

ACC

10000/142/603
(VOL.8)

PETITIONS FOR
JUNE 1945

10000/142/603
(VOL. 8)

PETITIONS FOR GRACE & CLEMENCY (AMG CASES)
JUNE 1945

4083/23

Legal S/C
H46HALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

HYA/prb

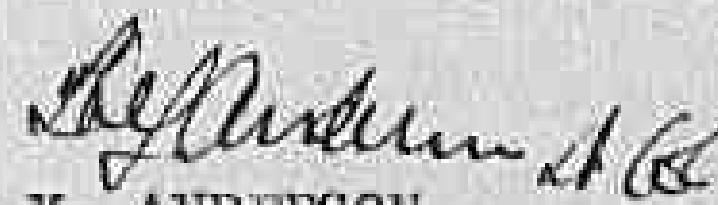
G-5: 311.18

30 June 1945

SUBJECT: Forwarding of Correspondence.

TO : Headquarters, Allied Commission,
APO 394.1. The enclosed correspondence is forwarded for such action as is
considered necessary.

For the Assistant Chief of Staff, G-5:


H. Y. ANDERSON
Lt. Colonel, R.A.Incl: copies of Italian letters
and translations.Di Iervia Angelo Lingolo et al.
52-9-55

130

Copy of this letter is with
registered letter

HEADQUARTERS ARMY COMMISSION
AND 374
LEGAL SUB-COMMISSION

/rm.
29 June 1947.

10/1033/3/L.

SUBJECT : Petitions for Clemency.

TO : Ministry of Pardon and Justice.

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

FRUCCI	Enrico	PARISI	Enrico
FRUCCI	Giuseppe	PARISI	Enrico
FRUCCI	Mazzarino	PARISI	Enrico
FRUCCI	Celestino	PARISI	Enrico
FRUCCI	VACCA	PARISI	Enrico
FRUCCI	Francesco	PARISI	Enrico
FRUCCI	DE CAROLIS	PARISI	Enrico
FRUCCI	Giuseppe	PARISI	Enrico

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

A. C. W.

U.S. ARMY.
Colonel.
Chief Legal Advisor.

Encl. : Petitions.

125.

10 77

NAME	SOURCE OF LETTER	REFERENCE	DATE
MAGLIETTI Giuseppe	Minister of G & Justice	4871/45	15 June 45
MARCHINI Nazzereno	"	4917/45	18 June 45
PANTALEONI Primo	"	5040/45	20 June 45
PANESI Pasquale	"	2890/45	15 June 45
SOFRI Salvatore	Carcere Giudiziario di Roma	12619-3-1-S	20 June 45
VACCA Francesco	"	6896/45	18 June 45
PETRUCCI Balilla	"	5016/45	21 June 45
MIRLINI Celestino	"	4949/44	21 June 45
DE CAROLIS Giuseppe	Carcere Giud. Roma	12620-3-1-D	20 June 45

Above letters are returned to Minister with letter
of 29 June 45. 4083/23/L.

HEADQUARTERS ALLIED COMMISSION

APC 394

LEGAL SUB-COMMISSION

AC/4083/23/L.

/ma.
29 June 1945.SUBJECT : Case of COLAIANNI Saverio,
CHIRICO Pietro,
MARCIANO Edoardo.TO : AC Liaison Officer (BARI)
c/o H.Q. 5th Area
S.M.I.

1. The case of COLAIANNI Saverio, CHIRICO Pietro, MARCIANO Edoardo has been considered and the balance of the sentences suspended as of 3 July 45.

2. The above are believed to be imprisoned in the (Acquaviva delle Fonti) Prison at Bari.

3. Will you please effect their release unless detained for any other lawful cause.

4. On the enclosed duplicate please confirm that the above decision has been carried out.

By command of Rear Admiral STONE:

W.C. Wright
for S.M. STONE,
Colonel,
Chief Legal Advisor.

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*The release of MARCIANO EDOARDO
was effected at 11.30 hrs 4.7.45. from
ACQUAVIVA DELLE FONTI PRISON (BARI Prov)*

*COLAIANNI SAVERIO } escaped from
CHIRICO PIETRO } Prison in ANDRIA*

*being communist
fugitive about 8 days
ago. Before last.*

W.C.W.

11 JUL 45

file

4083/23

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LEGAL DIVISION
NAPLES COMBINE
APO 394

1-5040

29 June 1945

SUBJECT : Applications for pardon.

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

1. There are transmitted herewith the following applications for pardon:

- 1) - MONACO Emanno
- 2) - PARATO Giuseppe
- 3) - FABRETTI Enrico
- 4) - RAHELLO Vincenzo
- 5) - LANUTO Nicola
- 6) - ADAMO Vincenzo

For the Commissioner:

120

GCB/IV

Frank L. Vecchiolla
FRANK L. VECCHIOLLA, by 063
Major, J.A.G.D.,
Senior Legal Officer.

80 JUN 1945

43



IL MINISTRO DELLA REAL CASA

7306

Roma, li 29 giugno 1945

Onorevole Sottocommissione Legale
della Commissione AlleataR O M A

- Via Veneto -

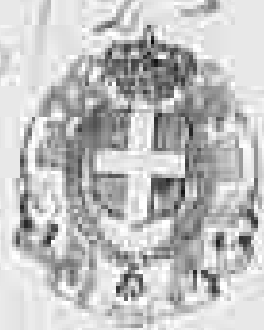
Secondo le intenzioni di S.A.R. il Luogotenente Generale del Regno segnalo a codesta On.le Sottocommissione, per il miglior conto che, nei limiti del giusto e del possibile, crederà di farne, l'acclusa istanza con la quale la signora Carmela Fornelli Saponieri da Bitonto (Bari), via Cornelio Musso, invoca il patrocinio di Sua Altezza Reale in favore del marito Fornelli Giuseppe di Arcangelo, condannato alla pena di anni 3 di reclusione e di L. 5000 di multa dalla Corte Alleata di Bari.

123

Con anticipate grazie e con la migliore considerazione.

F. Lucifero
(Ministro della Real Casa)

73



Roma 29 GIU. 1945

Mod. 805 H.G.

Ministero di Grazia e Giustizia

DIREZIONE GENERALE
PER GLI ISTITUTI DI PREVENZIONE E DI PENALE

1^a Direzione del
carcere giudiziario di
Fermo

Ufficio VI

Prot. N. 137716/53439

Risposta al N. 1

Oggetto detenuto Angelici Lucio

e p.c. alla Commissione Alleste- Sottocommissione
Legale -
Roma

La Commissione Alleste- Sottocommissione Lega-
le, comunica quanto appresso:

" Con riferimento alla mia lettera di cui in
oggetto in data 21 maggio 1945, accolto il manda-
to di cattura originale pervenuto dalla direzione
del carcere giudiziario di Fermo.

Voglia restituirlo alla direzione del carcere,
con l'avvertimento che il detenuto venga rilascia-
to il 6 novembre 45 in conformità dell'annotazio-
ne in calce del mandato di cattura, e meno che
non sia detenuto per altra causa. La sua attuale
condanna è di un anno e non di un anno, 3 mesi e
7 giorni."

Si prega di provvedere in conformità, es-
sicurando.

D'ordine del Ministro .

121

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LOCAL SUB-COMMISSION

/rm.
28 June 1945.

AG/1033/22/L.

SUBJECT : Case of BENJAMIN ARAMOFF.

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

1. Reference to Your Excellency letter IV No. 4748/45 of 18 June by enclosing petition by above named. His case has been re-considered and the sentence reduced from 2 years to 15 months.

2. The sentence will therefore expire on the 26 Sept. 45. Will Your Excellency give necessary instructions for him to be released on that date if not detained for other lawful cause.

123

JMS
J. S. B. H. H. H.
Colonel,
Chief Legal Advisor.

+
Incl : Pet & letter.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

10/1083/23/L.

IL/rm.
27 June 1945.

SUBJECT : DI CARO Giovanni.

TO : H.M. T. LOCIFERO, Ministro delle Reg. Cose.

1. Reference your letter 7014 of 22 June 45.
2. It has been decided to release DI CARO Giovanni and immediate steps have been taken to put this decision into effect.

A. P. W.
W. E. BENNETT,
Colonel,
Chief Legal Advisor.

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file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/23/L.

/rm.
27 June 1945.

SUBJECT : DI CARA Giovanni di Angelo.

TO : Provincial Commissioner (Att. Senior Legal Officer), NAPLES Command.

1. Above named was tried on 16 Jan./ 2 Feb. 45 by the Court No. 7 of Naples with DI CARA and others in connection with a number of thefts from the port of Naples. He was sentenced to imprisonment for six years. His case has been reconsidered on an informal petition by his wife Antonia DI CARA who resides at 25 Via Pizzoli, Bari.

2. The only evidence as to how DI CARA came to be involved in this robbery and conspiracy is his own evidence at the trial and his written statement, and he was not cross-examined about it, nor was GIRARD, the deserter, questioned on this point.

3. When he was introduced to GIRARD the latter was admittedly working on behalf of the police and persuaded DI CARA to drive the lorry. That would have happened if the agent provocateur had not been there to persuade him, is a matter for conjecture, and it is thought in the circumstances that he should be released, as it was very dangerous evidence on which to convict him.

4. Will you please arrange accordingly for his immediate release if he is in Naples. If not in Naples will you let this be known where he is detained in order that his release may be effected through the Ministry.

By command of Rear Admiral STONE:

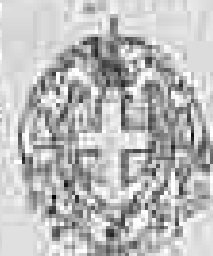
John

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R. A. B. B. B. B.
Colonel,
Chief Legal Advisor.

Copy to : Senior Legal Officer
Major A. E. GORD
HQ 13 Corps AmG.

n.R.

Modulo
GG 404

Modello N. 29 (Carceri)

51 (Reformati)

Soriano nel Cimino 26/6/1945
adde *19*MINISTERO
DI GRAZIA E GIUSTIZIACASA PENALE PER MINORATI
DIREZIONE
SORIANO NEL CIMINOAl Prisoner Officer, Public
Safety Sub-Commission, HQ,
Allied Commission,

Via Veneto

94709 del 3 Fasc. I Sett 120

ROMA

Risposta alla lettera

del

Ufficio

Num.

file

Allegati N. I

Oggetto: Detenuto VERGARA Mario.

La Commissione Alleata, Sottocommissione Legale, in data 1° maggio 1945 AC/4083/I/L. comunicava al Ministero di Grazia e Giustizia che la dichiarazione di appello presentata dal detenuto Vergara Mario era stata accettata e che la condanna era stata ridotta da 3 a 2 anni di reclusione, di cui alla sentenza 30 marzo 1945 della Corte Superiore Militare Alleata.

Si assicura codesto On/le Ufficio di aver data comunicazione all'interessato e provveduto alla prescritta variazione matricolare della decisione giudicata. Si restituisce il vecchio mandato di cattura con preghiera di inviarne uno nuovo con l'avvenuta variazione.

IL MEDICO PRIMARIO ALIENISTA
CON FUNZIONI DI DIRETTORE

(Dott. Rodolfo Livetino)

120

TRANSLATION C.C.Soriano nel Cimino
26/6/45

MINISTRY OF JUSTICE

To : Prisoner Officer, Public Safety Sub-Commission, H.Q.
Allied Commission - Via Vittorio Veneto - Roma.
Object : Prisoner VERGARA Mario.
N. : 1709 - Fasc. - Lett. 120.

The Allied Commission Legal Sub-Commission, on May 1st 1945
AC/4083/I/L. communicated to this Ministry of Justice that the
demand of appeal forwarded by the prisoner Vergara Mario has been
accepted and that sentence was reduced from 3 to 2 years imprison-
ment from Allied Mil. Sup. Court's decision on March 30th 1945.

This Office has informed the prisoner of the a/m and has changed
the records accordingly; the old warrant of arrest is returned
herewith, and a new one with the variations made, would be appre-
ciated by this Office.

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The (alienist) Doctor
and acting Director
Dott. Rodolfo Liccione).

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/23/L.

/rm.
26 June 1945.

SUBJECT : Petitions for Clemency.

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

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

ATRIE	Maria	MANZI	Carlo
GIOSI	Luigi	MARCIANO	Edoardo
GIOSI	Emilio	MINUNNI	Donato
GRIMALDI	Paolo	MONTENAPPO	Nicola
		NICOTRA	Alfio

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

J.P.W.

F18

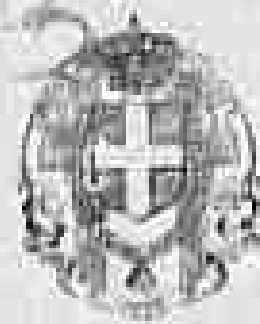
W.E. BIRENS,
Colonel,
Chief Legal Advisor.

NAME		SOURCE OF LETTER	FILE	DATE
ARRILE	Maria	Minister G & Justice	Tit-3, Fasc-1, Lat-a	16 June 45
GIOIOSI	Luigi	" "	4821/45	15 June 45
GIOIOSI	Remildo	" "	4821/45	15 June 45
GRIMALDI	Paolo	" "	8155/45	22 June 45
MANZI	Carlo	" "	137199/58703	22 June 45
MARCIANO	Edoardo	" "	4847/45	15 June 45
MINUNNI	Donato	" "	4872/45	15 June 45
MONTENURRO	Nicola	" "	26497/43	15 June 45
NICOTRA	Alfio	" "	7809/45	22 June 45

The above letters are returned to Minister of Grace
and Justice with letter of 26 June 45 4083/23/L.

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4083/23



Roma 26 GIU 1945

Mod 805 RG

*Ministero di Grazia e Giustizia*DIREZIONE GENERALE
PER GLI ISTITUTI DI PREVENZIONE E DI PENNAAlla Direzione del-
l'ospedale psichiatrico
giudiziario di AversaUfficio VI
Prot. N° 137451/57083Registrazione N° 5448
24-5-945

OGGETTO: Detenuto Zagaris Vincenzo

e p.c. alla Commissione alleata-Sottocommissio-
ne Legale ROMA *La Commissione Alleata Sottocommissione Legale,
comunica quanto appresso:" In risposta alla vostra lettera dell'8 giugno
1945 la condanna di tre anni al nominato in oggetto
è stata ridotta a 18 non a 10 mesi. La data della
sua liberazione quindi è il 17 settembre 1945, come
è stato comunicato nella lettera di questa Sottocom-
missione del 12 maggio 1945, alla quale ci riportia-
mo. F/to Magg. A.C. WRIGHT ".Si prega di provvedere in conformità, assicuran-
do.

D'ordine del Ministro

116

✓ 683/23

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

L-5072

25 June 1945

SUBJECT: Petitions for Pardon.

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

1. There are transmitted herewith the following applications for pardon:

- 1) VITTOZZI Luigi - 45-2-504
- 2) ZAPPALÀ Pietro - 56-1-86
- 3) PELOSI Pietro - 39-44-257
- 4) GUERRIERI Giovanni - 44-7-482
- 5) PARENTE Angelina - 207-28-164
- 6) ZITA Alfredo - 34-40-214

2. Forms 8 in these cases have been forwarded to your Hq.

115

For the Commissioner:

LEGAL SUB COMMISSION	
CLO	
COB/DV CLO	
Chief Counsel	
CFO	
Isolation Section	
CL RKS	
27. June 45.	

Frank L. Vecchiola
FRANK L. VECCHIOLA,
Major, J.A.C.D.,
Senior Legal Officer.

file

15

ful

HEADQUARTERS ALLIED COMMISSION
APD 394
LEGAL SUB-COMMISSION

40/4083/23/L.

JL/rm.
25 June 1945.

SUBJECT : FERRARO MANZIA.

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

1. Reference this Sub-Commission letter 4083/23/L of 18 June 45, and your letter Ufficio IV Grazie, Prot. No. 4911/45 of 15 June 45, returned herewith.

2. Will Your Excellency please issue the necessary instructions so that it will be confirmed that the release of FERRARO MANZIA has already been effected.

ful

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

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file
HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

JL/rm.

25 June 1945.

AC/4023/23/L.

SUBJECT : CASTELLI Antonio.

TO : The Ministry of War
(Attn. Direzione di Artiglieria del Comando
Territoriale di Roma; Ufficio Personale Salarjati).

1. As per request of your Major PALCINI Castrovo the following is stated.

2. CASTELLI Antonio was accused of having violated proclamation 1 Article 4 Section 5; i.e., "That the accused did on or about the 16 June 44 at Rome have in his possession 2 Berette pistols without a permit of the Allied Military Government". The place of offence and arrest was "Direzione Artiglieria".

3. CASTELLI Antonio was sentenced to 12 months imprisonment. He was later ordered released on 10 June 45.

J.P.G.
J.P. HARRIS,
Colonel,
Chief Legal Advisor.

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file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

C/4083/23/L.

JL/rm.
25 June 1945.

SUBJECT : VARRIALE Antonio and RUSCIANO Pasquale.

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

1. Reference the enclosed petition brought to this office
by Mr. BUBONE Director of Poggioreale Prison.

2. It is confirmed that VARRIALE and RUSCIANO were convicted
on 7 Oct. 44 and sentenced to 9 months imprisonment expiring 6th July 45.

3. Will you please see that the alleged error on the prison
records is corrected.

By command of Rear Admiral STONE:

J. L. W.
R. L. BEHRMAN,
Colonel,
Chief Legal Advisor.

112

+5

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/23/L.

/rm.
25 June 1945.

SUBJECT : MONTICELLI Erminio.

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

1. I return the petition submitted on behalf of the above by the Procuratore del Regno presso il Tribunale di Urbino.

2. In view of the recommendation of the Procuratore del Regno and the services rendered by the accused as a partisan the sentence is reduced to one of 2 years imprisonment.

minister letter

IV grazie prot. 4640 /45
of 15 June 45
returned to min

Rmw.
W.E. BERRICK,
Colonel,
Chief Legal Advisor.

111

file

HEADQUARTERS ALLIED COMMISSION
APC 394
LEGAL SUB-COMMISSION

TEH/ma.
25 June 1945.

10/4033/23/L.

SUBJECT : Case of Joseph ~~SMO~~.

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

1. The above accused, who was sentenced on 17 Jan. 45 at Ancona to 18 months imprisonment has presented a further petition for grace, based on the assistance given to Polish and other refugees during the German occupation.

2. I have given careful consideration to this petition and to the case generally. In view of all the circumstances I consider that this is a case in which some suspension of the sentence may properly be granted. I therefore direct that the sentence be confirmed but suspended with effect from 17 Sept. 45 and that the accused be accordingly released from prison on that date.

3. Please see that the accused is notified of this decision.

By command of Rear Admiral STONE:

Sgd by Col. Roberts

N.E. BARNES,
Colonel,
Chief Legal Advisor.

Copy to : Generalatus
Piae Societatis Missionum
Via Pettinari 57.
100-31-A

12

file

HEADQUARTERS ALLIED COMMISSION
APC 314
LEGAL SUB-COMMISSION

AC/4083/23/L.

/rm.
25 June 1945.

SUBJECT : Case of SUDONNA Giuseppe.

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

1. Reference is made to letter No. 432 of 18 May 45 from
Prosecutors General of Landano, Perugia, forwarded herewith.

2. The sentences of 2 years and 6 months consecutive
passed on above named by H.M. Superior Court at Landano on the
15 - 17 Oct. 44 were, on review, reduced to one year and thirty
days consecutive.

3. Your Excellency kindly give necessary instructions
to notify the Prison authorities and the above named one to have
the above decision carried into effect.

J.L.W.

H.L. BARBER.
Colonel,
Chief Legal Advisor.

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AUTORITA' MITTENTE		DATA	
123	Giorno	Mese	Anno
	Or	Minuti	

6 2831 al protocollo 137497/58058

Ufficio VI Alla Direzione del carcere mandamentale di Gragnano

e per conoscenza;

Alla Commissione Alleata - Sotto-commissione legale ROMA

Oggetto: Detenuto Iovine Gennaro.

La Commissione Alleata - Sottocommissione Legale comunica quanto appresso:

"Il nominato in oggetto è stato giudicato dalla Corte Militare Alleata a Castellammare di Stabia il 9 giugno 44 per possesso di armi e condannato a 18 mesi di carcere. Egli è detenuto nel carcere mandamentale di Gragnano.

Riesaminata la sua causa è stato condonato il residuo della espiazione della sua condanna.

Voglia V.E. usare la cortesia di dare le necessarie istruzioni per la sua immediata scarcerazione se non detenuto per altra causa". F/to A.G. Wright.

Si prega di provvedere in conformità, e
cc.

D'ordine del Ministro

(V.le)

1/1/10

[Signature]

6083/23

AUTORITA' MITTENTE	DATA			
	Giorni	Mese	Anno	Ore
	24	Giù	1945	

N. di protocollo 137500/585555 del _____

Ufficio VI Alla Direzione delle carceri
giudiziarie di Foligno

e per conoscenza:

Alla Commissione Alleata - Sotto-
commissione Legale ROMA

OCCORRENZA: Detenuti Donini Gesualdo e Ciancaleoni
Aldo.

La Commissione Alleata - Sottocommissione Legale
comunica quanto parezzo:

" I sopra nominati furono giudicati insieme con
certo Falcinelli Franco dalla Corte dell' AMM di Folli-
gno, Prov. di Perugia, il 9 marzo 45 per possesso di
una rivoltella e munizioni, e furono condannati a sei
mesi di carcere.

Talche il Falcinelli ha confessato che la rivol-
tella e le munizioni erano di sua proprietà, in base
a ciò è stato deciso di condonare il residuo della
espiazione della condanna nei riguardi di Donini e Cian-
caleoni.

Voglia V.E. compiacersi dare le necessarie istruzio-
ni per l'immediata scarcerazione degli ultimi due nomi-
nati e sono detenuti per altra cause. La condanna del
Falcinelli Franco, naturalmente resta ferma. P/to A.S.
Wright.

Si prega di provvedere in conformità, assicurand-
do.

Per ordine del Ministro

B. W. W.



PROCURA DEL REGNO SALERNO

N. Sez.

N.

Div.

Risposta al foglio del

Oggetto:

ROBBIANIN, ROBERTO - detenuto.

25 3/4 1945

Allegati N.

Salerno, li 22 giugno 1945

A L'UFFICIO LEGALE DEL COMANDO

MILITARE (Palazzo della Provincia)

NAPOLI

Nelle locali carceri è ristretto tale Rocco Roberto
Cecere, condannato a anni 18 di reclusione con penten-
za emessa il 17-1-1944 da una Corte Assale in Capaccio.

Dalla matricola delle carceri risulta che detta
pena, cominciata a decorrere dal 17-1-1944, terminerà
il 17-7-1945, mentre il detenuto asserisce che, avendo
subito carcerazione preventiva, la pena stessa è già
scaduta il 3 giugno u.s.s.

Si prega, pertanto, voler prendere in esame la
posizione giuridica del condannato e dare gli oppor-
tuni chiarimenti alla Direzione della
carceri e per conoscenza a questo Ufficio.

IL PROCURATORE DEL REGNO
(N. Messina)

Messina

HEADQUARTERS
MEDITERRANEAN THEATER OF OPERATIONS
UNITED STATES ARMY
APO 512

GER/ecs

3029
Recd. 27-6-45

22 June 1945

In reply
refer to

AG 091.41/800-P

SUBJECT: Request for Clemency of Prison Sentence

TO: Allied Military Government
Naples Commune
APO 394
ATTN: Legal Division

2

1508

The attached letter of Mr. Abbate Matteo is forwarded to your office as a matter of primary interest.

BY COMMAND OF GENERAL MCNARNEY:

1 Incl
Ltr, Mr Abbate Matteo,
w/ translation

G. E. ROGERS
Captain, AGD
Asst Adjutant General

Copies furnished:

G-2
PMG
SACS

1st Ind.

27 June 1945

From: AGO, Naples Commune,
Legal Office.

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

1. Forwarded for your consideration.

For the Commissioner:

Frank L. Vecchiola
FRANK L. VECCHIOLA, *lybb*
Major, J.A.C.D.,
Senior Legal Officer.

CCB/pv

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1st Ind. 27 June 1945
From: AMG, Naples Commune,
Legal Office.

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

1. Forwarded for your consideration.

For the Commissioner:

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

CCB/pv

4083/23.



7014

IL MINISTRO DELLA REAL CASA

Roma, li 22 giugno 1945

On.le Sottocommissione Legale
della Commissione Alleata

R O M A

Via Veneto

SUB COMMISSION	
CIO	/
Chief Counsel	/
CIO	←
Italian Section	/
CL RICS	/
22 JUN 1945	/

- 1 -

Secondo le intenzioni di S.A.R. il
Luogotenente Generale del Regno, segnalo a co-
desta On.Sottocommissione, per il miglior con-
to che - nei limiti del giusto e del possibile-
crederà di farne, l'acclusa istanza con la qua-
le tale Antonia Di Capua, residente a Bari in
Via Pizzoli 48, invoca il patrocinio di S.A.R.
in favore del marito Giovanni Di Capua, condan-
nato a 6 anni di reclusione dal locale Tribunale
Alleato.

Con anticipate grazie e con la migliore
considerazione.

File

Lucifero

F. Lucifero
(Ministro della Real Casa)

103



Mod 40

Roma, 21.6.1945

Ministero di Grazia e Giustizia

DIREZIONE GENERALE DEGLI AFFARI PENALI
DELLE GRAZIE DELLA STATISTICA E DEL CASELLARIOALLA COMMISSIONE ALLEATA
S. C. L.

ROMA

Ufficio IV Grazie
Prot. N. 27459 /43Ripresentato del 14.5.1945
Dir. AC/4083/23/L

OGGETTO

SOFRI Salvatore
istanza graziaURGENTE

Con riferimento alla nota in oggetto, si rende noto che il Procuratore del Regno di Roma, cui, d'urgenza sono state richieste notizie, ha comunicato che fin dal 26.4.u.s., a mezzo del Commissariato di P. S. del Quadraro, venne data comunicazione agli interessati del provvedimento di cotesta Sottocommissione, che riduceva a 18 mesi la pena inflitta al ricorrente in oggetto.

In data 12.6.45, inoltre, il Procuratore del Regno di Roma ha fatta nuova comunicazione, a mezzo della Direzione del Carcere Giudiziario di Roma, al detenuto, del provvedimento di clemenza adottato.

D'ORDINE DEL MINISTRO

75. V.L.W.

4083/23

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMUNE
LEGAL DIVISION
APO 394

I-3029

21 June 1945

SUBJECT: SANZA Giuseppe di Luigi.

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

1. Transmitted herewith is application
by prisoner in order to obtain a temporary release
to take University examinations.

For the Commissioner:

File
not denied
23 June 45

CCD/pv

Frank L. Vecchiola
FRANK L. VECCHIOLA, *by [initials]*
Major, J.A.G.O.,
Senior Legal Officer.

102

+7



PROCURA MILITARE DEL REGNO

presso

il Tribunale Militare Territoriale di Guerra

ROMA

Roma, 30 giugno 1945

Al QUARTIERE ALLIED COME

MISSION - A.P.O. 394

LEGAL SUB COMMISSION

Risposta al foglio del

Prot. N. 823/45

Allegati

Div.

Sez.

N.

OGGETTO: COTTINI Severo fu Alessandro e di Cau Severo,
figlio, nato a Connosfenadige (Cagliari) il 29.10.1891
residente a Roma, Via S. Mauro 65, marocchino art.

La persona indicata in oggetto è stata denun-
ciata a questo ufficio per collaborazione coi tedeschi,
durante il periodo dell'occupazione di Roma.

Interrogato, il Cottini ha dichiarato di esse-
re già stato giudicato per il medesimo fatto, e prosciol-
to dal Tribunale Alleato di Roma.

All'ufficio matricole di Regina Coeli risulta
che il Cottini fu arrestato il 11.6.1944 dal CC.Ri. di
Monte Mario, che il 7.8.1944 fu passato a disposizione
del C.I.C. Via Sicilia 59, e che il 18.8.1944 fu encar-
cerato in udienze dall'Autorità Alleata.

Prego volerla cortesemente comunicare quali e-
rano i fatti specifici allora contestati al Cottini, e
quale fu l'esito del giudizio.

IL SOST. PROCURATORE MILITARE
(Ten. V. Piccoli)

[Signature]

101

file

HEADQUARTERS ARMED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/rm.
20 June 1945.

AG/4085/23/L.

SUBJECT : Petitions for Clemency.

TO : H.A., the Minister of Pardon and Justice.

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

CAVAREZUTI	Camillo	SCIPIONE	Bino
CICCHINNO	Taddeo	VOLPE	Ciro
INCOVITTI	Antonio	ISPOSITO	Antimo

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

W.E.

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

100

NR

NAME	NAME	CONTENT OF LETTER	FILE	DATE
CAY. 22/11	Camillo	Minister Person and Justice	4694/45	12 June 45
ROCCO 410	Antimo	" "	2189-3-12	10 June 45
GIORDANO	Taddeo	" "	4694/45	12 June 45
ALDO VITTI	Antonio	" "	816/45	13 June 45
GIPIORI	Bino	" "	UC/712	15 June 45
VOLPE	Cipo	" "	1856-3-1 V	6 June 45

The above letter are returned to Minister with letter of
20 June 45 4089/23/L.

HEADQUARTERS ALLIED COMMISSION
 No 374
 LEGAL SUB-COMMISSION

10/4053/23/L.

/ra.
20 June 1945.

SUBJECT : Case of :

DE NOVELLIS	Vincenzo	PALLABINO	Carmine
CHIRIBELLO	Antonio	ACCARDO	Pasquale
CATTANO	Mario	PROCENTESE	Luigi
SEVIERO	Ciro	DI GIUSEPPE	Paolo
MASTROPIETRO	Claudio	MAIORA	Gaetano
MASTROPIETRO	Umberto	DI GIUSEPPE	Giustino
GRILLI	Giuseppe		

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

1. The above named were tried by Allied Superior Court No. 7
 at Naples on 5 April 1944 and were all sentenced to:

Five years imprisonment of which two suspended and L. 12,000
 fine or in default two years more.

2. On reconsideration of their case all sentences ~~are~~ varied
 as follows:

The fines are remitted.

The prison sentences are all reduced to three years expiring
 4 April 1947.

W. P. Wright 98
 for *W. P. Wright*
 Colonel,
 Chief Legal Advisor.

Enc: Gaetano Mario's
 petition submitted
 under cover Poggioreale
 Prison Director's letter
 2732 of 8 June 45

4083/23.
✓HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAFIES COMBUNT
LEGAL DIVISION
APO 394

L-3028-A

20 June 1945

SUBJECT: CIOFFI Orlando.

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

1. Reference is made to your letter AC/4083/23/L,
16 June 1945, relative to the above subject.

2. Lt. Bannò believed that for the crime
committed CIOFFI should be adequately punished whether
by imprisonment or fine. CIOFFI, as most of the defend-
ants in the cases that come before the AMG Courts,
claimed to be a pauper. It is impossible to trace or
verify such a statement independently. It would require
an enormous staff of investigators to do so. No proof
was offered by the defense as to the allegation of
poverty. It was merely stated in summation.

97

3. As to inquiry in paragraph 2 of your letter,
enclosed herewith is copy of our letter L-3028, CCB/pv,
14 May 1945 in which it is stated that the default
sentence be 6 months. However, the fine has been paid
by the defendant.

For the Commissioner:

Seen
by Col G. M. Wladford
21 July 5.
CCB/pv

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

X1

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMUNE
LEGAL DIVISION
APO 394

L-3028

14 May 1945

SUBJECT: Case of CIOFFI Orlando.

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

1. Reference is made to your communication
AC/1083/23/L, 10 May 1945, relative to the above
subject.

2. The sentence in the above matter was: "3
months imprisonment and 50,000 lire fine or 6 months
imprisonment in default of payment thereof."

3. The attached pauper's certificate to the
petition, would indicate that defendant is in poor
financial condition. However, it would seem that
the sentence was reasonable under the circumstances.

98

For the Commissioner:

CCB/pv

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

COPY

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/1085/23/L.

/rm.
20 June 1945.

SUBJECT : Case of :

DE ROVERELLIS	Vincenzo	PALLADINO	Caroline
CHIRIACIO	Antonio	ACQUARO	Pasquale
CALABRO	Mario	PROCENTESE	Luigi
SEVERO	Ciro	DI CELMO	Paolo
ALFEDITANO	Claudio	MINGA	Gaetano
MASTRANGELO	Umberto	DI CELMO	Giustino
	GRILLA	Giuseppe	

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

1. The above named were tried by Allied Superior Court No. 7 at Naples on 5 April 1944 and were all sentenced to:

Five years imprisonment of which two suspended and L. 12,000 fine or in default two years more.

2. On reconsideration of their case all sentences are varied as follows:

The fines are remitted.

The prison sentences are all reduced to three years expiring 4 April 1947.

95

W. E. B.

W. E. BURRELL,
Colonel,
Chief Legal Advisor.

Enc: Gaetano Mario's
petition submitted
under cover Poggioreale
Prison Director's letter
27732 of 8 June 45

H R.

17

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

JL/rm.
26 June 1945.

file
AG/1083/23/L

SUBJECT : COFFRI Salvatore of Pasquale,

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

1. Further to this HQ letters 1083/23/L of 2 April and 4 May 45.
2. May it please be confirmed that the prisoner has been informed of the decision reached on 2 April 45 (1083/23/L).
3. Enclosed please find petition submitted by Direzione del Carcere.

W.P.D.

W.E. REHRMANS,
Colonel,
Chief Legal Advisor.

Incl : H. 1143 I of
13 June 45.

94

file

HEADQUARTERS ALLIED COMMISSION
APC 394
LEGAL SUB-COMMISSION

AC/4083/23/L.

/rm.
19 June 1945.

SUBJECT : Petitions for Clemency.

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

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

ARGUZZI	Clementine	LOCONTE	Rocco
BERNARDINI	Vittorio	MASSIMILIANO	Vincenzo
DE GIULIO	Vito	MILILLO	Giovanni
FRICZ ER	Alex	NEPOLI	Giuseppe
LIANCO	Nicola	PESTORI	Fedeale

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

TS
10 Incls : Petitions.

A.P.W.

W.E. BIRNIE,
Colonel,
Chief Legal Advisor.

93

NAME	SOURCE OF LETTER	FILE	DATE
SPINZARI Clementina	Minister Pardon & Justice	4684/45	8 June 45
BORGARDINI Vittorio	Minister Pardon and Just.	4690/45	11 June 45
DR. BIGLIO Vito	Minister Pardon & Justice	4096/45	8 June 45
DR. FOLLER Max	Minister Pardon & Justice	3499/45	11 June 45
BOCCIA Rocco	Minister Pardon & Justice	4598/45	8 June 45
MAGGIOLANO Vincenzo	Minister Pardon & Justice	4778/45	8 June 45
MILANO Giovanni	Minister of Pardon & Just.	4776/45	11 June 45
MARONI Giuseppe	"	294-3-1-N	22 May 45
PISTONE Fedele	"	4891/45	9 June 45
MUSCO Nicola	"	4691/45	11 June 45

The above letters are returned to Minister of Grace and Justice
with letter of 19 June 45 4589/23/L.

~~4083/23~~
✓ 4083/23

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMISSION
LEGAL DIVISION
APO 394

19 June 1945

SUBJECT: Petition for Pardon.

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

1. Attached hereto is application for pardon filed in the case of APRILE Maria di Angelo.
2. In this case the Director of the Prison recommends favorable recommendation.

For the Commissioner:

91
Frank L. Vecchiola
FRANK L. VECCHIOLA, *by bbs*
Major, J.A.S.P.,
Senior Legal Officer.

CCB/pv

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	←
Italian Section	
CL RKS	
22 JUN 1945	

file
57

file

HEADQUARTERS ARMED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4035/23/L.

/En.
19 June 1975.

SUBJECT : CHERDI Primo.

To : Regional Commissioner (attn. Regional
Legal Officer), EMILIA Region.

In reference your letter RIX/Le/658/104 of 14 June, the
Record enclosed is now returned and the petition is denied.

By command of Rear Admiral STONE:

*J. C. W.*W. L. BARKER,
Colonel,
Chief Legal Advisor.

90

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

RG/1053/23/L.

/rm.
18 June 1945.

SUBJECT : FERRARA Nunzia.

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

1. Above named was tried on 26 May 44 by Superior Court No. 3 (Naples) for possession of Allied Property and sentenced to 3 years imprisonment of which one was suspended.

2. On reconsideration of her case it has been decided to remit the balance of her sentence.

3. Will you ensure her immediate release if not detained for other lawful cause. At the time of her trial she was detained in Filangieri prison.

4. The above decision is taken on a petition by her husband who does not say where she is now detained. The husband's address is Corso Umberto I. No. 167, 20000001 NO. Napoli and his name is GIANNI Giovanni.

By command of Rear Admiral STONE:

J.P.W.

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

89

H

4083/53 ✓

Legal 5/16
3416ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

MJH/jjjr

G-5: 014.5 (IMPROTA SALVATORE) 17 June 1945

SUBJECT: Petition against sentence by Allied Tribunal
Naples.

TO : Headquarters, Allied Commission, APO 394

Original and copy of translation of letter written
by one Improta Consiglio addressed to the Allied General
Command is forwarded for any action deemed appropriate.

For the Assistant Chief of Staff, G-5:

CLO

DCLO

Chief

CJ

17 JUN 1945

Incls:
as above. →W. J. HEYL
1st Lt., A.U.S.

88

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

17 June 1945

Ref: AC/4083/23/L.

Dear Marchese,

I refer to your letter Number 5760 dated 9 June 45 and my reply of 6 June 45.

My Chief Legal Adviser informs me that the sentence on Cesare Spizzichino has already been reduced and the man himself has been released.

Yours very truly,

G.R. UFFONI, Brig.,
VP CA Section

81

Marchese Falcone LUCIENRO,
Ministro delle Real Casa,
ROMA.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/rm.
14 June 1945.

AC/4083/23/L.

SUBJECT : SPIZZICHINO Cesare.

TO : VP CA Section.

1. The attached correspondence was referred by you to this Sub-Commission for investigation.

2. The accused was sentenced to 6 months imprisonment on 27 March at Florence. He pleaded guilty to fraudulently adding the name of another person to a travel permit issued to him in Florence to travel to Rome and back.

3. He and his wife bombarded the RLO with informal petitions. After the 4th petition, Col. WEBER, reduced the sentence and I have ascertained from Florence by telephone that the man has been released.

4. The accused was evasive at the trial, and it is to be noted that the excuses alleged for the forgery in the informal petitions are different from those given at the trial, which were that he added the name of a business associate who was to lend him money to buy goods in Rome. In the petitions it was alleged that, at the request of a friend, he added the name of a person, unknown to him, who had travelled to Florence without a permit, in order that the latter could get accommodation in Florence.

5. He should be grateful to his wife for her importunity which has had more success than it deserved.

G. M. Welsford
W.E. BEHRNS,
Colonel,
Chief Legal Advisor.

85

4896

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Ref AC/4083/23/L

6 June 45

In re spazzolino Cesare

Dear Marchese,

The Chief Legal Adviser is dealing with your letter No 5760 dated 3 June.

It is inevitable that there will be some delay owing to the fact that the sentence was less than 2 years imprisonment. This means that the case was reviewed at the Regional Headquarters and the pertinent documents are not in Rome.

Yours very truly

GPR
G.R. UJOIN Brig.
VP CA Section

85

Marchese Falcone LUCIFERO
Ministro della Real Casa
ROMA

Translation

The Minister of the Royal Household
5760

Rome, 3 June 1945

- 5 GIU 1945

Dear Admiral,

His Royal Highness, the Lieutenant General of the Kingdom received the enclosed telegram signed by Mrs Esther Di Consiglio who is asking for the liberation of her husband Cesare Spizzichino, who has been in jail two months in Florence, because of a verdict of the Allied Court.

As you can see, the petitioner is closely related to seven of the people who were shot in the Fosse Ardeatine, and belongs to a family who had twenty five members deported to Germany.

According to the wish of His Royal Highness and considering the circumstances mentioned by Mrs De Consiglio, I want to draw your personal attention on this case for whatever action you will deem advisable to take.

Waiting for your answer and thanking you in the name of the Lieutenant, I remain, my dear Admiral,

Yours very truly,

8

s. Lucifero

Admiral Ellery W. Stone
Chief Commissioner
Allied Commission
Rome

EC Dist - 5 June 45

Action: CH Sec (2)

INFO: CHIEF COMAR

Exec COMAR

e.o.

14919

Translation

DD ROME FLORENCE 19 00 78 15 15

I AM THE DAUGHTER AND SISTER OF SEVEN OF THE VICTIMS OF THE
FOSSE ARDEATINE. 25 MEMBERS OF MY FAMILY HAVE BEEN DEPORTED
TO GERMANY. I ASK THE DISCHARGE OF MY HUSBAND CESARE SPIZZICHINO
WHO IS IN FLORENCE AND HAS BEEN CONDEMNED TO SIX MONTHS EMPRISON^T
MENT BY THE ALLIED COURT FOR FAKING A PASS. HE HAS ALREADY
SERVED TWO MONTHS. HE HAS ALREADY BEEN OPERATED TWICE (STOMACH)
AND MUST NOW BE OPERATED FOR THE THIRD TIME. HE HAS GOT FIVE
CHILDREN TO KEEP. AFTER SO MANY MISFORTUNES HE HOPES TO BE
RELEASED.

ESTER DI CONSIGLIO

e.c.

83

4919

Indicazione di urgenza	Ricevuto	Per credito N.	Mod. 30 (1941)
	ora	Ricevuto	MODULATO S. 1000 - 01
Data dalla presentazione giorno e ora		Via e indicazione esclusiva d'ordine	

1 DD ROMA FIRENZE 1900 78 15 15 -

Ord. no. - 48-1012 - Stab. Valicchi (10.600.000).

--- SONO FIGLIA E SORELLA DI SETTE FUCILATE FOSSE
ARDEATINE NO 25 DEPORTATI IN GERMANIA DI FAMIGLIA
CHIEDO GRAZIA PER MIO MARITO CESARE SPIZZICHINO CHE
TROVASI A FIRENZE CONDANNATO DALLA CORTE ALLEATA
A SEI MESI PER ALTERAZIONE PERMESSO DUE MESI GIA
SCONTATI A GIA SUBITO DUE OPERAZIONI STOMACO E IN
PROCINTO SUBIRNE UNA TERZA HA CARICO 5 FIGLI GIA

Per circuito N.	
Ricevuto	
Data della presentazione	
Giorno e mese	
Ore e minuti	
CASA	
Ord. n° - 1-8-1952 - Stab. Villorbo (10.000.000)	
Provata tanta sventura spera sua grazia	
Ester di Consiglio --	



IL MINISTRO DELLA REAL CASA

MAY 5 RECD

Roma, li 3 giugno 1945

- 5681 1945

5760

Illustre Ammiraglio,

è testè pervenuto da Firenze all'indirizzo di Sua Altezza Reale il Luogotenente Generale del Regno l'accluso telegramma e firma della Signora Ester Di Consiglio, la quale sollecita la liberazione del marito Cesare Spizzichino, detenuto da due mesi a Firenze in seguito a condanna inflittagli dalla Corte Alleata.

Come lei potrà rilevare, la ricorrente è stretta congiunta di sette fucilati alle Fosse Ardeatine e appartiene a famiglia che ha avuto venticinque deportati in Germania.

Secondo le intenzioni di Sua Altezza Reale ed in vista delle circostanze eccezionalmente pietose prospettate dalla Signora Di Consiglio, non esito a segnalare l'appello alla Sua personale attenzione per tutto ciò che è nei limiti del giusto e del possibile - crederà di disporre nei suoi confronti.

E sin d'ora ringraziandola anche per il cenno che vorrà avere la bontà di favorire in merito, per notizia del Luogotenente, la prego di voler scusare il fastidio e di gradire a un tempo, illustre Ammiraglio, i miei più cordiali saluti.

Dev. m.

(R. Lucifero)
 Ministro della Real Casa

Illustre
 Ammiraglio Ellery W. STONE
 Commissario Capo della Commissione Alleata

R O M A

4219

file

INTERNATIONAL ALLIED COMMISSION
 AND 394
 SUB-COMMISSION

/rm.
 16 June 1945.

10/10 3/23/L.

SUBJECT : AMER. ICI Lucio.

TO : H.H., the Minister of Prison and Justice.

1. With further reference to my letter, reference as above, of 21 May 45. I enclose the original Mandato di cattura received from the Direzione of the Carcere Giudiziario di Roma.

2. May this please be returned to the Direzione of the Prison, with a direction that the prisoner be released on 6 Nov. 1945, in accordance with the endorsement made on the Mandato di cattura, unless he is then to be detained for other lawful reasons? His present sentence is to be 1 year and not 1 year, 3 months and 7 days.

rm.
 W.H. BERRIN,
 Colonel,
 Chief Legal Advisor.

HEADQUARTERS ALLIED COMMISSION
403 34
LEGAL SUB-COMMISSION

/im.
16 June 1945.

AG/4033/23/L.

SUBJECT : Case of ANTONINI BUZO.

TO : Tenente Corale ANTONINI

R.O.M.A.

Via Carlo Mario, 7

1. Your Petition dated 14 June 45 on behalf of your son above named has been very carefully considered together with the record of the proceedings.

2. It is regretted that owing to the seriousness of the offence (denied at the trial but since admitted by the said ANTONINI BUZO) the Chief Judicial officer is not able to interfere with the sentence.

A. L. W.
W. L. BARRACK,
Colonel,
Chief Legal Advisor.

HEADQUARTERS ARMY COMMISSION
LAW SUB-COMMISSION

/rm.

16 June 1949.

SO/4583/23/L.

SUBJECT : Petition for revision.

TO : Comm. Mario CATTI.

1. Your letter of 13 June 49 has been carefully considered together with the file of the proceedings.

2. Your case was tried on 18 Aug. 44. You have lodged several appeals and on consideration of the last one your sentence was reduced to six months purely on the ground of your age (53).

3. The matter is "res judicata" and cannot be reopened. Inspection of the file cannot be allowed.

V. P. W.

V. P. W.,
Colonel,
Chief Legal Advisor.

4083/23.

V

HEADQUARTERS
TOSCANA REGION
ALLIED MILITARY GOVERNMENT

Regal S/C

File Ref: RVIII/19/3008

Date: 16 June 1945.

SUBJECT CAVALLARO Umberto and others.

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

1. Receipt is hereby acknowledged of your letter of the 13th AG/4083/23/1 and of the record of the case.

2. Effect has been given to your decision and this is being communicated to both accused in the usual way as a decision on review.

For the Regional Commissioner:



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

LEGAL SUB COMMISSION	
CLO	
DCLO	
Chief Counsel	
CFO	
Italian Section	
G. RKS	
18 JUN 1945	

18 JUN 45

78

file

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

AC/4083/23/L.

/rm.
16 June 1945.

SUBJECT : GIOFFI Orlando.

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

1. Further to my previous letters and your L-3028 A, can Lt. BENE give me any information on the facts of the case, which an informal petition alleges to be one of wrongful possession. Did he believe the allegation made at the trial that this man was a pauper? It would seem that he did not, or he would not have imposed a fine of 50,000 lire.

2. Has the fine been paid, and if not what was the default sentence? If necessary a reference to the Mandato di cattura at the prison should show this.

By command of Rear Admiral STONE:

From
W.E. BRIDGES,
Colonel,
Chief Legal Advisor.*Gmms*
File

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4085/23/L.

/rm.
16 June 1945.

SUBJECT : Case of JOVINE Gennaro fu Tommaso.

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

1. Above named was tried by Allied Military Court at Castellammare di Stabia on 9 June 44 for possession of arms and sentenced to 18 months imprisonment. He is detained at the Carcere Mandamentale di Cragano.

2. On reconsideration of his case the balance of his sentence has been remitted.

3. With Your Excellency kindly give necessary instructions for his immediate release unless detained for other lawful cause.

J.P.W.

H.E. BARNARD,
Colonel,
Chief Legal Advisor.

R.Ta

Please make necessary

Change on Cards

HS

file

REPUBLICAN ARMY COMMISSION

100-394

LEGAL SUB-COMMISSION

10/100/22/L.

/m.

15 June 1945.

SUBJECT : DONINI, Gerardo
CINQUELARI, Aldo.

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

1. The above named were together with one FRANCESCO Franco tried by AMG Court at Foligno, Prov. of Perugia, on 9 March 45 for possession of a revolver and ammunition, and were sentenced to six months imprisonment.

2. CINQUELARI has since confessed that the revolver and ammunition were his property and it has accordingly been decided to remit the balance of the sentence on DONINI and CINQUELARI.

3. Will Your Excellency kindly give necessary instruction for the immediate release of the last two named persons if not detained for other useful cause.

4. The sentence on FRANCESCO Franco, of course stands.

V. F. W.

A. H. BARNETT,
Colonel,
Chief Legal Advisor.

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

31/ra.
15 June 1945.

AC/4082/23/L.

SUBJECT : CROCIAROLI Sisto di Gioacchino.

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

1. Reference your letter Ufficio IV Grazie Prot. No. 4328/45 of 14 June 45.
2. On reconsideration of the case of CROCIAROLI Sisto di Gioacchino it has been decided to suspend the balance of the sentence.
3. Unless he is detained for any other lawful reason he should be released immediately.
4. Will your Excellency kindly give the necessary instructions to give effect to the above decision.

Incl. : Petition and letter.

Gmbe
W. B. BEHRENS,
Colonel,
Chief Legal Advisor.

File

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

JL/ra.
15 June 1945.

AG/4089/23/L.

SUBJECT : CACCIARELLI Elio di Gioacchino.

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

1. Reference your letter Ufficio IV Grazie Prot. No. 4328/45 of 1. June 45.
2. On reconsideration of the case of CACCIARELLI Elio di Gioacchino it has been decided to suspend the balance of the sentence.
3. Unless he is detained for any other lawful reason he should be released immediately.
4. Will your Excellency kindly give the necessary instructions to give effect to the above decision.

Incl. : Petition and letter.

Forke.
W.E. DUFFIN.
Colonel,
Chief Legal Advisor.

4083/23.

C.C.P. 122227

STUDIO LEGALE
AVV. ARVENO TROTTA
 PATROCINANTE IN CASSAZIONE

Roma, 15 giugno 1945

VIA DEL PANTHEON, 57
 Telefono 65.760

Legal sub-Commission A.C.

Palazzo delle Corporazioni p.5°

Roma, via Vittorio Veneto

Coppola Gabriele Esq., son of Vincent, who has appealed to this Commission against the judgement of the Allied Tribunal of Naples, will you with kindly sollicitude inform him, through me, what proceedings you have decided to take and how far they are already advanced.

Sincerely,

file

Trotta

W. P. W.

18 JUN 45

(7)

4583/23

LEGAL S/C

HEADQUARTERS EMILIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

REF : RIX/LE/668/104

WHL/glg.
14 June 1945.

SUBJECT : CEREDI Primo (General Military Court. Cesena).

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

1. Forwarded herewith record of trial and second petition
for review in above case.
2. First petition was denied on 27 March 1945 .

For the Regional Commissioner.



WILLIAM H. LEVITT.

Lt. Col. J.A.G.D.

Regional Legal Officer.

^Encls : as above ^

16 JUN 1945

file

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/23/L.

/ra.
14 June 1945.

SUBJECT : SPIZZIGNINO Cesare.

TO : VP GA Section.

1. The attached correspondence was referred by you to this Sub-Commission for investigation.

2. The accused was sentenced to 6 months imprisonment on 27 March at Florence. He pleaded guilty to fraudulently adding the name of another person to a travel permit issued to him in Florence to travel to Rome and back.

3. He and his wife bombarded the RLO with informal petitions. After the 4th petition, Col. WABER, reduced the sentence and I have ascertained from Florence by telephone that the man has been released.

4. The accused was evasive at the trial, and it is to be noted that the excuse alleged for the forgery in the informal petitions are different from those given at the trial, which were that he added the name of a business associate who was to lend him money to buy goods in Rome. In the petition it was alleged that, at the request of a friend, he added the name of a person, unknown to him, who had travelled to Florence without a permit, in order that the latter could get accommodation in Florence.

5. He should be grateful to his wife for her importunity which has had more success than it deserved.

W.E. Bamber
W.E. BAMBER,
Colonel,
Chief Legal Advisor.

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/ra.
14 June 1945.

AG/1093/23/L

SUBJECT : CAVALLARO Umberto.

TO : Liaison Division, Allied Commission.

Reference your letter AG/1093/23/L of 31 May 1945 to Public Safety Sub Commission which was forwarded to this Sub-Commission, the above has submitted an application that the whole case should be reopened on the ground that fresh evidence had been discovered exonerating the accused. It appears that this evidence could quite easily have been called at the trial. However, the suggested new witness directly contradicts the evidence given by CAVALLARO himself on oath at the trial and it is clear that no reliance could be placed on it. The sentence passed on the accused has however been reduced to 4 years imprisonment as the original sentence was unnecessarily severe.

By command of Rear Admiral STONE:

W.M.
W.M. BARNES,
Colonel,
Chief Legal Advisor.

4083/23
HEADQUARTERS
TOSCANA REGION
ALLIED MILITARY GOVERNMENT

File Ref: RVIII/19/3008

Date: 13 June 1945.

SUBJECT PATRIARCHI, Renato.

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

1. Herewith further appeal and medical certificate just received. The record was sent to you for re-consideration on the 9th June 1945.

For the Regional Commissioner:

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

*Copy
filed in
repeated petition
17 June 45*

(file)

17 JUN 1945

4083/23.
✓

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

L-3028

13 June 1945

SUBJECT: DI MATOLO Michele and others.

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

1. Reference to your letter AC/4083/23/L, GMW/lc,
13 May 1945, relative to the above subject.

2. Returned herewith is Record together with
the receipts in the case of the above subject for
filing.

For the Commissioner:

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

FLV/PV

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

Placed in file
Foray

67

(File)

4083/23

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
AFO 394

L-1029

13 June 1945

SUBJECT: Petitions for Pardon.

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

1. There are transmitted herewith the following applications for pardon:

- 1) OLIVIERO Antonio
- 2) GALTANO Mario
- 3) BERLINGIERI Giuseppe
- 4) VOLPE Ciro
- 5) MINOPOLI Luigi
- 6) MINOPOLI Giovanni
- 7) MACELLA Marcello
- 8) ABBATE Ciro

For the Commissioner:

66

CCB/pv

LEGAL SUBCOMMISSION	
CLO	
DCLO	
Chief Counsel	
CLO	
Italian Section	
CL RKS	
14 JUN 1945	

Frank L. Verchiolla
FRANK L. VEOCHIOLLA, by 66B
Major, J.A.G.D.,
Senior Legal Officer.

43

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4083/23/L.

13 June 1945. /lrh.

SUBJECT : AULETA Angelo di Francesco.

TO : Provincial Commissioner, (Attn: Senior Legal Officer), Naples Commune.

1. Above named was tried on the 8/9 January 1945 by Allied Court in Naples and sentenced to six months imprisonment and 10,000 lire fine.

2. Upon considering petition for review by Avv. G. Cafiero (in the absence of the record which has not been traced) it has been decided to release him immediately and to remit the fine insofar as unpaid.

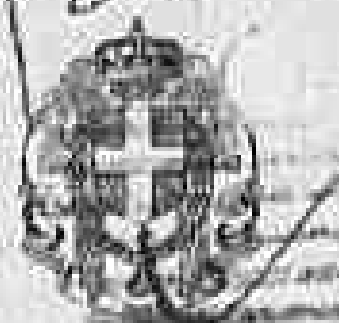
3. Will you ensure that above decision is carried into effect.

By command of Rear Admiral STONE:

A. P. W.

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

4083/23



Mod. 805HG.

Roma 13 GIU. 1945

Ministero di Grazia e Giustizia

DIREZIONE GENERALE
PER GLI ISTITUTI DI PREVENZIONE E DI PENAAlla Commissione Alleata
Sottocommissione Legale
RomaUfficio VI
Prot. N. 136781/25656Risposta all' N. AC/4083/23/L.
5-6-945

Oggetto: Detenuto Russo Gennaro

In riferimento alla nota sopra indicata,
si comunica che con nota n. 135640/25656 del
24 maggio c.s. fu inviata alla casa penale
di Castiadas, copia dell'ordine di scarcerazione
del detenuto in oggetto, per sospensione
di pena, trasmesso da codesta Commissione
con lettera del 18 maggio u.s. n. AC/4083/23/L.

D'ordine del Ministro

16 JUN 1945

64

KJ

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4083/25/L.

13 June 1946. *Arb.*

SUBJECT : SANTANIELLO Gerardo.

TO : Provincial Commissioner, (Attn: Senior Legal Officer), Naples Comune.

1. Above named was on 13th April 1944 tried by Allied Superior Court for using a car without a permit and sentenced to one year's imprisonment (suspended) a fine of 3,000 lire and confiscation of car.

2. Upon considering petition forwarded in your letter of 9 June 1945 by Avv. Ernesto Amatucci and on the recommendation of the trial judge, the confiscation order is cancelled and it is ordered that the car be returned to SANTANIELLO who lives at Moschiano (Quindici) Avellino.

3. Will you ensure that the above decision is carried into effect.

4. The car was placed at the disposal of the Prefettura at Avellino and by them at disposal of Ufficio di Alimentazione and Consorzio Agrario.

By command of Rear Admiral STONE:

W. E. B. H. S.
W. E. BEMRENS,
Colonel,
Chief Legal Adviser.

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Signed copy to
Avv. Amatucci

HS

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSIONER

AC/4083/23/L.

/lrb.
13 June 1945.

SUBJECT : CAVALLARO Umberto and others.

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

1. Returned herewith are all the papers in this case. I have read the whole of the lengthy evidence given at the trial, and the petition presented by CAVALLARO, which is based mainly on the new evidence alleged to have been discovered recently. This witness is evidently the woman referred to by CAVALLARO on page 65 of the record, whom he stated could easily be found, though he had forgotten her name, but that he would have to be out of gaol to find her. No effort was apparently made to find her during the trial. I place no reliance at all on this woman's statement, for if it is true it shows conclusively that CAVALLARO lied when giving evidence himself, not as to a minor part of his evidence but as to the principal point to which his testimony was directed. The application to reopen the case is therefore dismissed.

2. On the question of sentence, I can find little in the record in definite support of the theory that CAVALLARO was the ringleader of the gang, on which basis he received a heavier sentence than the Catullo, and I think the sentences on both men should be reduced to four years. Can you arrange for effect to be given to this decision; if you cannot, I will have it done through the Minister of Justice.

By command of Rear Admiral STONE:

*Subsequently
reduced*

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

1 Encl:
Record of case.

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4083/23/L.

/lrh.
13 June 1945.

SUBJECT : GALIZIA Ciro and GALIZIA Maria.

TO : Provincial Commissioner, (Attn: Senior Legal Officer), Naples Commune.

1. Reference your letter of 8 June and attached petition.

2. On reconsideration of his case it has been decided that the sentences on GALIZIA Ciro will run concurrently the total term of imprisonment being thus reduced from three to two years. The record does not show whether the judge intended to make the terms concurrent or consecutive and accordingly the construction more favorable to accused is adopted.

3. With regard to the minor GALIZIA Maria sentenced to an indefinite term in a reformatory will you ensure her release immediately if she is still detained.

By command of Rear Admiral STONE:

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

1 Encl:
Petition

file
HEADQUARTERS ALLIED COMMISSION
APO 994
LEGAL SUB-COMMISSION

AC/4033/23/L.

/rm.
12 June 1945.

SUBJECT : Petitions for Clemency.

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

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

MILICE	Bonaventura	RICCI	Michelangelo
PINTO	Raffaele	ROGOMBINO	Giuseppe

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

W. B. H. (v)

W. B. H. (v),
Colonel,
Chief Legal Advisor.

60

15
3 Incls : Petitions.

NAME	SOURCE OF LETTER	REFERENCE	DATE
BALICE	Bonaventura	Minister of P & Justice 4685/41	5 June 1945
PIATO	Raffaele	Minister of P & Justice 4778/45	6 June 1945
RICCI	Michelangelo	Minister of P & Justice 4699/45	5 June 1945
ROGONDINO	Giuseppe	Minister of P & Justice 4700/45	6 June 1945

Above letters are returned to Minister of Pardon and
Justice with our letter AC/4083/23/L dated 12 June 45.

4083/23 ✓

Legal 5/c

HEADQUARTERS
TOSCANA REGION
ALLIED MILITARY GOVERNMENT

Date: 12 June 1945.

File Ref: RVIII/19/3008

SUBJECT: SPIZZICHINO Cesare, (R.L.O. No. 8755).
TO: Legal Sub-Commission, Headquarters A.C.

1. Reference your letter of the 7th AC/4083/23/L, the record in the above case is enclosed herewith.

2. This accused was convicted of adding the name of another person to his pass and sentenced to 6 months imprisonment. The case was tried by Major W. W. McCollm, one of the soundest judges in the Region, who added a note: "Every opportunity given to accused to indicate something about this mysterious friend so that non-use of the forged pass might be proved." According to the Judges note on the face of one of the Petitions: "This man's story of his 'benefactor' was very thin: the dependence of 8 children was also rather unconvincing---Accused staged a theatrical and unreal scene on hearing sentence".

3. The accused bombarded this office with Petitions for review, and his relatives made a large number of personal applications to the Provincial Legal Officer, the Officer i/c Italian Courts and the Regional Legal Office. I adjudicated 4 times on the case, but it was not possible in every instance to render a decision on review before the next application was received. Ultimately I called for a medical examination but found that the accused had already secured his removal from jail to a Casa di Cura in Florence. So far as I could see, he was suffering from haemorrhoids. The Accused's wife then approached the Regional Commissioner direct and he and I re-examined the case together. Rather against my better judgment (and against the unanimous verdict of the reviewing panel) the sentence was finally modified on 25/5/45 by reducing the term of imprisonment to 4 months (of which 2 were suspended) and I added a fine of 20,000 Lire to be paid by 27 May- in default 2 months. I did this because I felt that the accused might have created an unduly bad impression before the Court, or that some prejudice might have crept in.

4. A number of other documents annexed to Petitions have since been returned to the accused at his special request, hence they are not available for your perusal.

5. The course of action of the accused has not (to say the least of it) created a favourable impression in my mind and I do not recommend that any further clemence or indulgence be extended to him.

LEGAL SUB-COMMISSION

CLO

DCLO

Chief Counsel

CJO

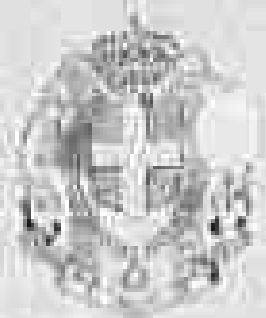
Italian Section

For the Regional Commissioner:

Telephone d. office.
Proc. can be released.
Folic p. 27 May.
Acc. 27 May.
G.H.K.

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

fm



Mod 40

4083/23 Roma 12 giugno 1945. /++++

Ministero di Grazia e Giustizia

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

ROMA

Ufficio

I° A.P.

Tel. 131.164.821/45

Registrazione del 13.4.945

numero RC/4083/23/L.

OGGETTO: Scarcerazione di PALMESANO Damiano.

e per conoscenza:

All'UFFICIO DI COLLEGAMENTO

GABINETTO

In riscontro al foglio sopra distinto si rende noto a codesta On. Sottocommissione, che a seguito dell'annullamento della condanna a due anni di detenzione pronunciata il 18 aprile 1944 dal Tribunale Alleato di S. Maria C.V. contro PALMESANO Damiano, costui è stato escarcerato il 16 maggio 1945.

pel MINISTRO
(A. Spallanzani)

57

file
47

id. (L.W.)

[Signature]

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/23/L.

/lrh.
11 June 1945.

SUBJECT : CRISUONE Antimo di Michele.

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

1. Above named is detained at Castindas (Cagliari) serving a sentence of two years imprisonment by Allied Court at S. Maria C.V. in January 1944.

2. His case has been reconsidered and the balance of his sentence is remitted.

3. Will Your Excellency kindly give necessary instructions to give effect to above decision.

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

56

XJ

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4083/53/L.

/1rb.
11 June 1945.

SUBJECT : GATTO Benedetto di Francesco.

TO : Provincial Commissioner, (Attn: Senior Legal
Officer), Naples Commune.

1. Above named has lodged a petition dated 30 April 1945 together with document Posizione Giuridica showing he is detained in Naples Carceri Giudiziarie under sentence by AVG of 19 January 1945 to 8 months imprisonment and 25,000 lire fine. The prison term ends on 19 September 1945 or if fine not paid on 27 May 1946.

2. On reconsideration of his case the balance of his prison sentence is suspended and the fine insofar as unpaid is remitted.

3. Will you please ensure his immediate release if not detained for other lawful cause.

By command of Rear Admiral STONE:

W. E. B.

W. E. BEHMENS,
Colonel,
Chief Legal Advisor.

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+5/

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4083/25/L.

/rpb.
11 June 1946.

SUBJECT : REGGI Romeo of Silvio.

TO : Provincial Commissioner, (Attn: Senior Legal Officer), Naples Commune.

1. A petition dated 19 April 1945 by above named states that on 21 October 1944 he was sentenced to six months imprisonment and 25,000 lire fine. He asks for remission of fine. It is not known whether he is serving a term in default.

2. It has been decided that the fine insofar as unpaid be remitted and the above named is to be released immediately unless detained for other lawful cause.

By command of Rear Admiral STONE:

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

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HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/lrb.
11 June 1945.

file
AG/4083/23/L.

SUBJECT : OPERISANO Luisa.

TO : Provincial Commissioner, (Attn: Senior Legal Officer), Naples Commune.

1. Above named is detained in Carceri Giudiziarie per Donne in Napoli under sentence of AMG Court to 15 months imprisonment expiring on 27 October 1945.

2. On reconsideration of her case it has been decided to suspend the balance of her sentence. Will you please ensure her release if not detained for other lawful cause.

By command of Rear Admiral STONE:

W. E. PEMRENS,
Colonel,
Chief Legal Adviser.

53

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4083/23/L.

/lrb.
11 June 1945.

SUBJECT : COLELLA Vito.

TO : Provincial Commissioner, (Attn: Senior Legal Officer), Naples Commune.

1. Above named was arrested on 28 March 1944 and sentenced by Allied Military Government Court at Frattamaggiore to two years imprisonment.

2. On reconsideration of his case the balance of his sentence has been suspended. Will you please ensure his immediate release.

By command of Rear Admiral STONE:

W. E. BERRENS

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

52

file

HEADQUARTERS ALLIED COMMISSION
APO 894
LEGAL SUB-COMMISSION

/L.C.
11 June 1945.

AG/4086/23/L.

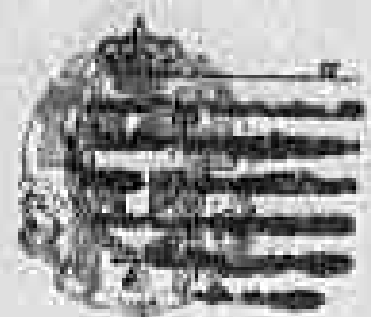
SUBJECT : ZAGATO Vincenzo.

TO : H.S., the Minister of Pardon and Justice.

In reply to your letter of 8 June 1945 the sentence of three years on above named was reduced to 12 not 10 months. The date of his release is therefore 17 September 1945 as stated in this Sub-Commission's letter of 12 May 1945 to which reference is made.

J.P.W.
W. E. BEHRENS,
Colonel,
Chief Legal Adviser.

51



Roma

8 GIU. 1945

Mod. 80/446

Ministero di Grazia e Giustizia

DIREZIONE GENERALE
PER GLI ISTITUTI DI PREVENZIONE E DI PENAIla Commissione Alleata
Sottocommissione Legale
ROMAUfficio VI
Aut. N. 136029/57083

Rapporto N. 1

OGGETTO detenuto Zagario Vincenzo

Si trasmette copia integrale della nota n. 5448 del 24-5-45 della Direzione delle carceri giudiziarie di Aversa.

D'ordine del Ministro

file
4083/23

43-3-

COPIA

Direzione dell'Ospedale Psichiatrico
Giudiziario di Aversa

Aversa 24/5/45

N.5448 Tit.3 Fasc.1 Lett.Z.

Risp. al telexpresso
del 17/5/45 numero
135184/57083Al Ministero di Grazia e Giustizia
Direz.Gen.Istituti di Prev. e di PenaROMA

OGGETTO: Detenuto Zagaria Vincenzo.

In riscontro alla nota controindicata, si prega
voler confermare la scadenza pena nei confronti del
recluso Zagaria Vincenzo.

La Zagaria è in carcere dal 17 marzo 1944 ed
avendo avuto ridotta la pena a mesi 10, avrebbe do-
vuto essere scarcerato il 17 gennaio 1945 e non il
17 settembre 1945 come è indicato nel biglietto urgen-
te che si riscontra.

L'Ispettore Generale Sanitario
P/to (Gr.Uff.Prof.Filippo Saporito-

49

18 m. fbi

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4083/23/L/

/L.F.
11 June 1945.

SUBJECT : Petitions for Clemency.

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

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

BRANDONISIO	Arcangelo
CURTOMELLE	Agostino
MARINELLO	Raffaele
MANZI	Luigi

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

G. E. Berrens
G. E. BERRENS,
Colonel,
Chief Legal Adviser.

3 Incl:
Petitions

NAME	SOURCE OF LTR	FILE NO.	DATE
BRANDONISTO Arcangelo	Min of G & J	4693/45	4 June 45
CURTOPELLE Agostino	Min of G & J	4593/45	4 June 45
MASIELLO Raffaele	Min of G & J	4617/45	4 June 45
MANZI Luigi	Min. of G & Justice	5886/45	2 May 45

Above letters returned to Minister of Pardon and Justice
with letter AC/4083/23/L. dated 11 June 45.

RVIII/19/3008

Regional Legal Office, Headquarters Toscana Region, AMG - 9 June 1945.

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

R.O. 2569

JKW/eg.

1st. Ind.

1. Complete record herewith including the latest petition.

2. The only comment I can usefully make is that Major Damlet (a most able lawyer) was unique in the Region for the severity of his sentences: they find ~~no~~ counterpart in the penalties inflicted by other Judges in parallel cases. I feel that all his sentences ought to be re-considered in that light.

For the Regional Commissioner:



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

file

LEGAL SUB-COMMISSION	
TO	
FROM	
SUBJECT	
DATE	
INITIALS	
SECTION	
CLERK	
11 JUN 1945	

4083923

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMZONE
LEGAL DIVISION
APO 394

9 June 1945

SUBJECT: Case of SANTANIELLO Gerardo.

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

1. There is transmitted herewith application
in the case of the above subject.

For the Commissioner:

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

COB/pv

file

45

45-1.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/46E3/23/L.

31/rm.
9 June 1945.

SUBJECT : MORASCA Mazzarano.

TO : Public Safety Sub-Commission.

1. Reference your 31/14044 of 6 June 45.
2. The petition submitted on behalf of the above has been considered and denied.
3. The letter of H.E. the Minister of Res. Cases and Allied papers are returned herewith.

W. E. Birnie
W. E. BIRNIE,
Colonel,
Chief Legal Advisor.

- 4 Incl : 1 Minister's letter 5765
2 Ricci's letter to Minister
3 Ricci's petition to
Legal Sub-Commission
4 Certificato di detenzione.

File

44

13

file

HEADQUARTERS ALLIED COMMISSION
A.O. 394
LEGAL SUB-COMMISSION

AC/1085/23/4.

/ra.
5 June 1945.

SUBJECT : FRANKIE Gennaro and others.

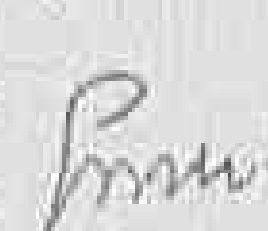
TO : H.E., the Minister of Prison and Justice.

1. The undermentioned were sentenced by the Superior Allied Military Court at Naples on the 20th July 1944 to 10 years imprisonment each

MARINO	Antonio	di Giuseppe
LEANO	Domenico	fu Cristoforo e di MARGHERITA Isola
ROCCO	Enrico (or Nancy)	fu Carlo (or fu Cassino)
MARIN	Dino	di Giuseppe e di CAROLINA Cora
FRANKIE	Gennaro	fu Pasquale e di MARIA Filomena

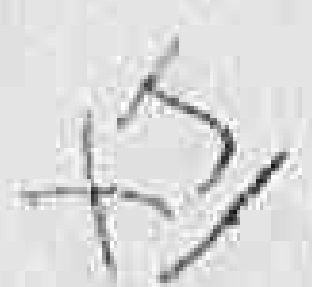
2. It is now directed that these sentences shall be reduced to 7 years.

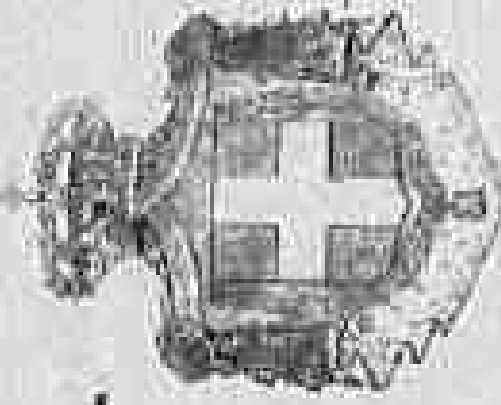
3. Will Your Excellency kindly give the necessary instructions for the above decision to be carried out please?



W.L. BENNETT,
Colonel,
Chief Legal Advisor.

Copy to : H.E. Naples
(attn. SLO)





Mod. 1348 MG

4083/1

Ministero di Grazia e Giustizia

DIREZIONE GENERALE PER GLI ISTITUTI DI PREVENZIONE E DI PENA

Ufficio VI

Prot. n. 137158/8

Roma, 10 GIU. 1945

Alla Direzione delle carceri
giudiziarie di

NAPOLI

e p.c. alla Commissione Alleata -Sottocommissione
Legale

ROMA X

OGGETTO: Detenuto Flaminio Gennaro ed altri.

La Commissione Alleata Sottocommissione Legale, comunica quan-
to appresso:

" I sottoinciati furono condannati dalla Corte Militare Supe-
riore Alleata di Napoli in data 20 luglio 1944 a 10 anni di carcere
ciascuno:

Apesanto Antonio di Giuseppe, Alfano Domenico fu Cristoforo e
di Aureliano Orsola; Ruffolo Maria (o Marcey) fu Carlo (o fu Germa-
ne); Lucella Dino di Giuseppe e di Carofoli Loreto; Flaminio Gennaro
fu Pasquale e di Banca Pilonas.

Ora è stato disposto che queste condanne vengono ridotte a 7
anni.

Si prega di voler dare la necessaria istruzione affinché venga
data esecuzione alla decisione di cui sopra. Firma del Col. M. M. Behrens
Si prega di provvedere in conformità, e adieu.

L'ordine del Ministro

42

Ufficio VI

Prot. n. 137158/8

Roma, 10 GIU 1945

Alla Direzione delle carceri
giudiziarie di NAPOLIe p.c. alla Commissione Alleanza --Sottocommissione
LegaleROMA X

OGGETTO: Detenuto Flaminio Gennaro ed altri.

La Commissione Alleanza Sottocommissione Legale, comunica quanto appreso:

" I sottoindicati furono condannati dalla Corte Militare Superiore Alleanza di Napoli in data 20 luglio 1944 a 10 anni di carcere ciascuno:

Apesante Antonio di Giuseppe; Alfano Domenico fu Cristoforo e di Arcangelo Orsola; Lattolillo Lucio (o Mancosky) fu Carlo (o fu Carmine); Lucchia Dino di Giuseppe e di Gerofoli Loreta; Flaminio Gennaro fu Pasquale e di Elena Pilonena.

Ora è stato disposto che queste condanne vengano ridotte a 7 anni.

Si prega di voler dare le necessarie istruzioni affinché venga data esecuzione alla decisione di cui sopra. Visto dal Col. M. E. Pehrens
Si prega di provvedere in conformità, e salutando.

D'ordine del Ministro

42

Headquarters
ALLIED MILITARY GOVERNMENT
PROVINCE OF FLORENCE

RLO
legal

4083/23
C
R1/1

8 Giugno 1945

SUBJECT: Reviews - CAVALLARO Umberto (your case 2569)

TO : R.L.O. HQ., AMG TOSCANA REGION

1. I am forwarding herewith for transmission to A.C. petition for clemency submitted by the Bishop of Fiesole on behalf of Umberto Cavallaro who was sentenced to seven years imprisonment for conspiracy to offer a bribe to an American soldier for the purpose of obtaining the use of an Army truck for civilian purposes.

2. I am in accord with the Bishop that the offence does not appear to warrant such a severe sentence and I recommend that there be a very substantial reduction particularly under present conditions and in view of the imminent return of this territory to the Italian Government.

Henry L. Green
HENRY L. GREEN, Major, JAGD.,
P.L.O.

HLG/TV

Encl.

RVIII/19/3008 1st. Ind. JKW/eg.
Regional Legal Office, Headquarters Toscana Region, AMG - 9 June 1945.
TO: Legal Sub-Commission, Headquarters A.C.

1. The above letter with Petition of the Bishop of Fiesole was received here after the complete record of the case had been dispatched to headquarters.

For the Regional Commissioner:

file
seen by
my wing
174
Patella

HEADQUARTERS
12 JUN 1945

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

13 JUN 1945

6083/23

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMMUNE
LEGAL DIVISION
APO 394

8 June 1945

SUBJECT: GALIZIO Giro fu Luigi

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

1. There is transmitted herewith application
for pardon in the case of the above subject.

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

For the Commissioner:

file

CCB/pv

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

JUN 1945

See above
Record. 2 yrs + 2 1/2 yrs
See change in minutes
Does not say if commutation or
transcription.

57

HEAD QUARTERS
ALLIED MILITARY GOVERNMENT
ANCONA PROVINCE

Subject: Informal Petitions

To: C.L.A. Legal Sub Commission Alcom - Rome

LEGAL OFFICE

From: L.O. Ancona

Re: ANO/II/7

ANCONA

Date: 7 June 1945

I. Herewith informal petitions in respect of the cases of :

- 1) CONTINI Ubaldo
- 2) PANTALEONI Primo
- 3) SIMONCINI Augusto
- 4) PETRUCCI Balilla.

2. I know nothing of the first case: the proceedings and appeals in the other two were forwarded with my remarks to Region V on May 9th.

3. It is untrue that the evidence in the Pantaleoni case excluded his carrying on black market : in my view it established just that fact. Pantaleoni has not paid the fine and accordingly the sentence remains at one year(year)

4. It is further untrue that the evidence in the last case showed the accused had no intention of acquiring possession of the articles stolen but only of safe guarding them from others. They alleged this but it conflicted with the evidence as a whole and I disbelieved it

A.W.L. Franklin
A.W.L. FRANKLIN, Major
acting L.O. Ancona

LEGAL SUB.COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Relation Section	
CLERKS	
14 JUN 1945	

39

file
710
on pet
18 Jun 45
Wm

*file**4083/23*

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMBINE
LEGAL DIVISION
APO 394

7 June 1945

L3028

SUBJECT: FORTE Luigi fu Pasquale.

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

1. Reference is made to your letter AC/4083/23/L,
4 June 1945, relative to the above subject.
2. Entire record (2 files) is returned herewith.
3. Arrangements have been made to release FORTE
Luigi.

For the Commissioner:

Frank L. Vecchiola
FRANK L. VECCHIOLA, by 668
Major, J.A.G.D.,
Senior Legal Officer.

CCB/pv

38

7 JUN 1945

HS

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4068/23/L.

JL/lrb:
7 June 1948.

SUBJECT : SPIZZICHINO Cesare.

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

1. Please forward the record in the case against
SPIZZICHINO Cesare, which is needed in connection with an
informal petition. It is stated that the above is imprisoned
in Florence.

2. Your comments on the case will be appreciated.

By command of Rear Admiral STONE:

W. E. BENHENS,
Colonel,
Chief Legal Advisor.

37

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4035/23/L.

JL/lrb.
7 June 1945.

SUBJECT : DI STEFANO Pietro.

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

The enclosed petition is forwarded to you for
whatever action you may deem necessary.

By command of Rear Admiral STONE:

W. E. BEHRENS

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

1 Encl:
Petition

36

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/lrb.
7 June 1945.

AO/4083/23/L.

SUBJECT : Petition for Clemency.

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

1. I have the honour to return the petition submitted on behalf of VALENTINI Augusto.

2. For the reason set out in my previous letters in regard to similar appeals, this appeal is rejected.

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

1 Encl:
Petition

35

NAME	SOURCE	FILE. NO.	DATE
VALENTINI	Augusto Min of G. & J.	8151/45	1 June 45

Above letter returned to Min of G & J on
7 June 45 with letter AC/4083/23/L. of
7 June 45

Go 83/23 ✓

Legal 3/2

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

MJH/jjr

2474

G-5: 014.5

7 June 1945

SUBJECT: Petition by Caporrino Giuseppe.

TO : Headquarters, Allied Commission, APO 394

1. Attached is copy of translation of letter dated
20 May 1945 written by one Caporrino Giuseppe.

2. Forwarded for any action deemed appropriate.

For the Assistant Chief of Staff, G-5:

bill

M. J. Heyl
M. J. HEYL
1st Lt., A.U.S.

+5/
Incl:
as above.

33

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/23/L.

/lrh.
6 June 1945.

SUBJECT : Petition for Clemency.

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

1. I have the honour to return the petition submitted on behalf of the following person:

D'ERCOLE Angelo Domenico

2. For the reason set out in my previous letters in regard to similar appeals, this appeal is rejected.

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

1 Encl:
Petition

32

NAME	SOURCE OF LTR	FILE NO.	DATE
D'ERCOLE Angelo Domenico	Min of G & J	6135/45	29 May 45

Above letter returned to Minister of Pardon and Justice
with letter AC/4083/23/L. of 6 June 45.

4083/23
✓HEADQUARTERS ALLIED COMMISSION
A.P.O. 154
PUBLIC SAFETY SUB COMMISSION
SECURITY DIVISION

REF : SD/14CHH

6 June 1945

SUBJECT : MORALES Hernandez

TO : Legal Sub Commission

1. Attached for your consideration is an appeal from the mother of the above named who was sentenced to two years imprisonment and a \$500.000 fine by an ABC Court at Foggia on the 7 June 1944.

2. Prison certificate is also attached.

30

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

JCH/nb

file

Put in exactly similar terms
are usually received, considered
& rejected.

1926-

4063/23
 HEAD QUARTERS
 ALLIED MILITARY GOVERNMENT
 ANCONA PROVINCE

Subject: CAMILLI MELETANI Mario

To: C.L.A. Legal Sub Commission Alcom = ROME

LEGAL OFFICE

From: L.O. Ancona

Ref: Anc/11/7

Ancona

Date: 6 Giugno 1945

1. Herewith informal Petition and index card in respect
 of above.

A.W.L. Franklin
 A.W.L. FRANKLIN, Major
 acting L.O. Ancona

LEG-1 SUBCOMMISSION	
CLO	
DCLO	
Chief Counsel	
CIO	
Italian Section	
CLERKS	

10 JUN 1945

29

file
HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/23/L.

/rm.
6 June 1945.

SUBJECT : Petitions for Clemency.

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

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

ALLIANTI Corrine
POLIDORI Biegie

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

J. C. W.

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

28

Incis : 2 Petitions.

NAME	SOURCE OF LETTER	REF.	DATE
ALBERTI Carmine	Minister of Grace & J	UG/713	4 June 45
POLIDORI. Mario	Direzione della Cassa Resiluzione	3464-3-52	23 May 45

file

HEADQUARTERS ALLIED COMMISSION
APC 394
LEGAL SUB-COMMISSION

AC/4083/23/L.

/lrh.
6 June 1945.

SUBJECT : SANTAMARIANOVA Antonia.

TO : Provincial Commissioner, (Attn: Senior Legal Officer), Ancona Commune.

1. The enclosed petition is denied.
2. It is pointed out that accused was on 7 November 1944 sentenced to one year's imprisonment. The last three months were suspended on review and accordingly above named is entitled to be released on 6 August 1945 (instead of 18 October 1945 shown at foot of petition).

By command of Rear Admiral STONE:

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

1 Encl:
Petition

26

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/23/L.

ACW/lrb.
5 June 1945.

SUBJECT : Case of RUSSO Gennaro fu Giuseppe.

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

1. The above named was on 18 April 1944 sentenced by AMG Court at S. Maria C.V. to two years imprisonment. He is now detained at Castiadas (Casa di Lavoro all'Aperto).

2. On receipt of his petition of 18 May 1945 his case has been reconsidered and the balance of his sentence has been remitted.

3. Will Your Excellency kindly give the necessary instructions for his immediate release.

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

25

file

HQ Allied Commission
Legal ³⁹⁴ Sub. Com. within

AC/4083/23/L.

/1rb.
5 June 1945.

SUBJECT : ANZANO Nicola di Giuseppe.

TO : Provincial Commissioner (Attn: Senior Legal
Officer), Naples Commune.

1. Above named was on 9 February 1944 sentenced to
three years imprisonment of which one half suspended.

2. On reconsidering his case the balance of his
term is remitted. Will you please ensure his immediate
release. He is detained at the Carceri Mandamentali
Maddaloni.

By command of Rear Admiral STONE:

W. E. BENNERS

Colonel,
Chief Legal Adviser.

15

4083/23 ✓

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NAPLES COMBINE
LEGAL DIVISION
APO 394

L-3020

5 June 1945

SUBJECT: FLAMINIO Luigi fu Francesco.

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

1. Reference is made to your letter AG/4083/23/L,
10 May 1945.

2. Returned herewith is file in the case of
the above subject together with Col. Clair's recom-
mendation.

3. We concur with the recommendation of the
Summary Port Court Judge.

For the Commissioner:

23

CCB/PV

LEGAL SUB COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Legal Section	
CL RKS	
8 JUN 1945	

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

file

17/

4483/230
HEAD QUARTERS
ALLIED MILITARY GOVERNMENT
ANCONA PROVINCE

Legal S/L

Subject: GASPARI Nazzareno
To: C.L.A. Legal Sub Commission Alcom - Rome
From: L.O. Ancona
Ref: ANC/II/7
Date: 4 June 1945

LEGAL OFFICE

A N C O N A

I. Herewith informal appeal for your consideration.

file

AWL. FRANKLIN, Major
acting L.O. Ancona

→
71-1-8
X

put register
7 June 45

22

HEAD QUARTERS
ALLIED MILITARY GOVERNMENT
ANCONA PROVINCE

Subject: Informal Appeals

To: C.L.A. Legal Sub Commission Alcom - Rome

LEGAL OFFICE

From: L.O. Ancona

Ref: ANC/II/7

Date: 4 June 1945

1. Herewith informal appeals in the cases of MARIANI Alberico and PICCOLI Giuseppe, for your consideration.
2. Index card enclosed only in the case of MARIANI Alberico, having the other case not been tried at Ancona.

A.W.L. Franklin
A.W.L. FRANKLIN, Major
acting L.O. Ancona

HEADQUARTERS ALLIED COMMISSION
AFO 394
LEGAL SUB-COMMISSION

AC/4023/23/L.

/rm.
5 June 1945.

SUBJECT : Case of DI MODICA Pietro di Salvatore.

TO : DI MODICA Pietro di Salvatore
presso MORGANTE Eliseo

P-A-L-E-R-M-O

Via Salvatore Cusa, 27

As per your request which reached this office
5 June 45, the following is a copy of charge and sentence:

a) Charge (accusa)

(i) English:

Violation of Proclamation No. 2, Art II,
para 45. Doing acts to the prejudice
of good order in that at Cefala Diana
during the month of October 1943 he
committed armed robbery against various
persons.

(ii) Italian:

Violazione del Proclama No. 2, Art II,
para. 45. Per avere commesso atti a
pregiudizio dell'ordine civile perchè
responsabile a Cefala Diana durante il
mese di ottobre 1943 di rapina a mano
armata in danno di diverse persone.

20

b) Sentence (sentenza)

(i) English:

Found guilty of above charge and sentenced
to "Detention in Palermo Juvenile Prison".

+3/

(ii) Italian:

- 1- Riconoscimento di colpevolezza riguardo alla accusa di cui sopra.
- 2- Condanna.
Reclusione nello stabilimento per i minorenni in Palermo.

U. P. W

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

$4083/23$

LEGAL

S/C
Reached
Seydel S/C 5 June 1955
1/4 D. F. L. L. L.

al Comando alleati.

Ufficio Legale

born

Il dottore si medica

Pietro di Salicatore e di

Delphine & Carolina nato

di Villapratte. ~~il~~ Dominiato a

potranno in via salvatore Rosa 27
presso Margherita F. C. C. Comento

presso Margherita
prego questo spettacolo Corvinto

occiochi voglio di lasciarmi una
copia di sindacato emessa dalla
medico nel 1966.

S. O. Ill mo. in marzo nel 1966.

per Rafina nel municipio di

Palermo. per uso d'ogni in ~~te~~ 18

Barrotero
Lindenbergi *di. uodica*

Barato perso
L'indaniz di Modica con Serpente
Pietro) presso Margante afferrato
di Modica

31700 via Salvatore
Cucco 2% Palermo.

La monica
Pietro

File

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4023/23/L.

/lrb.
5 June 1948.

SUBJECT : Petitions for Clemency.

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

1. I have the honour to return the petition submitted on behalf of DI VIVARELLI Giovanni.

2. For the reason set out in my previous letters in regard to similar appeals, this appeal is rejected.

W. E. Behrens

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

15

1 Incl:
Petition

Name	Source	File No.	Date
DI VIVARELLI Giovanni	Min of G & J	4556/45	29 May 45

Above petition returned to Min of G & J with
letter AC/4083/23/L. dated 5 June 1945.

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/23/L.

/rm.
4 June 1945.

SUBJECT : Petition for Clemency.

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

1. I have the honour to return the petition on behalf of
DI BLASI Giuseppe.

2. For the reason set out in my previous letters in regard
to similar appeals, this appeal is rejected.

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

NAME	SOURCE OF LETTER	REF. No.	DATE
DI BLASI Giuseppe	Minister Grace & J	8129/45	28 May 45

This letter is returned to Minister of Grace and Justice
with letter 4083/23/L of 4 June 1945.

4083/k3

Legal S/L

APO 394.

WHL/dsh.
4 June 1945.

TO: Headquarters, Allied Commission, APO 394 (for Deputy Chief Legal Advisor).

1. Receipt is acknowledged of the decision on review in the above case.

For the Regional Commissioner:

WILLIAM H. LEVIT
Lt. Col., J.A.G.D.
Regional Legal Officer.



file - bottle
1/4

13

57

File

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4083/70/L.

JL/lrb.
4 June 1945.

SUBJECT : MUSCATELLO Domenico di Biagio.

TO : H.E., the Minister of Marine.

1. Your Major General SQUILLACI Gaetano, of the Genio Navale has called upon this Sub-Commission to ascertain the true facts with reference to MUSCATELLO Domenico.

2. The above mentioned, son of Biagio Muscatello and di Muralito, age 27, a student of Engineering and whose civilian address was given as "Bianco (Reggio Calabria) Via Pardesce", was tried and sentenced to death, for espionage. The sentence was confirmed, and execution was carried out on 31 March 1945. His body is interred at Trespiano Cemetery.

3. Will Your Excellency please issue necessary instructions so that the above information is transmitted to Major General SQUILLACI Gaetano who gave his address as:

Ministero Della Marina
Consiglio Superiore di Marina, Rome

Attn: Maj. Generale
Genio Navale
SQUILLACI Gaetano.

W. E. Behrens

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

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4083/23/L.

/lrh.
4 June 1945.

SUBJECT : Case of FLORIDIA Giuseppe.

TO : Provincial Commissioner, (Attn: Senior Legal Officer), Naples Commune.

Reference your letter L-3029 of 31 May 1945 enclosing letter of 22 May 1945 from S.C.A.P.O. and petitions on behalf of above named.

1. The case has been reconsidered in the light of the above communications and the whole evidence re-examined.

2. There is nothing in the new petitions submitted to warrant any interference with the sentence which must stand despite the shortage of Italian Police Officers in the area. It is noted "obiter" that the Father's petition includes a few untruths.

By command of Rear Admiral STONE:

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

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/ACDZ/23/L.

JL/lrb.
4 June 1945.

SUBJECT : CAVALLARO Umberto.

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

1. Enclosed herein is the letter of Allied
Commission Liaison officer, together with copies of
letters of Mr. Myron Taylor and The Bishop of Fiesole.

2. This office has not received any petition
in favor of Cavallaro which is alleged to have been sent
by the said Bishop together with the endorsement of
General Hume. It is thought that probably the petition
was sent to your office.

3. If the petition in question has been sent
to you will you please forward it to this HQ with what-
ever comment you may wish to make.

4. Please return the enclosures.

By command of Rear Admiral STONE:

(A.C.O.)

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

3 Encl:

- Encl -1 Letter of Liaison
Officer dated 31 May 45.
Encl -2 Copy of Mr. Taylor's
letter dated 28 May 45.
Encl -3 Copy of Bishops letter
to Mr. Taylor dated
20 May 45.

10

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/lrh.
4 June 1945.

AG/4063/23/L.

SUBJECT : FORTE Luigi fu Pasquale.

TO : Provincial Commissioner, (Attn: Senior Legal Officer,) Naples Commune.

1. The above mentioned was convicted by the Naples Superior Court on 13 March 1944 for extorting money from civilians in connection with his duties as an interpreter for the A.S.G. and for possession of loaded fire arms.

2. He has made numerous petitions for release since then, all of which have been denied until the last one, which on account of the allegations made therein for the first time, was forwarded by Major Kerr to the J. A. G. D. for investigation. As a result of the investigations made at the instance of that department, a statement has been obtained from 1st Lieut. Joseph Di Antonio in which he admits that he received as a loan from Forte 20,000 lire, the amount which was the subject matter of the charge against Forte.

3. Lieut Di Antonio gave evidence at the trial, but the fact that he benefited in this way was not disclosed. Though it may be that Forte obtained the money in the way alleged, it is impossible to say what effect the knowledge that Lieut Di Antonio received the money would have had on the Judge, and what further facts might have come to light had the Judge known that. The conviction on the first charge is therefore quashed.

4. The record in this case has been handed to this Sub-Commission by Agents Lipinski and Desmond of the C.I.D. Naples with a request that we would furnish copies of any correspondence held here in connection with this matter.

5. The record is returned to you herewith and in the green file are:

- (a) the papers on which the recent investigation have been made.
- (b) copies of the correspondence held here with regard to this matter,

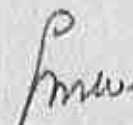
and with the record of trial are subsequent petitions received and copies of the statements recently obtained of the correspondence, all which should be retained with the record.

- 2 -

6. The accused was arrested on or about 14 February 1944 and the time already served is not in appropriate to the second charge to which he pleaded guilty. Will you therefore please arrange for his immediate release from Poggioreale Prison?

7. When the record is no longer needed by your office please return to this HQ.

By command of Rear Admiral STONE:



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

Encl:
Record of case



DI SUA SANTITÀ

No. 85072/SA

Dal Vaticano, li 4 June 1945

Dear Colonel Behrens:

I take this occasion to thank you for your kind letter of May 28th concerning the case of BERAHA, Alberto, Ref. AC/4083/23L. Please accept my assurance that your reply is greatly appreciated. It is good to know that even in cases where the press of business does not permit an individual response, the case does receive a review.

With a renewed expression of thanks and with sentiments of high esteem, I am

Very sincerely yours,

Monsignor Joseph F. McGeough.

Colonel W.E. Behrens
Deputy Chief Legal Advisor
A. C. Headquarters
Rome.



7

Vd F.W.

9 JUN 45

Translation

The Minister of the Royal Household
2760

Rome, 3 June 1945

- 5041 1243

Dear Admiral,

His Royal Highness, the Lieutenant General of the Kingdom received the enclosed telegram signed by Mrs Esther Di Consiglio who is asking for the liberation of her husband Cesare Spizzichino, who has been in jail two months in Florence, because of a verdict of the Allied Court.

As you can see, the petitioner is closely related to seven of the people who were shot in the Fosse Ardeatine, and belongs to a family who had twenty five members deported to Germany.

According to the wish of His Royal Highness and considering the circumstances mentioned by Mrs Di Consiglio, I want to draw your personal attention on this case for whatever action you will deem advisable to take.

Waiting for your answer and thanking you in the name of the Lieutenant, I remain, my dear Admiral,

Yours very truly,

S. Lucifero

Admiral Hilary A. Stone
Chief Commissioner
Allied Commission
Rome

S.S.

6

4219

Translation

DD ROME FLORENCE 19 00 78 15 15

I AM THE DAUGHTER AND SISTER OF SEVEN OF THE VICTIMS OF THE
FOUR ARRESTED. 25 MEMBERS OF MY FAMILY HAVE BEEN DEPORTED
TO GERMANY. I AM THE DISCHARGE OF MY HUSBAND GREGARIO SPINZICHINO
WHO IS IN FLORENCE AND HAS BEEN CONDEMNED TO SIX MONTHS IMPRISON-
MENT BY THE ALLIED COURT FOR FAKING A PASS. HE HAD ALREADY
SERVED TWO MONTHS. HE HAS ALREADY BEEN OPERATED TWICE (STOMACH)
AND MUST NOW BE OPERATED FOR THE THIRD TIME. HE HAS FIVE
CHILDREN TO REAR. AFTER SO MANY MISFORTUNES HE HOPES TO BE
RELEASED.

MATER DI CONSOLIO

file

S.O.

5

4219

4083/23
✓
HEAD QUARTERS
ALLIED MILITARY GOVERNMENT
ANCONA PROVINCE

Subject: SANTAMARIANOVA Antonia

To: C.L.A. Legal Sub Commission Ancona - Rome ✓
From: L.O. Ancona

LEGAL OFFICE

Ref: ANC/11/7
Date: 2 June

A N C O N A

1. Herewith informal Appeal and copy of index card in respect of above.

AWL Franklin

AWL. FRANKLIN, Major
acting L.O. Ancona

LEGAL SUB COMMISSION	
CLO	
DOLO	
Chief Clerk	
CJO	
Italion	
CL RKS	
16 JUN 1945	

file

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/lrh.
1 June 1945.

AC/4083/23/L.

SUBJECT : CAPUTO Giuseppe and CAPUTO Antimo.
TO : Provincial Commissioner, Attn: Senior Legal Officer, Naples Commune.

1. The above were convicted in the Naples Superior Court on 20th March 1944 for possession of arms, and were each sentenced to 7 years imprisonment and a fine of 1,000,000 lire, payable in 1 month, or 3 years in default. As the fine has not been paid the sentence now stands at 10 years imprisonment.

2. Avv. Sav. Pietro Grimaldi of Via Colletta 27, Naples, has presented an elaborate petition that the conviction be quashed, based on allegations that the Vice Brigadiere Sabatino, a prosecution witness, committed perjury at the trial. This petition contains statements from witnesses who gave evidence for the prosecution and defence in the Caputo trial, which statements were taken in the istruzioni of the perjury case pending against Sabatino.

3. The evidence contained in the Caputo trial record, and the arguments and statements contained in the recent petition have been very carefully examined. The suggestion of perjury, however, if it is established in the pending proceedings, as to which no opinion is expressed, is really a red herring, the other evidence given at the trial was quite sufficient to establish the guilt of the accused.

4. It is considered, however, that the original sentence of 10 years was too heavy and it is accordingly reduced to 2½ years.

5. Would you please inform Avv. Grimaldi of the contents of para's 3 and 4 above?

6. Your L-3020 of 26 May refers.

By command of Rear Admiral STONE:

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

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4083/23/L.

1 June 1945. /lrb.

SUBJECT : Petitions 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:

BIGAGLI	Renzo	RICCI	Nicola
COCOZZA	Gaetano	ROSSINI	Nicola
DE MASTRO	Giuseppe	BQUEO	Paolo
DE PALMA	Giovanni	VACCAFO	Giuseppe
GENCHI	Giuseppe	FERRANTE	Giuseppe
MINUNNO	Donato	POLI	Alfrado

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

W. E. Behrens

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

12 Incls:
Petitions

NAME	ORIGIN OF LETTER	FILE NO	DATE
BIGAGLI Renzo	Min of G & J	4573/45	25 May 45
COCOZZA Gaetano	"	"	"
DE MASTRO Giuseppe	"	"	"
DE PALMA Giovanni	"	"	"
MINUNNO Donato	"	"	"
GENCHI Giuseppe	"	"	"
RICCI Nicola	"	"	"
ROSSINI Nicola	"	"	"
SQUEO Paolo	"	"	"
VACCAFO Giuseppe	"	"	"
FERRANTE Giuseppe	"	4444/45	27 May 45
POLI Alfredo	"	8124/45 (Carceri)	24 May 45

Above letters returned to Min of G & J
with letter AC/4083/25/L. of 2 June 45.

