excellency's letter 2692 of 23 March 1945.

2. It is true that on review the punishment imposed on one co-accused of the petitioner was reduced on legal grounds; but this affords no reason for modifying the sentence imposed on the petitioner.

3. The petition enclosed with your Excellency's letter is returned herewith.

/e

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

Encl: Petition

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HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/lro.
29 March 1945

AG/4083/23/L.

SUBJECT : Petitions for Clemency.

TO : H.M., the Minister of Grace and Justice.

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

BRISCIETTI Salvatore
BRUNI Menfi
DE RAGGIO Romolo
DE PALMA Giovanni
DI BISCEGLIA Natale

GILLO Severio
GRIPPA Alfredo
MARZOCHELLA Amedeo
MERCANDANTE Raffaele
MUDANO Antonino

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

lc

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

Incls: Pets.

file

23

10

29 March 1945

NAME	MINIS. LETTER FILE NO.	DATE
BRISCHETTI Salvatore	2779/45	16 Mar 45
BRUNI Menfi	2154/45	20 Mar 45
DE BAGGIS Romolo	683	6 Mar 45
DE PALMA, Giovanni	3079/45	15 Mar 45
DI BISCEGLIA Natale	3090/45	17 Mar 45
GALLO Saverio	2929/45	20 Mar 45
GRIPPA Alfredo	2930/45	15 Mar 45
MARZOCHELLA Amedeo	3084/45	20 Mar 45
MERCANDANTE Raffaele	131879/55142	17 Mar 45
MUDANO Antonino	2951/45	16 Mar 45

The above letters were returned to the
Ministry on 29 March 1945.

T/4 J. L. L. L.

Feb 483/23

XJ

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

ACWMB/lrb
27 March 1945

AC/4083/23/L.

SUBJECT : Petition for Pardon: DI MARCO Pietro.

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

1. Reference your letter R5/511/18, the fine imposed in the above case is remitted and the balance of the term of imprisonment imposed in default of payment is also remitted. The prisoner will be released immediately.

2. The papers are returned herewith.

By Command of Rear Admiral STONE:

10
W. E. BEHRENS,
Colonel,
Deputy Chief Legal Adviser.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/23/L.

IGHC/1rb.
27 March 1945.

SUBJECT : SALME Carlo.

TO : H.E. F. Lucifero, Ministro della Real Casa.

1. With reference to your Excellency's letter 2772 of 26 March 1945.

2. This Sub-Commission is very familiar with the case of SALME Carlo, having reconsidered the record recently and having already received many other petitions.

3. It is regretted that this Sub-Commission does not think fit to interfere with the sentence of the court already affirmed on review.

4. The petition is returned herewith.

Encl: Petition

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

XJ

26 MAR 1945

26 MAR 1945

MAR 26 1945
ROUTINE

GICIOSA JONICA (REGGIO CALABRIA)

ALLIED COMMISSION HOME

IN CLEAR.

Former COMMISSO ROCCO of late FRANCESCO, of military class 1914, is held in GICIOSA prisons by previous order of REGGIO'S authorities on charges of participation to a subversive demonstration occurred in GICIOSA on January 1944. As I can prove that COMMISSO was absent from GICIOSA on that day, I claim for an urgent revision of the sentence and his immediate deliverance. Trusting that I shall obtain justice, I am

AGOSTINO CATERINA, wife of above prisoner.

FOR INFORMATION ONLY

M/C Note:

This is translation from Italian

DIST

ACTION LEGAL SC
INFO A/PRESIDENT
CHIEF COMMISSIONER
C A SEC
P SAFETY SC -
FILE (2)
FLOAT 2

9



3032

ALLIED COMMISSION
SICILIA REGION HEADQUARTERS
APO 394

4083/23
✓
FILE: RIE 013.04/EM

25 March 1945

SUBJECT: Geraci Riots.

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

1. I beg to acknowledge your letter AC/4083/23/L of 23.3.45 and enclosures.

2. The necessary action has been taken.

3. As all my records are now in course of transit to you I return the file herewith for inclusion with the records when they arrive.

E. K. Matthews M. J.
E. K. MATTHEWS, Major,
Regional Legal Officer.

sf

Encl/

Giacaria Lupi
 " Bastis
 Barricchi Petano
 Annunzio Mariano
 Pagano Innocenzo Paolo



IL MINISTRO DELLA REAL CASA

4083/28

2772

Roma, li 26 marzo 1945

On.le Sottocommissione
Legale della Commissione AlleataR O M A

Via Veneto

Secondo le intenzioni di S.A.R. il Luogotenente Generale del Regno, segnalo a codesta Onorevole Sottocommissione per il miglior conto che - nei limiti del giusto e del possibile - crederà di farne, l'accluso esposto con il quale tale Angelina Salmè, residente a Catania in Via Fulcheria n. 21, sollecita il patrocinio di Sua Altezza Reale in favore del figlio Carlo Salmè, condannato a 5 anni di carceri dal Tribunale Militare Alleato di Siracusa.

Con anticipata grazie e con la migliore considerazione.

REG. SUT-COMMISSIO

CIO

DIO

Ch. of Counsel

CIO

Italian Section

CL RKS

27 MAR 1945

Ser. mo

Lucifero

F. Lucifero

(Ministro della Real Casa)

9

file

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference:

Date Time of Origin: MAR 25 1445L

Message Centre No: D/ 6056

Date Time Rec'd: MAR 26 1040A

Precedence: ROUTINE

FROM:

SIRACUSA

TO :

REAR ADMIRAL STONE ALLIED COMMISSION ROOM

IN CLEAR.

In wishing you a rapid recovery, I beg you to accord grace to my father,
SAIME' CARLO, who is held in SIRACUSA's prisons.

ANGELINA SAIME'

ACTION

DIST

ACTION: Legal S/C
INFO: A/President
Chief Commissioner
SO to Chief Commissioner
CA Sec
F. Safety S/C
File 2
File Float

(M/C Note: This is translation from Italian)

Head Sub-Section	
CIO	
Chief Counsel	
CIO	IC
Italian Section	
CL RKS	
25 MAR 1945	
Station 28	

TV

Note.
Salme was one of three who tried to
get a friend out of internment camp.
This follows innumerable other petitions.
The case was re-examined fairly
recently.
M.A.

27 Mar.

4083/230 ✓
HEADQUARTERS
SOUTHERN REGION, ALLIED COMMISSION
LEGAL DIVISION
APO 394, U.S. Army

24 March 1945

SUBJECT: Case of of CARDIERI Francesco and
Case of CHIAROLANZA Raimondo.

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

1. There is transmitted herewith Forms 8
and applications for pardon filed on behalf of
the above subject. Since these cases were origi-
nally reviewed by your HQ, it is thought that
you might wish to give attention to these applica-
tions.

For the Regional Commissioner:

W. J. Dawson
L.F. DAWSON, *By E. T. Kern*
Lt.Col., G.L.,
Reg.Chief Legal Officer.

ETK/pv

HEADQUARTERS ALLIED COMMISSION
AFO 394
LEGAL SUB-COMMISSION

AC/4002/L.

/rlp.
24 March 1945.

SUBJECT : Allied Military Courts: suspension of sentences for enlistment in Italian Army.

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

1. Reference your RW111/19/3008 of the 1st March 1945.

2. I was approached by the Procureure Generale Militare with a request that I should suspend sentences imposed by Allied Military Courts on condition that the persons involved should join the Italian Army.

3. I refused to grant any general suspension, but stated that in suitable cases I would be prepared to consider individual applications.

4. Of the petitions actually forwarded with your letter the majority appear to be serious cases in which it would be obviously improper to suspend any part of the sentence. In some other cases, the accused appear to be required by the Italian authorities to answer charges under Italian law. It would appear, therefore, that any suspension of sentences in these cases would be useless as the Italian authorities would require the immediate arrest and trial of the person released.

5. In some cases the sentence has already expired and there is nothing left to suspend. There does appear, however, to be at least one case which might be suitable for suspension. - MORDELLI Franco who received a three months' sentence which expires on the 30th of April. I have naturally not got the record in this case and I do not know whether you are prepared to suspend the balance of the sentence on the terms suggested. If, however, you are prepared to do so, you are authorized to take this course.

6. In the future, with any applications of this kind, will you please take the following action:-

a. If the case is one in which you consider that no possibility of suspension exists, either by reason of the seriousness of the charge or for some other reason, you may ignore the application.

b. If you consider that the suspension might well be granted, will you please forward the application together with the record and your recommendation to this Hq for action here.

Italian Army.

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

1. Reference your RW11/19/3008 of the 1st March 1945.
2. I was approached by the Procuratore Generale Militare with a request that I should suspend sentences imposed by Allied Military Courts on condition that the persons involved should join the Italian Army.
3. I refused to grant any general suspension, but stated that in suitable cases I would be prepared to consider individual applications.
4. Of the petitions actually forwarded with your letter the majority appear to be serious cases in which it would be obviously improper to suspend any part of the sentence. In some other cases, the accused appear to be required by the Italian authorities to answer charges under Italian law. It would appear, therefore, that any suspension of sentences in these cases would be useless as the Italian authorities would require the immediate arrest and trial of the person released.
5. In some cases the sentence has already expired and there is nothing left to suspend. There does appear, however, to be at least one case which might be suitable for suspension. - MORLINI-Franco who received a three months' sentence which expires on the 30th of April. I have naturally not got the record in this case and I do not know whether you are prepared to suspend the balance of the sentence on the terms suggested. If, however, you are prepared to do so, you are authorized to take this course.
6. In the future, with any applications of this kind, will you please take the following action:-
 - a. If the case is one in which you consider that no possibility of suspension exists, either by reason of the seriousness of the charge or for some other reason, you may ignore the application.
 - b. If you consider that the suspension might well be granted, will you please forward the application together with the record and your recommendation to this Hq for action here.
7. Petitions are returned herewith.

BY command of Rear Admiral STOMS.

Incls.

M. E. BETHANS,
Colonel,
Deputy Chief Legal Advisor.

Copy to: RCs (Attn: FLOs), Abruzzi-Marche Region;
" " " Emilia
" " " Liguria
" " " Piemonte
" " " Lombardia
" " " Venezia

File AC/4083/23/L.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/rm.

AC/4083/23/L.

24 March 1945.

SUBJECT : CANNELLA Tommaso.

TO : Regional Commissioner (attn. Regional
Legal Officer), Abruzzi-Marche Region.

1. Petition by above named is returned herewith.
2. Attention is called to the fact that, and since date of Petition, the sentence has been reduced from 6 to 2 years and it is presumed that CANNELLA has been duly advised.

By command of Rear Admiral STONE:

W.E. BEHRENS,

Colonel,
Deputy Chief Legal Adviser.

Incl. : Petition.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/rm.

AC/4083/23/L.

23 Mar. 1945.

SUBJECT : Case of DI STEFANO Pietro.

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

1. Thank you for your letter RVIII/19/3008 of
19 March on the above case.

2. I enclose for your information a copy of this
Sub-Commission's reply to the Ministry. I do not think
any further comment is needed.

3. The papers are returned herewith.

By command of Rear Admiral STONE:

lc

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

file
HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/rm.

23 Mar. 1945.

AC/4083/23/L.

SUBJECT : Case of DI STEFANO Pietro.

TO : Ministry of Grace and Justice
(attn. Dr. BONELLI: Liaison Officer with AC).

In answer to your letter of 12 March relating
to DI STEFANO Pietro.

1. The facts, as admitted by the accused at the
trial, are as follows:-

- a) The accused was owner of the car, which was
registered in his wife's name.
- b) The car was licensed for the exclusive use
of the Municipio of Frascati for the purpose
of transporting sick persons.
- c) The accused took a sick person to Rome.
- d) While at Rome he met some people who asked
him to take them to Siena, saying that no
pass was required.
- e) He agreed to do this "to support his family"
- f) He carried a loaded pistol for protection.

2. In the opinion of this Sub-Commission, a person
who "to support his family" (or, to put it in a different
way, "for personal profit") deliberately drives his car,
licensed only for use by the Municipio for the transport of
the sick, to Siena without a permit and carries with him a

- 2 -

loaded pistol has no good reason for complaint if he is sentenced to imprisonment for 6 months.

3. While no charge was laid in respect thereof, it is clear that this trip to Siena must also have involved the wrongful use of a substantial amount of petrol.

4. In the circumstances, it is not intended to interfere with the sentence which has already been affirmed on review.

5. The petitions and papers are returned herewith.

I. Campbell *CS*

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

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/rm.

AC/4083/23/L.

23 March 1945.

SUBJECT : Geraci Riots.

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

Reference your RLE 013.04/EKM of 13 Mar. 45.

1. This Sub-Commission agrees with your recommendations.
2. The sentences still outstanding are hereby reduced as follows:-

GIACONIA	Luigi)	Each reduced to 2 years
GIACONIA	Bartolo)	
PARRIVECCHEO	Gaetano)	
MARANEANO	Mariano)	

PAGANO Francesco Paolo : reduced to 18 months.

3. The record is returned herewith.

By command of Rear Admiral STONE:

le
W.E. BEHNENS,
Colonel,
Deputy Chief Legal Adviser.

86



IL MINISTRO DELLA REAL CASA

Roma, li 23 marzo 1945

2692

On.le Sottocommissione Legale
della Commissione Alleata

FIORESE

ROMA

Palazzo ex Corporazioni

Secondo le intenzioni di S.A.R. il Luogotenente Generale del Regno, segnalo a codesta On.Sottocommissione, per il miglior conto che - nei limiti del giusto e del possibile - crederà di farne, l'accluso esposto con il quale tale Viviana Fiorese da Bari (Via Carruba 79) sollecita il patrocinio di Sua Altezza Reale in favore del marito Gaetano Cocozza, condannato ad un anno di reclusione dalla Corte Superiore Alleata di Bari.

Con anticipate grazie e con la migliore considera-

LEGALONE. CO. PISO

CLO

DOLO

Ch. di S.

CLO

CLO

CLO

CLO

24 MAR 1945

all. ma

Lucifero

F. Lucifero
(Ministro della Real Casa)

85

4083/23

Rome, March 23, 1945

Mr. Raffaele Mercedante,
Carcere di Lucera,
Foggia.

Dear Mr. Mercedante:

I take pleasure in acknowledging at the request of the Ambassador the receipt of your communication of February 27 in which you make certain statements concerning your present status.

In reply I beg leave to inform you that since the original action against you was allegedly taken by an officer of the Allied Commission this matter has been referred directly to the Legal Sub-Commission of the Allied Commission for action.

Very truly yours,

For the Ambassador:

Robert H. McBride
Third Secretary of Embassy

LEGAL SUB-COMMISSION
CIO
WFO
Chg
Copy to:
CIO
Legal Sub-Commission, AC
Italy
33 MAR 1945

8

23 MAR. 45

NAME	MINIS. LETTER FILE No.	DATE
BELARDO Salvatore	2450/45	19 Feb. 45
CARULLO Michele	538 - 3 - I - C	28 Feb. 45
CIAVARELLA Matteo	2574/45	24 Feb. 45
DAMIANI Ottavio	2604/45	17 Feb. 45
DI STASI Michele	2588/45	10 Mar. 45
DI ZACONO Francesco	25648/43 or 26648/43	24 Feb. 45
DI ZACONO Angelo	2779/45	2 Mar. 45
GRANATA Tommaso	2449/45	17 Feb. 45
GUARNACCI Luigi	2960/45	7 Mar. 45
IPPOLITO Franco	2786/45	9 Mar. 45
LENTINI Sebastiano	2496/45	22 Feb. 45
LISI Antonio	746 - 3 - I - L	2 Mar. 45
LOTITO Alberto	7959/45	12 Mar. 45
MAIORETTI Pasqualina	7960/45	12 Mar. 45
MINISCHETTI Giuseppe	2703/45	24 Feb. 45
GIARDINELLI Giuseppe	" "	" " "
FIGORE Luigi	" "	" " "
MUCTIOIA Nicola	" "	" " "
PALUMBO Raffaele	2741/45	24 Feb. 45
PAPARO Vincenzo	2807/45	27 Feb. 45
RAIMONDI Antonio	27477/43	1 Mar. 45
SORDI Duilio	2588/45	22 Feb. 45
SPACCAVENTO Cosimo	2834/45	16 Mar. 45
SPACCAVENTO Cosimo	2834/45	7 Mar. 45
ZAZZERI Giuseppe	2952/45	2 Mar. 45
ZAZZERI Primo	" "	" " "
DI STEFANO Pietro	HC/340	12 Mar. 45
PINIZIO Pasquale	27535/43	21 Feb. 45

23 March 45

8

The above letters sent by the
minister of grace and justice have
been returned to the same office.

T/4 Joseph Latella.

TO : HQ. ALLIED COMMISSION
(for attention of Legal Sub-Commission)

FROM : HQ. AMG/AC MARCHE UMBRIA REGION

SUBJECT : Petition for pardon

REF. : AS/511/18

DATE : 22 March 1945

Chieti /53
DI MARCO PIETRO

1. This Record with appeals annexed is enclosed pursuant to Consolidated Instructions Art. 33 clause 3 (a) (i).
2. This man has been in prison since 10 May 1944, and apparently cannot pay his fine. You may think that he has been punished enough for his offence and that the remaining seven weeks might be suspended.

23 MAR 1945

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

82

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/rm.

AG/4083/23/L.

22 Mar. 1945.

SUBJECT : Informal Petitions.

TO : Regional Commissioner (attn. Regional
Legal Officer) Southern Region.

1. Returned herewith is the petition and file in the proceeding against D'ISANTO Ciro, your L-3029 of 2 March 45 refers.

2. Also enclosed are the following informal petitions received directly at this HQ :-

BARDA	Luigi	IMPROTA	Giuseppe (2)
BERTONI	Fabio	IORIO	Vincenzo
BUONAMASSO	Giovanni	PAONE	Aldo
DI CAIUA	Alfredo	PANZA	Giuseppe
DI SALLE	Attilio	RAMACCIOTTI	Mario
		VOLPE	Ciro

3. The petitions in para 1 and 2 have been considered and rejected.

4. Please ensure that the petitions are returned to the above named individuals.

By command of Rear Admiral STONE:

81

J. C. W.

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

Incls: Pets & file.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/rm.

AC/4083/23/L.

22 Mar. 1945.

SUBJECT : Petition for Clemency.

TO : H.E., the Minister of Grace and Justice.

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

BELARDO	Salvatore	- LENTINI	Sebastiano
CARULLO	Nichele	- LISI	Antonio (2)
CIAVARELLA	Matteo	- LOTITO	Alberto
DANIANI	Ottavio	- MAIORETTI	Pasqualina
DI STASI	Michele	- MINIBCHETTI	Giuseppe
DI ZACONO	Francesco	- GIARDINELLI	Giuseppe
GRANATA	Tommaso	- FIORE	Luigi
GUARNACCI	Luigi	- MUCEDOLA	Nicola
IPPOLITO	Franco	- PALUMBO	Raffaele
SORDI	Enrico	- PATAPO	Vincenzo
TRACCAVENTO	Cosimo (2)	- RAIMONDI	Antonio
VINIZIO	Pasquale	- ZAZZERI	Giuseppe
		- ZAZZERI	Primo

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

Incls: Pets.

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

Case of CAIELLO Giuseppe and CAIELLO Ulisse

DECISION ON REVIEW

Accused were convicted in the Superior Court at Orvieto for unlawful possession of gasoline, the note by the Trial Judge stated that it was a case of theft of U.S. property. The judgment was affirmed by Headquarters Allied Commission, 26 September, 1944. The attached application for clemency does not present any new grounds which would justify disturbing the sentence of the Court, therefore the record is not being sent to Headquarters, Allied Commission, Legal Sub-Commission under Article 33, paragraph 3(a) and 3.a (i) Consolidated Instructions.

Sam B. Gilreath
Sam B. Gilreath
Major, A.U.S. R.L.O.

79

Copy to file
file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/rm.
22 March 1945.

AC/4083/23/L.

SUBJECT : LORENZO Giuseppe.

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

1. The attached Petition addressed to the Supreme Commander has been forwarded to this HQ.
2. Please inform petitioner that his latest petition like the several earlier ones is rejected.

BY command of Rear Admiral STONE,

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

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HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

23
AC/4083/1/L.

/rm.

22 Mar: 1945.

SUBJECT : COSSI Andrea.

TO : Regional Commissioner (attn. Regional
Legal Officer), ABRUZZI-MARCHE Region.

1. COSSI Andrea was tried by General Court at
Perugia on 19 and 20 March for the killing of an allied
soldier: he was convicted and sentenced to 2 years imprison-
ment.

2. The Chief Judicial Officer presided and brought
the record to this HQ for review.

3. His reason for so doing was one of the following:-

- a) He feared that the RLO might be embarrassed
at having to consider and possibly vary the
finding or sentence of the Court; or
- b) He feared that the officer reviewing the case
at Regional HQ might consider it a ^{too} golden
opportunity to be missed.

No prize is offered for guessing which is the correct reason.

4. When the case has been reviewed, the record will
be forwarded to you.

By command of Rear Admiral STONE:

77

1.C.

Copy to : RLO Perugia:
please send any
ret? direct to
this H.Q.

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

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/RM.

AC/4035/23/L.

22 Mar. 1945.

SUBJECT : DURA Giovanni.

TO : H.E. F. Incifero, Ministro della Real Casa.

1. With reference to your letter 1240 of 10 Feb. 45 forwarding herewith a petition on behalf of DURA Giovanni.
2. This petition has now been considered at this HQ. It does not, however, raise any question of law or fact that was not considered at the trial.
3. The decision of the Court must therefore stand.

A. R. W.
W. F. BEHRENS,
Colonel,
Deputy Chief Legal Adviser.

Incl: petition.

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/rs.

AC/1083/23/L.

22 Mar. 1945.

SUBJECT : Informal Petition.

TO : Allied Commission (attn. Legal Officer),
Bari Zone.

1. Returned herewith is the petition submitted on behalf of SPACCAVENTO Cosimo.
2. The petition have been considered and rejected.
3. Please ensure that the petition is returned to SPACCAVENTO Cosimo.

By command of Rear Admiral STONE:

(J. E. W.)

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

Incl. : petition.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/rm.

AC/4083/23/L.

22 Mar. 1945.

SUBJECT : Informal Petition.

TO : Regional Commissioner (attn. Regional
Legal Officer), Abruzzi-Marche Region.

1. Returned herewith is the petition on behalf of
GASPARI Nazzeno and ANGELINI-MARINUCCI Augusto.
2. The petition have been considered and rejected.
3. Please ensure that the petition is returned to
the above named.

By command of Rear Admiral STONE:

W.E.

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

Incl. : petition.

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HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/rm.

22 Mar. 1945.

AC/1083/23/L.

SUBJECT : Informal Petition.

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

1. Returned herewith is the petition submitted on behalf of CANNITO Melchiorre.
2. The petition have been considered and rejected.
3. Please ensure that the petition is returned to CANNITO Melchiorre.

By command of Rear Admiral STONE:

ke

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

Incl. : petition.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/rm.

AG/4033/23/L.

22 Mar. 1945.

SUBJECT : Informal Petition - CAIELLO Giuseppe and
CAIELLO Ulisse.

TO : Regional Commissioner (attn. Regional
Legal Officer), Lazio-Umbria Region.

1. The record of the case of CAIELLO Giuseppe and CAIELLO Ulisse has been re-considered in view of the informal petition presented on their behalf.

2. It has been decided that this petition raises no point of law or fact which warrants interfering with the conviction and sentence imposed by the court and affirmed by this H.Q.

3. Will you please ensure that this decision is communicated to CAIELLO Giuseppe and CAIELLO Ulisse.

4. The record of proceedings and informal petition are enclosed herewith.

By command of Rear Admiral STONE:

J. P. W.

W. B. BERRENS, 72
Colonel,
Deputy Chief Legal Adviser.

Incls. : Record and Petition.

4087/123
 HEADQUARTERS
 SOUTHERN REGION, ALLIED COMMISSION
 LEGAL DIVISION
 APO 394, U.S. Army

21 March 1945

SUBJECT: Case of FIOREDELISI Angelo.

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

1. I am attaching hereto form 8 and applica-
 tion for pardon filed in the case of the above
 subject. It is thought that since the accused was
 sentenced for the possession of firearms and given
 a sentence of 3 and half years, that probably some
 consideration should be given to this case.

For the Regional Commissioner:

Does seem heavy.

W

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Section	
ETK/pv	
CLRS	
22 MAR 1945	

L. F. Dawson
 L.F. DAWSON, *By E.T. King*
 Lt.Col., G.L.,
 Reg.Chief Legal Officer.

2/12

73

Wle

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/rm.

20 Mar. 1945.

AC/4083/23/L.

SUBJECT : OLIVIERI Rocco.

TO : Regional Commissioner (attn. Regional
Legal Officer), Abruzzi-Marche Region.

The enclosed informal petition is forwarded to you
in accordance with consolidated instructions art. 33
para 3 (b) 1.

By command of Rear Admiral STONE:

W.E.

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

Incl. : Letter of
Minister of Grace
and Justice
15 Feb. 45
Prot. 7906/45 carceri

70

4083/23
ALLIED COMMISSION
SICILIA REGION HEADQUARTERS
APO 394

FILE : RLE 013.04/EKM

19 March 1945

SUBJECT : Informal Petition. CUVATO Carmelo.

TO : Headquarters, Allied Commission - APO 394
(Attn: Legal Sub-Commission)

1. Herewith informal petition of A/M together with the record of the case for consideration in accordance with Art. 33 Consolidated Instructions.

REASONS.

The sole reason is the recommendation of the prosecuting officer indorsed on the back of the Committal Form which seems to have been done rather irregularly after the hearing and without the knowledge of the Court. From the Petition and the scanty facts shown on the Record there is in my opinion no real ground for any reduction, but the prosecutor's recommendation given in his capacity as CAO for the district has undoubtedly led the prisoner to expect a reduction in sentence. In these circumstances I have felt justified in putting the matter up for consideration.

RECOMMENDATION.

A small reduction of say 6 months.

cls.

Encl: Record of Case.

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

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No

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/rm.

AC/4083/23/L.

16 Mar. 1945.

SUBJECT : Case of BARUFFA Federico.

TO : Regional Commissioner (attn. Regional
Legal Officer), Lazio-Umbria Region.

Reference L/1023 of 6 Feb. 45.

1. The record in the BARUFFA case is returned
herewith.

2. The further appeal is rejected. It appears clear,
even accepting BARUFFA's new contention that he was shielding
the MINUCCI brothers, that he was an accomplice in the hiding
away of a vast quantity of allied rations. It may be that
had he told his present story earlier and the MINUCCI brothers
had also been brought to trial it might have transpired that
he was only a minor participant and he might have received
a less heavy sentence. However, he chose to lie and repeat
his lies in subsequent petitions and he only has himself to
blame. Moreover, there is no reason for believing that his
present story is any more accurate than his earlier one.

3. Please arrange for BARUFFA to be informed of the
contents of para 2.

By command of Rear Admiral STONE:

68

le

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

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/23/L.

/rm.

14 March 1945

SUBJECT : DELLA ROSSA Gennaro.

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

1. This case has been re-considered.
2. There is a heavy weight of suspicion against the accused but there is no conclusion or really satisfactory proof that he was a party to the conspiracy. The judge bases his conviction on the fact that conspirators would not act without the connivance of the driver. This might well be true but it is made in the nature of an assumption than a legitimate inference from any direct or circumstantial evidence that emerged at the trial.
3. I have discussed this case fully with Colonel CAMPBELL, and we are both agreed that my earlier decision was wrong. The conviction of DELLA ROSSA is therefore quashed.
4. The file is returned herewith.

By command of Rear Admiral STONE:

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

67

HEADQUARTERS ALLIED COMMISSION
APO 376
LBB/C, SUB-COMMISSION

/st.
14 March 1945.

AC/1081/23/1.

SUBJECT : Case of DI STEFANO Pietro.
TO : Regional Commissioner (acting Regional Legal Officer),
TOSCANA Region.

1. I enclose a letter and enclosures thereto received by this Sub-Commission from the Ministry of Grace and Justice requesting that they may be informed whether the facts in the petition are true and whether they justify a reduction of the sentence.

2. Will you please supply this Sub-Commission with the information required to answer the Ministry. The sentence seems reasonable on the facts stated in the enclosed documents; but DI STEFANO Pietro appears to be a very worthy citizen and it is a rarity for the Ministry to intervene in this way; so perhaps you will consider whether the ends of justice would be equally well served if some part of his sentence were suspended.

By command of Rear Admiral STONE:

12
W. A. BENDERS,
Colonel,
Deputy Chief Legal Advisor. 65

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/rm.

AG/4083/23/L.

13 March 1945.

SUBJECT : COLAJACOMO Romolo & others
ANTINORI Federico & others.

TO : Regional Commissioner (attn. Regional
Legal Officer), Abruzzi-Marche Region.

1. Reference BS/511/14/FU of 23 Feb. and AMR/511/14/ANC
of 6 Mar.

2. It is directed that in both the cases above
mentioned the order confiscating the vehicle be cancelled
and the vehicle be restored to its owner. Please report
when this has been done.

3. It is well appreciated that unauthorized trips
for merchandise must be discouraged and that for this
purpose heavy sentences may be proper in certain cases. If
the court in any particular case wishes to impose such a
sentence, it should do so by imposing a suitable term of
imprisonment or fine or both. Only in very exceptional
cases of this nature (in contra-distinction to cases of
wrongful possession of allied property or firearms) can the
confiscation of the vehicle be justified. The effect of
confiscating a vehicle is to deprive the owner of an asset
the precise value of which to the owner cannot be known to
the court but which has a market value of many millions of
lire. It is also to be noticed that in one of these cases
the trial was before a non-legal officer. While, of course,
it is permissible for such an officer to award a sentence
within the jurisdiction of a summary court and to make an
order of confiscation, it is undesirable that a penalty of
this severity should be imposed by any person other than a
legal officer. This state of affairs will be avoided if
the penalty is by way of imprisonment or fine: the jurisdiction
is then limited and the summary court, if it considers that

61

File
BF 2 Apr 45 re

it has not sufficient powers, can remit the case for trial by Superior Court.

4. Please communicate the effect of the above to FLO's and through them to CAOs.

By command of Rear Admiral STONE:

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

4083/23.

ALLIED COMMISSION
SICILIAN REGION HEADQUARTERS
APO 394

FILE: HIE 813.04/BRW

13 March 1945

SUBJECT: Casaci Riots. Informal Petitions.

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

Enclosed are informal petitions on behalf of GIACOMIA Luigi and GIACOMIA Bartolo, two of the 26 accused sentenced to imprisonment in the above case tried by a General Military Court at Palermo in October 1943. The record is also enclosed for your consideration and any action you deem necessary.

REASONS.

1. Both prisoners have not served half of their sentence of 3 years and both are suffering from complaints which cannot be properly treated in Sicilian prisons - See medical reports attached to the petitions. It will be noted that the one man was suffering from epilepsy at the date of the trial.

2. The record shows that the Court was impressed with the fact that these rioters were Anti-Fascist, were hungry and had some justifiable grievances against officials in the town. It was however properly considered that it was necessary to firmly discourage this method of redressing grievances. It is now felt that the altered conditions here particularly from the Allied point of view will justify some further leniency.

RECOMMENDATION.

That sentences be reduced from 3 years to 2 years. It will be noted that of the 26 accused sent to prison only 5 including the 2 mentioned above are still serving sentences. The others are:-

PASQUONICO, Gaetano	3 years
MARINARO, Mariano	3 years
PACANO, Francesco Paolo	2 years

It is suggested that if the petitions are favourably considered similar treatment should be accorded to these three others.

Encl: Petitions and Record.

C. K. Matthews Major
Regional Legal Officer.

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

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LAZIO UMBRIA REGION, LEGAL DIVISION
A.P.O. 394

12 March 1945

L/1023

SUBJECT : SOFFRI Salvatore di Pasquale

TO : Chief Judicial Officer
Legal Sub Commission
Headquarters Allied Commission.

1. Attached please find application for clemency and entire record in this case.

2. Defendant was found in possession of a loaded pistol during hours of curfew on the 3 July 1944. He was tried in a Superior Court and sentenced to serve a term of three years. The case was reviewed by Allied Commission Headquarters, and the judgment affirmed. Subsequent thereto the defendant filed at intervals three different petitions which were overruled because no new facts were presented which would warrant a modification of the sentence. The fourth petition dated 28 February, 1945, has been filed and is up for consideration.

3. It is apparent from the evidence in the case that the defendant was in possession of a loaded fire-arm during the hours of curfew, and it is possible that he was not bent on any good purpose. The unlawful possession of fire-arms is a menace to good order and to the security of the Allied Forces and civilians alike. It is believed that the Trial Judge intended to impose the sentence which would have a deterrent effect on possible future violators. However it is believed that if the same case were brought to trial today under the same charge and specifications, the Trial Judge would be much more lenient in the length of the term imposed. As a general rule a term of imprisonment for one year has been the maximum sentence imposed by Military Government Courts where the accused were convicted of illegal possession of fire-arms.

4. In view of the above, and of the defendant's good conduct during the eight months of the three years term, which

he has already served , coupled with economic needs of the family of the defendant, the writer believes that the sentence should be modified to read "three years imprisonment, with two years suspended on good behaviour".

For the Regional Commissioner.

Sam B. Gilreath
SAM B. GILREATH
Major, A.U.S.
Regional Legal Officer.

SBG/PA.

ENCLOSURES:

Application for clemency dated 20 February , 1945, and entire record Re. the above case.

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

4083/20
1

file

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

9 March 1945

SUBJECT: Case of NOCERA Ferdinando.

TO : Chief Legal Officer, Legal Sub-Com-
mission, A.C. ROME

1. Attached hereto is application for
pardon and complete file in the case of the
above subject. The attorney for subject states
that the fine of 500,000 lire has been paid
and requests that your HQ give further con-
sideration to this case.

For the Regional Commissioner:

23

LEG. SUB. COM. DIV.	
CLO	
ETK/pv	
Asst. Counsel	
Asst. Secy.	
Asst. Dir.	
10 MAR 1945	

L.F. Dawson, *By Lt. Col. Dawson*
Lt.Col., G.L., *in giv*
Reg.Chief Legal Officer.

TO : HQ. A.C. (for attn. of Legal Sub Comm) ✓
 FROM : HQ. AMG/AC Abruzzi-Marche Region
 SUBJECT : Case of ANTINGRI Federico
 REF : AMR/511/14/Amc
 DATE : 6 March 1945

1. Ref your AC/4083/23/L dated 2 Mar 45 I return Petition herewith together with the record.

2. My own original feeling about this case was that the order confiscating the truck should be rescinded. The P.L.O. concerned was however strongly in favour of its being allowed to stand in view of the prevalence in his area at that time of this particular kind of offence. As you are aware this was definitely a Black Market case. The policy of ruthless confiscation appears to have borne fruit for these cases have become rarer recently. In these circumstances I hesitate to interfere with the previous decision in the present case but send you the record so that you may, if you think there are special circumstances, warranting such a course, exercise your power of varying or rescinding the order.

FOR THE REGIONAL COMMISSIONER :

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

CU

LEGAL SUB COMMISSION	
CIO	
DEIC /ec	
Chf. Secy	
CIO	
Chf. Secy	
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Chf. Secy	
Chf. Secy	
Chf. Secy	

HEADQUARTERS
 9 MAR 1945
 A.C.

4185

19 MAR 1945

4083/23
✓

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

5 March 1945

SUBJECT: DELLA ROSSA Gennaro (Application for
pardon).

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

1. I am attaching hereto application for
pardon and form 5 in the case of the above subject.
The attorney for the accused has requested that
this matter be reconsidered by the Legal Sub-Com-
mission. The decision in this case was made on
31 January 1945 and conviction and sentence affirmed.

For the Regional Commissioner:

ETK/pv

L. F. Dawson
L.F. DAWSON, *By E. T. Kern*
Lt.Col., G.I., *Major*
Reg.Chief Legal Officer. *59*

DCLA As you reviewed this case, would you also
consider this application for pardon. It appears to be
a) another petition for a second review
b) an application for release on health grounds

B

file

HEADQUARTERS ALLIED COMMISSION
APO 394
Legal Sub Commission

/jpl

AC/4003/23/L

3 March 45

Subject: Petition for Clemency.

To : H. E., the Minister of Grace and Justice.

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

ALBERTINI	Nicola	GIULIANI	Carmine
AMERI	Giovanni	LA ROSA	Mazza
CALIFANO	Fasquale	MEROLA	Paolo
COMARCO	Vincenzo	MONCALA	Salvatore
D'ANGELO	Angelo	NASTRO	Antonio
DELLA FEMINE	Alfonso	OLIVIERI	Francesco
DI ELASI	Giuseppe	REVITUSO	Salvatore
DI LEONE	Vincenzo	SALME	Carlo
DIPOSITO	Francesco	TROIA	Riccardo
FORTINA	Vincenzo		

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

Incls: pets.

W.B.
W. B. BROWN
Colonel
Deputy Chief Legal Adviser

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HEADQUARTERS ALLIED COMMISSION
APO 394
Legal Sub Commission

/jpl

3 March 45

AO/4003/23/L

Subject : Petition on behalf of AMEROSINI Anselmo.

To : Regional Commissioner (Att. Regional Legal Officer) Lazio-Umbria
Region.1. Returned herewith is the informal petition submitted on behalf of
AMEROSINI Anselmo.

2. The petition has now been considered and rejected.

3. Please ensure that the petition is returned to the above named
person.

Enc: 1 petition.

W.E. BEMONS
Colonel
Deputy Chief Legal Adviser.

57

file

HEADQUARTERS ALLIED COMMISSION
APO 394
Legal Sub Commission

/jpl

3 March 45

AG/4083/23/

Subject: ARGENTINO Francesco

To : H. E. F. Lucifero, Ministro della Real Casa.

1. With reference to your letter 1437 of 18 Febbraio 1945 forwarding herewith a petition on behalf of ARGENTINO Francesco.

2. This petition has now been considered at this HQ. It does not, however, raise any question of law or fact that was not considered at the trial.

3. The decision of the Court must therefore stand.

W. E. DENTRESS
Colonel
Deputy Chief Legal Adviser

56

13/
Encl: petition.

HEADQUARTERS ALLIED COMMISSION
APO 394
Legal Sub Commission

/jpl

3 March 45

AG/433/23/L

Subject: Informal Petitions.

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

1. Returned herewith is the following petition and file forwarded by you: D'AGOSTINO Michele:

2. Also enclosed are the following informal petitions received directly at this HQ:-

DE MARO GIOSUE
FROMI FOCOS
OGGIARDI ANTONIO

SPACIOLETTI RAFFAELE

3. The petitions in paras 1 and 2 have been considered and rejected.

4. Please ensure that the petitions are returned to the above named individuals

Encls: Pets & file.

W.E. BEHRNS
Colonel,

Deputy Chief Legal Advisor.

55

HEADQUARTERS ALLIED COMMISSION
APO 394
Legal Sub Commission

JL/jl

3 March 45

NO/4083/23/L

Subject: RUSSO Francesco

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

1. Enclosed herewith is a letter on behalf of RUSSO Francesco, forwarded to you for such action as you may deem necessary.

2. The record and petition was received at this office, considered and returned under cover of our letter 4083/23/L of 14 February 45.

1 Encl: Adv. MONTEURRO's letter
of 20 Feb. 45

WFS
F. E. HERRING
Colonel
Deputy Chief Legal Advisor.

54

4083/23

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

L-3029

2 March 1945

SUBJECT: D'ISANTO Ciro (Application for pardon)

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

1. I am attaching hereto complete file and application for pardon filed on behalf of the above subject. This application and record were received from Major Boyd-Carpenter and the same is being forwarded to your HQ for such action as may be deemed necessary in the premises.

For the Regional Commissioner:

file

ETH/pv

L. F. Dawson
L. F. DAWSON,
Lt. Col., G. L.,
Reg. Chief Legal Officer.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/rm.

AC/4083/23/L.

2 March 1945.

SUBJECT : Case of ANTONIOLI Federico.

TO : Regional Commissioner (attn. Regional
Legal Officer), Abruzzi-Marche Region.

1. Enclosed herewith is ^{an} ~~an~~ informal petition presented by CAMILLI Silvio whose truck was confiscated by order of the Court in the above case.

2. According to previous correspondence in this matter (our letter Reference 4083/1 of 5 Jan.45 and your letter Reference AMR/511/14/ANC of 8 Jan.45 refer) it was decided that the confiscation order should stand.

However in view of this further petition will you please reconsider the question of the confiscation.

3. Please return the petition with your decision thereon.

By command of Rear Admiral STONE:

W. F. Behrens
W. F. BEHRENS, Lt. Col.
Colonel,
Deputy Chief Legal Advisor.

HEADQUARTERS
TOSCANA REGION
ALLIED MILITARY GOVERNMENT

4085/23
File Ref: RVIII/19/3008.

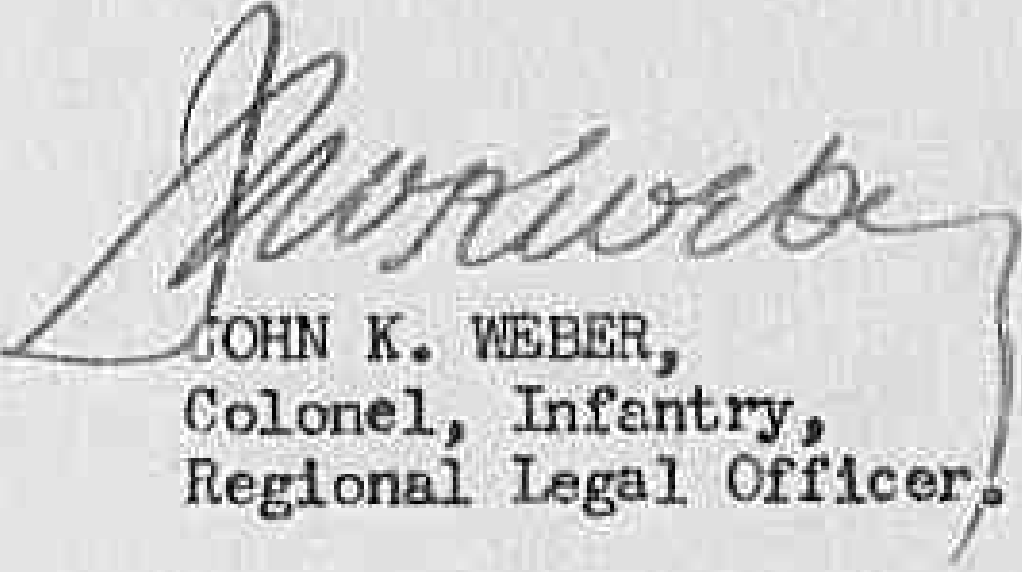
Date: 1 March 1945.

SUBJECT: Attached Applications.

TO : Legal Sub-commission, Headquarters, A,C,

1. The enclosed petitions have found their way to me. Just what I should do with them is a bit uncertain. Can you please give the benefit of your advice ?

For the Regional Commissioner:


JOHN K. WEBER,
Colonel, Infantry,
Regional Legal Officer.

HEADQUARTERS MIXED COMMISSION
APO 394
LEGAL SUB-COMMISSION

WCF/pa.
1 Mar 45.

MC/4083/25/1.

SUBJECT : Case of CARBONETTA Francesco.

TO : Regional Commissioner, ABRUZZI-MARCHE Region.
(Attn : Regional Legal Officer)

1. With reference to your R5/511/14/CH of 26 Feb 45 forwarded together with the record of the above case this HQ agrees with your recommendation and the sentence has accordingly been reduced.
2. The sentence will now terminate on 6 March 1945.
3. Please ensure that the above decision is communicated to CARBONETTA Francesco.

By command of Rear Admiral STONE :

1. ENCL. 1 RECORD

W. E. HARRIS
W. E. HARRIS, R.T. Col
Colonel,
Deputy Chief Legal Advisor.

50

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4083/23/L.

WCB/pa.
1 Mar 45.

SUBJECT : Case of CAMPO Salvatore .

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

1. With reference to your RLE/013.04/BKM of 20 Feb 45 forwarding an informal petition on behalf of the above named, this HQ agrees with your recommendation and the sentence has accordingly been reduced to two years imprisonment.

2. As the original Form 8 is missing this decision has been endorsed on the substitute one.

3. Will you please ensure that this decision is communicated to the above named.

By command of Rear Admiral STONE :

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

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

WEB/pa.
1 Mar 45.

AG/4083/23/L.

SUBJECT : Informal Petition - IOJACONO Battista.
TO : Regional Commissioner, SICILIA Region.
(Attn: Regional Legal Officer).

1. With reference to your RLE 013.04/ENR of 22 Feb 45 forwarded together with the record of the proceedings against the above named and an informal petition presented by him, this HQ agrees with your recommendation and has accordingly ordered that the remainder of the prison sentence be suspended.

2. When communicating this decision to the above named will you please ensure that he realizes the full significance of the suspension of his penalty.

By command of Rear Admiral STONE :

48

W. E. Beltrons
W. E. BELTRONS, LTCJ
Colonel,
Deputy Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

WGH/pa.
28 Feb 45.

AC/4083/23/L.

SUBJECT : Case of FARAONI Angelo and GUMERI Guerrino.
TO : Regional Commissioner, TOSCANA Region.
(Attn: Regional Legal Officer)

1. With reference to your letter RVIII/19/3008 of 17 Feb 45 forwarding an informal petition on behalf of the above named the record of the proceedings has again been considered at this HQ and it has been decided to reduce the sentences in each case, eighteen months imprisonment.

2. Please ensure that this decision is communicated to the above named prisoners.

By command of Rear Admiral STONE :

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

47

HEADQUARTERS
TOSCANA REGION
ALLIED MILITARY GOVERNMENT

File Ref:

RVIII/19/3000.

Date: 27 Feb 45

SUBJECT: Case of FIORELLI Silvio

TO : LEGAL SUB-COMMISSION, Headquarters AC

1. The enclosed is a supplemental to the petition sent to you
by us on 19 February 1945, and to be considered in connection therewith.

[Signature]
JOHN K. WEHER.
Colonel, Infantry
Regional Legal Officer.



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

The Petitioners are
accused's parents and
octogenarians.

L-3034

27 February 1945

SUBJECT: Informal Petition - DURA Giovanni.

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

1. Reference is made to your communica-
tion AC/4083/23/L, 24 February 1945, relative to
the above subject.

2. The decision on review as indorsed on
the back of Form 8 is as follows: " Conviction
of both accused confirmed. Sentence on DURA Gio-
vanni reduced to 2 years. Fine remitted, if
already paid, to be refunded."

"Dated 28 May 1944"

"Signature

/s/ Richard H. Wilmer
Colonel, for Chief
Commissioner. "

For the Regional Commissioner:

28 FEB 1945

45

ETK/Pv

L.F. Dawson
Lt.Col., G.L.,
Reg.Chief Legal Officer.

ms

4013/130

TO : HQ ALLIED COMMISSION
(for attention of Legal Sub-Commission)

FROM : HQ AC ABRUZZI MARCHE REGION

SUBJECT : AMI sentence for consideration of Handover - CARBONETTA Pancesco - V/SUP/3

REF. : R5/511/14/CH

DATE : 26 Feb, '45

1. Herewith Proceedings in above case together with copy letter dated 11 Jul. 1944 written by Col. Behrens (then RLO) to PIO Chieti.
2. This case was overlooked at the time of the Handover of territory in October but it is thought that it is one in which action by way of reduction of sentence should now be taken.
Delay in submission is regretted.

For the Regional Commissioner

RECEIVED
27 FEB 1945

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

3077

File

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4081/2/L.

/mt.
26 February 1945.

SUBJECT : Informal Petition - GENTILE Mario.
TO : Regional Commissioner (Attn: Regional Legal Officer),
LAZIO-UMBRIA Region.

1. The record of the case of GENTILE Mario has been re-considered in view of the informal petition presented on his behalf.

2. It has been decided that this petition raises no point of law or fact which warrants interfering with the conviction and sentence imposed by the court and affirmed by this H.Q.

3. Will you please ensure that this decision is communicated to GENTILE Mario.

4. The record of proceedings and informal petition are enclosed herewith. 23

By command of Rear Admiral STONE:

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

2 Incls: Record and Petition.

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/rm.

24 Feb. 1945.

AG/4083/23/L.

SUBJECT : Informal Petition - CURCIO Giorgio.
TO : Regional Commissioner, (attn. Regional
Legal Officer), Southern Region.

The enclosed informal petition is forwarded to you
in accordance with Consolidated Instructions Art 33 para
3 (b) 1.

By command of Rear Admiral STONE:

W. E. Behrens
W. E. BEHRENS, *DCo*

Colonel,

Deputy Chief Legal Advisor.

42

file

HEADQUARTERS ALLIED COMMISSION
APO 344
LEGAL SUB-COMMISSION

/rm.

24 Feb. 1945.

AG/4083/23/L.

SUBJECT : Informal Petition - CIARRELLA Davide.
TO : Regional Commissioner (attn. Regional
Legal Officer), Lazio-Umbria Region.

The attached petition received at this H.Q. is
forwarded to you for such action as may be deemed appropriate
in accordance with Consolidated Instructions art. 33 para
3 (b) 1.

By command of Rear Admiral STONE:

NR

W.E.
W.E. DENNIS,
Colonel,

Deputy Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/23/L.

/rm.

24 Feb. 1945.

SUBJECT : Informal Petition - DURA Giovanni.
TO : Regional Commissioner (attn. Regional
Legal Officer), Southern Region.

1. The attached informal petition is forwarded to you in accordance with Consolidated Instructions Art. 33 para 3 (b) 1.

2. It will be noted that the petitioner claims that the sentence was reduced on review to two years imprisonment. According to our records this is not so. Will you please inform this H.Q. of the final decision on review as it appears on the record of the case.

By command of Rear Admiral STONE:

BF 8 mar

V.E. DEHRENS, Lt Col.
Colonel,
Deputy Chief Legal Advisor.

Dehrens

40.

4083/23

Legal

1067

TO : HQ ALLIED COMMISSION
(for attention of Legal Sub-Commission)

FROM : HQ AO ABRUZZI MARCHE REGION

SUBJECT : Case Records - COLALACOMO Romolo - BERNABEI Luigi - ROSA Luigi
PU/S/P/108/86

REF. : R5/511/14/PU

DATE : 23 Feb. '45

1. Ref your AC/4083/23/L dated 21 Feb. '45 record in above case is forwarded. Remarks of the PIO who heard the case are attached.

2. This is the case which I discussed with Sir John Serrao when he visited this HQ recently.

I enclose copy of this HQ letter of even file dated 14 Feb. '45 which states the grounds for refusing the appeal. As you are aware it is frequently desirable to exercise the power of confiscation as a matter of policy, 'pour encourager les autres'. If, however, in any particular case one is satisfied of the bona fides of an innocent owner I think to confiscate his vehicle may be unfair. Probably the innocent often suffer with the guilty owing to the Reviewing Authority's inability to distinguish between the sheep and the goats.

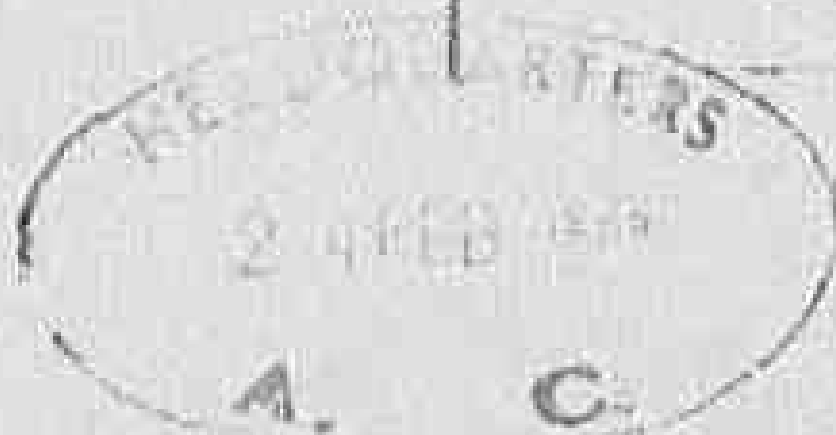
For this reason I personally would have no objection to cancellation of the order of confiscation in the present case if you are prepared, as no doubt you are, to accept Sir John Serrao's assurance of his clients bona fides.

For the Regional Commissioner

LEGAL SUB COMMISSION	
CLO	
DCLO	
Chief Counsel	
CIO	
Religion Section	
CL RKS	
24 FEB 1945	

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

39



XI

2846

✓ 408341
 HEADQUARTERS
 FLORENCE PROVINCE
 ALLIED MILITARY GOVERNMENT

Legal 3/4

(1405)

22 February 1945

EL/1

SUBJECT: Record in the case of CATULLO Arturo - CAVAIHARO
 Umberto et-al

TO : R.I.O. HQ., AMG., Toscana Region

1. Please note the attached requests for copy of record in the case of CATULLO Arturo, CAVAIHARO Umberto and others. May the record be forwarded for the purpose indicated?

2. I do not think we can make a copy of the record, although the lawyer offers to pay the expense, but I suppose we can make it available for him to see in the office or perhaps we could let him take it out of the office sufficiently long to have a copy typed?

Henry L. Webb
 HENRY L. WEBB, Major, JAGC,
 Legal Officer for the Province
 and City of Florence

HLS/PV

Encl.

*As a representative of the Pon-
 lawyer (Catullo) is returning here from Rome
 more week for suit purpose*

8VH/19/3008.
 1st Ind.
 Headquarters, Toscana Region AMG 24 February 45.
 TO : LEGAL SUB-COMMISSION, HEADQUARTERS, AC.

1. The request contained in the basic letter is passed to you for decision, inasmuch as this case was reviewed by you under your number 2424. The case bears our number 2569. Incidentally, we regard the request as novel, and are interested in your ruling thereon, for future guidance.

For the Regional Commissioner

John K. Weber
 JOHN K. WEBER,
 Colonel, Infantry
 Regional Legal Officer.

file

27 FEB 1945

4063/23 ✓ Regal 974

TO : HQ ARMED COMMISSION
(for attention of Legal Sub-Commission)

FROM : HQ AMG/AC ABRUZZI MARCHI REGION

SUBJECT : Petition for Review - AP/Su/106/80 -

REF. : R5/511/14/AP

DATE : 22 Feb. '45

ANGELINI-MARINUCCI Augusto
GASPARI Nazzareno

Ref this Hq letter of even number dated 19 Feb. '45 herewith further
appeals received in above case.

For the Regional Commissioner

file



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

37

X5

213

4083/230

ALLIED COMMISSION
SICILIA REGION HEADQUARTERS
APO 394

FILE: EIE 013.04/EFM
(Rope Case)

22 February 1945

SUBJECT: Informal Petition - LOJACONO G. Battista.

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

1. Herewith informal petition and Record in this case for your consideration under Art. 33.

2. REASONS:

The prisoner is at present in a private nursing home paid for by his family and costing in all approximately \$1000 per day. His treatment will be long and he is not fit to be returned to the prison - see report of the RHCO with the Record.

3. Recommendation:

That he be released forthwith.

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

sf

Encl: Record of case.

file

LEG. SUB-COMMISSION	
C.O.	
D.O.	
Chief Counsel	
CJO	
Italian Section	
CL RKS	
24 FEB 1945	

36

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/ra.

AC/1083/23/L.

21 Feb. 1945.

SUBJECT : Record of case.

TO : Regional Commissioner (attn. Regional
Legal Officer), Abruzzi-Marche Region.

1. Will you please forward to this H.Q. the record
of the proceedings against

COLAJACONO Romolo
BERNABEI Luigi
ROSA Luigi

who were tried together and convicted for travelling in
AMS territory without necessary permits. The truck in
which they were travelling was ordered to be confiscated.

2. According to our information the trial was held
at Pesaro on 16 Jan. 45.

By command of Rear Admiral STONE:

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

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/lrh

21 February 1945

AC/4083/23/L.

Subject: Informal Petition LENTINI Sebastiano.

To : Regional Commissioner, Attn: Regional Legal Officer,
Sicilia Region.

1. With reference to your letter RLE 013.04/EKM of 3 February 1945 and the recommendation contained therein regarding the above petition, the sentence on LENTINI Sebastiano has been reduced to eighteen months imprisonment.

2. The record of the case and other documents are enclosed herewith.

By Command of Rear Admiral STONE:

W. E. Behrens, Jr.
W. E. BEHRENS, Jr. Col.
Colonel,
Deputy Chief Legal Adviser.

NR

LEGAL S/C

932

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

HYA/mls

20 February 1945

G-5: 013

SUBJECT: Petition of di Lorenzo Giuseppe.

TO : Headquarters, Allied Commission, APO 394.

Attached for appropriate action is original petition (with translation) from the above named prisoner addressed to the Supreme Allied Commander.

For the Asst. Chief of Staff, G-5:

H. Y. Anderson
H. Y. ANDERSON,
Major, R.A.

33

1/p
Incl:
as above.

23 FEB 45

4083/23
ALLIED COMMISSION
SICILIA REGION HEADQUARTERS
APO 394

20 February 1945

FILE: RLE 013.04/EKL
(Case No. 423)

SUBJECT: Informal Petition - CAMPO Salvatore.

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

1. Informal Petition of the A/M together with the other documents is forwarded for possible action under Art. 33.

2. REASONS.

a. An exhaustive search has failed to reveal any case record. A copy of the verbatim has been obtained, which shows the allegations against the accused but it has been impossible to ascertain what the findings of the Court were or whether the accused was convicted on both charges. Without the record it is felt there may be some injustice and that in order to prevent this possibility the case should be dealt with leniently.

3. RECOMMENDATION.

Reduction to 2 years imprisonment.

file

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

sf

Encl/

LEGAL SUB-COMMISSION	
CLO	
ECLO	
Chief Counsel	
CJD	
Section Section	
CL RKS	
25 FEB 1945	

HEADQUARTERS
TOSCANA REGION
ALLIED MILITARY GOVERNMENT

Ref: RWIII/19/3908.

19 March 1945.

SUBJECT: Case of Vi Stefano, Pietro. 7377.

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

1. This is in reply to your letter 14 March 1945, above subject,
AC/4083/23/L.

2. The accused was charged with and convicted of violation of Proc-
lamation 1, Article IV, Section V, and General Order No. 24, Article 2 (d). He
pleaded guilty to each charge, and was sentenced to six months and two months;
sentences to be concurrent. A petition for review was timely filed, and on due
consideration, the conviction and sentences were affirmed 16 March 1945. Trial
was had on 28 February 1945.

3. The evidence amply sustains the charge. Sergeant Cowan, 418 F.S.S.
testified that on 16 February the defendant was stopped in a car going North at
San Quirico. Defendant admitted he had come from Frascati and had no permit. At
the police station the defendant produced a pistol which he handed to the CC.RR.
The pistol was in evidence and identified. The defendant was the driver of the
automobile which he owned, as evidenced by the title papers produced in Court. It
was registered in his wife's name.

Corsonichi, Alberto, CC.RR. San Quirico, testified that the
defendant handed the pistol to witness as they were walking into the caserma.
Witness asked defendant what he was doing with the pistol, and defendant replied he
took it because he was driving a car containing passengers.

The defendant elected to testify. He stated that the automobile was
licensed for the exclusive use of the Municipio of Frascati, for transporting sick,
and produced the car permit. He took a sick person to Rome, where he met some
people who asked him to take them to Siena, and assured him no pass was required.
He hid this, he explained, to support his family. He had the pistol for protection,
and did not know he had to hand it over to the CC.RR.

The court ordered the pistol confiscated.

4. Pistol cases are matters of concern in forward areas. It may be
that the ever-growing tendencies to a fluid order occasion realistic thinking on
the part of all who deal with the problem. At any rate, in the absence of a better
solution, courts have been applying stern sentences. On the other hand, one realizes
that the administration of justice, not of laws, is the yardstick by which the
verdict of posterity will measure our total accomplishments. We will welcome
your suggestion in the instant case in the light of the interest shown by the
Ministry placing merit on re-consideration.

For the Regional Commissioner:

31

John K. Weber
JOHN K. WEBER,
Colonel, Infantry,
Regional Legal Officer.

This is in reply to your letter 14 March 1945, above subject,

AC/4083/23/1.

2. The accused was charged with and convicted of violation of Proc-lamation 1, Article IV, Section V. and General Order No. 24, Article 2 (d). He pleaded guilty to each charge, and was sentenced to six months and two months; sentences to be concurrent. A petition for review was timely filed, and on due consideration, the conviction and sentences were affirmed 16 March 1945. Trial was had on 28 February 1945.

3. The evidence amply sustains the charge. Sergeant Cowan, 418 F.S.S. testified that on 16 February the defendant was stopped in a car going North at San Quirico. Defendant admitted he had come from Frascati and had no permit. At the police station the defendant produced a pistol which he handed to the CC.RR. The pistol was in evidence and identified. The defendant was the driver of the automobile which he owned, as evidenced by the title papers produced in Court. It was registered in his wife's name.

Corsonichi, Alberto, CC.RR. San Quirico, testified that the defendant handed the pistol to witness as they were walking into the caserma. Witness asked defendant what he was doing with the pistol, and defendant replied he took it because he was driving a car containing passengers.

The defendant elected to testify. He stated that the automobile was licensed for the exclusive use of the Municipio of Frascati, for transporting sick, and produced the car permit. He took a sick person to Rome, where he met some people who asked him to take them to Siena, and assured him no pass was required. He hid this, he explained, to support his family. He had the pistol for protection, and did not know he had to hand it over to the CC.RR.

The court ordered the pistol confiscated.

4. Pistol cases are matters of concern in forward areas. It may be that the ever-growing tendencies to a fluid order occasion realistic thinking on the part of all who deal with the problem. At any rate, in the absence of a better solution, courts have been applying stern sentences. On the other hand, one realizes that the administration of justice, not of laws, is the yardstick by which the verdict of posterity will measure our total accomplishments. We will welcome your suggestion in the instant case in the light of the interest shown by the Ministry placing merit on re-consideration.

For the Regional Commissioner:

31


JOHN K. WEBER,
Colonel, Infantry,
Regional Legal Officer.



IL MINISTRO DELLA REAL CASA

Roma, 11 18 febbraio 1945

1437

Onorevole Sottocommissione Legale
della Commissione Alleata

R O M A

Via Veneto

- 1 - Secondo le intenzioni di S.A.R. il Luogotenente Generale del Regno, segnalo a codesta Onorevole Sottocommissione per il miglior conto che, nei limiti del giusto e del possibile, crederò di farne, l'acclusa istanza con la quale tale Rosa Romano, da Gioia del Colle, invoca il patrocinio di Sua Altezza Reale in favore del marito Francesco Argentino, condannato a 3 mesi di reclusione dal Tribunale Militare Alleato di Roma.

Con anticipate grazie e con la migliore considerazione.

ser. me
Lucifero

30

F. Lucifero
(Ministro della Real Casa)

12 fle

Regal

Date: 17 Feb 45

929

2. It is my opinion that the petition calls for action. For reason, the accused were not represented by an attorney at the time of trial, nor seemingly at the time of review. The sentence given is extremely severe, and out of line with sentences given in similar cases by other judges. In the furtherance of the policy of reasonable uniformity of sentences commensurate with the prevalence of any particular type of crime in a region, as set out in Executive Memorandum No. 18, paragraph 10, it is recommended that for the reasons given in said informal petition, and in furtherance of the announced policy above quoted, the sentences in this case be substantially reduced either by suspension or by commuting to fine, or both.

G. M. Adams Ad

ROBT. G. KIRKWOOD
Colonel, F.A., U.S. Army
Regional Commissioner.

for

fulc

15 ✓

LEGAL SUB.COMMISSION	
CIO	
DCIO	
Chief Counsel	
CIO	
Legal Section	
22 FEB 1945	

4083/23

HEADQUARTERS ALLIED COMMISSION
APO 394
Legal Sub-Commission

/lrh

15 February 1945

Subject: Petition, EMILIOZZI Emidio.

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

1. Returned herewith is the petition for suspension of the remainder of his sentence presented by EMILIOZZI Emidio.

2. As this petition advances no facts that have not already been considered and for reasons set out in my previous letters, it must be refused.

3. I return all documents herewith.

1 Incl: 1 Record

W. E. Behrens, Jr.
W. E. BEHERNS, Jr.
Colonel,
Deputy Chief Legal Adviser.

HEADQUARTERS ALLIED COMMISSION
APO 394
Legal Sub-Commission

/lrh

AC/4083/23

15 February 1945

Subject: Informal Petition, PAPARO Vincenzo.

To : Regional Commissioner, Attn: Regional Legal Officer,
Southern Region.

The enclosed informal petition was received at
this HQ and is forwarded to you in accordance with consoli-
dated instructions Art 33 (amended 3.(b)1.

By Command of Rear Admiral STONE:

1 Incl: Petition

W. E. Behrens
W. E. BEHERNS,
Colonel,
Deputy Chief Legal Adviser.

Via Col. H. H. H. H. H.

file

HEADQUARTERS ALLIED COMMISSION
APO 3A
LEGAL SUB-COMMISSION

/pa.
14 February 45.

AC/4083/23/L.

SUBJECT : Informal Petitions.

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

1. Returned herewith are the following petitions and files forwarded by you :-

SPAGNOLETTI	Raffaele	TUCOILLO	Domenico
DE PINTO	Cosimo	CIOTOLA	Antonio
DE DATO	Fasquale	PASSERI	Riccardo
RUSCO	Francoise	RONZA	Giuseppe
MEZZADRA	Carlo	TREVISONI	Vito
LA MANICO	Pietro	RUSCO	Domenico
GIARDINELLI	Giuseppe	RUSCO	Giuseppe

2. Also enclosed are the following informal petitions received directly at this HQ :-

MORASCO	Mazzarone	STRAMAGLIA	Rocco
IMPROTA	Giuseppe	MUSCO	Ferdinando
ZITO	Micheline	DIMOLIFETTA	Leopoldo
DIMOLIFETTA	Giuseppe	BRUNO	Vincenzo
BRUNO	Gennaro		

3. The petitions in paras 1 and 2 have been considered and rejected.

4. Please ensure that the petitions are returned to the above named individuals.

By command of Rear Admiral STONE :

J. H. E. HARRIS, Lt Col
Colonel,
Deputy Chief Legal Advisor.

Incls: Pets & Files.

Yild

1. $\frac{1}{2} \times 100 = 50$

14 Feb. 1954.

73 : H.E., the Minister of Grace and Justice.

✓ LUSSITTI	Agostino
✓ FIORENSE	Fernando
✓ NICOTRA	Alfio
✓ PACENNA	Richardo
✓ RONA	Giuseppe
✓ SALERNO	Barte
✓ COBBIANI	Caroseto
✓ COCCIMINO	Funziante (a)
✓ FRATAN	Caroseto
✓ FORTUCCI	Giuseppe
✓ FAVALE	Natino
✓ LARRO	Levatore

For the reason set out in my previous letters
is no need to similar appeals, these appeals are rejected.

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

45

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/rip.
14 February 1945.

file
AC/4083/23/L.

SUBJECT : DI DIO, Michele.

TO : H.E., P. Lucifero, Ministro della Real Casa,

1. With reference to your letter 0086 of 8 Jan 45, forwarding herewith a petition on behalf of DI DIO Michele.

2. This petition has now been considered at this Hq. It does not, however, raise any question of law or fact that was not considered at the trial.

3. The decisions of the court must therefore stand.

W. E. Higgins
W. E. HIGGINS

Colonel.

Deputy Chief Legal Advisor.

XJ
Incl: Petition.

24

✓
4083/23

HEADQUARTERS ALLIED COMMISSION
A.P.O. 394
PUBLIC SAFETY SUB COMMISSION
SECURITY DIVISION

REF : SD/140EE

14 February 1945

SUBJECT : Giuseppe IMPROTA

TO : Legal Sub Commission.

Sent to So. Region

1. Attached documents are passed to you for
whatever action you consider necessary.

Chapman

JOHN W. CHAPMAN,
Colonel J.A.G.D.,
Director Public Safety,
Sub Commission.

CHB/nb

file

23

4463

4083/23
AG 201-Dromi, Rocco (Ital Civ)
BRACO-P (2 Feb 45)

1st Ind.

/cja

HEADQUARTERS PENNSYLVANIA BASE SECTION, APO 782, U. S. Army, 11 Feb 45.

TO: Chief Commissioner, Allied Commission, APO 394.

Forwarded as a matter pertaining to your command.

For the Commanding General:

(DROMI ROCCO)

L. J. ROBERTS,
Captain, AGC,
Ass't Adj Gen.1 Incl:
State of a family.HEADQUARTERS
1 FEB
A C

4083/23 ✓
TO : HQ ALLIED COMMISSION
(for attention of Legal Sub-Commission) ✓
FROM : HQ AMG/AC AERUZZI MARCHE REGION
SUBJECT : Appeal
REF. : R5/511/14/CH
DATE : 13 Feb. '45

CANNELLA TOMMASO
PAOLINI DOMENICO

1. The Record, Appeal and other papers in this case are enclosed for further consideration.

2. This case was not submitted as one of those in respect of which a reduction in sentence might be given on the restoration of territory to the Italian Government, because the convictions and sentences had been confirmed by you only very shortly before. The petition for clemency received during December was not sent to you for the same reason, and also because it did not disclose any new grounds of fact or law. It is considered however that you should have the opportunity of reviewing this case again, as the sentence is fairly severe.

For the Regional Commissioner

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

21

1201

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

12 February 1945

SUBJECT: D'AGOSTINO Michele. (Application for pardon)

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

1. Attached hereto is application for pardon and complete file in the case of the above subject. The record in this case, as indicated by a letter from the Chief Legal Officer enclosed with said file is far from clear. It is thought that since the accused was sentenced to 4 years of imprisonment which was later reduced to two years of imprisonment, might be given further consideration.

For the Regional Commissioner:

ETK/pv

L. F. Dawson
L.F. DAWSON, By E.T. H24H
Lt.Col., G.L., Major
Reg.Chief Legal Officer.



Roma, li 26 febbraio 1945

1240

頁 63 起

via Veneto

Secondo la istanza di S. A. R. il Luogotenente Generale del Regno trasmessa a Sua Maestà con Commissione, per quanto nei limiti del giusto e del possibile credersi di poter fare, l'inclosa istanza, con un allegato, mediante la quale i coniugi Alfredo e Augusta Dura, residenti a Napoli, Largo Petrucci 10, invocano il patrocinio di Sua Altezza Reale in favore del figlio Stefano, condannato a due anni di carcere dal Tribunale di Napoli.

Con distinta considerazione.

Der. ^{no}
Unifera

(Ministro della Real Casa)

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/pa.
9 Feb 45.

AC/4063/23/L.

SUBJECT : CONTINO Antonino. (Antonino Contino)
TO : Regional Commissioner, SICILIA Region.
(Attn: Regional Legal Officer)

Reference your letter RLE 013.04/REM of 7 Feb 45.

1. The informal petition was forwarded to this HQ from the Ministry of Grace and Justice and so we have to return it to them.
2. The petition was addressed by CONTINO himself to the Allied Commission at Rome and dated 18 Dec 44.
3. We regret that owing to a clerical error it appeared from our letter that it was intended to send the petition to you. Can you please inform CONTINI that his petition of the above date has been refused.

W. E. RETRENS,
Colonel,
Deputy Chief Legal Advisor. 18

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4083/23/L.

8 February 1945.

SUBJECT : Case of MERCALDO Alfonso.
TO : Regional Commissioner (Attn: Regional Legal Officer),
SOUTHERN Region.

Thank you for the use of the papers in the case of MERCALDO
Alfonso which we return herewith.

By command of Rear Admiral STONE:

lc
W. W. BISHOPS,
Colonel,
Deputy Chief Legal Advisor.

17

4083/23 ✓

ALLIED COMMISSION
SICILIA REGION HEADQUARTERS
APO 394

FILE: RLE 013.04/EKM

7 February 1945

SUBJECT: CONTINO Antonino.

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

1. I thank you for your letter AC/4083/23/L of 1.2.45 and note the reply of the Ministry which is certainly difficult to understand.

2. The informal petition was not sent to me with the record. May this be returned please to enable me to inform CONTINO which petition has been refused (there have been a great many received at different times) or do you desire to keep this with your records at HQAC.

E.K. Matthews Maj
E.K. MATTHEWS, Major,
Regional Legal Officer.

sf

file

LEGAL SUB COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	✓ <i>lyb</i>
Italian Section	
CL RKS	
FEB 1945	

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/408 1/23/L.

7 February 1945.

SUBJECT : Informal Petition RUBBO Antonio.

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

1. Forwarded herewith is an informal petition presented on behalf of RUBBO Antonio convicted at Benevento on 31 May 1944 for possession of fire arms and sentenced to 3 years imprisonment, one year being suspended.

2. The petition is forwarded to you for necessary action in accordance with Consolidated Instructions Art. 33 (3) b.

By command of Rear Admiral STONE:

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

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

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LAZIO-UMBRIA REGION, LEGAL DIVISION
A.P.O. 394

6 February 1945

L/1023

SUBJECT : Request for pardon of BARUFFA Federico.

TO : Chief Legal Adviser, Hq. Allied Commission,
Legal Sub-Commission, A.P.O. 394,
(attention: Chief Judicial Officer).

1. Forwarded herewith, in accordance with telephone conversation Capt. Boyce - Capt. Gaziano, 6 February, is the case record of BARUFFA Federico, affirmed 17 October 1944.

2. BARUFFA writes in his appeal that he lied at the trial, that the true owners of the property were grocers MICUCCI.

3. The case was investigated by 76 Section, Special Investigation Branch, Corps of Military Police, Central Mediterranean Forces. 76 Section S.I.B. had no record of the alleged arrest of the MICUCCI. The Central Prosecutor, A.M.G., has no record of report of arrest of MICUCCI.

4. The further appeal of BARUFFA is forwarded for whatever action your headquarters deems advisable.

For the Regional Commissioner.

Sam B. Gilreath
SAM B. GILREATH
Major, A.U.S.
Regional Legal Officer.

Incl. 1. Case of BARUFFA Federico.

SEB/PA.

1

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

file

HEADQUARTERS MILITARY COMMISSION
APO 594
LEGAL SUB-COMMISSION

WGB/pa.
6 Feb 45.

AG/4083/23/L.

SUBJECT : Case of PAGIUGA Raffaele.

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

1. Returned herewith is the record of the case of PAGIUGA Raffaele.
2. On further consideration it has been decided to reduce the sentence to twelve months imprisonment.
3. The decision on Review has been amended accordingly.

By command of Rear Admiral Stone:

MR

lc

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

Incl: 1 Record.

file

HEADQUARTERS ARMY COMMISSION
PO 394
LEGAL SUBCOMMISSION

AC/483/23/L.

WJB/pa.
6 Feb 45.

SUBJECT : Informal Petition - PIERACCHIO Francesco.

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

1. The enclosed informal petition on behalf of PIERACCHIO Francesco has been received at this HQ. The accused was convicted of "damaging an Allied airplane" at Catania on or about 23 Oct 43 and sentenced to 3 years imprisonment.

2. In view of the story told in this petition, will you please examine the record of this case and, if you think the case so justifies, forward the record and your recommendation to this HQ.

By command of Rear Admiral STONE :

BF 20 FEB
26 FEB

1C
W. E. BREUNS,
Colonel,
Deputy Chief Legal Advisor.

Incl: 1 petition.

4083/23

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

file

5 February 1945

SUBJECT: MERCALDO Alfonso.

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

1. Attached hereto is complete record in the above case. Said record is forwarded per request of letter AC/4083/23/L, 1 February 1945. It will be observed that there is no form 8 in connection with this case. Lt.Col. Anslie, then Provincial Legal Officer at Benevento made a statement as to the crime committed. Upon this statement said sentence was affirmed by Major Bamlet 29 June 1944.

For the Regional Commissioner:

LEGAL SUBCOMMISSION	
CLO	
DCLO	
Chief Counsel	
INT/ADV	
CIO	
Italian Section	
CL RKS	
6 FEB 1945	

L.F. Dawson
L.F. DAWSON, *By E.T. Kern*
Lt.Col., G.L., *major*
Reg.Chief Legal Officer.

1.

XS

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

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

L/1002-I

3 February 1945

SUBJECT : Re. Case GENTILI Mario.
TO : Chief Judicial Officer
Legal Sub-Commission, Hdqrs A.C.

1. Enclosed herewith a petition for clemency which has just been presented at this Headquarters.

2. From a cursory examination of this petition, it would seem that it might present some merit in respect to the case of the above mentioned.

3. The record was reviewed by your Hdqrs on 24 January 1945 and the conviction and judgment of the Court were affirmed.

Sam B. Gilreath
SAM B. GILREATH
Major, A.U.S.
Regional Legal Officer

Incl.1: Petition, record and proceedings Re. a/m case.

SBG/GV.

11

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

4083023

ALLIED COMMISSION
SICILIA REGION HEADQUARTERS
AFO 394

4083/23

FILE: RLE 013.04/EKM

3 February 1945

SUBJECT: Informal Petition. LENTINI Sebastiano.
Case No 553, Siracusa.

TO : Headquarters, Allied Commission - AFO 394.
(Attn: Legal Sub-Commission)

1. Informal Petition and record in the above case are forwarded for your decision under Art. 33 (3a)(1) Consolidated Instructions.

2. REASONS.

(1) The original sentence appears severe having regard to the circumstances and to the accused's social position.

(2) The circumstances which then existed and made severe sentences in this type of case justifiable no longer exist to the same extent.

(3) All simple "arms" cases without aggravation such as this were re-reviewed by my predecessor Major VECCHIOLIA in August 1944 on instruction from HQAC and substantial reductions made in nearly all cases. This case appears to have been inadvertently omitted from consideration on the re-review.

3. RECOMMENDATION.

That the sentence be reduced to 18 months.

sf

Encls: Petition and record.

E.K. Matthews Maj.
E.K. MATTHEWS, Major,
Regional Legal Officer.

10

69444
(rec'd 7 June attached)
Follett

file

HEADQUARTERS ARMED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4085/23/L.

WOB/pa.
1st Feb 45.

SUBJECT : Informal Petition - CANNARIELLA Francesco.
TO : Regional Commissioner, SICILIA Region.
(Attn: Regional Legal Officer).

Reference your letter RIE 013.04/REM of 16 January 1945.

1. This HQ agrees with that these sentences are now fair and reasonable, and the petition of the above named is accordingly denied.
2. Will you please ensure that this decision is communicated to the above named person.

By command of Rear Admiral STONE :

NR

le

W. E. BURNETT,
Colonel,
Deputy Chief Legal Advisor. y

XS

Incls: Record of the case.

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AS/4005/23/L.

WGE/pa.
1st Feb 45.

SUBJECT : SCUDERI Vincenzo.

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

1. This HQ agrees with the recommendation made in your letter
RLE 013.04/EM of 13 January 1945 that SCUDERI Vincenzo should be released
from prison.

2. An order has accordingly been made suspending the balance of
his sentence.

By command of Rear Admiral STONE :

le
W. E. BEIRENS,
Colonel,
Deputy Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

WGD/pa.
1st Feb 45.

AO/4083/23/1.

SUBJECT : Informal Petition - GOMMA Vincenzo.
TO : Regional Commissioner, SOUTHERN Region.
(Attn: Regional Legal Officer).

1. The enclosed petition appears to raise some question in regard to the sentence imposed by the Court.
2. It is therefore forwarded to you in accordance with Consolidated Instructions, Art. 33 ~~(4)~~ for such action as may be necessary.

3(6)

By command of Rear Admiral STONE :

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

Incl. Petition.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/ACB3/23/L.

WGB/pa.
1st Feb 45.

SUBJECT : CONTINO Antonino.

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

1. Thank you for your letter reference RLR 013.03/EKN of 16 January 1945.

2. As suggested in the penultimate para of your letter of 11 Oct, we asked for some further explanation : but so far none has been forthcoming. In the circumstances we cannot make any comments which might be helpful.

3. The record is returned herewith : when it was asked for, we did not connect this petition with the earlier correspondence: otherwise you would not have been troubled.

4. The petition is rejected : please so inform CONTINO.

By command of Rear Admiral STONE :

P.S. Since writing para 2 above, Italian Courts section tell me that they have received a verbal answer from the Ministry, namely that CONTINO's release was entirely regular: I still cannot think of any comment that would be at all helpful.

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

Incl. Petition..

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

AC/4065/23/L.

WCB/pa.
1st Feb 45.

SUBJECT : GREENBERG David.

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

1. Returned herewith is the informal petition submitted on behalf of GREENBERG David. This petition discloses no reason for interfering with the conviction and sentence of the Court and it is not proposed to take any further action in the matter.

2. According to the new amended Consolidated Instructions Art. 33 (3) a, such a petition received within a Region should be forwarded to this HQ only if the Regional Commissioner is of the opinion that it calls for action. In which case it should be forwarded together with the record of the case, and the Regional Commissioner's reasons and recommendation.

By command of Rear Admiral STONE :

*NR**10*W. E. BEHRENS,
Colonel,
Deputy Chief Legal Advisor.

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13
Incl.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/rm.

AC/4083/27/L.

1 Feb. 1945.

SUBJECT : Record of case.

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

Will you please forward to this H. the record of the
case of MERCADO Alfonso, convicted at Piedimonte d'Alife
on 29 Sept. 44 of possession of gunpowder and Allied property,
and sentenced to imprisonment for one year.

By command of Rear Admiral STONE:

W.E. Berrens
W.E. BERRENS,
Colonel,
Deputy Chief Legal Advisor.

✓
BF 7 days

HEADQUARTERS
TOSCANA REGION
ALLIED MILITARY GOVERNMENT

File Ref:

Rviii/19/3008.

Date: 31 Jan 45.

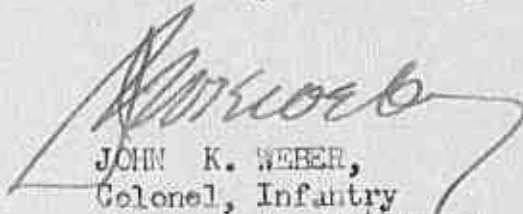
SUBJECT: Case of CONTI Giuseppe, No. 2867.

TO : Legal Sub-Commission. Headquarters, AC.

1. In the above case, upon review by you, (No. 2444), the sentence of the defendant was reduced to three years.

2. The wife of the accused has filed the enclosed petition, requesting release of the defendant on bond, presumably for a short period, for the reasons set forth in the petition. The issue of grace and pardon is not involved.

3. In this, and in cases of a like nature in the future, this office will undertake to deal therewith, if satisfactory with you. The precise question is not dealt with in "Consolidated Instructions" but the procedure suggested ~~at~~ with in the spirit of existing rules. Do you agree?


JOHN K. WEBER,
Colonel, Infantry
Regional Legal Officer.



4083/23

ALLIED COMMISSION
LEGAL OFFICE
BARI

Ref : BZ/INT/2/6153/0

32 Jan 45

Subject : Application for review by SPACCAVENTO Cosimo.

To : C.I.C. Legal Sub-Commission, HQ's Allied
Commission.

1. Forwarded herewith is application for review of sentence by SPACCAVENTO, Cosimo who was tried by an A.M. Superior Court at Bitonto on 20.12.44.
2. Record was forwarded to your HQ's under ref BZ/INT/2/6150 of 22.1.45, and application, though dated 19.1.45, was submitted out of time.
3. Having regard, however, to Consolidated Instructions for A.M. Courts Art 32(7), and to seriousness of case, Form 11 is now forwarded.
4. Having regard to Trial Judge's comments it is submitted that conviction was proper, and as case involved theft of ammunition components from 14 U.A.D., sentence, though severe, should NOT be reduced.

*J. H. Boyd-Campster*J. H. BOYD-CAMPSTER
Major I.C.
Apulia & Calabria.

XJ

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HEADQUARTERS EMILIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

WHL/nec.

31 January 1945.

REF : RIX/LE/654/431.

SUBJECT: Cases of ZOLI Mario and PIOLANTI Pino.

TO : Deputy Chief Legal Advisor, Legal Sub-Commission,
Headquarters, Allied Commission, APO 394.

1. Reference your AC/4083/23/L, dated 26 January 1945, record of trial in case of ZOLI Mario was returned to Provincial Legal Officer, Forli' Province for further information on 23 January 1945. As soon as record is received at this Headquarters and the case is reviewed, the record will be forwarded to your Headquarters.

2. This Headquarters has no record of the case of PIOLANTI Pino. A letter has this date been written to Provincial Legal Officer, Forli' Province requesting that the record be forwarded.

For the Regional Commissioner:

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

C.A. See (att. LCA WHITE)

1. ZOLI Mario is the case you asked about, some 2 or 3 days ago
2. Above shows progress (if you can so call it) being made.
3. Pl. return this letter.

1
1 C.A. See
C.A. See
5 Files.

