Declassified E.O. 12356 Section 3.3/NND No. 785016

ACC

10000/142/945

APPLICATIONS FO
MILITARY COURT
OCT. 1943 – JAN. 1

Declassified E.O. 12356 Section 3.3/NND No. 785016

10000/142/945

APPLICATIONS FOR REVIEW & PROCEEDINGS, SUMMARY
MILITARY COURTS
OCT. 1943 – JAN. 1944

Declassified E.O. 12356 Section 3.3/NND No. 785016

BEST COPY POSSIBLE

AMG/208/B

Applications for Review and

Proceedings Summary Military Courts

105 cases

1430

Declassified E.O. 12356 Section 3.3/NND No. 788016

Applications for Review and

Proceedings Summary Military Courts

105 cases

10000 142 9'45

HEADQUARTERS A.G. CASE NO.

THIS FOLDER CONTAINS PAPERS

FROM Oct. 43

TO Jan 44

CASE OF

Declassified E.O. 12356 Section 3.3/NND No. 775556

NOTE CARATTERISTICHE

Attaccamento all'organizzazione

Assiduità alle adunate

Capacità domestica

Corsi speciali frequentati

Carattere

Intelligenza

Ascendente personale

Attitudine a funzioni di comando

PUNIZIONI

BENEMERENZE E RICOMPENSE

TRASFERIMENTI

Declassified E.O. 12356 Section 3.3/NND No. 781016

Carattere

Intelligenza

Ascendente personale

Attitudine a funzioni di comando

PUNIZIONI

BENEMERENZE E RICOMPENSE

TRASFERIMENTI

GIUDIZIO COMPLESSIVO

Declassified E.O. 12356 Section 3.3/NND No. 785016

Cognome e nome _____

figlia di _____ e di _____

nata a _____ prov. di _____

data di nascita _____

residente nel Comune di _____

Via _____ N. _____

professione _____

titolo di studio _____

passata alle giovani fasciste con la leva e con anzianità _____

passata al P. N. F. con la _____ leva fascista il _____

GRADI CONSEGUITI NELLA G. I. L.

Piccola Italiana scelta _____

Piccola Italiana vice caposquadra il _____

Piccola Italiana caposquadra il _____

Giovane Italiana scelta il _____

Giovane Italiana vice caposquadra il _____

Giovane Italiana caposquadra il _____

Giovane Fascista scelta il _____

Giovane Fascista vice caposquadra il _____

Giovane Fascista caposquadra il _____

Dirigente Sottocapomanipolo il _____

ATTIVITÀ SPORTIVA PRATICATA

_____

1434

Declassified E.O. 12356 Section 3.3/NND No. 759016

titolo di studio _____

passata alle giovani fasciste con la leva e con anzianità _____

passata al P. N. F. con la _____ leva fascista il _____

GRADI CONSEGUITI NELLA G. I. L.

Piccola Italiana scelta _____

Piccola Italiana vice caposquadra il _____

Piccola Italiana caposquadra il _____

Giovane Italiana scelta il _____

Giovane Italiana vice caposquadra il _____

Giovane Italiana caposquadra il _____

Giovane Fascista scelta il _____

Giovane Fascista vice caposquadra il _____

Giovane Fascista caposquadra il _____

Dirigente Sottocapomanipolo il _____

ATTIVITÀ SPORTIVA PRATICATA

_____

_____

_____

_____

Sport nel quale emerge _____

_____

_____

_____

Declassified E.O. 12356 Section 3.3/NND No. 785016

P. N. F.

GIOVENTU' ITALIANA DEL LITTORIO

COMANDO FEDERALE DI MATERA

Comando G. I. L. di Fascio di .....

CARTELLA PERSONALE

della Giovane Fascista .....

Tessera Anno 19.... - A. F. ..... - N. .....

Tessera Anno 19.... - A. F. ..... - N. .....

Tessera Anno 19.... - A. F. ..... - N. .....

Trasferita al Comando federale di ..... il .....

Trasferita al Comando federale di ..... il .....

Trasferita al Comando federale di ..... il .....

Declassified E.O. 12356 Section 3.3/NND No. 785016

CARTELLA PERSONALE

della Giovane Fascista _____

Tessera Anno 19____ - A. F._____ - N._____

Tessera Anno 19____ - A. F._____ - N._____

Tessera Anno 19____ - A. F._____ - N._____

Trasferita al Comando federale di _____ il _____

Trasferita al Comando federale di _____ il _____

Trasferita al Comando federale di _____ il _____

La Giovane Fascista _____

è passata ai Fasci Femminili il _____ 19____ - Anno_____

Declassified E.O. 12356 Section 3.3/NND No. 785016

Declassified E.O. 12356 Section 3.3/NND No. 785016

1438

MEMO

1496

DCCAO

23 Jan 44

Application for Review of Sentence No. 48

1. Herewith application for review and record of proceedings in the case of BOSCO Giuseppe who was convicted of possession of arms and ammunition and sentenced to six months imprisonment.

2. The record is in order and I do not believe the sentence is excessive and therefore recommend that the sentence be confirmed.

Major, AUS,
Chief Legal Officer.

I agree

RS 23/1/44

105

197

FORM. N.° 11

GOVERNO MILITARE ALLEATO

ISTANZA PER REVISIONE DI SENTENZA

(In uso per la revisione delle cause giudicate davanti i Tribunali Militari o Corti Italiane)

NOTA: Questo stampato deve essere presentato nel termine di 30 giorni dalla sentenza.

PROVINCIA DI Napoli

TRIBUNALE DI Maddaloni per Terra ancora

Nome dell'accusato Bosco Giuseppe di Domenico

Indirizzo dell'accusato Maddaloni Via I. Agosto N. 117

Data di arresto 27. XII. 1943

Imputazione mancata consegna di renile

Data del dibattimento 27 XII 1943 Data della sentenza 27. XII. 1943

Condanna mesi sei di reclusione dalla Corte di Maddaloni

Nome del Giudice del Tribunale di Maddaloni: Lt. Capitano Brock

Motivi per la istanza Il reato fu tratto dal fatto che non portava alla Caserma quando fu sorpreso. Trattasi di un civile ignorante che mandato ai congedati richiamo - La pena è eccessiva ed in altri casi fu data la metà. Chiedo legge di giudizio e clemenza - Si confida di avere pena meno grave

Data 3/1 194

(Firma dell'accusato o del suo Procuratore)

OSSERVAZIONI DEL GIUDICE CHE HA PRESIEDUTO AL PROCESSO, O DELL'UFFICIALE SUPERIORE ADDETTO ALLA GIUSTIZIA DELLA PROVINCIA. OPPURE DEL PROCURATORE, SE NECESSARIO

Data 194

(Firma e qualifica)

DECISIONE DELL'UFFICIALE CAPO DEGLI AFFARI CIVILI

Declassified E.O. 12356 Section 3.3/NND No. 785016

PROVINCIA DI Napoli

TRIBUNALE DI mondragone per Terra Lavoro

Nome dell'accusato Bosco Giuseppe di Domenico

Indirizzo dell'accusato Mondragone Via S. Angelo N. 117

Data di arresto 27. XII. 1943

Imputazione mancata consegna di renitente

Data del dibattimento 27 XII 1943 Data della sentenza 27. XII. 1943

Condanna mesi sei di reclusione dalla Corte di mondragone

Nome del Giudice del Tribunale di mondragone: Ig. capitano Brook

Motivi per la istanza Il renitente fu tratto dal letto ove giaceva ammalato quando fu sorpreso dai fatti; di un fisico molto ignorante che non si rese conto dei fatti - La pena è eccessiva ed in altri capi data la gravità - Chiedesi legge di grazia e benevolenza - Si ripete i motivi dell'appello.

Data 3/1 194 Giuseppe Bosco

(Firma dell'accusato o del suo Procuratore)

OSSERVAZIONI DEL GIUDICE CHE HA PRESIEDUTO AL PROCESSO, O DELL'UFFICIALE SUPERIORE ADDETTO ALLA GIUSTIZIA DELLA PROVINCIA, OPPURE DEL PROCURATORE, SE NECESSARIO

10

Data 194

(Firma e qualifica)

DECISIONE DELL'UFFICIALE CAPO DEGLI AFFARI CIVILI

Data 194

NOTA: Questo stampato dovrà essere sottoposto all'approvazione dell'Ufficiale Superiore addetto alla Giustizia della Provincia.

HEADQUARTERS A.C. CASE NO. 139

1943 — Napoli, R. Tip. Giannini

Declassified E.O. 12356 Section 3.3/NND No. 785016

FORM No. 11

ALLIED MILITARY GOVERNMENT

APPLICATION FOR REVIEW OF SENTENCE

(To be used for Review of Cases tried in either Allied Military or Italian Courts)

NOTE: This form must be filed within 30 days of Sentence.

PROVINCE OF .....

..... COURT OF .....

Name of Accused .....

Address of Accused .....

Date of Arrest .....

Charge .....

.....

Date of Trial ..... Date of Sentence .....

Sentence .....

Name of Judge and Court .....

.....

Reasons for Application .....

.....

.....

.....

.....

Date 194

.....
(Signature of Accused or of his Attorney)

REMARKS BY TRIAL JUDGE, PROVINCIAL SENIOR LEGAL OFFICER, OR PROCURATORE, IF APPLICABLE.

.....

.....

.....

Date ..... 194 ...

.....
(Signature and Description

DECISION OF CHIEF CIVIL AFFAIRS OFFICER

Declassified E.O. 12356 Section 3.3/NND No. 785016

NOTE: This form must be filed within 30 days of Sentence.

PROVINCE OF .....

..... COURT OF .....

Name of Accused .....

Address of Accused .....

Date of Arrest .....

Charge .....

.....

Date of Trial ..... Date of Sentence .....

Sentence .....

Name of Judge and Court .....

.....

Reasons for Application .....

.....

.....

.....

.....

Date ..... 194 .....

(Signature of Accused or of his Attorney)

REMARKS BY TRIAL JUDGE, PROVINCIAL SENIOR LEGAL OFFICER, OR PROCURATORE, IF APPLICABLE.

.....

.....

.....

Date ..... 194 .....

(Signature and Description

DECISION OF CHIEF CIVIL AFFAIRS OFFICER

.....

.....

.....

Date ..... 194 .....

NOTE: This form will be submitted to the Senior Legal Officer of the Province.

1943 — Napoli, R. Tip. Giannini

Declassified E.O. 12356 Section 3.3/NND No. 785016

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Form No. 8

ALLIED MILITARY GOVERNMENT

PROCEEDINGS OF AN ALLIED MILITARY COURT

Held at Mondragone

an the 27th day of December 1943

Before Capt G.H.Morris. C.A.O. X Corps.

(Name and rank of President and/ or Magistrate constituting the Court).

REFERENCE No.

ACCUSED

Name: BOSCO Giuseppe

Address: Via Taglialatela, Mondragone.

Description: Medium build, height 5' 7", round face, thick dark hair.

Occupation: ex soldier, farm labourer.

Age: 28

INTERPRETER

Name G. de Simone. is duly sworn

PROSECUTING OFFICER

Name: Lt John Key. A/C.A.O. Mondragone. 103

ADVOCATE FOR ACCUSED

Name and Address None

CHARGE (S)

(This space need not be completed if a copy of the Summons or charge sheet is attached).

Summons form attached.

HEADQUARTERS A.C. CASE NO. 140

Declassified E.O. 12356 Section 3.3/NND No. 785016

PROCEEDINGS OF AN ALLIED MILITARY COURT

Held at Mondragone

an the 27th day of December 1943

Before Capt G.H.Morris. C.A.O. X Corps.

(Name and rank of President and/ or Magistrate constituting the Court).

REFERENCE No.

ACCUSED

Name: BOSCO Giuseppe

Address: Via Taglialatela, Mondragone.

Description: Medium build, height 5' 7", round face, thick dark hair.

Occupation: ex soldier, farm labourer.

Age: 28

INTERPRETER

Name G. de Simone. is duly sworn

PROSECUTING OFFICER

Name: Lt John Kay. A/C.A.O. Mondragone.

ADVOCATE FOR ACCUSED

Name and Address None

CHARGE (S)

(This space need not be completed if a copy of the Summons or charge sheet is attached).

Summons form attached.

HEADQUARTERS A.G. CASE NO. 140

Declassified E.O. 12356 Section 3.3/NND No. 785016

1. The evidence, any statements by the prosecution and defence before sentence, and any opinion the Court wishes to record as to its findings will be written or typed on this and the following page. When the length of the evidence requires, further sheets of paper serially numbered will be inserted in this file.

2. This record will be signed by the President and members of the Court.

Gioachino MARGUERINI, Marshall of C.C.R.R.

This man was found coming along the road carrying this sporting rifle and had in his possession this bag containing 15 cartridges. It was 24th December 1943 and acting on your instructions I had posted the notices directing the surrender of all arms in this vicinity to my Barracks by midnight 6th NOVEMBER 1943. Eight of these notices were posted in all parts of the Town as ordered by you on 3rd November 1943. The defendant has been home since early November and can read.

Defendant. I was working in my father's field and found this gun and the bag of cartridges under some bamboo canes. After I finished work I wiped it with a rag and was taking it home when I was caught by two soldiers and the Marshal. I cannot account for it being so clean after the rains we have had. I wiped it with a piece of rag. I know my father has a permit for a sporting gun. This one is not his, his was taken by the Germans. I know all guns had to be handed in. It is not my gun, I found it. I do not know how long it had been there, I only found it in the morning when I went to work there.

Opinion of Court. The father has an Italian permit for a gun. He has not handed one in. His excuse is that the Germans took it. From the condition of the gun, i.e. no rust and the canvas sling perfectly dry, and the fact that the cartridges were quite new and dry, I came to the conclusion that this was the fathers gun and was used by the defendant with full knowledge he should have handed it in.

Geo. H. Morris Capt.

President of Court.

Declassified E.O. 12356 Section 3.3/NND No. 785016

PLEAS OF THE ACCUSED

The accused G.Bosco pleads not guilty to the ~~first~~ charge; ~~pleads~~ ~~to the second charge; pleads~~ to the ~~third charge~~.

~~The accused~~ pleads ~~to the~~ first charge; pleads to the second charge; pleads to the third charge.

The accused pleads to the first charge; pleads to the second charge; pleads to the ~~third~~ charge.

FINDINGS OF THE COURT

The accused G.Bosco is found guilty / ~~not guilty~~ of the ~~first~~ charge; ~~guilty / not guilty of the second charge; guilty / not guilty of the third charge~~

~~The accused~~ is found guilty / not guilty of the first charge; guilty / not guilty of the second charge; guilty / not guilty of the third charge.

The accused is found guilty / not guilty of the first charge; ~~guilty / not guilty of the second charge; guilty / not guilty of the third charge~~.

SENTENCE OF THE COURT

The Court sentences the accused G.Bosco

to six months imprisonment.

in respect of all offences charged in the above proceedings of which the said accused has been found guilty.

~~The Court sentences the accused~~

~~to~~

~~in respect of all offences charged in the above proceedings of which the said accused has been found guilty.~~

~~The Court sentences the accused~~

~~to~~

~~in respect of all offences charged in the above proceedings of which the said accused has been found guilty.~~

REVIEW

Finding + Sentence confirmed.

Dated January 23 1944 Signature [illegible]

Declassified E.O. 12356 Section 3.3/NND No. 785016

first charge; pleads to the second charge; pleads to the third charge.

The accused pleads to the first charge; pleads to the second charge; pleads to the ~~third~~ charge.

FINDINGS OF THE COURT

The accused G.Bosco is found guilty / ~~not guilty~~ of the ~~first~~ charge; ~~guilty / not guilty of the second charge; guilty / not guilty of the third charge~~

~~The accused~~ is found guilty / not guilty of the first charge; guilty / not guilty of the second charge; guilty / not guilty of the third charge.

The accused is found guilty / not guilty of the first charge; ~~guilty / not guilty of the second charge; guilty / not guilty of the third charge.~~

SENTENCE OF THE COURT

The Court sentences the accused G.Bosco

to six months imprisonment.

in respect of all offences charged in the above proceedings of which the said accused has been found guilty.

~~The Court sentences the accused~~

~~to~~

~~in respect of all offences charged in the above proceedings of which the said accused has been found guilty.~~

~~The Court sentences the accused~~

to

~~in respect of all offences charged in the above proceedings of which the said accused has been found guilty.~~

REVIEW

Finding + Sentence confirmed.

Dated January 23 1944 Signature M.R. Lyl
Brigadier Deputy

CONFIRMATION OF DEATH SENTENCE

Dated 194 Signature

Declassified E.O. 12356 Section 3.3/NND No. 785016

M E M O.

D.C.C.A.O. 11 January 44.

195

Application for Review of Sentence - No. 56.

Volpicelli Gaetano.

Herewith the subject petition. Volpicelli was charged with the wilful violation of an order given under the authority of the Allied Military Government and with doing an act to the prejudice of the good order or the safety or security of the Allied Forces for offering to transport persons for hire from Roccamonfina to Naples, the former being within the 56th Division area, He was further charged with an attempt to do the acts stated in the first two charges.

2. The case was tried by Captain Murray, who was the complaining witness, and there was no evidence offered except that which the Court knew from his own experience. The accused pleaded guilty and was sentenced to six months imprisonment and a fine of 50,000 lire.

3. It is admitted that the accused had an A.M.G. windshield sticker on his vehicle authorizing him to travel in "Naples City and Province". Roccamonfine, where the accused was arrested, is in Naples Province.

4. I agree with the S.L.O. 5th Army who has recommended that the conviction and sentence be set aside for the following reasons :-

(a) The accused obviously believed that his windshield sticker permitted him to travel throughout the Province, so he could not be guilty of "wilfully" violating an order given under the authority of the Allied Military Government.

(b) It is very doubtful whether an "offer" to transport persons in a zone occupied by the 56th Division can be considered as an act to the prejudice of the good order or the safety or the security of Allied Forces.

(c) The third charge is based on the same facts as the first two, merely alleging that the facts constitute an ~~offense~~ attempt to do acts violating the relative sections of Proclamation 2. Proceeding as above on the assumption that the acts, if completed, would not constitute a violation, it must be concluded that neither would an attempt.

(d) The complaining witness sat as the Court in this Case, and no other evidence was presented. This is a very dangerous practice which is quite likely to lead to a miscarriage of justice, and a directive to prevent a re-occurrance of such a proceeding is being prepared.

5. The plea of "guilty" made to all three charges was obviously made through ignorance, and should not prejudice the accused's petitions.

6. For the foregoing reasons, I recommend that the conviction and sentence be put aside.

Declassified E.O. 12356 Section 3.3/NND No. 785016

transport persons for hire from Roccamonfina to Naples, the former being within the 56th Division area, ~~and~~ he was further charged with an attempt to do the acts stated in the first two charges.

2. The case was tried by Captain Murray, who was the complaining witness, and there was no evidence offered except that which the Court knew from his own experience. The accused pleaded guilty and was sentenced to six months imprisonment and a fine of 50,000 lire.

3. It is admitted that the accused had an A.M.G. windshield sticker on his vehicle authorizing him to travel in "Naples City and Province". Roccamonfine, where the accused was arrested, is in Naples Province.

4. I agree with the S.L.O. 5th Army who has recommended that the conviction and sentence be set aside for the following reasons :-

(a) The accused obviously believed that his windshield sticker permitted him to travel throughout the Province, so he could not be guilty of "wilfully" violating an order given under the authority of the Allied Military Government.

(b) It is very doubtful whether an "offer" to transport persons in a zone occupied by the 56th Division can be considered as an act to the prejudice of the good order or the safety or the security of Allied Forces.

(c) The third charge is based on the same facts as the first two, merely alleging that the facts constitute an ~~offense~~ attempt to do acts violating the relative sections of Proclamation 2. Proceeding as above on the assumption that the acts, if completed, would not constitute a violation, it must be concluded that neither would an attempt.

(d) The complaining witness sat as the Court in this Case, and no other evidence was presented. This is a very dangerous practice which is quite likely to lead to a miscarriage of justice, and a directive to prevent a re-occurrance of such a proceeding is being prepared.

5. The plea of "guilty" made to all three charges was obviously made through ignorance, and should not prejudice the accused's petitions.

6. For the foregoing reasons, I recommend that the conviction and sentence be put aside.

Major, A.U.S.,
Chief Legal Officer.

I agree. A grossly illegal conviction.

15/10/44.

Declassified E.O. 12356 Section 3.3/NND No. 785016

AVV. COMM. ORAZIO CICATELLI
PATROCINANTE IN CASSAZIONE
NAPOLI
CORSO VITTORIO EMANUELE 482
TELEF. 28372

194

Napoli Naples 29th 1943

To Hon.Allied Superior Military
Court of Justice

N A P L E S

The undersigned lawyer defensor of;

Volpicelli Gaetano fu Raffaele

produces appeal against the sentence pronounced the 19th November, by Captain Richard Maurray, who condemned the Volpicelli at six months reclusion and a fine of 50000 Lires, for being retained responsible of the violation to the sections 44 and 45 of the second article of the second Proclamation N. 2 having offered himself to transport persons in his camion n. 31794 NA in the zone occupied by the 53rd Division.

MOTIVES

1) The Volpicelli was furnished with the permission "Motor Pass Naples City and Province" released to him on October 22nd 1943 and valuable till December 31st 1943. And as Roccamonfina belongs to the Province of Naples, the Volpicelli was sure of committing no infraction according to the permission he had obtained. We make also present, that the Volpicelli could not know that he found himself in the immediate proximity of the fighting zone, as only on November the 26th by order of the American Command it was set the notice containing the prohibition of going towards the North.
2) Subordinately, as the infraction was done without any willing intention and only for mere ignorance, the undersigned, makes appeal to the clemency of the Hon. Superior Court to ask to eliminate the reclusion and the ~~xixximatx txx~~ fine to be reduced to the least possible
3) Waiting the celebration of the appeal judgment, itis asked that to the Volpicelli - who from the prison of Roccamonfina ought to be transferred to that of Naples - it may be granted the benefit of the provvisory liberty also with caution.
4. In ogni caso, si chiede la sospensione della pena della reclusione.

With best regards

Naples Nov. 29th 1943

avv: Orazio Cicatelli

Declassified E.O. 12356 Section 3.3/NND No. 785016

To Hon. Allied Superior Military
Court of Justice

N A P L E S

The undersigned lawyer defensor of;
Volpicelli Gaetano fu Raffaele
produces appeal against the sentence pronounced the 19th November, by Captain Richard Maurray, who condemned the Volpicelli at six months reclusion and a fine of 50000 Lires, for being retained responsible of the violation to the sections 44 and 45 of the second article of the second Proclamation N. 2 having offered himself to transport persons in his camion n. 31754 NA in the zone occupied by the 53rd Division.

MOTIVES

1) The Volpicelli was furnished with the permission "Motor Pass Naples City and Province" released to him on October 22nd 1943 and valuable till December 31st 1943. And as Roccamonfina belongs to the Province of Naples, the Volpicelli was sure of committing no infraction according to the permission he had obtained. We make also present, that the Volpicelli could not know that he found himself in the immediate proximity of the fighting zone, as only on November the 26th by order of the American Command it was set the notice containing the prohibition of going towards the North.
2) Subordinately, as the infraction was done without any willing intention and only for mere ignorance, the undersigned, makes appeal to the clemency of the Hon. Superior Court to ask to eliminate the reclusion and the ~~xixixexix xxx~~ fine to be reduced to the least possible. 101
3) Waiting the celebration of the appeal judgment, itis asked that to the Volpicelli - who from the prison of Roccamonfina ought to be transferred to that of Naples - it may be granted the benefit of the provvisory liberty also with caution
4. Ha oggi corso, si chiede la sospensione della pena della reclusione.

with best regards

Naples Nov. 29th 1943

avv. Sergio Licitelli

Declassified E.O. 12356 Section 3.3/NND No. 785016

193

Onorevole
Corte di Giustizia Superiore Militare Alleata

N A P O L I

Il sottoscritto avvocato, difensore di

Volpicelli Gaetano fu Raffaele,

produce appello avverso la sentenza pronunziata, il giorno 19 novembre, nel paese di Roccamonfina, dal sig.Capitano Riccardo Maurray , che condannava il Volpicelli a mesi 6 di reclusione e lire 50000 di multa perchè ritenuto responsabile di violazione alle sezioni 44 e 45 dell'articolo 2 del Proclama n. 2, per essersi offerto di trasportare delle persone col suo camion n. 31754 N.A. nella zona occupata dalla 53^ Divisione .

m o t i v i

1) Il Volpicelli era fornito del permesso "Motor Pass Naples City and Provincia" rilasciato il 22 ottobre 1943 e valevole fino al 31 dicembre 1943.
E poichè il paese di Roccamonfina fa parte della Provincia di Napoli , il Volpicelli non riteneva di commettere nessuna infrazione avvalendosi del permesso ottenuto.
Si fa anche presente che il Volpicelli non avrebbe potuto sapere di trovarsi nelle immediate prossimità della zona di combattimento, perchè, solo il 26 novembre, per ordine del Comando Americano, è stato apposto l'avviso contenente il divieto di recarsi verso il Nord.
2) Subordinatamente, poichè la infrazione fu commessa senza alcuna intenzione dolosa e solo per mera ignoranza, si fa appello alla clemenza della onorevole Corte Superiore per chiedere che si elimini la reclusione e si riduca al minimo possibile la pena pecuniaria.
3) In attesa della celebrazione del giudizio di appello, si chiede che al Volpicelli - il quale dalle carceri di Roccamonfina dovrebbe essere tradotto a quelle di Napoli - si conceda il beneficio della libertà provvisoria anche con cauzione.
4. In ogni caso, si chiede la sospensione della pena della reclusione

Con ossequio

Napoli 29 Novembre 1943

avv. Mario Luciotti

Declassified E.O. 12356 Section 3.3/NND No. 785016

N A P O L I

Il sottoscritto avvocato, difensore di

Volpicelli Gaetano fu Raffaele,

produce appello avverso la sentenza pronunziata, il giorno I9 novembre, nel paese di Roccamonfina, dal sig.Capitano Riccardo Maurray , che condannava il Volpicelli a mesi 6 di reclusione e lire 50000 di multa perchè ritenuta responsabile di violazione alle sezioni 44 e 45 dell'articolo 2 del Proclama n. 2, per essersi offerto di trasportare delle persone col suo camion n. 31754 N.A. nella zona occupata dalla 53^ Divisione .

m o t i v i

I) Il Volpicelli era fornito del permesso "Motor Pass Naples City and Provincia" rilasciato il 22 ottobre I943 e valevole fino al 3I dicembre I943.
E poichè il paese di Roccamonfina fa parte della Provincia di Napoli , il Volpicelli non riteneva di commettere nessuna infrazione avvalendosi del permesso ottenuto.
Si fa anche presente che il Volpicelli non avrebbe potuto sapere di trovarsi nelle immediate prossimità della zona di combattimento, perchè, solo il 26 novembre, per ordine del Comando Americano, è stato apposto l'avviso contenente il divieto di recarsi verso il Nord.
2) Subordinatamente, poichè la infrazione fu commessa senza alcuna intenzione dolosa e solo per mera ignoranza, si fa appello alla clemenza della onorevole Corte Superiore per chiedere che si elimini la reclusione e si riduca al minimo possibile la pena pecuniaria.
3) In attesa della celebrazione del giudizio di appello, si chiede che al Volpicelli - il quale dalle carceri di Roccamonfina dovrebbe essere trauotto a quelle di Napoli - si conceda il beneficio della libertà provvisoria anche con cauzione
4. In ogni caso, si chiede la sospensione della pena della reclusione

Con ossequio

Napoli 29 Novembre I943

avv. Arrigo Lucibelli.

Declassified E.O. 12356 Section 3.3/NND No. 785016

Declassified E.O. 12356 Section 3.3/NND No. 785016

CHARGE SHEET continued

THIRD CHARGE: Attempted violations of Sections aforesaid.

PARTICULARS: particulars one and two are here incorporated by reference as if here set forth in full.

TRADUZIONE

TERZA ACCUSA: Tentativo di aver violato le disposizioni di cui alle succitate Sezioni.

DETTAGLI: I predetti dettagli primo e secondo fanno parte integrante del terzo capo di accusa.

ELENCO DELLE PERSONE.

MOTTOLA, Carlo
DE PISIS, Maria
MOTTOLA, Giovanna
LUCHESE, Adele
DE PISIS, Angela
DE PISIS, Anna
VOLGATI, Luisa
DEL DO HARE, Lucia

Form. No. 4

ALLIED MILITARY GOVERNMENT
(Governo Militare Alleato)

CHARGE SHEET
(Foglio d'Accusa)

Place *(luogo)* ROCCAMONFINA Prov.di Napoli

Date *(data)* 19 Nov 1943

VOLPICELLI, Gaetano — Via Cassano 102 — Napoli

Name of defendant *(nome dell'accusato)* — **Address** *(indirizzo)*

Is hereby charged with the following offenses:
(È qui accusato delle offese seguenti):

First charge Violation of Sec 44 Art.II Procl.2

Particulars In that on or about 19Nov 43 Accused did offer to transport for hire the individuals hereinafter named from Roccamonfina to Naples in an internal combustion truck NA 31754 without proper AMG permit and in wilful disobedience of orders given under authority of Allied Forces against civilian travel in a combat zone.

Second charge Violation of Sec 45 Art II Procl II - PARTICULARS:

Particulars In that Accused did on or about 19 Nov 1943 offer to transport for hire the individuals hereinafter named in internal combustion truck NA 31754 within the zone then occupied by 56 Div to the prejudice of the good order or the safety or security of the Allied Forces.

TRADUZIONE

Prima accusa Violazione della Sezione 44 Art II Procl.2

Dettagli cioè: circa il 19 novembre 1943 l'imputato si è offerto di trasportare mediate pagamento gli individui sottoelencati da Roccamonfina a Napoli con camion a combustione interna targato NA 31754 senza permesso competente del GMA ed in consapevole disubbidienza agli ordini emanati dell'autorità delle Forze alleate sulla disciplina del traffico in zona di combattimento

Seconda accusa Violazione della Sezione 45 Art 2 Procl. 2

Dettagli l'imputato si è offerto di trasportare mediante pagamento gli individui sottoelencati con camion a combustione interna targato NA 31754 nella zona occupata attualmente dalla 56ma Divisione e cioè in pregiudizio del buon ordine o della sicurezza delle Forze Alleate

(Se non tradotto dall'ufficiale, voi dovete farvelo tradurre da un amico o presso qualsiasi Ufficio di Questura).

The above charges are referred for trial before MURRAY RICHARDS Capt. INF. AMG ROCCAMONFINA
(name and address of Court)

(Le suddette accuse sono riferite a processo davanti *(nome e indirizzo della corte)*).

Declassified E.O. 12356 Section 3.3/NND No. 785016

CHARGE SHEET
(Foglio d'Accusa)

Place *(luogo)* ROCCAMONFINA Prov.di Napoli

Date *(data)* 19 Nov 1943

VOLPICELLI, Gaetano — Via Cassano 102 — Napoli

Name of defendant *(nome dell' accusato)* — **Address** *(indirizzo)*

Is hereby charged with the following offenses:
(È qui accusato delle offese seguenti):

First charge Violation of Sec 44 Art.II Procl.2

Particulars In that on or about 19Nov 43 Accused did offer to transport for hire the individuals hereinafter named from Roccamonfina to Naples in an internel combustion truck NA 31754 without proper AMG permit and in wilful disobedience of orders given under authority of Allied Forces against civilian travel in a combat zone.

Second charge Violation of Sec 45 Art II Procl II - PARTICULARS:

Particulars In that Accused did on or about 19 Nov 1943 offer to transport for hire the individuals hereinafter named in internal combustion truck NA 31754 within the zone then occupied by 56 Div to the prejudice of the good order or the safety or security of the Allied Forces.

TRADUZIONE

Prima accusa Violazione della Sezione 44 Art II Procl.2

Dettagli Cioè: circa il 19 novembre 1943 l'imputato si è offerto di trasportare mediate pagamento gli individui sottoelencati da Roccamonfina a Napoli con camion a combustione interna targato NA 31754 senza permesso competente del GMA ed in consapevole disubbidienza agli ordini emanati dell'autorità delle Forze Alleate sulla disciplina del traffico in zona di combattimento

Seconda accusa Violazione della Sezione 45 Art 2 Procl. 2

Dettagli l'imputato si è offerto di trasportare mediante pagamento gli individui sottoelencati con camion a combustione interna targato NA 31754 nella zone occupata attualmente dalla 56ma Divisione e cioè in pregiudizio del buon ordine o della sicurezza delle Forze Alleate

(Se non tradotto dall'ufficiale, voi dovete farvelo tradurre da un amico o presso qualsiasi Ufficio di Questura).

The above charges are referred for trial before MURRAY RICHARDS Capt. Inf. AMG
(name and address of Court)

(Le suddette accuse sono riferite a processo davanti ROCCAMONFINA).
(nome e indirizzo della corte)

By order
(Per ordine)

CAO 56 Div 17 Nov 43

Judge, Summary Military Court or other authorized person.
(Giudice, Tribunale Militare inferiore o altro individuo autorizzato).

See attached sheet for continuation.

Declassified E.O. 12356 Section 3.3/NND No. 785016

FORM No. 8

192

ALLIED MILITARY GOVERNMENT

PROCEEDINGS OF AN ALLIED MILITARY COURT

held at ROCCAMONFINA Prov.di Napoli

on the 19 day of Nov 1943

Before MURRAY, Richards
Capt. Inf AMG u/o
CAO 56 Div 17 Nov 43

(Name & rank of President (Members and/or Magistrate constituting the Court

REFERENCE No.

ACCUSED

Name: - VOLPICELLI, Gaetano

Address: - Via Cassano 102 NAPLES

Description: -

Occupation: - Transport business ("noleggiatore)

Age: - 45

INTERPRETER

Name: by the Court is duly sworn

PROSECUTING OFFICER

99

Name:

ADVOCATE FOR ACCUSED

Name: Mottola, Carlo Mario Margantini 3, Naples
S. Teresa a Chiaia 39

CHARGE (S)

(Set out a brief statement of the charge together with the number of the Proclamation, Article and Section on which it is based).

Declassified E.O. 12356 Section 3.3/NND No. 785016

PROCEEDINGS OF AN ALLIED MILITARY COURT

held at ROCCAMONFINA Prov.di Napoli

on the 19 day of Nov 1943

Before MURRAY, Richards
Capt. Inf AMG u/o
CAO 56 Div 17 Nov 43

(Name & rank of President (Members and/or Magistrate constituting the Court

REFERENCE No.

ACCUSED

Name: - VOLPICELLI, Gaetano

Address: - Via Cassano 102 NAPLES

Description: -

Occupation: - Transport business ("noleggiatore)

Age: - 45

INTERPRETER

Name: by the Court is duly sworn

PROSECUTING OFFICER

99

Name:

ADVOCATE FOR ACCUSED

Name: Mottola, Carlo Mario Margantini 3, Naples
S. Teresa a Chiaia 39

CHARGE (S)

(Set out a brief statement of the charge together with the number of the Proclamation, Article and Section on which it is based).

attached

The Charges are read and explained to the accused who pleads

HEADQUARTERS A.C. CASE NO.

Declassified E.O. 12356 Section 3.3/NND No. 785016

PLEAS OF THE ACCUSED

The Accused Volpicelli pleads guilty to the 1st charge

pleads guilty to the 2nd charge

pleads guilty to the 3rd charge

ADJOURNMENTS

(Times, dates and reasons for adjournments being made)

FINDINGS OF THE COURT

The Accused Volpicelli
is found guilty/~~not guilty~~ of the first charge.

The Accused Volpicelli
is found guilty/~~not guilty~~ of the second charge.

The Accused Volpicelli
is found guilty/~~not guilty~~ of the third charge.

The statement (if any) of the accused as to mitigation of punishment and the record of evidence (if any) of the said accused as to character is attached.

SENTENCE OF THE COURT

The Court sentences the accused VOLPICELLI to pay a fine of Lire 50.000.-
to and to serve a term of six (6) months in prison.

in respect of all the offences charged in the above proceedings of which the said accused has been found guilty.

.....
(Signature of Judge of Allied Military Court)

REVIEW

Finding and sentence quashed on appeal

Declassified E.O. 12356 Section 3.3/NND No. T85016

plead guilty to the 3rd charge

ADJOURNMENTS

(Times, dates and reasons for adjournments being made)

FINDINGS OF THE COURT

The Accused Volpicelli
is found guilty ~~XXXXXXX~~ of the first charge.

The Accused Volpicelli
is found guilty ~~XXXXXXX~~ of the second charge.

The Accused Volpicelli
is found guilty ~~XXXXXXX~~ of the third charge.

The statement (if any) of the accused as to mitigation of punishment and the record of evidence (if any) of the said accused as to character is attached.

SENTENCE OF THE COURT

The Court sentences the accused VOLPICELLI to pay a fine of Lire 50.000.-
to and to serve a term of six (6) months in prison.

in respect of all the offences charged in the above proceedings of which the said accused has been found guilty.

.....
(Signature of Judge of Allied Military Court)

REVIEW

Finding and sentence quashed on appeal

M S Clark Brigadier
Deputy

Date Jan. 15. 1944 Signature .....

Declassified E.O. 12356 Section 3.3/NND No. 785016

(If not sufficient space on the form for the notes of evidence, other sheets should be attached and evidence for prosecution marked Exhibit B and evidence for Accused marked Exhibit C).

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EVIDENCE FOR PROSECUTION

On 19 Nov 43 Capt.Murray RICHARDS found the Accused supervising the loading of truck NA 31754 which he said he owned,in the Main Street of ROCCAMONFINA.Accused stated the truck was going to transport persons and goods to NAPLES.One of such persons Carlo MOTTOLA,told Capt.RICHARDS he contracted to pay accused Lire 10.000.- for the trip. The only pass or permit was a red "NAPLES and PROVINCE" AMG windshield sticker.

Accused claims windshield sticker,he thought,authorized his travelling throughout the province without any further pass and also extended to anybody riding in the truck.Claims bona fide mistake.

Declassified E.O. 12356 Section 3.3/NND No. 785016

Declassified E.O. 12356 Section 3.3/NND No. 785016

Declassified E.O. 12356 Section 3.3/NND No. 785016

M E M O.

13 January 44.

D.C.C.A.O.

Application for Review of Sentence
Nos. 38, 39 and 40,
Janucci, Toscano and Leuci.

Herewith proceedings and applications for review in the subject cases. There was evidence upon which the court could reach a finding of guilty in each case, and prevalence of the offence in the community would seem to justify rather severe sentences.

I recommend that the finding and sentences be confirmed.

Major, A.U.S.,
Chief Legal Officer.

See proceedings

AS 1/1/44

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FORM No. 11

ALLIED MILITARY GOVERNMENT

APPLICATION FOR REVIEW OF SENTENCE No. 38

(To be used for Review of Cases tried in either Allied Military or Italian Courts)

NOTE: This form must be filed within 30 days of Sentence.

PROVINCE OF NAPLES

Mx Summary COURT OF Sparanise

Name of Accused JANUCCI, Antonio

Address of Accused Via della Chiesa 37 - S.ANDREA

Date of Arrest 5 Dec 1943

Charge Wrongfully being in possession of property of the Allied Forces or any member thereof.(Pro 2 Art 2 Section 40)

Date of Trial 13 Dec 43 Date of Sentence 13:12/43

Sentence Three months imprisonment

Name of Judge and Court Major J.H.GIFFIN
Summary Court - SPARANISE

Reasons for Application The accused ought to be absolved because acting without criminal intentions and because the garments given to him by his clients were taken in bona fide. 2. Furthermore on account of the age of the accused(72 yrs) and the conditions of his health he should have beam given conditional release suspending the execution of the sentence.

Date 15 December 1943

(Signature of Accused or of his Attorney)

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REMARKS BY TRIAL JUDGE, PROVINCIAL SENIOR LEGAL OFFICER, OR PROCURATORE, IF APPLICABLE

I was satisfied that the accused was well aware that the materials were Allied Forces property. His age was taken into account before sentence.

Date 17 Dec 1943

J.H.GIFFIN, Major TRIAL JUDGE

DECISION OF CHIEF CIVIL AFFAIRS OFFICER

Declassified E.O. 12356 Section 3.3/NND No. 785016

NOTE: This form must be filed within 30 days of Sentence.

PROVINCE OF NAPLES

Mi Summary COURT OF Sparanise

Name of Accused JANUCCI, Antonio

Address of Accused Via della Chiesa 37 - S.ANDREA

Date of Arrest 5 Dec 1943

Charge Wrongfully being in possession of property of the Allied Forces or any member thereof.(Pro 2 Art 2 Section 40)

Date of Trial 13 Dec 43 Date of Sentence 13:12/43

Sentence Three months imprisonment

Name of Judge and Court Major J.H.GIFFIN
Summary Court - SPARANISE

Reasons for Application The accused ought to be absolved because acting without criminal intentions and because the garments given to him by his clients were taken in bona fide. 2. Furthermore on account of the age of the accused(72 yrs) and the conditions of his health he should have beam given conditional release suspending the execution of the sentence.

Date 15 December 1943

(Signature of Accused or of his Attorney)

REMARKS BY TRIAL JUDGE, PROVINCIAL SENIOR LEGAL OFFICER, OR PROCURATORE, IF APPLICABLE.

I was satisfied that the accused was well aware that the materials were Allied Forces property. His age was taken into account before sentence.

Date 17 Dec 1943

(Signature and Designation) J.H.GIFFIN, Major TRIAL JUDGE

DECISION OF CHIEF CIVIL AFFAIRS OFFICER

Date 194

HEADQUARTERS A.G. CASE NO.

NOTE: This form will be submitted to the Senior Legal Officer of the Province.

1943 — Napoli, R. Tip. Giannini

Declassified E.O. 12356 Section 3.3/NND No. 785016

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GOVERNO MILITARE ALLEATO

FORM. N.° 11

ISTANZA PER REVISIONE DI SENTENZA

(In uso per la revisione delle cause giudicate davanti i Tribunali Militari o Corti Italiane)

NOTA: Questo stampato deve essere presentato nel termine di 30 giorni dalla sentenza.

PROVINCIA DI Napoli

TRIBUNALE DI Sparanise

Nome dell'accusato Tarantucci Antonio

Indirizzo dell'accusato S. Andrea dei Pizzoni - Via della Chiesa, 37

Data di arresto 5 Dec 1943

Imputazione Offese al proclama N° 2 art. 2 lett. b per essere trovato illegalmente in possesso di cose di proprietà delle forze alleate -

Data del dibattimento 13 dicembre 1943 Data della sentenza 13 dicembre 1943

Condanna Mesi tre di prigione

Nome del Giudice del Tribunale Major D. H. GIFFIN - Tribunale Militare Interino - SPARANISE

Motivi per la istanza L'accusato dovrebbe essere assolto per difetto di dolo avendo in buona fede ricevuto l'oggetto incriminato - Il fatto commesso, stante l'età dell'accusato di anni 72 e le condizioni di salute dovrebbe essere considerato la condizione preponderante della sentenza -

Data 15 dicembre 1943

(Firma dell'accusato o del suo Procuratore)

OSSERVAZIONI DEL GIUDICE CHE HA PRESIEDUTO AL PROCESSO, O DELL'UFFICIALE SUPERIORE ADDETTO ALLA GIUSTIZIA DELLA PROVINCIA, OPPURE DEL PROCURATORE, SE NECESSARIO

I was satisfied that the accused was well aware that the mate were Allied Force property. His age was taken into account bef sentence.

Data 17 Dec 194

J.H.GIFFIN, Major TRIAL JUDGE

(Firma e grado)

DECISIONE DELL'UFFICIALE CAPO DEGLI AFFARI CIVIL

Declassified E.O. 12356 Section 3.3/NND No. 785016

NOTA: Questo stampato deve essere presentato nel termine di 30 giorni dalla sentenza.

PROVINCIA DI Napoli

TRIBUNALE DI Spagnuolo

Nome dell'accusato Tamucci Antonio

Indirizzo dell'accusato S. Andrea dei Pizzoni - Via della Chiesa, 37

Data di arresto 5 Dec 1943

Imputazione Offese al proclama N° 2 art. 2 cap. 1° per essere stato sorpreso illegalmente in possesso di cose di proprietà delle forze alleate.

Data del dibattimento 13 Dicembre 1943 Data della sentenza 13 dicembre 1943

Condanna Mesi tre di prigione

Nome del Giudice del Tribunale Major D. H. GIFFIN - Tribunale Militare Interalleato - SPAGNUOLO

Motivi per la istanza Dell'accusato Doveva essere assolto per difetto di dolo avendo in buona fede ricevuto fraudolentemente gli oggetti di cui trattasi - Ulteriormente, data l'età dell'accusato di anni 72 e le condizioni di salute Doveva essere concessa la condizionale, sospendendosi la esecuzione della sentenza -

Data 15 - dicembre 1943

(Firma dell'accusato o del suo Procuratore)

OSSERVAZIONI DEL GIUDICE CHE HA PRESIEDUTO AL PROCESSO, O DELL'UFFICIALE SUPERIORE ADDETTO ALLA GIUSTIZIA DELLA PROVINCIA, OPPURE DEL PROCURATORE, SE NECESSARIO

I was satisfied that the accused was well aware that the mate were Allied Force property. His age was taken into account bef sentence.

Data 17 Dec 194

J.H.GIFFIN, Major TRIAL JUDGE

DECISIONE DELL'UFFICIALE CAPO DEGLI AFFARI CIVIL

Data 194

NOTA: Questo stampato dovrà essere sottoposto all'approvazione dell'Ufficiale Superiore addetto alla Giustizia della Provincia.

1943 — Napoli, R. Tip. Giannini

Declassified E.O. 12356 Section 3.3/NND No. 785016

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Form No. 8

ALLIED MILITARY GOVERNMENT

CASE No. 66

PROCEEDINGS OF AN ALLIED MILITARY COURT

Held at SPARANISE

an the 13K day of December 1943

Before MAJOR J.H. GIFFIN

(Name and rank of President ~~and~~/ ~~or Magistrate constituting the Court~~).

REFERENCE No.

ACCUSED

Name: IANUCCI, Antonio

Address: Via della Chiesa 37 - SAN ANDREA

Description: medium height

Occupation: Tailor

Age: 72 yrs.

93

INTERPRETER

Name Cpl. Anthony CAPONI is duly sworn

PROSECUTING OFFICER

Name: Capt. G.W. BROOKE

ADVOCATE FOR ACCUSED

Name and Address Lawyer SAVERIO - Corso del Popolo - SPARANISE

CHARGE (S)

(This space need not be completed if a copy of the Summons or charge sheet is attached).

Wrongfully has in his possession property of the Allied Forces or any member thereof. (Sect. 2 Par. 2 Section 40)

(Charge sheet submitted)

Declassified E.O. 12356 Section 3.3/NND No. 785016

CASE No. 66

PROCEEDINGS OF AN ALLIED MILITARY COURT

Held at SPARANISE

an the 13K day of December 1943

Before MAJOR J.H. GIFFIN

(Name and rank of President ~~and/ or Magistrate constituting the Court~~).

REFERENCE No.

ACCUSED

Name: JANUCCI, Antonio

Address: Via della Chiesa 37 - SAN ANDREA

Description: medium height

Occupation: Tailor

Age: 72 yrs.

INTERPRETER

Name Cpl. Anthony CAPONI is duly sworn

PROSECUTING OFFICER

Name: Capt. G.W. BROOKE

ADVOCATE FOR ACCUSED

Name and Address Lawyer SAVERIO - Corso del Popolo - SPARANISE

CHARGE (S)

(This space need not be completed if a copy of the Summons or charge sheet is attached).

Wrongfully has in his possession property of the Allied Forces or any member there of. (Proc. 2 Pt. 2 Section 40) (Charge sheet submitted)

Declassified E.O. 12356 Section 3.3/NND No. 785016

1. The evidence, any statements by the prosecution and defence before sentence, and any opinion the Court wishes to record as to its findings will be written or typed on this and the following page. When the length of the evidence requires, further sheets of paper serially numbered will be inserted in this file.

2. This record will be signed by the President and members of the Court.

R.S.M. LEANEY (WITNESS): Acting upon information received that civilians had W.D. clothing and blankets made into civilian garments I searched the house of JANNICCI - a tailor - on the 5th December 1943. I found a British W.D. greatcoat 2 British blankets and a civilian jacket made from a British blanket also an Italian Uniform which was cut up into garments.

These articles were produced and identified as W.D. property.

LAWYER for Prisoner: I ask the Court to consider 1) the age of accused 2) the fact that the a/m articles were brought to him by clients for alterations and were not for his own use 3) that at the age of the accused one might not be able to know which articles are British which Italian 4) that if Jannicci had realized that he did something wrong he would not have kept

Declassified E.O. 12356 Section 3.3/NND No. 785016

2. This record will be signed by the President and members of the Court.

R.S.M. LEANEY (WITNESS): Acting upon information received that civilians had W.D. clothing and blankets made into civilian garments I acaded the house of IANNUCCI - a tailor - on the 5th December 1943. I found a British W.D. greatcoat 2 British blankets and a civilian jacket made from a British blanket also an Italian Uniform which was cut up into garments.
These articles were produced and identified as W.D. property.

LAWYER for Prisoner: I ask the Court to consider 1) the age of accused 2) the fact that the a/m articles were brought to him by clients for alterations and were not for his own use 3) that at the age of the accused one might not be able to know which articles are British which Italian 4) that if Iannuci had realized that he did something wrong he would not have kept all the articles in the open.

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Opinion of the Court : I was satisfied that this man knew that the whides were the property of the Forces, and that despite his age his mental faculties were not materially impaired.

A relatively considerable trade was conducted in this village and action was essential to eliminate its continuance.

J.H. GIFFIN
Major
President of the Court.

Declassified E.O. 12356 Section 3.3/NND No. 785016

PLEAS OF THE ACCUSED

The accused DANUCCI, Antonio pleads not guilty to the first charge; pleads — to the second charge; pleads — to the third charge.

The accused pleads to the first charge; pleads to the second charge; pleads to the third charge.

The accused pleads to the first charge; pleads to the second charge; pleads to the third charge.

FINDINGS OF THE COURT

The accused DANUCCI, Antonio is found guilty / ~~not guilty~~ of the first charge; ~~guilty / not guilty of the second charge, guilty / not guilty of the third charge~~

The accused is found guilty / not guilty of the first charge; guilty / not guilty of the second charge; guilty / not guilty of the third charge.

The accused is found guilty / not guilty of the first charge; guilty / not guilty ot the second charge; guilty / not guilty of the third charge.

SENTENCE OF THE COURT

The Court sentences the accused DANUCCI, Antonio to THREE MONTHS IMPRISONMENT in respect of all offences charged in the above proceedings of which the said accused has been found guilty.

The Court sentences the accused to in respect of all offences charged in the above proceedings of which the said accused has been found guilty.

The Court sentences the accused to in respect of all offences charged in the above proceedings of which the said accused has been found guilty.

REVIEW

Confirm finding + sentence

[signature] Judge Brigade

Spaccaforno Dated 13th December 1943 Signature

Declassified E.O. 12356 Section 3.3/NND No. 785016

first charge; pleads to the second charge; pleads to the third charge.

The accused pleads to the first charge; pleads to the second charge; pleads to the third charge.

FINDINGS OF THE COURT

The accused IANUCCI, Antonio is found guilty / ~~not guilty~~ of the first charge; ~~guilty / not guilty of the second charge, guilty / not guilty of the third charge~~

The accused is found guilty / not guilty of the first charge; guilty / not guilty of the second charge; guilty / not guilty of the third charge.

The accused is found guilty / not guilty of the first charge; guilty / not guilty ot the second charge; guilty / not guilty of the third charge.

SENTENCE OF THE COURT

The Court sentences the accused IANUCCI, Antonio to THREE MONTHS IMPRISONMENT in respect of all offences charged in the above proceedings of which the said accused has been found guilty.

The Court sentences the accused to in respect of all offences charged in the above proceedings of which the said accused has been found guilty.

The Court sentences the accused to in respect of all offences charged in the above proceedings of which the said accused has been found guilty.

REVIEW

Reconfirm finding + sentence

Spearman's Dated 13th December 1943 Signature W. R. Brook Deem

CONFIRMATION OF DEATH SENTENCE

Dated 194 Signature

Declassified S.O. 12356 Section 3.3/NND No. 785016

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FORM No. 11

ALLIED MILITARY GOVERNMENT

APPLICATION FOR REVIEW OF SENTENCE No. 39

(To be used for Review of Cases tried in either Allied Military or Italian Courts)

NOTE: This form must be filed within 30 days of Sentence.

PROVINCE OF NAPLES
Summary COURT OF Sparanise

Name of Accused TOSCANO, Alberto
Address of Accused 12 Vico Carita, S.ANDREA
Date of Arrest 5 Dec 1943
Charge Wrongfully being in possession of property of the Allied Forces or any member thereof. (Procl 2, Art 2, Sec 40)
Date of Trial 13 Dec 43 Date of Sentence 13 Dec 43
Sentence Three months imprisonment
Name of Judge and Court Major J.H.GIFFIN - Summary Court Sparanise

Reasons for Application The accused should have been absolved for not havi ng committed the offense or at least for insufficient proof that the bhanket which was found in his possession does not belong to the Allied Forces at least the ownership could not be established for sure.

Date 15 Dec 1943

(Signature of Accused or of his Attorney)

REMARKS BY TRIAL JUDGE, PROVINCIAL SENIOR LEGAL OFFICER, OR PROCURATORE, IF APPLICABLE.

The blanket was identified by R.S.M. LEANEY as Allied Forces property, but no individual mark or number was on the article. I was satisfied on the point, and see no grounds upon which to reverse the decision as to guilt.

Date 17 Dec 1943

(Signature and Description)

J.H.GIFFIN, Major TRIAL JUDGE

DECISION OF CHIEF CIVIL AFFAIRS OFFICER

Declassified E.O. 12356 Section 3.3/NND No. 785016

NOTE: This form must be filed within 30 days of Sentence.

PROVINCE OF NAPLES
Summary COURT OF Sparanise

Name of Accused TOSCANO,Alberto
Address of Accused 12 Vico Carita, S.ANDREA
Date of Arrest 5 Dec 1943
Charge Wrongfully being in possession of property of the Allied Forces or any member thereof. (Procl 2, Art 2, Sec 40)

Date of Trial 13 Dec 43 Date of Sentence 13 Dec 43
Sentence Three months imprisonment
Name of Judge and Court Major J.H.GIFFIN - Summary Court Sparanise

Reasons for Application The accused should have been absolved for not having committed the offense or at least for insufficient proof that the blanket which was found in his possession does not belong to the Allied Forces at least the ownership could not be established for sure.

Date 15 Dec 1943

(Signature of Accused or of his Attorney)

REMARKS BY TRIAL JUDGE, PROVINCIAL SENIOR LEGAL OFFICER, OR PROCURATORE, IF APPLICABLE

The blanket was identified by R.S.M. LEANEY as Allied Forces property, but no individual mark or number was on the article. I was satisfied on the point, and see no grounds upon which to reverse the decision as to guilt.

Date 17 Dec 1943

(Signature and Description)
J.H.GIFFIN,Major TRIAL JUDGE

DECISION OF CHIEF CIVIL AFFAIRS OFFICER

Date 194

NOTE: This form will be submitted to the Senior Legal Officer at the above address.

HEADQUARTERS U.S. A.G. CASE NO.

1943 — Napoli, R. Tip. Glannini

Declassified E.O. 12356 Section 3.3/NND No. 785016

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FORM. N.° 11

GOVERNO MILITARE ALLEATO

ISTANZA PER REVISIONE DI SENTENZA

(In uso per la revisione delle cause giudicate davanti i Tribunali Militari o Corti Italiane)

NOTA: Questo stampato deve essere presentato nel termine di 30 giorni dalla sentenza.

PROVINCIA DI Napoli

TRIBUNALE DI Sfrazione

Nome dell'accusato Tolsano Alberto

Indirizzo dell'accusato S. Andrea del Pizzone

Data di arresto 5 Dec 43

Imputazione offese al proclama N.2 art. 2 cpv. 60

Data del dibattimento 13 Dicembre 1943 Data della sentenza 13 dicembre 1943

Condanna mesi tre di prigione

Nome del Giudice del Tribunale J. H. GIFFIN, Major - Tribunale Militare Interno - Sfrazione

Motivi per la istanza l'accusato doveva essere assolto per non aver commesso il fatto a quanto meno per insufficienza di prove in quanto che la coperta trovata in suo possesso è altra fornita alle forze alleate, e per lo stesso non è stata provata sufficientemente l'appartenenza

Data 15 Dicembre 1943

Dr. Andrea Tolsano
(Firma dell'accusato o del suo Procuratore)

OSSERVAZIONI DEL GIUDICE CHE HA PRESIEDUTO AL PROCESSO, O DELL'UFFICIALE SUPERIORE ADDETTO ALLA GIUSTIZIA DELLA PROVINCIA, OPPURE DEL PROCURATORE, SE NECESSARIO

The blanket was identified by R.S.M. LEANEY as Allied Forces property, but no individual mark or number was on the article. I was satisfied on the point, and see no grounds upon which to reverse the decision as to guilt.

Data 17 Dec 1943

J.H. Giffin
(Firma e qualifica)
J.H.GIFFIN, Major. TRIAL JUDGE

DECISIONE DELL'UFFICIALE CAPO DEGLI AFFARI CIVILI

Declassified E.O. 12356 Section 3.3/NND No. 785016

NOTA: Questo stampato deve essere presentato nel termine di 30 giorni dalla sentenza.

PROVINCIA DI Napoli

TRIBUNALE DI Sparanise

Nome dell'accusato Tolfano Alberto

Indirizzo dell'accusato S. Andrea del Pizzone

Data di arresto 5 dec 43

Imputazione Offese al proclama N°2 art. 2 leg. 40

Data del dibattimento 13 dicembre 1943 Data della sentenza 13 dicembre 1943

Condanna mesi tre di prigione

Nome del Giudice del Tribunale J. H. GIFFIN, Majr - Tribunale Militare Inferiore - Sparanise

Motivi per la istanza l'accusato dovrà essere assolto per non aver commesso il fatto o quanto meno per insufficienza di prove in quanto che la coperta trovata in suo potere non è appartenente alle forze alleate o per lo meno non ne può essere sicuro stabilire l'appartenenza

Data 15 dicembre 1943

Dr. Fabrizio Palumbo
(Firma dell'accusato o del suo Procuratore)

OSSERVAZIONI DEL GIUDICE CHE HA PRESIEDUTO AL PROCESSO, O DELL'UFFICIALE SUPERIORE ADDETTO ALLA GIUSTIZIA DELLA PROVINCIA, OPPURE DEL PROCURATORE, SE NECESSARIO

The blanket was identified by R.S.M. LEANEY as Allied Forces property, but no individual mark or number was on the article. I was satisfied on the point, and see no grounds upon which to reverse the decision as to guilt.

Data 17 Dec 1943

J.H. Giffin
(Firma e qualifica)
J.H.GIFFIN, Major. TRIAL JUDGE

DECISIONE DELL'UFFICIALE CAPO DEGLI AFFARI CIVILI

Data 194

NOTA: Questo stampato dovrà essere sottoposto all'approvazione dell'Ufficiale Superiore addetto alla Giustizia della Provincia.

1943 — Napoli, R. Tip. Giannini

Declassified E.O. 12356 Section 3.3/NND No. 785016

Form No. 8

ALLIED MILITARY GOVERNMENT

Case No. 67

PROCEEDINGS OF AN ALLIED MILITARY COURT

Held at SPARANISE

an the 13th day of December 1943

Before MAJOR J.H. GIFFIN

(Name and rank of President ~~and/ or Magistrate~~ constituting the Court).

REFERENCE No.

ACCUSED

Name: TOSCANO Alberto

Address: 12 Vico Cavita S.ANDREA

Description: medium height

Occupation: Farmer

Age: 47 yrs

91

INTERPRETER

Name Cpl. Anthony CAPONI is duly sworn

PROSECUTING OFFICER

Name: Captain G. W. BROOKE

ADVOCATE FOR ACCUSED

Name and Address Lawyer SAVERIO Corso del Popolo. SPARANISE

CHARGE (S)

(This space need not be completed if a copy of the Summons or charge sheet is attached).

Wrongfully being in possession of property of the Allied Forces or any member thereof. (Pro 2 Art 2 sec 40)

Declassified E.O. 12356 Section 3.3/NND No. 785016

CASE No. 67

PROCEEDINGS OF AN ALLIED MILITARY COURT

Held at SPARANISE

an the 13th day of December 1943

Before MAJOR J.H. GIFFIN

(Name and rank of President ~~and/ or Magistrate constituting the Court~~).

REFERENCE No.

ACCUSED

Name: TOSCANO Alberto

Address: 12 Vico Carità S. ANDREA

Description: medium height

Occupation: Farmer

Age: 47 yrs 9?

INTERPRETER

Name Cpl. Anthony CAPONI is duly sworn

PROSECUTING OFFICER

Name: Captain G. W. BROOKE

ADVOCATE FOR ACCUSED

Name and Address Lawyer SAVERIO Corso del Popolo. SPARANISE

CHARGE (S)

(This space need not be completed if a copy of the Summons or charge sheet is attached).

Wrongfully being in possession of property of the Allied Forces or any member thereof. (Pro 2 Art 2 sec 40)

(Charge sheet previously submitted)

Declassified E.O. 12356 Section 3.3/NND No. 785016

1. The evidence, any statements by the prosecution and defence before sentence, and any opinion the Court wishes to record as to its findings will be written or typed on this and the following page. When the length of the evidence requires, further sheets of paper serially numbered will be inserted in this file.

2. This record will be signed by the President and members of the Court.

R.S.M. LEANEY (WITNESS): At 0900 hrs. on 5 December 43 I searched the house of TOSCANO and found a British WD blanket and found from his work record that TOSCANO had handed in a blanket to JANUCCI for conversion into civilian clothing.
Blanket was identified by his witness

LAWYER for Prisoner: Will the Court consider that the blankets have no specific marks as to be recognized as British property. The accused has found the blanket when he came back to his home after he had to flee from the Germans.

Opinion of the Court: Having heard the evidence I was satisfied that the blanket was British W.D. property and

Declassified E.O. 12356 Section 3.3/NND No. 785016

2. This record will be signed by the President and members of the Court.

R.S.M. LEANEY (WITNESS): At 0900 hrs. on 5 December 43 I searched the house of TOSCANO and found a British WD blanket and found from his work record that TOSCANO had handed in a blanket to IANUCCI for conversion into civilian clothing.
Blanket was identified by this witness

LAWYER for Prisoner: Will the Court consider that the blankets have no specific marks as to be recognized as British property. The accused has found the blanket when he came back to his home after he had to flee from the Germans.

Opinion of the Court: Having heard the evidence I was satisfied that the blanket was British W.D. property and that this man was aware of the fact.

J.H. GIFFIN
Major
President of the Court.

Declassified E.O. 12356 Section 3.3/NND No. 785016

Declassified E.O. 12356 Section 3.3/NND No. 785016

PLEAS OF THE ACCUSED

The accused TOSCANO Alberto pleads NOT GUILTY to the first charge; pleads — to the second charge; pleads to the third charge.

The accused pleads to the first charge; pleads to the second charge; pleads to the third charge.

The accused pleads to the first charge; pleads to the second charge; pleads to the third charge.

FINDINGS OF THE COURT

The accused TOSCANO, Alberto is found guilty / ~~not guilty~~ of the first charge; guilty / not guilty of the second charge; guilty / not guilty of the third charge.

The accused is found guilty / not guilty of the first charge; guilty / not guilty of the second charge; guilty / not guilty of the third charge.

The accused is found guilty / not guilty of the first charge; guilty / not guilty ot the second charge; guilty / not guilty of the third charge.

SENTENCE OF THE COURT

The Court sentences the accused TOSCANO Alberto to THREE MONTHS IMPRISONMENT in respect of all offences charged in the above proceedings of which the said accused has been found guilty.

The Court sentences the accused to in respect of all offences charged in the above proceedings of which the said accused has been found guilty.

The Court sentences the accused to in respect of all offences charged in the above proceedings of which the said accused has been found guilty.

REVIEW

Finding confirmed Sentence reduced to 40 days imprisonment.
15/1/44

DJ Judge Advocate
Deputy

Signature

Dated 13th December 1943

Declassified E.O. 12356 Section 3.3/NND No. 785016

first charge; pleads to the second charge; pleads to the third charge.

The accused pleads to the first charge; pleads to the second charge; pleads to the third charge.

FINDINGS OF THE COURT

The accused TOSCANO Alberto is found guilty / ~~not guilty of the first charge~~; guilty / not guilty of the second charge; guilty / not guilty of the third charge.

The accused is found guilty / not guilty of the first charge; guilty / not guilty of the second charge; guilty / not guilty of the third charge.

The accused is found guilty / not guilty of the first charge; guilty / not guilty ot the second charge; guilty / not guilty of the third charge.

SENTENCE OF THE COURT

The Court sentences the accused TOSCANO Alberto to THREE MONTHS IMPRISONMENT in respect of all offences charged in the above proceedings of which the said accused has been found guilty.

The Court sentences the accused to in respect of all offences charged in the above proceedings of which the said accused has been found guilty.

The Court sentences the accused to in respect of all offences charged in the above proceedings of which the said accused has been found guilty.

REVIEW

Finding confirmed Sentence reduced to 40 days imprisonment. 13/1/44

W Cmdr. Branch Decd

Spandau Dated 31 December 1943 Signature

CONFIRMATION OF DEATH SENTENCE

Dated 194 Signature

Declassified E.O. 12356 Section 3.3/NND No. 785016

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FORM No. 11

ALLIED MILITARY GOVERNMENT

APPLICATION FOR REVIEW OF SENTENCE No. 40

(To be used for Review of Cases tried in either Allied Military or Italian Courts)

NOTE: This form must be filed within 30 days of Sentence.

PROVINCE OF NAPLES

Summary COURT OF SPARANISE

Name of Accused LEUCI, Ignazio

Address of Accused 137 Via Roma S.ANDREA

Date of Arrest 5 Dec 43

Charge Wrongfully being in possession of property of the Allied Forces or any member thereof. (Procl 2, Art 2, Sec 40)

Date of Trial 13 Dec 43 Date of Sentence 13 Dec 43

Sentence Six months imprisonment

Name of Judge and Court Major J.H.GIFFIN - Summary Court SPARANISE

Reasons for Application Punishment excessive since the articles were discarded and not stolen. LEUCI has wife and six children.

Date 15 Dec 194 3

(Signature of Accused or of his Attorney)

REMARKS BY TRIAL JUDGE, PROVINCIAL SENIOR LEGAL OFFICER, OR PROCURATORE, IF APPLICABLE

Accused pleaded guilty to being in wrongful possession of the articles. No evidence was tendered to support the plea that the articles had been discarded.

Date 17 December 194 3

J.H.GIFFIN, Major TRIAL JUDGE

(Signature and Description)

DECISION OF CHIEF CIVIL AFFAIRS OFFICER

Declassified E.O. 12356 Section 3.3/NND No. 785016

NOTE: This form must be filed within 30 days of Sentence.

PROVINCE OF NAPLES

Summary COURT OF SPARANISE

Name of Accused LEUCI, Ignazio

Address of Accused 137 Via Roma S.ANDREA

Date of Arrest 5 Dec 43

Charge Wrongfully being in possession of property of the Allied Forces or any member thereof. (Procl 2, Art 2, Sec 40)

Date of Trial 13 Dec 43 Date of Sentence 13 Dec 43

Sentence Six months imprisonment

Name of Judge and Court Major J.H.GIFFIN - Summary Court SPARANISE

Reasons for Application Punishment excessive since the articles were discarded and not stolen. LEUCI has wife and six children.

Date 15 Dec 194 3

(Signature of Accused or of his Attorney)

REMARKS BY TRIAL JUDGE, PROVINCIAL SENIOR LEGAL OFFICER, OR PROCURATORE, IF APPLICABLE.

Accused pleaded guilty to being in wrongful possession of the articles. No evidence was tendered to support the plea that the articles had been discarded.

Date 17 December 194 3

(Signature and Designation) J.H.GIFFIN, Major TRIAL JUDGE

DECISION OF CHIEF CIVIL AFFAIRS OFFICER

Date 194

HEADQUARTERS A.C. CASE NO.

NOTE: This form will be submitted to the Senior Legal Officer of the Province.

1943 — Napoli, S. Tip. Gianniti

Declassified E.O. 12356 Section 3.3/NND No. 785016

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FORM. N.° 11

GOVERNO MILITARE ALLEATO

ISTANZA PER REVISIONE DI SENTENZA

(In uso per la revisione delle cause giudicate davanti i Tribunali Militari o Corti Italiane)

NOTA: Questo stampato deve essere presentato nel termine di 30 giorni dalla sentenza.

PROVINCIA DI Napoli

Militare Inferiore TRIBUNALE DI Sparanise

Nome dell'accusato Leuci' Ignazio fu Luigi

Indirizzo dell'accusato S.Andrea del Pizzone, Frazione di Francolise

Data di arresto 13-12-43

Imputazione Sottrazione ed occ. di materiale ed oggetti di pertinenza Stato

Data del dibattimento 13-12-43 Data della sentenza 13-12-43

Condanna sei mesi di prigione

Nome del Giudice del Tribunale J.H.GIFFIN - Major

Motivi per la istanza Pena eccessiva trattandosi di oggetti abbandonati e non sottratti. Il Leuci ha moglie e tre figli.

Data 14-12- 1943

(Firma dell'accusato o del suo Procuratore)

Ten. Comando Prigionieri

OSSERVAZIONI DEL GIUDICE CHE HA PRESIEDUTO AL PROCESSO, O DELL'UFFICIALE SUPERIORE ADDETTO ALLA GIUSTIZIA DELLA PROVINCIA, OPPURE DEL PROCURATORE, SE NECESSARIO

Accused pleaded guilty to being in wrongful possession ofthe articles.No evidence was tendered to support the plea that the articles had been discarded.

Data17 December 194

(Firma e qualifica)

J.H.GIFFIN,Major TRIAL JUDGE

DECISIONE DELL'UFFICIALE CAPO DEGLI AFFARI CIVILI

Declassified E.O. 12356 Section 3.3/NND No. 785016

NOTA: Questo stampato deve essere presentato nel termine di 30 giorni dalla sentenza.

PROVINCIA DI Napoli

TRIBUNALE DI Militare Inferiore Sparanise

Nome dell'accusato Lenci Ignazio fu Luigi

Indirizzo dell'accusato S. Andrea del Pizzone, frazione di Francolise

Data di arresto 13-12-43

Imputazione Sottrazione ed uso di materiale ed oggetti di pertinenza delle

Data del dibattimento 13-12-43 Data della sentenza 13-12-43

Condanna sei mesi di prigione

Nome del Giudice del Tribunale J.H.GIFFIN - Major

Motivi per la istanza Pena eccessiva trattenuta di oggetti abbandonati e non sottratti. Il Lenci ha moglie e tre figli.

Data 14-12- 1943

(Firma dell'accusato o del suo Procuratore)

Ten. Colonnello Ignazio

OSSERVAZIONI DEL GIUDICE CHE HA PRESIEDUTO AL PROCESSO, O DELL'UFFICIALE SUPERIORE ADDETTO ALLA GIUSTIZIA DELLA PROVINCIA, OPPURE DEL PROCURATORE, SE NECESSARIO

Accused pleaded guilty to being in wrongful possession ofthe articles.No evidence was tendered to support the plea thut the articles had been discarded.

Data 17 December 194

(Firma e qualifica)

J.H.GIFFIN,Major TRIAL JUDGE

DECISIONE DELL'UFFICIALE CAPO DEGLI AFFARI CIVILI

Data 194

NOTA: Questo stampato dovrà essere sottoposto all'approvazione dell'Ufficiale Superiore addetto alla Giustizia della Provincia.

1943 — Napoli, R. Tip. Giannini

Declassified E.O. 12356 Section 3.3/NND No. 785016

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Form No. 8

ALLIED MILITARY GOVERNMENT

Case No. 68

PROCEEDINGS OF AN ALLIED MILITARY COURT

Held at SPARANISE

an the 13th day of December 1943

Before MAJOR J. H. GIFFIN

(Name and rank of President and/ or Magistrate constituting the Court).

REFERENCE No.

ACCUSED

Name: LEUCI Ignazio

Address: 157 Via Roma S. ANDREA

Description: medium height

Occupation: Farmer

Age: 50 yrs

INTERPRETER

Name Cpl. Anthony CAPONI is duly sworn

S/S.

PROSECUTING OFFICER

Name: Captain G. W. BROOKE

ADVOCATE FOR ACCUSED

Name and Address Lawyer C. GRAZIADEI Sparanise

CHARGE (S)

(This space need not be completed if a copy of the Summons or charge sheet is attached).

Wrongfully being in possession of property of the Allied Forces or any member thereof. (Sec 2 Act 2 Sec 40)

Declassified E.O. 12356 Section 3.3/NND No. 785016

CASE No. 68

PROCEEDINGS OF AN ALLIED MILITARY COURT

Held at SPARANISE

an the 13th day of December 1943

Before MAJOR J. H. GIFFIN

(Name and rank of President and/ or Magistrate constituting the Court).

REFERENCE No.

ACCUSED

Name: LEUCI Ignazio

Address: 157 Via Roma S. ANDREA

Description: medium height

Occupation: Farmer

Age: 50 yrs

INTERPRETER

Name Cpl. Anthony CAPONI is duly sworn

PROSECUTING OFFICER

Name: Captain G. W. BROOKE

ADVOCATE FOR ACCUSED

Name and Address Lawyer C. GRAZIADEI Sparanise

CHARGE (S)

(This space need not be completed if a copy of the Summons or charge sheet is attached).

Wrongfully being in possession of property of the Allied Forces or any member thereof (Proc 2. Art 2, Sec 40)

(Charge sheet previously submitted)

Declassified E.O. 12356 Section 3.3/NND No. 785016

1. The evidence, any statements by the prosecution and defence before sentence, and any opinion the Court wishes to record as to its findings will be written or typed on this and the following page. When the length of the evidence requires, further sheets of paper serially numbered will be inserted in this file.

2. This record will be signed by the President and members of the Court.

RSM LEANEY (WITNESS). At about 9.30 AM on 5 December 1943 I searched the house of LEUCI and found a civilian jacket and waistcoat made out of a British greatcoat. When I went to the kitchen I found one petrol tin containing WD petrol and four empty petrol tins. While searching the house I also found a quantity of WD greatcoat cuttings and a large amount of Italian WD clothing and uniform.

All these articles were identified.

LAWYER for Prisoner: Will the Court please consider that troops live in every house in this town and as we are near the front they change continuously and very often leaving various articles behind. The accused should have returned these articles: but - since he is not able to read he did not know the Proclamations.

Declassified E.O. 12356 Section 3.3/NND No. 785016

RSM LEARNEY (WITNESS): At about 9.30 AM on 5 December 1943 I searched the house of LENCI and found a civilian jacket and waistcoat made out of a British greatcoat. When I went to the kitchen I found one petrol tin containing WD petrol and four empty petrol tins. While searching the house I also found a quantity of WD greatcoat cuttings and a large amount of Italian WD clothing and uniform.

All these articles were identified.

LAWYER for Prisoner: Will the Court please consider that troops live in every house in this town and as we are near the front they change continously and very often leaving various articles behind. The accused should have returned these articles but since he is not able to read he did not know the Proclamations. Will you also consider that the tin cans were not hidden which indicates that Accused did not realize to be committing an offence.

Declassified E.O. 12356 Section 3.3/NND No. 785016

Opinion of the Court: I was satisfied that this man knew he was in improper possession of the articles forming the subject of the charge, and that there were no mitigating circumstances.

J. H. GIFFIN
Major
President of the Court.

Declassified E.O. 12356 Section 3.3/NND No. 785016

PLEAS OF THE ACCUSED

The accused LEUCI, Ignazio pleads GUILTY to the first charge; pleads to the second charge; pleads to the third charge.

The accused pleads to the first charge; pleads to the second charge; pleads to the third charge.

The accused pleads to the first charge; pleads to the second charge; pleads to the third charge.

FINDINGS OF THE COURT

The accused LEUCI, Ignazio is found guilty / ~~not guilty of the first charge~~; guilty / not guilty of the second charge; guilty / not guilty of the third charge.

The accused is found guilty / not guilty of the first charge; guilty / not guilty of the second charge; guilty / not guilty of the third charge.

The accused is found guilty / not guilty of the first charge; guilty / not guilty ot the second charge; guilty / not guilty of the third charge.

SENTENCE OF THE COURT

The Court sentences the accused LEUCI, Ignazio

to SIX MONTHS IMPRISONMENT

in respect of all offences charged in the above proceedings of which the said accused has been found guilty.

The Court sentences the accused

to

in respect of all offences charged in the above proceedings of which the said accused has been found guilty.

The Court sentences the accused

to

in respect of all offences charged in the above proceedings of which the said accused has been found guilty.

REVIEW

Finding confirmed Sentence reduced to 4 months imprisonment

15/1/44

Ignazio Dated 13th December 1943

MS Capt. Brigade Depot

Signature

Declassified E.O. 12356 Section 3.3/NND No. 785016

first charge; pleads to the second charge; pleads to the third charge.

The accused pleads to the first charge; pleads to the second charge; pleads to the third charge.

FINDINGS OF THE COURT

The accused LEUCI, Ignazio is found guilty / ~~not guilty of the first charge~~; guilty / not guilty of the second charge; guilty / not guilty of the third charge.

The accused is found guilty / not guilty of the first charge; guilty / not guilty of the second charge; guilty / not guilty of the third charge.

The accused is found guilty / not guilty of the first charge; guilty / not guilty ot the second charge; guilty / not guilty of the third charge.

SENTENCE OF THE COURT

The Court sentences the accused LEUCI, Ignazio

to SIX MONTHS IMPRISONMENT

in respect of all offences charged in the above proceedings of which the said accused has been found guilty.

The Court sentences the accused

to

in respect of all offences charged in the above proceedings of which the said accused has been found guilty.

The Court sentences the accused

to

in respect of all offences charged in the above proceedings of which the said accused has been found guilty.

REVIEW

Finding confirmed Sentence reduced to 4 months imprisonment

15/1/44

Ignazio Dated 13th December 1943 Signature M S Cust Brigade Decsu

CONFIRMATION OF DEATH SENTENCE

Dated 194 Signature

Declassified E.O. 12356 Section 3.3/NND No. 785016

Declassified E.O. 12356 Section 3.3/NND No. 785016

M E M O.

D.C.C.A.O. 10 January 44.

Applications for Review of Sentences No.36 & 37.
Martone Aristite and Martone Ernest.

Herewith applications in the subject cases. The only reason stated by the applicants is their professed innocence.

It will be noted that the charge was one of Illegal possession of Allied Property and not of theft. In my opinion the evidence is sufficient for the court to reach a finding of "guilty", and do not believe that the sentences are excessive.

Major, A.U.S.,
Chief, Legal Office.

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FORM No. 11

ALLIED MILITARY GOVERNMENT

APPLICATION FOR REVIEW OF SENTENCE No 37

(To be used for Review of Cases tried in either Allied Military or Italian Courts)

NOTE: This form must be filed within 30 days of Sentence.

PROVINCE OF Naples

Summary COURT OF II Corps

Name of Accused Mastone, Ernest

Address of Accused Rocca Pipirozza (Commune of Sesto)

Date of Arrest 9 December 1943

Charge Illegal possession of Allied Forces property

Date of Trial 15 December 1943 Date of Sentence 15 December 1943

Sentence Nine (9) months

Name of Judge and Court Lt. Col. John B. Thornhill
Summary Court of II Corps - at Presenzano

Reasons for Application

Because I did not steal anything belonging to allies.

57

Date 15 December 1943

x Ernest Mastone
(Signature of Accused or of his Attorney)

REMARKS BY TRIAL JUDGE, PROVINCIAL SENIOR LEGAL OFFICER, OR PROCURATORE, IF APPLICABLE

The record and the facts in this case present no grounds for review of sentence. The accused was charged with illegal possession of allied Forces property and was clearly guilty. The sentence is not considered severe.

Date 15th Dec. 1943

J.B. Thornhill
(Signature and Description)
Lt. Col.
SCAC, AMG, Summary Court.

DECISION OF CHIEF CIVIL AFFAIRS OFFICER

Declassified E.O. 12356 Section 3.3/NND No. 785016

NOTE: This form must be filed within 30 days of Sentence.

PROVINCE OF Naples

Summary COURT OF II Corps

Name of Accused Martone, Ernest

Address of Accused Rocca Pipirozza (Commune of Sasto)

Date of Arrest 9 December 1943

Charge Illegal possession of Allied Forces property

Date of Trial 15 December 1943 Date of Sentence 15 December 1943

Sentence Nine (9) months

Name of Judge and Court Lt. Col. John B. Thornhill
Summary Court of II Corps - at Presenzano

Reasons for Application

Because I did not steal anything belonging to allies.

87

Date 15 December 1943

X Martone Ernest
(Signature of Accused or of his Attorney)

REMARKS BY TRIAL JUDGE, PROVINCIAL SENIOR LEGAL OFFICER, OR PROCURATORE, IF APPLICABLE.

The record and the facts in this case present no grounds for review of sentence. The accused was charged with illegal possession of allied Forces property and was clearly guilty. The sentence is not considered severe.

Date 15th Dec. 1943

J.B. Thornhill
(Signature and Description)
J.B. Thornhill Lt. Col.
SCAO, AMG, Summary Court.

DECISION OF CHIEF CIVIL AFFAIRS OFFICER

Finding & Sentence confirmed.

M S Curl Brigadier
DCCAO

Date 15/1/44 194

HEADQUARTERS A.C. CASE NO.

NOTE: This form will be submitted to the Senior Legal Officer of the Province.

1943 — Napoli, R. Tip. Biaunini

Declassified E.O. 12356 Section 3.3/NND No. 785016

FORM. N.° 11

GOVERNO MILITARE ALLEATO

ISTANZA PER REVISIONE DI SENTENZA

(In uso per la revisione delle cause giudicate davanti i Tribunali Militari o Corti Italiane)

NOTA: Questo stampato deve essere presentato nel termine di 30 giorni dalla sentenza.

PROVINCIA DI Napoli

Comando Tribunale di Seconda Zona

Nome dell'accusato Martone, Ernest

Indirizzo dell'accusato Corso Vittorio Emanuele (Carcere di Santo)

Data di arresto 7 Dicembre 1943

Imputazione Sottrazione di proprietà del Governo Alleato

Data del dibattimento 15 Dicembre 1943 Data della sentenza 15 Dicembre 1943

Condanna Morte (9 voti)

Nome del Giudice del Tribunale Tenente Colonnello John A. Thurbit Presidente

Motivi per la istanza Perché il reo è stato una vittima degli eventi

Data 15 Dicembre 1943

(Firma dell'accusato o del suo Procuratore)

OSSERVAZIONI DEL GIUDICE CHE HA PRESIEDUTO AL PROCESSO, O DELL'UFFICIALE SUPERIORE ADDETTO ALLA GIUSTIZIA DELLA PROVINCIA, OPPURE DEL PROCURATORE, SE NECESSARIO

Data 194

(Firma e qualifica)

DECISIONE DELL'UFFICIALE CAPO DEGLI AFFARI CIVILI

Declassified E.O. 12356 Sec. 3.3/NND No. 785016

NOTA: Questo stampato deve essere presentato nel termine di 30 giorni dalla sentenza.

PROVINCIA DI Napoli

Tribunale di Guerra Tribunale di Seconda Zona

Nome dell'accusato Martens, Ernst

Indirizzo dell'accusato Torre Pisana (Comune di Forte)

Data di arresto 1° Dicembre 1943

Imputazione Violazione ordinanza di prigionia di Guerra

Arresto

Data del dibattimento 15 Dicembre 1943 Data della sentenza 15 Dicembre 1943

Condanna Morte (92 voti)

Nome del Giudice del Tribunale Tenente Colonnello John D. Franklin Presidente

Motivi per la istanza Perchè il voto di astinenza non è stato

Data 15 Dicembre 1943

(Firma dell'accusato o del suo Procuratore)

OSSERVAZIONI DEL GIUDICE CHE HA PRESIEDUTO AL PROCESSO, O DELL'UFFICIALE SUPERIORE ADDETTO ALLA GIUSTIZIA DELLA PROVINCIA. OPPURE DEL PROCURATORE, SE NECESSARIO

Data 194

(Firma e qualifica)

DECISIONE DELL'UFFICIALE CAPO DEGLI AFFARI CIVILI

Data 194

NOTA: Questo stampato dovrà essere sottoposto all'approvazione dell'Ufficiale Superiore addetto alla Giustizia della Provincia.

1943 — Napoli, R. Tip. Giannini

Declassified E.O. 12356 Section 3.3/NND No. 785016

FORM No. 11

ALLIED MILITARY GOVERNMENT

APPLICATION FOR REVIEW OF SENTENCE No 36

(To be used for Review of Cases tried in either Allied Military or Italian Courts)

NOTE: This form must be filed within 30 days of Sentence.

PROVINCE OF Naples

Summary COURT OF II Corps

Name of Accused Martone, Aristite

Address of Accused Rocca Pipirozza (Commune of Sorto)

Date of Arrest 9 decembes 1943

Charge Illegal possession of allied forces property

Date of Trial 15 dec 1943 Date of Sentence 15 dec 1943

Sentence Three (3) months

Name of Judge and Court Lt Col John B Thornhill
Summary Court of II Corps, at Presenzano

Reasons for Application
Because I'm innocent

86

Date 15 December 1943

Martone Aristide
(Signature of Accused or of his Attorney)

REMARKS BY TRIAL JUDGE, PROVINCIAL SENIOR LEGAL OFFICER, OR PROCURATORE, IF APPLICABLE

The record and facts in this case, in the opinion of the undersigned, present no valid reasons for a review. The accused is clearly guilty and the sentence is not considered at all severe. This accused was given a much lighter sentence than his son, Ernest, because the court took the view that it was possible for him to be unaware of all the military supplies fod in his house.

Date 15th Dec. 1943

J B Thornhill
(Signature and Description)
J.B.Thornhill, Lt. Col.
SCAC, AMG. Summary Court.

DECISION OF CHIEF CIVIL AFFAIRS OFFICER

Declassified E.O. 12356 Section 3.3/NND No. 785016

NOTE: This form must be filed within 30 days of Sentence.

PROVINCE OF Naples

Summary COURT OF II Corps

Name of Accused Martone, Aristite

Address of Accused Rocca Pipirozza (Commune of Sesto)

Date of Arrest 9 December 1943

Charge Illegal possesion of allied forces property

Date of Trial 15 Dec 1943 Date of Sentence 15 dec 1943

Sentence Three (3) months

Name of Judge and Court Lt Col John B Thornhill
Summary Court of II Corps, at Presenzano

Reasons for Application
Because I'm innocent

86

Date 15 December 1943

Martone Aristide
(Signature of Accused or of his Attorney)

REMARKS BY TRIAL JUDGE, PROVINCIAL SENIOR LEGAL OFFICER, OR PROCURATORE, IF APPLICABLE

The record and facts in this case, in the opinion of the undersigned, present no valid reasons for a review. The accused is clearly guilty and the sentence is not considered at all severe. This accused was given a much lighter sentence than his son, Ernest, because the court took the view that it was possible for him to be unaware of all the military supplies fod in his house.

Date 15th Dec. 194 3

J B Thornhill
(Signature and Description)
J.B. Thornhill, Lt. Col.
SCAO, AMG. Summary Court.

DECISION OF CHIEF CIVIL AFFAIRS OFFICER

Finding & sentence confirmed
Mk Clark Brig Gen

Date 18/1/44 194

HEADQUARTERS A.G. CASE NO.

NOTE: This form will be submitted to the Senior Legal Officer of the Province.

1943 — Napoli, R. Tip. Giannini

Declassified E.O. 12356 Section 3.3/NND No. 785016

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FORM. N.° 11

GOVERNO MILITARE ALLEATO

ISTANZA PER REVISIONE DI SENTENZA

(In uso per la revisione delle cause giudicate davanti i Tribunali Militari o Corti Italiane)

NOTA: Questo stampato deve essere presentato nel termine di 30 giorni dalla sentenza.

PROVINCIA DI Napoli

Sommario TRIBUNALE DI Secondo Turno

Nome dell'accusato Martone Aristide

Indirizzo dell'accusato Roccarainola (Comune di Sito)

Data di arresto 7 Dicembre 1943

Imputazione Illegale possesso di proprietà ab
Forze Alleate

Data del dibattimento 15 Dicembre 1943 Data della sentenza 15 Dicembre 1943

Condanna Tre (3) mesi

Nome del Giudice del Tribunale Tenente Colonnello John D. Thornhill - Presidente

Motivi per la istanza Pena troppo severa

Data 15 Dicembre 194

Martone Aristide
(Firma dell'arrestato o del suo Procuratore)

OSSERVAZIONI DEL GIUDICE CHE HA PRESIEDUTO AL PROCESSO, O DELL'UFFICIALE SUPERIORE ADDETTO ALLA GIUSTIZIA DELLA PROVINCIA, OPPURE DEL PROCURATORE, SE NECESSARIO

Data 194

(Firma e qualifica)

DECISIONE DELL'UFFICIALE CAPO DEGLI AFFARI CIVILI

Declassified E.O. 12356 Section 3.3/NND No. 785016

NOTA: Questo stampato deve essere presentato nel termine di 30 giorni dalla sentenza.

PROVINCIA DI Napoli

Sommario TRIBUNALE DI Seconda Zona

Nome dell'accusato Martone Aristide

Indirizzo dell'accusato Rocca Ripiroggia (Comune di Lusciano)

Data di arresto 9 Dicembre 1943

Imputazione Illegale possesso di proprietà di Enti Ex-Fascisti

Data del dibattimento 15 Dicembre 1943 Data della sentenza 15 Dicembre 1943

Condanna Tre (3) mesi

Nome del Giudice del Tribunale Pennetta Domenico, Colonn. B. Thornhill - Cancelliere

Motivi per la istanza Perchè sono innocente

Data 15 Dicembre 194 Martone Aristide
(Firma dell'accusato o del suo Procuratore)

OSSERVAZIONI DEL GIUDICE CHE HA PRESIEDUTO AL PROCESSO, O DELL'UFFICIALE SUPERIORE ADDETTO ALLA GIUSTIZIA DELLA PROVINCIA, OPPURE DEL PROCURATORE, SE NECESSARIO

Data 194 (Firma e qualifica)

DECISIONE DELL'UFFICIALE CAPO DEGLI AFFARI CIVILI

Data 194

NOTA: Questo stampato dovrà essere sottoposto all'approvazione dell'Ufficiale Superiore addetto alla Giustizia della Provincia.

1943 — Napoli, R. Tip. Giannini

Declassified E.O. 12356 Section 3.3/NND No. 785016

Concept 7
Campos

Case No. 170

Form No. 8

ALLIED MILITARY GOVERNMENT

PROCEEDINGS OF AN ALLIED MILITARY COURT

Held at Presanzano, Province of Naples.

an the 15th day of Dec. 1943.

Before Lt. Col. J. S. Thornhill, SCAC, Summary Court, AMG.

(Name and rank of President and/ or Magistrate constituting the Court).

REFERENCE No. 7

ACCUSED

Name: Marione, Aristite and Marione, Ernest

Address: Rocco Pipirozzi (Sisto) . Rocco Pipirozzi (Sisto)

Description: About 67 and 65 inches tall respectively, both black hair, both medium build.

Occupation: Farmers

Age: 44 and [illegible] respectively.

INTERPRETER

Name Vergani, Edgar is duly sworn

PROSECUTING OFFICER

Name: Lt. Leslie G. Shyman (S)

55

ADVOCATE FOR ACCUSED

None

Name and Address

CHARGE (S)

(This space need not be completed if a copy of the Summons or charge sheet is attached).

See charge sheet attached.

Headquarters A.G. CASE NO.

1506

Declassified E.O. 12356 Section 3.3/NND No. 773018

PROCEEDINGS OF AN ALLIED MILITARY COURT

Held at Presanzano, Province of Naples.

an the 15th day of Dec. 1943.

Before Lt. Col. J. B. Thornhill, ECAC, Summary Court, AMG.

(Name and rank of President and/ or Magistrate constituting the Court).

REFERENCE No. 7

ACCUSED

Name: Marione, Arietite and Marione, Ernest

Address: Rocco Pipirozzi (Sisto) . Rocco Pipirozzi (Sisto)

Description: About 67 and 65 inches tall respectively, both black hair, both medium build.

Occupation: Farmers

Age: 44 and [illegible] respectively.

INTERPRETER

Name Vergani, Edgar is duly sworn

PROSECUTING OFFICER

Name: Lt. Leslie G. Whyman (B)

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ADVOCATE FOR ACCUSED

None

Name and Address

CHARGE (S)

(This space need not be completed if a copy of the Summons or charge sheet is attached).

See charge sheet attached.

HEADQUARTERS A.G. CASE NO.

HEADQUARTERS A.G. CASE NO.

I 5 0 7

Declassified E.O. 12356 Section 3.3/NND No. [illegible]

1. The evidence, any statements by the prosecution and defence before sentence, and any opinion the Court wishes to record as to its findings will be written or typed on this and the following page. When the length of the evidence requires, further sheets of paper serially numbered will be inserted in this file.

2. This record will be signed by the President and members of the Court.

Both of the accused were informed of their rights before being required to plead and stated that they understood them.

The following witnesses were sworn on behalf of the prosecution and testified in substance as follows:

Pvt. Michael A. Cares, # 15086142, 180th Infantry.

That the accused are father and son; that on or about the 8th of December, 1943 he found a rifle and four clips of ammunition in the cowshed of Aristite and going back later in the same day he found he found some other articles of American Military equipment in the same shed; that next morning he saw Ernest and he was wearing a knit cap belonging to Coporal Wood; that Ernest said it had been given him by a friend; that with Wood he took Ernest back to the cowshed and found a barrack bag with US military equipment in it; that Ernest was questione about it and said he would show them where more was if they would let him go; that they then went to the home of Aristite and Ernest, they being father and son and living together, and there they found, two GI blankets, one pair of trousers, one overcoat(the property of Wood) and one shirt in an empty box on top of which had been piled other boxes; that Ernest took them to other houses where American property was found; that Ernest's brother was wearing a pair of GI shoes and underclothing; that Ernest admitted helping others steal six barrack bags with articles of clothing in them; that Ernest was caught two or three weeks before this occasion stealing, but no charges were made gainst him.

Corporal Fred A. Wood, # 20815649, Battery C 133 FA.

Corporal Wood corroborated Private Cares in every important detail, beginning with events that happenned on the morning after the rifle and ammunition were found in the cow shed.

At their own request both defendants were sworn and testified in their own behalf in substance as follows:

Martone, Ernest:

That he was eighteen years on the 3d of August, 1943; that he found a barrack bag with certain articles in it and took it to his home; that the other articles found in the house were given to him, or left in the house by American soldiers who had occupied it; that ~~the~~ the overcoat was hanging up over a door and not in a box; admits that he was caught wearing Corporal Wood's cap; denied having been caught stealing two or three weeks before.

1508

Declassified E.O. 12356 Section 3.3/NND No. 763511

2 This record will be signed by the President and members of the Court.

Both of the accused were informed of their rights before being required to plead and stated that they understood them.

The following witnesses were sworn on benalf of the prosecution and testified in substance as follows:

Pvt. Michael A. Cares, # 15086142, 180th Infantry.

That the accused are father and son; that on or about the 8th of December, 1943 he found a rifle and four clips of ammunition in the cowshed of Aristite and going back later in the same day he found he found some other articles of American Military equipment in the same shed; that next morning he saw Ernest and he was wearing a knit cap belonging to Coporal Wood; that Ernest said it had been given him by a friend; that with Wood he took Ernest back to the cowshed and found a barrack bag with US military equipment in it; that Ernest was questioned about it and said he would show them where more was if they would let him go; that they then went to the home of Aristite and Ernest, they being father and son and living together, and there they found, two GI blankets, one pair of trousers, one overcoat(the property of Wood) and one shirt in an empty box on top of which had been piled other boxes; that Ernest took them to other houses where American property was found; that Ernest's brother was wearing a pair of GI shoes and underclothing; that Ernest admitted helping others steal six barrack bags with articles of clothing in them; that Ernest was caught two or three weeks before this occasion stealing, but no charges were made against him.

Corporal Fred A. Wood, # 20815649, Battery C 133 FA.

Corporal Wood corroborated Private Cares in every important detail, beginning with events that happenned on the morning after the rifle and ammunition were found in the cow shed.

At their own request both defendants were sworn and testified in their own behalf in subetance as follows:

Martone, Ernest:

That he was eighteen years on the 3d of August, 1943; that he found a barrack bag with certain articles in it and took it to his home; that the other articles found in the house were given to him, or left in the house by American soldiers who had occupied it; that ~~xxx~~ the overcoat was hanging up over a door and not in a box; admits that he was caught wearing Corporal Wood's cap; denied having been caught stealing two or three weeks before.

Martone, Aristite:

That he is innocent; that he knew nothing of any allied property being in his house; that Ernest is his son; that his house was occupied for a while by Americans; that a number of rifles and some ammunition had been left in his cow shed by Americans, but he thought all of them had been taken away.

The court was convinced beyond a reasonable doubt of the guilt of both of the accused.

11 5091

Declassified E.O. 12356 Section 3.3/NND No. 763611

PLEAS OF THE ACCUSED

The accused Martone, Aristite pleads Not Guilty to the first charge; pleads ---------- to the second charge; pleads ---------- to the third charge. -------

The accused Martone, Ernest pleads Not guilty to the first charge; pleads ------- to the second charge; pleads ---- to the third charge. --------

The accused -- pleads to the first charge; pleads to the second charge; pleads to the third charge.

FINDINGS OF THE COURT

The accused Martone, Aristite is found guilty / ~~not guilty~~ of the first charge; guilty / ~~not guilty~~ of the second charge; ~~guilty~~ / not guilty of the third charge.

The accused Martone, Ernest is found guilty / ~~not guilty~~ of the first charge; guilty / ~~not~~ guilty of the ~~second~~ charge; ~~guilty~~ / not guilty of the ~~third~~ charge.

The accused ------ is found guilty / not guilty of the first charge; guilty / not guilty of the second charge; guilty / not guilty of the third charge.

SENTENCE OF THE COURT

The Court sentences the accused Martone, Aristite to three months imprisonment (Santa Maria Capuata Caserta Judgment) in respect of all offences charged in the above proceedings of which the said accused has been found guilty.

The Court sentences the accused Martone, Ernest to Nine months imprisonment (Santa Maria Capuata Caserta Judgment) in respect of all offences charged in the above proceedings of which the said accused has been found guilty.

The Court sentences the accused ----- to in respect of all offences charged in the above procedings of which the said accused has been found guilty.

REVIEW

Finding & sentence confirmed

M. S. Col. Brandi Deputy

January 1944

Declassified E.O. 12356 Section 3.3/NND No. 785016

The accused Martone, Ernest pleads Not guilty to the first charge; pleads ------- to the second charge; pleads ---- to the third charge. --------

The accused -- pleads to the first charge; pleads to the second charge; pleads to the third charge.

FINDINGS OF THE COURT

The accused Martone, Aristite is found guilty / ~~not guilty~~ of the first charge; guilty / ~~not~~ guilty of the second charge; ~~guilty~~ / not guilty of the third charge.

The accused Martone, Ernest is found guilty / ~~not guilty~~ of the first charge; guilty / ~~not~~ guilty of the ~~second~~ charge; guilty / ~~not~~ guilty of the ~~third~~ charge.

The accused ------ is found guilty / not guilty of the first charge; guilty / not guilty ot the second charge; guilty / not guilty of the third charge.

SENTENCE OF THE COURT

The Court sentences the accused Martone, Aristite to three months imprisonment (Santa Maria Capuala Caccan Judgment) in respect of all offences charged in the above proceedings of which the said accused has been found guilty.

The Court sentences the accused Martone, Ernest to Nine months Imprisonment (Santa Maria Capuala Caccan Judgment) in respect of all offences charged in the above proceedings of which the said accused has been found guilty.

The Court sentences the accused ----- to in respect of all offences charged in the above proceedings of which the said accused has been found guilty.

EVIEW

Findings & sentence confirmed

M.S. Lt-Col. Brudi DCOAO

Dated 15th Dec. 1943. Signature J B Thornhill

Lt. C.L. SCAO
A. M. G.
Summary Court.

CONFIRMATION OF DEATH SENTENCE

Dated 194 Signature

Declassified E.O. 12356 Section 3.3/NND No. [illegible]

Form. No. 4

ALLIED MILITARY GOVERNMENT
(Governo Militare Alleato)

CHARGE SHEET
(Foglio d'Accusa)

7

Place (luogo): Pignataro Mazzione

Date (data): 13 dec 1943

Martone Ernest — Name of defendant (nome dell' accusato): [illegible]

Rocco Pipirozza (Sesto) — Address (indirizzo)

Is hereby charged with the following offenses:
(È qui accusato delle offese seguenti):

First charge Illegal possession of allied property

Particulars Corporal Fred Woods of C Battery, 133 F.A. Bn, found American Army property in Martone house and other American Army property in Ernesto possession.

Second charge

Particulars

TRADUZIONE

Prima accusa Illecalmente in possesso di proprietà Alleata

Dettagli Il Caporale Fred Woods della Batteria C, 133 F.A. ha trovato nella casa di Martone proprietà delle Forze Armate Americane ed altra proprietà dell esercito Americano in possesso dell'Ernesto Martone.

Seconda accusa

Dettagli

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(Se non tradotto dall' ufficiale, voi dovete farvelo tradurre da un amico o presso qualsiasi Ufficio di Questura).

The above charges are referred for trial before a Mil Summary Court

(Name and Court)

Declassified E.O. 12356 Section 3.3/NND No. 785016

CHARGE SHEET

(Foglio d'Accusa)

7

Place *(luogo)* Piquataro. Maggiore

Date *(data)* 13 dec 1943

Martone Ernest — Age: 18

Name of defendant *(nome dell' accusato)*

Rocco Pipiraggo (Sesto)

Address *(indirizzo)*

Is hereby charged with the following offenses:
(È qui accusato delle offese seguenti):

First charge Illegal possession of allied property

Particulars Corporal Fred Woods of C Battery, 133 F.A. Bn, found American Army property in Martone house and other American Army property in Ernesto possession.

Second charge

Particulars

TRADUZIONE

Prima accusa Illegalmente in possesso di proprietà Alleata

Dettagli Il Caporale Fred Woods della Batteria C, 133 F.A. ha trovato nella casa di Martone proprietà delle Forze Armate Americane ed altra proprietà dell esercito Americano in possesso dell'Ernesto Martone.

Seconda accusa

Dettagli

54

(Se non tradotto dall' ufficiale, voi dovete farvelo tradurre da un amico o presso qualsiasi Ufficio di Questura).

The above charges are referred for trial before a Mct Summary Court

(Name and address of Court)

(Le suddette accuse sono riferite a processo davanti _____).
(nome e indirizzo della corte)

By order
(Per ordine) Capt. Campbell Dickson, CAPO

Judge, Summary Military Court or other authorized person.
(Giudice, Tribunale Militare inferiore o altro individuo autorizzato).

Declassified E.O. 12356 Section 3.3/NND No. 785016

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In the year 1945, on the 29th day of October, in the Royal Inquest of Naples, 2nd Division, before the court of P.S. Loscalzo Garibaldi, there appeared Di Guglielmo Renato, son of Luigi and Anna Mattovaz born in Trieste, April 26, 1920 and domiciled at Andretta, who on the opportunity of the Inquest, declared:-

" Scarcely had the American troops arrived at Eboli, I presented myself to the command r of the airport of Paestum and asked to be enrolled as an official pilot in the North American Air Force. My request was granted and I was subsequently sent to the airport Camp of Capodichino (Naples) for the necessary period of training with American equipment. Then I learned that my father is missing in Africa. For family reasons, I requested and obtained of Colonel Schinn commander of the aforesaid airport, a permit to go to Andretta with an American machine that I obtained from AMG situated at the Municipal Building.

While I was at Andretta, the CC. RR. took the machine from me on order of the American Commander of Avellino. Knowing that, I went immediately to the aforesaid commander and cleared everything, notifying the CC. RR of the facts. "

Read, Confirmed and subscribed.

Di Guglielmo, Renato (Signed)

Loscalzo, Garibaldi Comissario di P.S. (Signed)

Declassified E.O. 12356 Section 3.3/NND No. 785016

Declassified E.O. 12356 Section 3.3/NND No. 785016

M E M O.

208/27

169.

D.C.C.A.O.

Petition for Review No.34 - Acquara Giuseppe.

Herewith petition for review and proceedings in the case of Acquara Giuseppe, who was convicted by the Summary Military Court at Pietravairano for theft of a horse from the Allied Forces, and sentenced to six months imprisonment.

The appeal is based on alleged insufficiency of proof and the previous good record of the defendant.

The evidence is ample for the court to reach a finding of guilty and in my opinion the sentence is a reasonable one. The S.L.O's comments are attached.

Ward Hwr

Major, A.U.S.,
Chief Legal Officer,

Finding & Sentence confirmed

82

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FORM No. 11

ALLIED MILITARY GOVERNMENT

APPLICATION FOR REVIEW OF SENTENCE

(To be used for Review of Cases tried in either Allied Military or Italian Courts)

NOTE: This form must be filed within 30 days of Sentence.

PROVINCE OF Naples

COURT OF Pietravairano

Name of Accused Acquara Giuseppe

Address of Accused Via Palombaro – Pietravairano

Date of Arrest 23 November 1943

Charge Stealing a horse, property of the Allied Forces

Date of Trial 9th December 1943 Date of Sentence 9th December 1943

Sentence Six months imprisonment

Name of Judge and Court Lt. Col. John B. Thornhill. A.M.G. Summary Court Pietravairano

Reasons for Application insufficiency of proofs.

Review of the case and suspension of the sentence during good behaviour

Date 9th December 1943

(Signature of Accused or of his Attorney)

v/v. Romagnuolo Felice

REMARKS BY TRIAL JUDGE, PROVINCIAL SENIOR LEGAL OFFICER, OR PROCURATORE, IF APPLICABLE

Defendant is asking for a review of the Sentence on the Ground of insufficient evidence and if sentence is affirmed for a suspension of Sentence during good behavior. The record and evidence do not justify either

Date 9 Dic 1943

J. B. Thornhill, Lt. Col
(Signature and Description)
SCAO Summary Court

Declassified E.O. 12356 Section 3.3/NND No. 785016

NOTE: This form must be filed within 30 days of Sentence.

PROVINCE OF Naples

COURT OF Pietravairano

Name of Accused Acquara Giuseppe

Address of Accused via Palombaro - Pietravairano

Date of Arrest 23 November 1943

Charge stealing a horse, property of the Allied Forces

Date of Trial 9th December 1943 Date of Sentence 9th December 1943

Sentence six months imprisonment

Name of Judge and Court Lt. Col. John B. Thornhill. A.M.G. Summary Court Pietravairano

Reasons for Application insufficiency of proofs.

Review of the case and suspension of the sentence during good behaviour

Date 9th December 1943

(Signature of Accused or of his Attorney)

avv. Romagnuoli

51

REMARKS BY TRIAL JUDGE, PROVINCIAL SENIOR LEGAL OFFICER, OR PROCURATORE, IF APPLICABLE

Defendant is asking for a review of the Sentence on the ground of insufficient evidence and if Sentence is affirmed for a suspension of Sentence during good behavior. The record and evidence do not justify either

Date 9 Dec 1943

J. B. Thornhill, Lt. Col

(Signature and Description)

SCAO Summary Court

DECISION OF CHIEF CIVIL AFFAIRS OFFICER

Finding and Sentence confirmed.

M. S. Clark

Brigadier

Deputy

Date 4/1/44. 194

NOTE: This form will be submitted to the Senior Legal Officer of the Province.

HEADQUARTERS A.C. CASE NO.

1943 — Napoli, R. Tip. Giannini

Declassified E.O. 12356 Section 3.3/NND No. 785016

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FORM. N.° 11

GOVERNO MILITARE ALLEATO

ISTANZA PER REVISIONE DI SENTENZA

(In uso per la revisione delle cause giudicate davanti i Tribunali Militari o Corti Italiane)

NOTA: Questo stampato deve essere presentato nel termine di 30 giorni dalla sentenza.

PROVINCIA DI Napoli

TRIBUNALE DI Pietravairano

Nome dell'accusato Degnano Giuseppe

Indirizzo dell'accusato Via Palombaro - Pietravairano

Data di arresto 22 novembre 943

Imputazione furto

Data del dibattimento 9-12-943 Data della sentenza 9.12.943

Condanna 6 mesi reclusione

Nome del Giudice del Tribunale Lt Col. John B Thornhill, AMG. Summary Court

Motivi per la istanza insufficienza di prove -

Condanna condizionale

Data 9.12 194 3

(Firma dell'accusato o del suo Procuratore)

avv. Pennegrud'Felice

OSSERVAZIONI DEL GIUDICE CHE HA PRESIEDUTO AL PROCESSO, O DELL'UFFICIALE SUPERIORE ADDETTO ALLA GIUSTIZIA DELLA PROVINCIA, OPPURE DEL PROCURATORE, SE NECESSARIO

Data 194

(Firma e qualifica)

DECISIONE DELL'UFFICIALE CAPO DEGLI AFFARI CIVILI

Declassified E.O. 12356 Section 3.3/NND No. 785016

NOTA: Questo stampato deve essere presentato nel termine di 60 giorni

PROVINCIA DI Napoli

TRIBUNALE DI Pietravairano

Nome dell'accusato Degnara Giuseppe

Indirizzo dell'accusato Via Palombara - Pietravairano

Data di arresto 22 novembre 943

Imputazione furto

Data del dibattimento 9-12-943 Data della sentenza 9.12.943

Condanna 6 mesi reclusione

Nome del Giudice del Tribunale Lt Col. John B Thornhill, Amg. Summary Court

Motivi per la istanza insufficienza di prove.

Condanna condizionale

Data 9.12 194 3

(Firma dell'accusato o del suo Procuratore)

avv. Pennegrudi Felice

OSSERVAZIONI DEL GIUDICE CHE HA PRESIEDUTO AL PROCESSO, O DELL'UFFICIALE SUPERIORE ADDETTO ALLA GIUSTIZIA DELLA PROVINCIA, OPPURE DEL PROCURATORE, SE NECESSARIO

Data 194

(Firma e qualifica)

DECISIONE DELL'UFFICIALE CAPO DEGLI AFFARI CIVILI

Data 194

NOTA: Questo stampato dovrà essere sottoposto all'approvazione dell'Ufficiale Superiore addetto alla Giustizia della Provincia.

1943 — Napoli, R. Tip. Giannini

Declassified E.O. 12356 Section 3.3/NND No. 785016

Case #3
11 Compa

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Form No. 8

ALLIED MILITARY GOVERNMENT

PROCEEDINGS OF AN ALLIED MILITARY COURT

Held at Pietravairano, Province of Naples

an the 9th day of December 1943.

Before Lt. Col. John B. Thornhill, Summary Court

(Name and rank of President and/ or Magistrate constituting the Court)

REFERENCE No. 3.

ACCUSED

Name: Acquara, Giuseppi

Address: Pietravairano, Province of Naples

Description: Slight build, weight about 130 pounds, dark complexion, black hair

Occupation: Farmer

Age: 40

INTERPRETER

Name Vergani, Edgar is duly sworn

PROSECUTING OFFICER

Name: 1st Lt. Leslie G. Whyman

ADVOCATE FOR ACCUSED

Name and Address Romagnoli, Felice, Via Duomo # 290, Naples.

CHARGE (S)

(This space need not be completed if a copy of the Summons or charge sheet is attached).

Charge Sheet Attached

Declassified E.O. 12356 Section 3.3/NND No. 760116

PROCEEDINGS OF AN ALLIED MILITARY COURT

Held at Pietravairano, Province of Naples

an the 9th day of December 194 3.

Before Lt. Col. John B. Thornhill, Summary Court

(Name and rank of President and/ or Magistrate constituting the Court).

REFERENCE No. 1.

ACCUSED

Name: Acquara, Giuseppi

Address: Pietravairano, Province of Naples

Description: Slight build, weight about 130 pounds, dark complexion, black hair

Occupation: Farmer

Age: 40

INTERPRETER

Name Vergani, Edgar is duly sworn

PROSECUTING OFFICER

Name: 1st Lt. Leslie G. Whyman

ADVOCATE FOR ACCUSED

Name and Address Romagnoli, Felice, Via Duomo # 290, Naples.

CHARGE (S)

(This space need not be completed if a copy of the Summons or charge sheet is attached).

Charge Sheet Attached

Declassified E.O. 12356 Section 3.3/NND No. 785011

1. The evidence, any statements by the prosecution and defence before sentence, and any opinion the Court wishes to record as to its findings will be written or typed on this and the following page. When the length of the evidence requires, further sheets of paper serially numbered will be inserted in this file.

2. This record will be signed by the President and members of the Court.

The following witnesses were duly sworn and testified for the prosecution in substance as follows:

Private Willis A. Reavis, Hq. 3 Provisional Squadron, No. 39170225.

That he is a veterinary in the Third Division Pack Company; that on the 22 of November, 1943 about 7: 0 A. M. he was looking down a trail that leads from the picket line of the pack company and he saw three horses some distance away being led or driven by three civilians; that he saddled a horse and went in pursuit of them; that he caught up with the accused who was then riding one of the horses, but that the other two civilians led away; that he ordered the defendant to turn around and take the horse back to the picket line; that defendant turned around and went about two hundred yards, jumped off the horse and started across a field on foot; that he again overtook the defendant and arrested; that when he first saw the three civilians they appeared to be trying to conceal themselves by riding under some trees. That the horse is the property of the Allied Forces; that he is positive as to the identity of the accused, having seen him around the camp some six or seven times before.

Private Samuel Sintag, Hq. 3 Provisional Squadron. No 32877253.

That he recognizes the defendant as being in a group of men who offerred to buy horses from the soldiers when the horses were being watered at a stream near the picket line; that the horses were usually watered in groups of three and the civilians explained how easy it would be for the soldiers to sell one horse out of a group and take back two so that it would not attract attention; that defendant did not personally offer to buy a horse, but was with a group of men that did make such offer.

The following witnesses were duly sworn on behalf of the accused and testified in substance as follows:

Ferdinando Bruno, the podesta:

That he has known accused for several years and that he has a good reputation and has never been arrested before; that accused owns one or two farms and rents one or two from other persons.

The Brigadier of the Carbanierri also testified as the the good reputation of the accused.

The accused himself was sworn at his own request and testified in substance:

That he found the horse on his farm destroying his crop and that he caught the horse nd was on his way to deliver him to the Carbanierri when he was caught by Private Reavis; he denied stealing the horse and said he knew nothing of the other two men: he admitted being at the camp of the Third Division Pack Company on other occasions because it was near his farm; that he has never been arrested before.

The accused was represented by acivilian attorney who stated that he was satisfied with the fairness of the proceedings of the Court. Twelve

Declassified E.O. 12356 Section 3.3/NND No. 11522

The following witnesses were duly sworn and testified for the prosecution in substance as follows:

Private Willis A. Reavis, Hq. 3 Provisional Squadron, No. 39170825.

That he is a veterinary in the Third Division Pack Company; that on the 22 of November, 1943 about 7:00 A. M. he was looking down a trail that leads from the picket line of the pack company and he saw three horses some distance away being led or driven by three civilians; that he mounted a horse and went in pursuit of them; that he caught up with the accused who was then riding one of the horses, but that the other two civilians got away; that he ordered the defendant to turn around and take the horse back to the picket line; that defendant turned around and went about two hundred yards, jumped off the horse and started across a field on foot; that he then overtook the defendant and arrested; that when he first saw the three civilians they appeared to be trying to conceal themselves by riding under some trees. That the horse is the property of the Allied Forces; that he is positive as to the identity of the accused, having seen him around the camp those six or seven times before.

Private Samuel Senteg, Hq. 3 Provisional Squadron. No 32877253.

That he recognizes the defendant as being in a group of men who offerred to buy horses from the soldiers when the horses were being watered at a stream near the picket lines; that the horses were usually watered in groups of three and the civilians explained how easy it would be for the soldiers to sell one horse out of a group and take back two so that it would not attract attention; that defendant did not personally offer to buy a horse, but was with a group of men that did make such offer.

The following witnesses were duly sworn on behalf of the accused and testified in substance as follows:

Ferdinando Bruno, the podesta:

That he has known accused for several years and that he has a good reputation and has never been arrested before; that accused owns one or two farms and rents one or two from other persons.

The Brigadier of the Carbanierri also testified as the the good reputation of the accused.

The accused himself was sworn at his own request and testified in substance/

That he found the horse on his farm destroying his crop and that he caught the horse ad was on his way to deliver him to the Carbanierri when he was caught by Private Reavis; he denied stealing the horse and said he knew nothing of the other two men; he admitted being at the camp of the Third Division Pack Company on other occasions because it was near his farm; that he has never been arrested before.

The accused was represented by acivilian attorney who stated that he was satisfied with the fairness of the procedure of the Court. In his argument the cunsel relied almost excusively on the point that the witnesses for the prosecution could neve easily been mistaken as to the identity of the accused. The Court was convinced beyond a reasonable doubt of the guilt of the defendant. The horse was worth not more than 10,000 lire. A light sentence was imposed due to the good reputation of accused and the fact that he has a wife and six children.

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Declassified E.O. 12356 Section 3.3/NND No. 785016

PLEAS OF THE ACCUSED

The accused Acquara, Giuseppe pleads Not Guilty to the first charge; pleads ---------- to the second charge; pleads ---------- to the third charge.

The accused pleads to the first charge; pleads to the second charge; pleads to the third charge.

The accused pleads to the first charge; pleads to the second charge; pleads to the third charge.

FINDINGS OF THE COURT

The accused Acquara, Giuseppe is found guilty / ~~not guilty~~ of the first charge; ~~guilty / not guilty of the second charge; guilty / not guilty of the third charge.~~

The accused is found guilty / not guilty of the first charge; guilty / not guilty of the second charge; guilty / not guilty of the third charge.

The accused is found guilty / not guilty of the first charge; guilty / not guilty of the second charge; guilty / not guilty of the third charge.

SENTENCE OF THE COURT

The Court sentences the accused Acquara, Giuseppe to Six Months (6) imprisonment (Santa Maria Capua Vetere Judiciary) in respect of all offences charged in the above proceedings of which the said accused has been found guilty.

The Court sentences the accused to in respect of all offences charged in the above proceedings of which the said accused has been found guilty.

The Court sentences the accused to in respect of all offences charged in the above proceedings of which the said accused has been found guilty.

REVIEW

Dated 9 Dec. 194 3 Signature John B Thornhill

I 5 2 4

Declassified E.O. 12356 Section 3.3/NND No. 785616

The accused to the
first charge; pleads to the second charge; pleads to the
third charge.

The accused pleads to the
first charge; pleads to the second charge; pleads to the
third charge.

FINDINGS OF THE COURT

The accused Acquare, Giuseppe is found guilty / ~~not guilty~~ of the first charge;
~~guilty / not guilty of the second charge; guilty / not guilty of the third charge.~~

The accused is found guilty / not guilty of the first charge;
guilty / not guilty of the second charge; guilty / not guilty of the third charge.

The accused is found guilty / not guilty of the first charge;
guilty / not guilty of the second charge; guilty / not guilty of the third charge.

SENTENCE OF THE COURT

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to Six Months (6) imprisonment (Santa Maria Capua Vetere Judiziario)
in respect of all offences charged in the above proceedings of which the said accused has been found guilty.

The Court sentences the accused
to
in respect of all offences charged in the above proceedings of which the said accused has been found guilty.

The Court sentences the accused
to
in respect of all offences charged in the above proceedings of which the said accused has been found guilty.

REVIEW

Dated 9 Dec. 194 3 Signature John B Thornhill
Lt Col
SCAO.

CONFIRMATION OF DEATH SENTENCE Summary Court

Dated 194 Signature

Declassified E.O. 12356 Section 3.3/NND No. 785016

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Form. No. 4

ALLIED MILITARY GOVERNMENT
(Governo Militare Alleato)

CHARGE SHEET 1
(Foglio d'Accusa)

Place (luogo) 8th. Dec. 1943.

Date (data) Pignataro.

Acquara Giuseppe.
Name of defendant (nome dell' accusato) — Address (indirizzo)

Is hereby charged with the following offenses:
(È qui accusato delle offese seguenti):

First charge Stealing a horse, the property of the Allied Forces.

Particulars At 0700 Hrs on 22nd Nov.1943, Acquara was seen with two other men, leading away from the picket lines of the 3rd.div. pack Coy, three horses, which subsequently proved to belong to the aforementioned Pack Coy. Allthe horses were recovered, but the other two men escaped.

Second charge

Particulars

TRADUZIONE

Prima accusa Aver rubato un cavallo di proprieta' delle Forze Alleate

Dettagli Alle ore 0700 del 22 Nov.1943, Acquara e' stato visto con altri due uomini a portare via dai filari di corda per cavalli della 3a, Divisione, 3 cavalli che poi furono provati di appartenere alla suddetta Divisione. Tutti i cavalli sono stati ritrovati, ma gli altri due uomini sono fuggiti.

Seconda accusa

Dettagli

(Se non tradotto dall' ufficiale, voi dovete farvelo tradurre da un amico o presso qualsiasi Ufficio di Questura).

The above charges are referred for trial before Pietravairano

Declassified E.O. 12356 Section 3.3/NND No. 785016

CHARGE SHEET

(Foglio d'Accusa)

Place *(luogo)* 8th. Dec. 1943.

Date *(data)* Pignataro.

Acquara Giuseppe.
Name of defendant *(nome dell' accusato)*

Address *(indirizzo)*

Is hereby charged with the following offenses:
(È qui accusato delle offese seguenti):

First charge Stealing a horse, the property of the Allied Forces.

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Seconda accusa

Dettagli

(Se non tradotto dall' ufficiale, voi dovete farvelo tradurre da un amico o presso qualsiasi Ufficio di Questura).

The above charges are referred for trial before Pietravairano
(name and address of Court)

(Le suddette accuse sono riferite a processo davanti Pietravairano *(nome e indirizzo della corte)*).

By order
(Per ordine)

Capt Campbell Hudson, CAPO II Corps

Judge, Summary Military Court or other authorized person.
(Giudice, Tribunale Militare inferiore o altro individuo autorizzato).

Declassified E.O. 12356 Section 3.3/NND No. 785016

Declassified E.O. 12356 Section 3.3/NND No. 785016

M E M O.

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D.C.C.A.O.

Herewith petition for review of sentence submitted on behalf of Marchesani Sante, convicted by a Summary Military Court for (i) Travelling more than 10 kms. without a pass, (ii) Not having an identity card, and (iii) making a false statement re an altered date on a travel permit and sentenced to two months imprisonment.

2. The full record of proceedings has not been forwarded to this office, but there is a letter from the Summary Court Officer attached. Since the appeal is not against the finding but merely against the sentence, I believe the Court's letter is sufficient for a comprehensive review.

3. I believe the sentence is a most lenient one and see no reason to upset it.

Mark DeW. Howe

Mark DeW.Howe, Major,AUS,
Chief Legal Officer.

23 December 43.

I agree. Appeal fails.

Brigadier
DCCAO

23/Dec/43

18.

Declassified E.O. 12356 Section 3.3/NND No. 785016

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Subject. Rev( ) d) sentence.

To. C.L.O. 8th Army Area

Attached hereto is an application for revision d) sentence
d) 2 months imprisonment passed by me on
Marchesani Sante fu Luigi (Age 23)
for (1) travelling from route to Termoli without a permit
(2) conspiring to alter the date on an expired A.M.G. permit to allow
him to make the journey
(3) Not having identity card
(4) making a false statement to the military police as to who had
made the alteration on the pass.

An Am.G. pass which would have covered the journey if the pass were still in force, was given to X, for himself & 2 others. The accused with the pass was taking a cart D) route to Termoli when he was stopped at a road block & told he could not proceed. He then got a civilian - unknown - to alter the date on the pass from 20th to 30th & succeeded in getting to Termoli. When arrested he first stated the alteration had been made by X, & the following day admitted he had made it himself.

Sentence D) 2 months runs from 22 Nov.

Archibald Ford Major.

Vasto.
16 Dec. 43

STUDIO LEGALE
Avv. Gaetano del Greco
Dott. Giuseppe del Greco
LANCIANO

160

All'Eccellentissimo

TRIBUNALE MILITARE ALLEATO

V A S T O .

MARCHESANI SANTE fu LUIGI, nato e residente in Vasto -detenuto dal 22 Novembre 1943, per espiare la pena di mesi due di reclusione, alla quale veniva condannato con sentenza del 3 Dicembre corrente, -

prega

che voglia cotesto Tribunale Eccellentissimo riprendere in esame il suo caso, e

considerate le modalità del fatto da lui commesso;

considerato il suo stato di bisogno e l'essersi egli trovato, al momento del fatto, nella condizione di perdere tutto il cavallo di traino, che egli portava a Terranoli, - unico in effetti perduto;

considerato che solo per questo bisogno egli incorse nel reato attribuitogli;

considerato pure, che egli è l'unico sostegno della vecchia madre settantenne, vedova, malata e povera, la quale, con la pensione di lui, vive in miseria;

considerato ancora, che egli è stato sempre di buona condotta ed ha sempre onestamente vissuto del suo lavoro;

voglia cotesto Ecc.mo Tribunale commutargli la pena, che ancora ha da scontare, in una multa; che egli dichiarasi pronto a pagare.

Con osservanza

Vasto, 16 Dicembre 1943.

Avv. Gaetano del Greco difensore

Translation by J.M.L.

Grounds for remission

1. The act which he did
2. But the time we question he would have lost the whole crop load of fruit & vegetables if he could not get it to Termoli, i.e. it would have gone bad.
3. This was the only reason for doing it
4. He is the only support of his mother, aged 70, a widow, sick & poor, who is dependent upon him for her support
5. He has always been of good character & has worked honestly
6. It is requested that the sentence be commuted to a fine, which he states he will pay promptly

Declassified E.O. 12356 Section 3.3/NND No. 785016

V A S T O .

MARCHESANI SANTE fu LUIGI, nato e residente in Vasto -detenuto dal 22 Novembre 1943, per espiare la pena di mesi due di reclusione, alla quale veniva condannato con sentenza del 3 Dicembre corrente, -

prega

che voglia cotesto Tribunale Eccellentissimo riprendere in esame il suo caso, e

considerate le modalità del fatto da lui commesso;

considerato il suo stato di bisogno e l'essersi egli trovato, al momento del fatto, nella condizione di perdere tutto il carico di frutta, che egli portava a Pescara, -merce in effetti perduta;

considerato che solo per questo bisogno egli incorse nel reato attribuitogli;

considerato pure, che egli è l'unico sostegno della vecchia madre settantenne, vedova, malata e povera, la quale, con la prigionia di lui, versa in miseria;

considerato ancora, che egli è stato sempre di buona condotta ed è sempre onestamente vissuto del suo lavoro;

voglia cotesto Ecc.mo Tribunale commutargli la pena, che ancora ha da scontare, in una multa; che egli dichiarasi pronto a pagare.

Con osservanza

Vasto, 16 Dicembre 1943.

Avv. Carlo del Greco difensore

Translation by J.M.L.

Grounds for reversal

1. The act which he did
2. At the time we question he would have lost the whole cart load of fruit if he could not get it to Pescara, i.e. it would have gone bad.
3. This was the only reason for doing it
4. He is the only support of his mother, aged 70 a widow, sick & poor, who is distressed that he is in prison
5. He has always been of good character & has lived honestly
6. It is requested that the sentence be commuted to a fine, which he (Italics) will pay promptly

Declassified E.O. 12356 Section 3.3/NND No. 785016

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Ill.mo

Signor Presidente del Tribunale Militare Alleato

V A S T O

ESPOSITO ANGELA Vedova MARCHESANI, di anni 70, residente in Vasto, madre di Marchesani Sante fu Luigi, che con sentenza della Vostra Giustizia in data 3 dicembre corr., veniva condannato alla pena della reclusione per mesi due, implora dalla Vostra clemenza grazia per lui.

Vedova, sola e malata quel figlio è per lei l'unico sostegno.

Ricorre perciò fiduciosa, che vogliate accogliere questa preghiera, che è di madre vecchia e disgraziata.

Commutategli la residua pena in multa, che la ricorrente pagherà subito per lui. Restituitelo al lavoro ed al suo affetto.

Ed abbiateVi ringraziamenti e devoti ossequi.

Vasto, 13 dicembre 1943

Segno di croce di Esposito Angela analfabeta.

75

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V A S T O

ESPOSITO ANGELA Vedova MARCHESANI, di anni 70, residente in Vasto, madre di Marchesani Sante fu Luigi, che con sentenza della Vostra Giustizia in data 3 dicembre corr., veniva condannato alla pena della reclusione per mesi due, implora dalla Vostra clemenza grazia per lui.

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Ed abbiateVi ringraziamenti e devoti ossequi.

Vasto, 13 dicembre 1943

+ Segno di croce di Esposito Angela analfabeta.

75

Declassified E.O. 12356 Section 3.3/NND No. 785016

Declassified E.O. 12356 Section 3.3/NND No. 785016

M E M O.

C.C.A.O.

Allied Military Courts - Petitions for Review

Case of CIRELLA ARMANDO.

Herewith petition for Review by above accused and record of case.

2. There was ample evidence on which the Court could convict and I see no reason to advise that the conviction should be upset.

3. The only serious ground for the petition against sentence is the age of the accused. The Court has an option when an accused is between 16 and 18 years to treat him as a juvenile or adult. I think a person of the age of 16, and particularly Italians, knows quite well enough that he must not steal army boots. Moreover Military Courts are to protect the troops and not reform Italian youth. I suggest that no miscarriage of justice has occurred and that the sentence be left undisturbed.

H.E.ROWE,
Lt.Colonel,
Chief Legal Officer.

19 December 43.

I agree. DS 18/xii/43

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M E M O.

132

C.C.A.C.

A.M.Court - Cerignola.
Case of Donito, Umberto.

Herewith record in above case together with petition which Colonel Upjohn handed to me and which I stated would be considered and treated as an appeal.

2. Upon the face of the appeal, the case needs investigation, but I believe you are already aware of the facts.

3. Will you please make your decision on Review or let me have back the papers with your directions.

H.E.ROWE,
Lt.Colonel,
Chief Legal Officer.

9 December 43.

P.S. Profs have telephoned to know if the a/m man can go home for Xmas if not altogether. I have no legal words with which to comment on this request

9/12

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1836

M E M O.

C.G.A.O.

122

...U.Court - Cerignola.
Case of Bonito, Umberto.

Herewith record in above case together with petition which Colonel Upjohn handed to me and which I stated would be considered and treated as an appeal.

2. Upon the face of the appeal, the case needs investigation, but I believe you are already aware of the facts.

3. Will you please make your decision on Review or let me have back the papers with your directions.

H.S. ROWE,
Lt.Colonel,
Chief Legal Officer.

9 December 43.

P.S. Pat's have telephoned to know if the a/m man can go home for Xmas if not altogether. I have no legal words with which to comment on this request

9/12

13

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Bari, 11/12/943

All'Ufficiale Capo degli Affari Civili
del Governo Militare Alleato

Al ricorso di appello prodotto da mio marito, Avv.Umberto Bonito, mi permetto di aggiungere brevi considerazioni, contando sulla Vostra benevolenza.

Mio marito si trova seriamente ammalato, perché sofferente di stomaco, ed ha bisogno di cure ed assistenza, per cui io sono stato costretta a lasciare la casa ed a seguirlo qui a Bari: ho lasciato cosi soli tre figliuoli, mentre si avvicina il S.Natale.

Vi prego vivamente di restituire subito mio marito alla casa, alla famiglia, ai figli: mio marito é stato e resta un sincero amico degli Alleati.

Vostra dev/ma

Giuseppina Bonito

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All'UFFICIALE CAPO DEGLI AFFARI CIVILI

Del Governo Militare Alleato

Io qui sottoscritto, BONITO UMBERTO fu Savino, di anni 43, avvocato, da Cerignola (Foggia), produco ricorso di appello, a norma dell'art.VII del bando(proclamation) n.4 del Comando Supremo Alleato, avverso la decisione (sentenza) del 17/11/1943 dell'On.Tribunale Militare Alleatto di Foggia in Cerignola, con la quale sentenza io venivo condannato a 6 mesi di carcere ed a L.2000 di multa, per aver incitato un tale De Gemmis Giuseppe, da Cerignola, a disubbidire ad un ordine impartitogli dall'Ufficiale dell'A.M.G.O.T.

Per le mie benemerenze politiche, anche verso gli Alleati, la suddetta pena mi venne convertita nello allontenamento a tempo indeterminato dal mio paese (Cerignola), mentre dovetti pagare la multa.

Dai documenti già in Vostro potere, trasmessiVi dal HEADQUARTERS ALLIED CONTROL COMMISSION Legal Subcommission in data 8/12/1943, a seguito di una istanza di mia moglie, risulta come si sono svolti i fatti e ~~quali~~ qua=

71

Declassified E.O. 12356 Section 3.3/NND No. 785016

Del Governo Militare Alleato

Io qui sottoscritto, BONITO UMBERTO fu Savino, di anni 43, avvocato, da Cerignola (Foggia), produco ri= corso di appello, a norma dell'art.VII del bando(pro= clamation) n.4 del Comando Supremo Alleato, avverso la decisione (sentenza) del 17/11/1943 dell'On.Tribu= nale Militare Alleatto di Foggia in Cerignola, con la quale sentenza io venivo condannato a 6 mesi di carce= re ed a L.2000 di multa, per aver incitato un tale De Gemmis Giuseppe, da Cerignola, a disubbidire ad un or= dine impartitogli dall'Ufficiale dell'A.M.G.O.T.

Per le mie benemerenze politiche, anche verso gli Alleati, la suddetta pena mi venne convertita nello allontanamento a tempo indeterminato dal mio paese (Cerignola), mentre dovetti pagare la multa.

71

Dai documenti già in Vostro potere, trasmessiVi dal HEADQUARTERS ALLIED CONTROL COMMISSION Legal Subcommis= sion in data 8/12/1943, a seguito di una istanza di mia moglie, risulta come si sono svolti i fatti e quali qua= li sono i miei precedenti politici contro il fascismo e contro la guerra mussoliniana ed a favore degli Al= leati.

Se é necessario, io Vi prego di sentire di nuovo i due testimoni (Bonito Luigi e Banconem Pasquale, da Cerignola), i quali confermeranno che non é affatto

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vero che io abbia incitato il DeGemmis alla disubbi=
dienza o che io abbia dato un ordine contrario a quel=
lo impartito dall'A.M.G.O.T.

I miei precedenti politici da soli dovrebbero esse=
re più che convincenti a favore mio. Difatti la F.S.S.
ha dovuto fare dei rapporti, sul fatto, a me favore=
voli, tanto che il DeGemmis, fascista=squadrista, é
stato arrestato e deportato proprio dalla F.S.S....!

Con la mia condanna si é fatto il giuoco dei fasci=
sti, si é allontanato da Cerignola un sincero amico
degli Alleati e si é fatta diventare diffidente verso
gli Alleati la popolazione non solo di Cerignola, ma
della intera Puglia, ove io sono conosciutissimo per
il mio passato di deciso antifascista.

Alla F.S.S. di Cerignola, tutti i partiti politici
e tutti i sindacati dei lavoratori hanno presentato
proteste verbali e scritte a mio favore, chiedendo
il mio ritorno a Cerignola, ove continua a regnare
la calma solamente perché io, sincero e vero amico
degli Alleati, ho voluto impormi alla cittadinanza
ed ai lavoratori tutti, raccomandando la calma ed un

Declassified E.O. 12356 Section 3.3/NND No. 785016

dienza o che io abbia dato un ordine contrario a quel=
lo impartito dall'A.M.G.O.T.

I miei precedenti politici da soli dovrebbero esse=
re più che convincenti a favore mio. Difatti la F.S.S.
ha dovuto fare dei rapporti, sul fatto, a me favore=
voli, tanto che il DeGemmis, fascista=squadrista, é
stato arrestato e deportato proprio dalla F.S.S....!

Con la mia condanna si é fatto il giuoco dei fasci=
sti, si é allontanato da Cerignola un sincero amico
degli Alleati e si é fatta diventare diffidente verso
gli Alleati la popolazione non solo di Cerignola, ma
della intera Puglia, ove io sono conosciutissimo per
il mio passato di deciso antifascista.

Alla F.S.S. di Cerignola, tutti i partiti politici
e tutti i sindacati dei lavoratori hanno presentato
proteste verbali e scritte a mio favore, chiedendo
il mio ritorno a Cerignola, ove continua a regnare
la calma solamente perché io, sincero e vero amico
degli Alleati, ho voluto impormi alla cittadinanza
ed ai lavoratori tutti, raccomandando la calma ed un
po' di pazienza, facendo loro presente che la condanna
a carico mio é conseguenza di un errore di persone e
non é addebitabile ai Comandi Alleati, dai quali fi=
nirò con l'avere Giustizia.

Io non Vi dirò o ripeterò che le mie condizioni di
salute si aggravano ogni giorno, che le mie condizio=

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ni economiche non mi consentono di restare ancora lontano da casa, considerazioni queste che put vanno tenute presenti quando si tratti di una persona amica: Vi dico soltanto che non avevo né interesse né mai la volontà di ~~f~~ non far rispettare ed eseguire un ordine dell'A.M.G.O.T., eppertanto posso essere restituito al mio paese, al mio lavoro ed alla mia famiglia.

Con la massima considerazione

Umberto Bonifati

Bari, 11/12/1943

presso Altomare
Comitato Provinciale di Liberazione di Bari
Piazza Roma, 18

Bari

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6 Dec. 43 [3]

MEMORANDUM OF COMPLAINT

BENITO UMBERTO fu Savino, 43 from Cerignola (Foggia), avvocato, vice Commissario prefettizio of the Commune of Cerignola

Sentenced by Allied Military Tribunal at Cerignola on 17 Nov. 1943 to a fine of 2,000 lires and 6 months imprisonment for violating 2 Articles of an Allied Proclamation. The sentence of imprisonment commuted to banishment from Providence of Foggia for an unlimited period of time.

Defendants Story: Capt. Elliot of the AMGOT of Cerignola on the 15th Nov. 1943 ordered movie proprietors Pietro and Giuseppe DeGennis to close their theatre because it was to be requisitioned by the Allied Forces beginning the 19th of Nov. 1943. On 16th Nov. Giuseppe DeGennis inquired of the defendant whether the cinema could be opened that evening. The defendant replied that he knows nothing of the matter and doesn't want to know anything about it. That night a performance was given in the theatre and on the 16th Nov. 1943 the defendant was arrested. On the 17th Nov. he was sentenced as above.

Defendant's witnesses Bancone Pasquale and Bonito Luigi of Cerignola witnessed the conversation described in the preceding paragraph between the defendant and the theatre owners.

Defendant describes the theatre owners as being fascist and former fascist functionaries. He also accuses Capt. Elliot of being pro-Fascist and of showing preference for fascist associates. He maintains that sentence was imposed in order to save Capt. Elliot's face. Defendant denies having authorized reopening of theatre in violation of Capt. Elliot's order. His anti-fascist past is emphasized and testimony to this effect by heads of anti-fascist movement in Bari is offered. Defendant declares that his willingness to aid the Allied Forces on frequent occasions had been made apparent to Lieutenants Cavinno and Stivens of the F.S.S. and that they would testify on his behalf.

Defendant presents a copy of an Order of the Day by the Provincial Committee of ~~the Liberation~~ Action of Bari protesting against the sentence and describing the defendant's anti-fascist past.

Defendant's wife requests permission for his return to Cerignola and forwards a medical certificate as to the defendants ill health and his need for home care.

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6 Dec. 43

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SYNOPSIS OF DOCUMENT

DANTE ANGELO fu Nevino, 45 from Cerignola (Foggia), avvocato, vice Commissario prefettizio of the Comune of Cerignola

Sentenced by Allied Military Tribunal at Cerignola on 17 Nov. 1943 to a fine of 2,000 lires and 6 months imprisonment for violating 2 articles of an Allied Proclamation. The sentence of imprisonment converted to banishment from Providence of Foggia for an unlimited period of time.

Defendants Story: Capt. Elliot of the AMGOT of Cerignola on the 14th Nov. 1943 ordered movie proprietors Pietro and Giuseppe DeCarolis to close their theatre because it was to be requisitioned by the Allied Forces beginning the 15th of Nov. 1943. On 16th Nov. Giuseppe DeCarolis inquired of the defendant whether the cinema could be opened that evening. The defendant replied that he knew nothing of the matter and doesn't want to know anything about it. That night a performance was given in the theatre and on the 16th Nov. 1943 the defendant was arrested. On the 17th Nov. he was sentenced as above.

Defendant's witnesses Antonio Scagnola and Nardo Luigi of Cerignola witnessed the conversation described in the preceding paragraph between the defendant and the theatre owners.

Defendant describes the theatre owners as being fascist and former fascist functionaries. He also accuses Capt. Elliot of being pro-fascist and of showing preference for fascist association. He maintains that sentence was imposed in order to save Capt. Elliot's face. Defendant denies having authorized reopening of theatre in violation of Capt. Elliot's orders. His anti-fascist past in emphasized and testimony to this effect by heads of anti-fascist movement in Bari is offered. Defendant declares that his willingness to aid the Allied Forces on frequent occasions has been made known to Lieutenants Quinn and Stivens of the U.S.A. and that they would testify on his behalf.

Defendant presents a copy of an Order of the Day by the Provincial Committee of ~~Liberation~~ Union of Bari protesting against the sentence and describing the defendant's anti-fascist past.

Defendant's wife requests permission for his return to Cerignola and forwards a medical certificate as to the defendants ill health and his need for home care.

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C O P I A

All' A.M.G. di

CERIGNOLA

Premesso che sono stato sempre un antifascista dal 1920, ed un antitedesco tanto che durante la occupazione tedesca di Cerignola fui costretto a scappare per evitare l'arresto; e premesso che sono stato sempre un amico sincero delle Nazioni Unite; ho il diritto di protestare contro l'accusa fattami di non voler io collaborare con le Autorità Militari Alleate e di cercare di ostacolare od intralciare i loro comandi ed i loro ordini.

Verso le ore 12 del 14 corrente si presentò a me De Gemmis Giuseppe, il quale mi domandò dell'Ufficiale dell'A.M.G.: io risposi che l'Ufficiale non era venuto in Ufficio, forse perchè fuori di Cerignola.

Il De Gemmis mi riferì che era stato requisito il cinematografo, al che io risposi di nulla saperne.

Il De Gemmis mi domandò allora se poteva aprire il cinematografo quella sera: io gli risposi che non sapevo nulla e che pertanto non mi riguardava. Il De - Gemmis aggiunse queste testuali parole: "Il Comando

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CERIGNOLA

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Il De Gemmis mi riferì che era stato requisito il cinematografo, al che io risposi di nulla saperne.

Il De Gemmis mi domandò allora se poteva aprire il cinematografo quella sera: io gli risposi che non sapevo nulla e che pertanto non mi riguardava. Il De Gemmis aggiunse queste testuali parole: "Il Comando Alleato mi ha detto che il cinematografo è requisito da lunedì (15/11/1943),il che significa che io posso fare la rappresentazione stasera". La mia risposta fu la seguente: "Io non so nulla, regolati tu sotto

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la tua personale responsabilità."

E' da tener presente che io ignoravo che l'A.M.G. avesse requisito il cinematografo.

E' chiaro però che è falsissimo che io abbia dato ordine di aprire il cinematografo la sera del 14 corrente, anche perchè non avevo nessun interesse nè diretto nè indiretto, nè mi premeva favorire il De-Gemmis, che è politicamente un mio nemico, per essere egli un fascista-squadrista, aderente finanche al partito fascista repubblicano.

Il De Gemmis, per salvare il fratello e per nuocere a me, ha fatto una dichiarazione falsa, sorprendendo la buona fede dell'On. Giudicante.

Cerignola, 17 Novembre 1943

firmato: Avv.Umberto Bonito

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Prof. GOFFREDO FROLA
Clinica Pediatrica della R. Università
OSPEDALETTO DEI BAMBINI

Bari li 2-XII-43

Tel. 12-562 - 14-055
Abitazione via Tanzi n. 26

Certifico che l'avv. Bruno
Alberto fu Saverio di anni
43 è affetto da ulcera
duodenale.
Per tale ragione ha assente
bisogno di sottoporsi ai
fanghi e bagni salsoiodici
presso stazione balneare
di prima categoria.

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La mancanza della
Vostra dilettissima
Lettera, cara, regina
Lucrezia ci fanno
dubitare essere gravemente
malata.
Iddio ci liberi
Vostro Affmo Padre
Prof. Raffaello Foà

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COPIA dell'ordine del giorno approvato all'unanimità il 24 novembre 1943:

I rappresentanti dei Comitati Provinciali di Liberazione delle Puglie (Provincie di Bari, Brindisi, Foggia, Lecce e Taranto), riuniti in Bari per un convegno regionale;

venuti a conoscenza del grave provvedimento (6 mesi di carcere e L.2000 di multa, con la conversione del carcere nel bando della provincia di Foggia), preso erroneamente dal Tribunale Militare Alleato di Foggia, a carico dello Avv. BONITO UMBERTO, da Cerignola, segretario del Comitato Provinciale di Foggia di Liberazione;

esprimono all'Avv. Bonito la loro piena ed incondizionata solidarietà;

protestano contro il ~~xxx~~ grave provvedimento preso a suo carico;

e deliberano di portare il presente ordine del giorno, se necessario, a ~~xxxiii~~ conoscenza del Comando Militare Alleato ~~xx~~ e della Commissione Alleata di Controllo per l'Italia.

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BONITO UMBERTO fu Savino, di anni 43, da Cerignola (Foggia), avvocato, socialdemocratico, antifascista, arrestato più volte, processato e confinato politico dai fascisti, costretto a scappare da Cerignola durante l'occupazione tedesca per sfuggire all'arresto ed alla deportazione, segretario del Comitato Provinciale della Provincia di Foggia del Fronte Nazionale di Azione, capo dei socialdemocratici della Provincia di Foggia, vice_commissario prefettizio del comune di Cerignola, amico e collaboratore degli Alleati, ex é stato condannato il 17/11/1943, per un errore commesso dal Capitano Mon y Elliot dell'A.M.G.O.T. di Cerignola, dal Tribunale Militare Alleato in Cerignola, a 6 mesi di prigione ed a L.2000 di multa pagate: i 6 mesi di prigione sono stati convertiti dal medesimo Tribunale nell'allontanamento del condannato dalla provincia di Foggia a tempo indeterminato.

L'Avv.Bonito potrà rientrare nella sua Cerignola, quando otterrà il permesso dall'A.M.G.O.T. di Bari.

L'accusa che ha portato alla grave condanna dell'Avv.Bonito é futile ed infondata.

Il 13/11/1943 il Sig.Elliot ordinava ai fratelli DeGemmis Giuseppe e Pietro la chiusura del teatro di Cerignola, perché requisito dal 15/11/1943 per le Forze Armate Alleate. Il mattino seguente (14/11/1943) DeGemmis Giuseppe si portava dall'Avv.Bonito, vice commissario al comune, per domandare se vi fosse il capitano Elliot, ed avutane risposta negativa, perché in effetti il Signor Elliot era fuori Cerignola, chiese allo stesso Avv.Bonito se quella sera il teatro potesse restare ancora aperto: l'Avv.Bonito rispose di non saper nulla e di non volerne saper nulla. I signori DeGemmis aprirono quella sera il loro x teatro, ma sorpresi dal Sig.Elliot, furono processati il giorno dopo (15/11/1943) e condannati a L.500 di multa per ognuno.

Durante il processo, DeGemmis Giuseppe, imputato, ebbe a dichiarare che sarebbe stato l'Avv.Bonito a dirgli che poteva re riaprire il teatro: né il Sig.Elliot ebbe cura in quel momento di far chiamare come testimone l'Avv.Bonito, che pur si trovava in quegli Uffici (A.M.G.O.T.), per metterlo a confronto del DeGemmis.

Il giorno seguente (16/11/1943), l'Avv.Bonito, verso le ore 14, veniva convocato nell'Ufficio dell'A.M.G.O.T. di Cerignola ed informato che egli veniva arrestato, per violazione a due articoli di un bando militare del Comando Alleato, per aver dato a DeGemmis Giuseppe due giorni prima l'ordine di riapertura del teatro, contro l'ordine del capitano Elliot di chiusura. Alle rimostranze e proteste dell'avv.Bonito, che denunziò subito che si trattava di una dichiarazione falsa ed interessata di DeGemmis Giuseppe, fascista e squadriste, e che fece i nome di due testimoni (Bancone Pasquale e

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pare da Cerignola durante l'occupazione tedesca per sfuggire all'arresto ed alla deportazione, segretario del Comitato Provinciale della Provincia di Foggia del Fronte Nazionale di Azione, capo dei socialdemocratici della Provincia di Foggia, vice commissario prefettizio del comune di Cerignola, amico e collaboratore degli Alleati, fu stato condannato il 17/11/1943, per un errore commesso dal Capitano Mac Jon y Elliot dell'A.M.G.O.T. di Cerignola, dal Tribunale Militare Alleato in Cerignola, a 6 mesi di prigione ed a L.2000 di multa pagata: i 6 mesi di prigione sono stati convertiti dal medesimo Tribunale nell'allontanamento del condannato dalla provincia di Foggia a tempo indeterminato.

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L'indomani (17/11/1943) il processo fu celebrato. De Gemmis Giuseppe confermò la sua dichiarazione, il Sig.Elliot confermò la sua denunzia, aggiungendo che dalle informazioni assunte (quali...? e da chi...?) gli risultava vero quanto dichiarato contro l'avv.Bonito dal fascista e squadrista DeGemmis Giuseppe. I due testimoni, riconosciuti anche dallo stesso accusatore DeGemmis come presenti alla

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discussione il giorno 14/11/1943 tra il DeGemmis e l'Avv.Bonito, confermarono chiaramente che l'avv.Bonito non aveva né ordinato né ~~riassunto~~ autorizzato la riapertura del teatro, dando così la prova della falsità del DeGemmis. L'avv.Bonito, avuta la parola, fece presente che le informazioni assunte dal Sig.Elliot erano anonime e quindi non potevano essere tenute presenti; che tra l'accusatore (interessato) e l'accusato (disinteressato) meritava maggiore credito quest'ultimo, perché il primo (DeGemmis) é un fascista squadrista e l'altro (Avv.Bonito) é un antifascista, amico degli Alleati; che egli non aveva motivo alcuno per far riaprire il teatro, perché nemico personale e politico dei DeGemmis e perché disinteressato nel fatto; che i due testimoni presenti avevano smentito e smontato l'accusa; e che infine egli, come amico e collaboratore degli Alleati, non si sarebbe mai permesso di mettersi contro un ordine degli Alleati.

Il Tribunale, erroneamente, certamente preoccupato di salvare il prestigio del Sig.Capitano Elliot dell'A.M.G.O.T., condannava l'Avv. Bonito.

L'impressione di questo fatto é stata grave ed enorme a Cerignola, dove la popolazione é in vivo fermento, e nelle provincie di Foggia e di Bari, dove l'avv.Bonito é molto conosciuto ed apprezzato.

Il Sig.Capitano Elliot é ritenuto un filofascista: appena arrivato a Cerignola voleva far riassumere in servizio 40 impiegati fascisti squadristi licenziati o sospesi dal Comune, ed impose comunque di riassumere in servizio il comandante delle guardie municipali, Serlenga Mario, fascista, ufficiale della milizia, sciarpa littorio e collaboratore dei tedeschi durante l'occupazione. Egli vive in ambienti fascisti e filotedeschi, in casa del barone Michele Zezza, pranzando con i familiari di questi e partecipando con loro a battute di caccia. Nella prima settimana di novembre la M.A.F. organizzava ed eseguiva, nel teatro di Cerignola, uno spettacolo per le Forze Armate Alleate: l'unica famiglia invitata (ed accompagnata dal Capitano Elliot) fu quella del fascista barone Zezza. Il quale barone Zezza va e viene da Napoli in automobile impunemente, perché ~~anzitutto~~ ottiene tutti i permessi che vuole, e comunica finanche con la moglie, che si trova a Roma, per mezzo di un suo corriere che attraversa le linee di combattimento (confessione fatta dal figlio del barone Zezza, Cesare, all'avv.Bonito).

La famiglia Zezza a Cerignola, attualmente, é composta dal figlio Cesare e da una figlia col marito, un nobile (principe), volontario e reduce dalla guerra contro la Russia. Il Sig.Elliot é molto intimo della suddetta Signora Zezza figlia. La famiglia Zezza é nemica personale e politica dell'avv.Bonito, il quale, ultimamente, faceva occupare il palazzo Zezza in Cerignola da Ufficiali e sottufficiali Inglesi.

E' da tener presente che la polizia politico militare italiana ha arrestato nei primi giorni del corrente mese di novembre, in Cerignola, il fascista filotedesco barone Manfredi Filippo, amico intimo di casa Zezza, perché sospetto di intelligenza con il nemico: l'avv.Bonito é stato di aiuto alla polizia.

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drista e l'altro (Avv.Bonito) é un antifascista, amico degli Alleati; che egli non aveva motivo alcuno per far riaprire il teatro, perché nemico personale e politico dei DeGennis e perché disinteressato nel fatto; che i due testimoni presenti avevano smentito e smontato l'accusa; e che infine egli, come amico e collaboratore degli Alleati, non si sarebbe mai permesso di mettersi contro un ordine degli Alleati.

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Ma la considerazione più grave é questa: il comandante delle guardie municipali di Cerignola, protetto dal Sig.Capitano Elliot, é stato arrestato dalla P.S.S. il 15/11/1943, cioé due giorni prima della denuncia del Sig.Capitano Elliot contro l'Avv.Bonito: il Sig.Elliot sa che l'arresto del capo guardia é dipeso dall'Avv.Bonito.....!!!

Si aggiunga che il Sig.Elliot ha due interpreti: uno tale dott.Gmeiner di Milano, che bazzica con elementi fascisti ed era molto intimo del capoguardia arrestato, ed una Signora di Cerignola (DeTullio), giovane e graziosa, parente di autentici fascisti.

Tutto questo spiega la sua condotta ed il suo accanimento contro lo avvocato Bonito.

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Sul conto de l'Avv.Bonito possono dare formazioni i Signori Tenenti Twinne e Stivens della F.S.S. e tutti i capi e gli esponenti dei partiti antifascisti di Bari.

Egli antifascista convinto ha svolto attiva propaganda contro la guerra musoliniana e fu costretto a scappare da Cerignola, durante l'occupazione tedesca, per sfuggire all'arresto ed alla deportazione in Germania. Como vice commissario al Comune di Cerignola ha sempre collaborato con tutti i Comandi Militari Alleati, per facilitare il loro compito ed andare incontro a tutte le loro richieste, per trovare alloggio agli Ufficiali ed alle truppe alleate, per provvedere all'assistenza agli sfollati, per le requisizioni di merci e di animali per gli Eserciti Alleati.

Il grave provvedimento, preso erroneamente a suo carico, dev'essere revocato, perchè la intera cittadinanza di Cerignola è in fermento e chiede il suo immediato ritorno.

Ed è strano che si sia colpito un vero e sincero amico degli Alleati, che aiutava intensamente le Autorità Alleate e che vigilava e spiava attentamente tutte le mosse dei fascisti e dei filotedeschi dell'intera provincia di Foggia.

Giustamente la moglie dell'avvocato Bonito ha dichiarato ad un sottufficiale della F.S.S. di Cerignola: "Il 18/11/1937 mio marito fu confinato "dai fascisti, il 18/11/1943 viene confinato dagli alleati, a dire che Vi "avevamo tanto attesi...!"

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Record of Trial by Summary Military Court Held at

Corps Line

No. 51255

NAME OF ACCUSED: Bonito Umberto

DATA AS TO RESTRAINT PRIOR TO TRIAL.

Confined on: _____

Admitted tp L. Area Bail on: 16 Nov. 43

DATE OF TRIAL: 17 Nov. 1943

CHARGES:

1. Violation of Proc. No. 2 Para. 44
   Particulars: Leaving Line of C of C without
   authority and absenting himself from unit
   and duties from 1100 hrs 14 Nov 43 to
   1600 hrs 15 Nov 43

2. Violation of Proc. No. _____ Para _____
   Particulars: _____

PLEA (as to each charge): Not guilty

FINDING (as to each charge): Guilty

SENTENCE OR OTHER DISPOSITION: Fined £ 5 and
sentenced to 5 months imprisonment. Part
sentence suspended pending the accused's
good behaviour

Declassified E.O. 12356 Section 3.3/NND No. 785016

NAME OF ACCUSED: Bonito Abutiate

DATA AS TO RESTRAINT PRIOR TO TRIAL.

Confined on: _____

Admitted tp L. ... Bail on: 16 Nov. 43

DATE OF TRIAL: 17 Nov. 1943

CHARGES:

1. Violation of Proc. No. 2 Para. 4(4)

Particulars: Was found in possession of one disinfector the property of E.A.F. and did have been unlawfully in possession of

2. Violation of Proc. No. _____ Para _____

Particulars: _____

PLEA (as to each charge): Not guilty

FINDING (as to each charge): Guilty

SENTENCE OR OTHER DISPOSITION: Fined a sum of £ 2000 and sentenced to 6 months imprisonment with hard labour. Sentence suspended pending the approval of the Governor.

Note: Each week a copy of the record in each case tried the preceding week must be forwarded to the Chiel Legal Officer. If no cases were tried, a negative report will be rendered. Accompanying each report will be a list of nndisposed cases setting forth data as to restraint, charges, and reason for delay in disposition.

Finding and sentence quashed
15th Army Gp
12/Nov/43
M. E. Clark Brigadier
Deputy

Declassified E.O. 12356 Section 3.3/NND No. 785016

Declassified E.O. 12356 Section 3.3/NND No. 785016

MEMO

N.A.T.O.

Petition to Review - Benevento Summary Court - Case of CAGLIARDI.

Herewith proceedings in above case with petition of accused.

2. The case against the accused was that he was in "wrongful possession" of property of the Allied Forces. The facts were that the accused bought some American cigarettes openly in a street in Naples.

3. In my opinion to secure a conviction for wrongful possesion of Allied Property it should be proved that the property was of that nature and that the accused knew or should have known that the property was Allied property.

4. I advise that his conviction and sentence be quashed and that the cigarettes be returned to the accused.

H.E.ROWE,
Lt.Colonel,
Chief Legal Officer.

10 December 43.

I think we must uphold the finding. There is evidence (for a summary court) & sufficient for that. Substantial justice will be done by a nominal term of imprisonment & the loss of the cigarettes: See record
12/12/43

Declassified E.O. 12356 Section 3.3/NND No. 785016

CLO

1. Think 30 days is enough.
2. The Court cannot in my opinion add to the original sentence at some later date (see last sentence of para 2 of Region 3 letter). Such action is quite inconsistent with judicial procedure — or indeed justice.
3. What happened to the food. Was it confiscated?

11th A

[illegible] 1943

Declassified E.O. 12356 Section 3.3/NND No. 785016

1566

1143

M E M O.

D.C.C.A.O.

Summary Military Court - Benevento.

Petition for Review - Ubalto Bellagrino.

Herewith petition for Review by above accused.

2. There is no record as the accused was tried in a Summary Military Court and pleaded guilty.

3. From the facts as stated in letter attached from Senior Legal Officer, I see no reason to disturb the sentence; the petition shows no substantial grounds for special clemency.

16 Dec 43.

H.B. LOWE,
Lt. Colonel,
Chief Legal Officer.

1522/143.

Findings confirmed. Sentence reduced to 30 days imprisonment without fine.

15th Army Group.
17/XII/43

MR Lieut Brigade
DCCAO.

Declassified E.O. 12356 Section 3.3/NND No. 785016

1567

1142

Allied Military Command
Province of Benevento

The undersigned, Abbate Pellegrino was Nicola, born in S. Martino C.V., prisoner in the local judiciary prisons, takes the liberty to expose you :

On the 26 November he was arrested for ~~infraction~~ commissarial infraction and was condemned by Allied ~~Trib~~ Court to 20 days of prison.

As the undersigned is a poor countrymen who has wife and two little sons and as his family lives in great want, adress to you his request of grace.

He adresses to this Allied Command his requestof the benefit of the cessation of the remaining fine, considering that the prisoner has good penal precedents.

In this hope, he signes himself,

ABBATE Pellegrino.
Judiciary prisons of Benevento
Office Register

59

P.S. One sends to Allied Military Command. for knoledge

Benevento, 6/11/1943

1562

Declassified E.O. 12356 Section 3.3/NND No. 785016

Benevento, 5 dicembre 1943 114E

Al Comando Militare Alleato di
Benevento

Il sottoscritto Abbate Pellegrino fu Nicola, da S. Martino V.C., detenuto nelle locali Carceri Giudiziarie, si permette esporre quanto segue:

In data 26 novembre 1943 fu arrestato per infrazione annonaria e condannato dal Tribunale Alleato a giorni venti di pena detentiva (reclusione).-

Poichè il sottoscritto è un povero agricoltore che vive alla giornata e che ha a carico, oltre la moglie, due piccoli figliuoli i quali languono nel più vivo bisogno, fa rispettosa domanda di Grazia a codesto Comando ed in via subordinata chiede la concessione del beneficio della sospensione della residua pena, in considerazione altresì dei suoi buoni precedenti penali.-

In tale fiduciosa attesa, si confermo devotissimo

Abbate Pellegrino

CARCERI GIUDIZIARIE - BENEVENTO
UFFICIO DIRETTORE

58.

Vs. Sentenza del Comando Militare Alleato di Benevento in conferma

Benevento 6-11-43

Si dissente sospensione

Declassified E.O. 12356 Section 3.3/NND No. 785016

1583

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E N C.

C.C.A.O.

Forwarded herewith are application for Review of sentence and Record of Court proceedings in the case of PEREANTE Antonio, who was convicted of possession of arms and ammunition after the time fixed by public notice. The defendant admitted possession of a pistol and ammunition but pleaded that he had found it only two days before, and had not had an opportunity to turn it in. His appeal is not against the finding but for a reduction of the sentence.

2. This is a serious offence, and no intent is necessary for a violation. I believe the sentence a reasonable one and see no reason to reduce it.

3. The notation on the Record was made by me before receipt of the petition in an examination of the Record under my Proclamation powers as C.L.C., but that does not, of course, affect the subsequent petition.

[signature]
T. [illegible],
Lt. Colonel,
Chief Legal Officer.

17 Dec 43.

C.L.O.

I agree. But the law was made before co-belligerency came in. In your opinion, with your experience of the type of case we have tried do you think the law should be changed or the courts directed in their direction of severity intent?

[signature] 17 Dec 43

1st Ref

To: CLO A.M.G. 15 Army Group
1. Forwarded for review.
Edwin Mercer
EDWIN J. MERCER, Maj. Ord.
SENIOR LEGAL OFFICER, A.M.G., 8th ARMY

FORM No. 109

ALLIED MILITARY GOVERNMENT

APPLICATION FOR REVIEW OF SENTENCE

(To be used for Review of Cases tried in either Allied Military or Italian Courts)

NOTE: This form must be filed within 30 days of Sentence.

PROVINCE OF Campobasso

COURT OF Campobasso

Name of Accused Ferrante Antonio fu Pasquale

Address of Accused Viale Principe di Piemonte

Date of Arrest 1st November 1943

Charge omitted consignment of a pistol

Date of Trial 3 November 1943 Date of Sentence 3 November 1943

Sentence One year's prison

Name of Judge and Court Edwin J. Mercer , Maj. Ord. Senior Legal Officer A.M.G. 8th Army -

Reasons for Application A reduction of the sentence is asked owing to the fact that Ferrante , a man of good character, has a numerous family which he must support, specially now that his establishment has been destroyed by the Germans. He and his brothers and sisters are absolutely destitute and helpless.

Date 30 November 1943

Francesco Colitto
(Signature of Accused or of his Attorney)
Advocate for Ferrante.

56

REMARKS BY TRIAL JUDGE, PROVINCIAL SENIOR LEGAL OFFICER, OR PROCURATORE, IF APPLICABLE.

The accused was a good looking chap and there was nothing to indicate that possession of pistol was retained because of sinister motives, nor was there any attempt to hide same.

Date 194

Edwin Mercer
(Signature and Description)
EDWIN J. MERCER, Maj. Ord.
SENIOR LEGAL OFFICER, A.M.G., 8th ARMY

DECISION OF CHIEF CIVIL AFFAIRS OFFICER as Local Court

Declassified E.O. 12356 Section 3.3/NND No. 785016

NOTE: This form must be filed within 30 days of Sentence.

PROVINCE OF Campobasso

COURT OF Campobasso

Name of Accused Ferrante Antonio fu Pasquale

Address of Accused Viale Principe di Piemonte

Date of Arrest 1st November 1943

Charge omitted consignment of a pistol

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Reasons for Application A reduction of the sentence is asked owing to the fact that Ferrante , a man of good character, has a numerous family which he must support, specially now that his establishment has been destroyed by the Germans. He and his brothers and sisters are absolutely destitute and helpless.

Date 30 November 1943

Francesco Colitto
(Signature of Accused or of his Attorney)
Advocate for Ferrante. 56

REMARKS BY TRIAL JUDGE, PROVINCIAL SENIOR LEGAL OFFICER, OR PROCURATORE, IF APPLICABLE.

The accused was a good looking chap and there was nothing to indicate that possession of pistol was retained because of sundry motives, nor was there any attempt to hide same.

Edwin Mercer

Date ..... 194....

(Signature and Description)
EDWIN J. MERCER, Maj. Ord.
SENIOR LEGAL OFFICER, A.M.G., 8th ARMY
of Trial Court

DECISION OF CHIEF CIVIL AFFAIRS OFFICER

Finding and sentence confirmed

M. S. Nash. Brigadier. D.C.A.O.

Date 17/Nov/43 194....

HEADQUARTERS A.C. CASE NO.

NOTE: This form will be submitted to the Senior Legal Officer of the Province.

Declassified E.O. 12356 Section 3.3/NND No. 785016

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FORM No. 11

GOVERNO MILITARE ALLEATO

ISTANZA PER REVISIONE DI SENTENZA

(In uso per la revisione delle cause giudicate davanti i Tribunali Militari o Corti Italiane)

NOTA: Questo stampato deve essere presentato nel termine di 30 giorni dalla sentenza.

PROVINCIA DI Campobasso

TRIBUNALE DI Campobasso

Nome dell'accusato Ferrante Antonio fu Pasquale

Indirizzo dell'accusato Viale Principe di Piemonte

Data di arresto 1° novembre 1943

Imputazione Omessa consegna di una rivoltella

Data del dibattimento 3 novembre 1943 Data della sentenza 3 novembre 1943

Condanna Un anno di prigione.

Nome del Giudice e del Tribunale

Motivi per la istanza di domanda una riduzione della pena inflitta, tenendosi conto che il Ferrante, persona di buona indole, ha una numerosa famiglia, cui deve provvedere, specie dopo che il suo stabilimento industriale è stato distrutto dai Tedeschi. Egli è rimasto con fratelli e sorelle sul lastrico. Essi hanno assoluto bisogno del suo aiuto.

Data 30 novembre 1943

Francesco Colitto
(Firma dell'accusato o del suo Procuratore)
difensore del Ferrante

55

OSSERVAZIONI DEL GIUDICE CHE HA PRESIEDUTO AL PROCESSO, O DELL'UFFICIALE SUPERIORE ADDETTO ALLA GIUSTIZIA DELLA PROVINCIA, OBENE DEL PROCURATORE, SE NECESSARIO.

Data ..... 191...

(Firma e qualifica)

DECISIONE DELL'UFFICIALE CAPO DEGLI AFFARI CIVILI

Declassified E.O. 12356 Section 3.3/NND No. 785016

NOTA: Questo stampato deve essere presentato nel termine di 30 giorni dalla sentenza.

PROVINCIA DI Campobasso

TRIBUNALE DI Campobasso

Nome dell'accusato Ferrante Antonio fu Pasquale

Indirizzo dell'accusato Viale Principe di Piemonte

Data di arresto 1° novembre 1943

Imputazione Omessa consegna di una rivoltella

Data del dibattimento 3 novembre 1943 Data della sentenza 3 novembre 1943

Condanna Un anno di prigione

Nome del Giudice e del Tribunale

Motivi per la istanza di domanda una riduzione della pena inflitta, tenendosi conto che il Ferrante, persona di buona indole, ha una numerosa famiglia, cui deve provvedere, specie dopo che il suo stabilimento industriale è stato distrutto dai Tedeschi. Egli è rimasto con fratelli e sorelle nel bisogno del suo aiuto.

Data 20 novembre 1943

Francesco Colitto

(Firma dell'accusato o del suo Procuratore)

difensore del Ferrante

OSSERVAZIONI DEL GIUDICE CHE HA PRESIEDUTO AL PROCESSO, O DELL'UFFICIALE SUPERIORE ADDETTO ALLA GIUSTIZIA DELLA PROVINCIA, OBENE DEL PROCURATORE, SE NECESSARIO.

55

Data ..... 194....

(Firma e qualità)

DECISIONE DELL'UFFICIALE CAPO DEGLI AFFARI CIVILI

Data ..... 194....

NOTA: Questo stampato dovrà essere sottoposto all'approvazione dell'Ufficiale Superiore addetto alla Giustizia della Provincia.

Declassified E.O. 12356 Section 3.3/NND No. 785016

To: C.L.O., 15 Army Group, through S.C.A.O., 8th Army-HQ.
1. Forwarded for review.
Edwin Mercer, Maj.
S.L.O., 8th Army.

FORM No. 8 107

ALLIED MILITARY GOVERNMENT

18

PROCEEDINGS OF AN ALLIED MILITARY COURT

held at CAMPOBASSO

on the 3rd day of Nov. 1943

Before Major Edwin J. Mercer
~~Chief~~ Senior Legal Officer 8th Army as Summary Military Court.

(Name & rank of President (Members and/or Magistrate constituting the Court

REFERENCE No. 18

ACCUSED

Name: - FERRANTE Antonio

Address: - Campobasso

Description: - Born in U.S.A. Does not look like laborer.

Occupation: - Laborer

Age: - About 32.

INTERPRETER

Name: Victor Reiss

Examined by C.L.O. 15/11/43

is duly sworn

54.

PROSECUTING OFFICER

Name: Lieut. A. A. Simpson

ADVOCATE FOR ACCUSED

Name: Francesco Colitti

CHARGE (S)

(Set out a brief statement of the charge together with the number of the Proclamation, Article and Section on which it is based).

Declassified E.O. 12356 Section 3.3/NND No. 785016

PROCEEDINGS OF AN ALLIED MILITARY COURT

held at CAMPOBASSO

on the 3rd day of Nov. 1943

Before Major Edwin J. Mercer

(Name & rank of President (Members and/or Magistrate (constituting the Court

~~Senior~~ Legal Officer 5th Army as Summary Military Court.

REFERENCE No. 18

ACCUSED

Name: - FERRANTE Antonio

Address: - Campobasso

Description: - Born in U.S.A. Does not look like laborer.

Occupation: - Laborer

Age: - About 32

INTERPRETER

Name: Victor Reiss

is duly sworn

54.

PROSECUTING OFFICER

Name: Lieut. A. A. Simpson

ADVOCATE FOR ACCUSED

Name: Francesco Colitti

CHARGE (S)

(Set out a brief statement of the charge together with the number of the Proclamation, Article and Section on which it is based).

Violation of Procl. 2, Art. 1st, Sec. 5 for having on his possession a firearm and ammunition after the time fixed by public notice and without permit

The Charges are read and explained to ~~each~~ accused.

Declassified E.O. 12356 Section 3.3/NND No. 785016

PLEAS OF THE ACCUSED

The Accused pleads Not guilty to the 1st charge

pleads to the 2nd charge

pleads to the 3rd charge

ADJOURNMENTS

(Times, dates and reasons for adjournments being made)

FINDINGS OF THE COURT

The Accused
is found guilty/~~not guilty~~ of the first charge.

The Accused
is found guilty/not guilty of the second charge.

The Accused
is found guilty/not guilty of the third charge.

The statement (if any) of the accused as to mitigation of punishment and the record of evidence (if any) of the said accused as to character is attached.

SENTENCE OF THE COURT

The Court sentences the accused

to ONE year imprisonment

in respect of all the offences charged in the above proceedings of which the said accused has been found guilty.

Edward J. Mercer
(Signature of Judge of Allied Military Court)

REVIEW

Declassified E.O. 12356 Section 3.3/NND No. 785016

pleads to the 3rd charge

ADJOURNMENTS

(Times, dates and reasons for adjournments being made)

FINDINGS OF THE COURT

The Accused
is found guilty/~~not guilty~~ of the first charge.

The Accused
is found guilty/not guilty of the second charge.

The Accused
is found guilty/not guilty of the third charge.

The statement (if any) of the accused as to mitigation of punishment and the record of evidence (if any) of the said accused as to character is attached.

SENTENCE OF THE COURT

The Court sentences the accused

to ONE year imprisonment

in respect of all the offences charged in the above proceedings of which the said accused has been found guilty.

Edward J Mercer
(Signature of Judge of Allied Military Court)

REVIEW

Date 194 Signature .....

Declassified E.O. 12356 Section 3.3/NND No. 785016

(If not sufficient space on this form for the notes of evidence, other sheets should be attached and evidence for prosecution marked Exhibit B and evidence for Accused marked Exhibit C).

EVIDENCE FOR PROSECUTION

Giangiobbe Nicola, Police Guard, testified he found pistol in bureau drawer of the mistress of the accused, and two clips of ammunitions.

Declassified E.O. 12356 Section 3.3/NND No. 785016

EVIDENCE FOR ACCUSED

Accused testified pistol belonged to deceased father but he had not found it until after the home was bombed and then he found it in the ruins two days previously. Intended to turn it in but did not have opportunity to do so.

Declassified E.O. 12356 Section 3.3/NND No. 785016

T 514

Declassified E.O. 12356 Section 3.3/NND No. 785016

M E M O.

(C.A.O.

Petitions for Review - Allied Military Courts.
Cases of PLANTE and RUSSO.

Herewith proceedings and petitions for Review in above two cases together with covering letter of 2 Dec from S.L.O. U.S.C. 5th Army.

2. In the case of PLANTE I am of opinion the conviction cannot be sustained for the reasons mentioned by S.L.O. and I recommend that the conviction and sentence be quashed.

3. In the case of RUSSO there was ample evidence on which the Court could convict and I see no reason to disturb the conviction or sentence.

H.E. ROWE,
Lt.Colonel,
Chief Legal Officer.

9 Dec 43.

To the Chief of Civil Affairs
Naples.

The undersigned Counsellor, in the interest of

PIANESE ANTONIO

declares to propose an Appeal on the sentence of the Summary Court of Justice of Naples (Judge Kazen) of November 13, 1943, who has sentenced Pianese to 30 days in jail, starting November 13, 1943 omitting to include 8 days in which the defendant was already detained for the crime of selling Italian beer at higher prices then those permitted by law.

As a motive of the appeal is the fact that the crime attributed to Pianese does not constitute a violation of the list of prices fixed by the Allied Authority. In such list there is no reference whatsoever to Italian beer but only to German beer.

There is no doubt that Pianese sold Italian beer bought from the Peroni brewery of Naples whose address is Via Nuova Capodimonte. This was proved also by the American Police.

The fact remain that the sentence is illegal because it is contrary to the law of the Allied Government.

The sentence is also too severe because the Judge failed to take into consideration the motives which tend to lessen the blame of the defendant, who is married and is the father of six children, all too young to help. As a watch-man of Peroni Brewery and working night and day, he has only 24 lire a day on which he cannot live himself, let alone support a large family.

I have the honor of asking, your Honor to annul the sentence or to change such sentence into a fine.

Since the imprisonment of Antonio Pianese causes grave damage to his family, we respectfully ask to grant him provisional liberty also by putting a small bond in

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Declassified E.O. 12356 Section 3.3/NND No. 785016

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Since the imprisonment of Antonio Pianese causes grave dammage to his family, we respectfully ask to grant him provisional liberty also by putting a small bond in order to avoid that when this appeal is examined he has already served his sentence.

Declassified E.O. 12356 Section 3.3/NND No. 785016

To the Chief of Civil Affairs
Naples.

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59

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Declassified E.O. 12356 Section 3.3/NND No. 785016

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Declassified E.O. 12356 Section 3.3/NND No. 785016

Appeal

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ON.LE SIGNOR CAPO DEGLI AFFARI CIVILI

N A P O L I

Il sottoscritto avvocato nell'interesse di

PIANESE ANTONIO

dichiara di proporre appello avverso la sentenza della Corte Sommaria di Giustizia di Napoli(giudice Kapzen) in data I3/II/I943 che ha condannato il Pianese a giorni trenta di reclusione a decorrere dal I3/II/943 senza computare otto giorni di carcere già sofferto per il reato di vendita di birra italiana a prezzo maggiorato.

A motivi dell'appello deduce che il fatto attribuito al Pianese non costituisce il delitto di violazione dell'elenco dei prezzi massimi fissato dalla Autorità Alleata.Infatti detto elenco non contiene alcun riferimento alla birra italiana, ma soltanto fissa il prezzo della birra tedesca.

Non vi è dubbio che il Pianese vendette birra italiana acquistata dalla Birreria Peroni esistente in Napoli,via Nuova Capodimonte.Ciò è stato accertato anche dalla polizia americana.

Pertanto la condanna inflitta al Pianese è illegale perchè contraria alle leggi Alleate.

Inoltre la pena è troppo severa giacchè il Giudice non ha tenuto conto dei motivi che attenuano la colpa del Pianese, il quale è ammogliato con sei figli a cari-

Declassified E.O. 12356 Section 3.3/NND No. 785016

Il sottoscritto avvocato nell'interesse di

PIANESE ANTONIO

dichiara di proporre appello avverso la sentenza del= la Corte Sommaria di Giustizia di Napoli(giudice Kanzen) in data I3/II/I943 che ha condannato il Pianese a giorni trenta di reclusione a decorrere dal I3/II/943 senza com= putare otto giorni di carcere già sofferto per il reato di vendita di birra italiana a prezzo maggiorato.

A motivi dell'appello deduce che il fatto attri= buito al Pianese non costituisce il delitto di violazio= ne dell'elenco dei prezzi massimi fissato dalla Autori= tà Alleata.Infatti detto elenco non contiene alcun rife= rimento alla birra italiana, ma soltanto fissa il prezzo della birra tedesca.

Non vi è dubbio che il Pianese vendette birra ita= liana acquistata dalla Birreria Peroni esistente in Napo= li,via Nuova Capodimonte.Ciò è stato accertato anche dalla polizia americana.

Pertanto la condanna inflitta al Pianese è illegale perchè contraria alle leggi Alleate.

Inoltre la pena è troppo severa giacchè il Giudice non ha tenuto conto dei motivi che attenuano la colpa del Pianese, il quale è ammogliato con sei figli a ca= rico tutti di tenera età,e lavorando notte e giorno quale custode alla Birreria Peroni, ricava un salario appena di L. 24 al giorno ciò che guadagna;ossia un salario di fame!. Ha l'onore di chiedere a Vostro Onore l'annulla=

Declassified E.O. 12356 Section 3.3/NND No. 785016

lamento della suddetta sentenza, oppure una multa con la ~~xxxxx~~ sospensione della sentenza.

E poichè lo stato di detenzione reca grandissimo danno alla famiglia del Pianese, si chiede la libertà provvisoria anche con una lieve cauzione, per evitare che allorquando sarà esaminato l'appello, il Pianese abbia scontanto interamente la pena.

Con miglieri ossequi

Napoli 15 novembre 943

Avv. Armando Puglia
Via F. S. Correra 241 Napoli

Declassified E.O. 12356 Section 3.3/NND No. 785016

Declassified E.O. 12356 Section 3.3/NND No. 785016

EMO.

O.C.A.O.

Petition to Review - Benevento Summary Court - Cases of CAPPETTA and CASTALDO.

Herewith petition and record of proceedings in the above cases from which the charges and sentences will be noted.

2. With regard to the charges, there was a multiplicity of charges for the same offence including a charge of "smuggling", which is not an offence.

3. With regard to the sentence it is much too severe in my opinion.

4. I do not like the look of this case at all. I think that the circumstances would have justed a dismissal with a caution.

5. If you decide to quash the conviction, someone will have to replace the turkeys, which would be interesting.

H.B.ROWE,
Lt.Colonel,
Chief Legal Officer.

11 December 43.

Finding & sentence on Ch I upheld.
Remaining finding & sentences quashed.
Turkeys, if confiscated, to be returned to accused
See Record. AG 11/xii/43.

Declassified E.O. 12356 Section 3.3/NND No. 785016

1583.

O.C., [illegible].

Petitions to Review - Benevento Summary Court - Case of PICCIRILLO.

Herewith proceedings in the above case and petition to review.

2. It is very difficult to know what action should be taken over persons buying bread for their families in the black market in present circumstances. It would be much better to go for the vendors and leave the purchasers alone. The conviction in this case is legally justified but I do not like the fine and would suggest its reduction so far as is possible without encouraging the black market.

10 December 43.

H.E.ROWE,
Lt.Colonel,
Chief Legal Officer.

37

1564

Declassified E.O. 12356 Section 3.3/NND No. 785016

M E M O.

C.C.A.O.

Allied Military Courts. - Petitions for Review.

Please see attached report of S.I.C., AMG, 5th Army, together with Records of cases in trials of Francesco Esposito, Rassano Pavesi, Romano Gennaro and Giuseppe De Luca, with their petitions appended.

2. In the case of Francesco Esposito, I am of opinion that the sentence is too high and I suggest a reduction to two months imprisonment and that the fine be remitted.

3. In the cases of Rassano Pavesi and Romano Gennaro, the charges were for being in illegal possession of Allied Military petrol. The sentences in my opinion were justified as deterrent sentences are very necessary in this matter of illegally acquiring petrol. It is proper to take into account on Review the prevalence of this offence, and in the Province of Catania it is to be noted that 10,000 galls. of military petrol have just been disgorged by the civil population on a house to house search. A Summary Military Court has, in my opinion, a power to sentence up to a period of 1 years imprisonment and for a fine of 50,000 Lire.

4. The sentence on Giuseppe de Luca is also in my opinion not excessive.

Lt. Colonel,
Chief Legal Officer.

6 December 43.

C.L.O.

See the records on which I have recorded my decision

18/XII/43

1585

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CCO

076

I recommend that the ~~fine~~ ~~Sentence~~ sentence be reduced to a fine of $500 or 2 months imprisonment in default: together with confiscation of the property.

DW 4/22/43

Jagger
M. 4/12

See 74

Declassified E.O. 12356 Section 3.3/NND No. 785016

Brig. Lush.

Tuesday I think that
this sentence is for Lush.
What do you advise?

4/12 .

Declassified E.O. 12356 Section 3.3/NND No. 785016

M E M O

G.S.A.O.

74

Petition of Calcagno - Summary Military Court - Naples.

Herewith report from S.L.O. AMG 5th Army 3/6071/L of 30 Nov together with petition against sentence of the above accused.

2. I have read S.L.O's Report and the petition and the only question is whether the sentence should be reduced, having regard to the age and alleged ill-health of the accused.

3. The sentence of the Court seems to be a reasonable one and I have no doubt that Capt Glenn, who sat, took into account the age and condition of the accused. I am averse to recommending an interference with a sentence unless it is clear that a miscarriage of justice has occurred, and there is no evidence of such in this case.

4. I advise, therefore, that the petition be dismissed and the sentence confirmed.

As endorsed
on L.O.'s letter
Sentence is too severe and
it is reduced to
5000 lire or 2 months
in prison.
6/12

HER/ES.

Lt.Colonel,
Chief Legal Officer.

43.

Declassified E.O. 12356 Section 3.3/NND No. 785016

TRANSLATION

To the Allied Court

I the undersigned, advocate of Calcagno Francesco fu Aniello who was sentenced the 26 th October, have the honor to appeal for the following reasons:

The penalty has been excessive in view of the bad conditions of Calcagno who is a 70 years old man and moreover of ill health as it can be ascertained by a medical examination. Calcagno found the leather, which is not real leather but shred - as he had declared to the Pubblica Sicurezza.

He is not in a condition to pay the 5000 lire of fine mor to support the hardness of the jail on account of his age.

It is, therefore requested the provisional liberty or the conditional condemnation or both the penalties.

With regards,

Cerreto, 6th Dec. 1943.

signed: Avv. Franz Zaccaria

Avv. Comm. Franz Zaccaria
Patrocinante in Cassazione

Via [illegible]na 106 = Napoli
Tel. 23725

71

Eccmo Corte
Alleata

Ill.mo sott. on. difensore
di
Volcaggio Domenico
in Suicidio
la cui causa è stata
definita il giorno 25
ottobre - si onora produr-
re appello per i seguenti mo-
tivi:
La pena è stata eccessi-
va, date le miserevoli
condizioni del Colcagno
che è un vecchio di
settanta anni per
di più ammalato co-
me potrà essere ac-
certato attraverso una
visita medica -
Il Colcagno rimane

Appeal to -
Chief Legal officer.
Prefettura
~~Prefettura~~

Sentence reduced
to two months im-
prison or 5000 lire
fine & costs complicated.
71
Renuld.
C.A.C.
6 Dec 1943

Declassified E.O. 12356 Section 3.3/NND No. 785016

Eccmo Corte
Alleata

Appeal to -
Chief Legal officer.
~~Prefettura~~ Prefettura

Il sott. on. difensore
di
Balcagno Romeno
fu Angelo
la cui causa è stata
definita il giorno 26
ottobre - si onora pro-
porre appello per i seguenti mo-
tivi:
La pena è stata ecces-
siva, data le miserande
condizioni del Colagno
che è un vecchio di
settanta anni per
di più ammalato co-
me potrà essere ac-
certato attraverso una
visita medica -
Il Colagno rinnega
la sua - che è pro-
pria e non vera
sua - così come
ha dichiarato alla

Sentence reduced
to two months im-
prisonment or 5000 lire
fine each proposed simplicated.
Ramel
C.C.A.
6. Dec 1943

41

Declassified E.O. 12356 Section 3.3/NND No. 785016

P. Siniezzo -

Non è possibile in condizioni di poter pagare le lire un'ammenda di multa né sopportare la durezza del Carcere data la tenera età. S'invoca pertanto la libertà provvisoria. o la commutazione condizionale ad una pena pecuniaria.

Lo ossequia

Napoli 29/10/1943

Dr. P. Siniezzo

Declassified E.O. 12356 Section 3.3/NND No. 785016

1592

Declassified E.O. 12356 Section 3.3/NND No. 785016

68

MEMO.

To:- C.C.A.O.

Petitions for Review.

Cases of Ascione, Gentile and Pellecchia - Naples & Avellino.

Herewith petition against sentence by Ascione, petitions against conviction and sentence by Gentile and Pellecchia and report from Senior Legal Officer, A.M.G. 5 Army.

2. Ascione was sentenced by a Summary Military Court at Naples to 60 day's imprisonment and 5,000 lire fine for illegal possession of a box of "IF" rations. I am of opinion that the sentence is somewhat severe and I recommend that on the petition, the imprisonment be reduced to 30 days and the fine be remitted. Reduced to 30 days & 5,000 lire fine remitted. 30 days & 5,000 lire fine remitted. 29/11/43

3. Gentile was sentenced by a Summary Military Court at Avellino to 6 months imprisonment and 25,000 lire fine for selling wine above the permitted price. There were two charges. The petition is against both the conviction and the sentence. Gentile claims that he meant to plead "Not Guilty". He states that he would have pleaded ignorance of law but does not dispute the offences. There is no evidence that there was a misinterpretation by the interpreter and the plea of ignorance he would have raised against the conviction is not one that could have been admitted. I see no reason, therefore, to disturb the conviction. The sentence is, I think, too severe and you will note that S.I.O., A.M.G. 5 Army, has [illegible] You may think that a term of 3 months' imprisonment and a fine of 10,000 lire would meet the case. Reduced 29/11/43

4. Pellecchia was sentenced by a Summary Military Court at Avellino to 6 months' imprisonment and 25,000 lire fine for selling wine above the permitted price. The petition is against both conviction and sentence. Pellecchia claims that he meant to plea "Not Guilty" and that he did not sell the wine which was the subject of the charge. He also claims the sentence is excessive. The ground of appeal against the conviction is important and, in view of Pellecchia's claim of innocence of the whole offence, I am of opinion that he should receive a full trial and that the witnesses against him should be called, which will not have taken place on the plea of "Guilty" which was entered. I advise that an order for re-trial be made in this case. Reduced 29/11/43

Lt. Colonel,
Chief Legal Officer.

24 Nov 43.

Declassified E.O. 12356 Section 3.3/NND No. 785016

CEAO

Recommend

Ascoine 15 days and 500 L or 15 day

Bentile 3 months 10,000 L

Pellechet Treat by safe conduct

Agreed
To endorsed except for
Beirut. Resumed.
29/11

66

To Colonel HUME (Ufficio Legale)
N A P L E S

Sir,

The undersigned, Maria Nigriello, daughter of Luigi Nigriello, domiciled at N.23 Via Museo-Naples, begs to submit as follows:

The husband of the undersigned, Ciro Ascione son of Natale Ascione, on the 4th inst: was sentenced to 2 months of imprisonement and with a fine of Lire 5000 by the Indiciary Authorities of the U.S. who has jurisdiction over the zone of the Port of Naples, for having received, as far as the undersigned has learned, articles of stolen origin - Following said sentenc the husband of the undersigned now finds himself in the Prison of Poggio-reale and the undersigned appeals to your benevolent attention to the following facts.

1) - The said Ciro Ascione is of uncensurable character as per attached Penal Certificate.

2) - He is father of three children as per attached Certificate of Family Status.

3) - The said children of tender age respectively named - Maria, Natale and Luigi, arr without paternal assistance and subject to material want.

4) - The undersigned mother of the above named children is more - over ill and quite unable to provide to the maintenance of her children.

5) - From informations gathered by the said undersigned, it seems that her husband, received such articles in bona fide.

For such motive, should you, Sir, not think opportune to re-zxamine the facts, the undersigned prays for pity sake, on behalf of her children to withold the execution of the sentence, and return the condemned man to this children.

Naples 16 th November 1943 -

Nigriello Maria
Residente in Napoli
via Museo, 23

Declassified E.O. 12356 Section 3.3/NND No. 785016

N A P L E S

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Naples 16 th November 1943 -

Nigriello Maria
domiciliata in Napoli
via Museo, 23

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Declassified E.O. 12356 Section 3.3/NND No. 785016

MUNICIPIO DI PORTICI

L'Ufficiale dello Stato Civile

CERTIFICA

che riscontrato il registro degli atti di nascita dell'anno
mille 1902 — in esso ha rinvenuto al N. 234
che il nominato Ascione Ciro di Natale e
Piemonte Maria è nato

in questo Comune nel giorno dieci Giugno
di detto anno mille novecentodue

Si rilascia il presente per uso beneficenza

Portici 12 - 11 - 1943 XXI

L'Ufficiale dello Stato Civile

1597

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Mod. b

CASELLARIO GIUDIZIALE

Richiesta di Certificato

(IN CARTA LIBERA)

Al nome di Scione Ciro

Natale e Piemonte Maria

nat 10-6-1909 Napoli

Circondario di

Si richiede il certificato penale generale

per lavoro

, li 8 Marzo 19

Al

presso il R. Tribunale di

(FIRMA)

(QUALITÀ)

CERTIFICATO

PROCURA DEL RE IMPERATORE presso il Tribunale di Napoli

Si attesta che in questo Casellario giudiziale al nome suindicato risulta

NULLA

11-11-943

37

1598

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b

29888 21/5/43

Si certifica che nel registro di popolazione di questo Comune esiste il foglio di famiglia portante il numero 24 *interno*

con abitazione in via S. Pietro n. 73.

In detto foglio risultano iscritti fino al 1935

N.° d'ordine	Relazione di parentela o convivenza col capo famiglia	COGNOME	NOME	PATERNITÀ	MATERNITÀ	NASCITA LUOGO	NASCITA D. giorno
1	Capo famiglia	Orsione	Ciro	Natale	Piemonte Maria	Portici	10
2	moglie	Migliello	Maria	Luigi	Abate Marianna	Napoli	5
3	figli	Orsione	Maria	Ciro	Migliello Maria	"	2
4	"	"	Natale	"	"	"	8
5	"	"	Luigi	"	"	"	15
6							
7							
8							
9							
10							
11							
12					36		
13							
14							
15							

Il presente certificato si rilascia in carta non bollata da valere esclusivamente per

Napoli 21-5-1943-XXI E. F.

IL TRASCRITTORE

Declassified E.O. 12356 Section 3.3/NND No. 785016

1899

63 Reg. 29888

Numero della richiesta

...zione di questo Comune esiste il foglio di famiglia portante il numero 24 *intestato a* Arciuolo Ciro.

...itazione in via S. Severino *n.* 23.

...mune. 1935

NOME	PATERNITÀ	MATERNITÀ	NASCITA LUOGO	NASCITA DATA giorno	mese	anno	STATO CIVILE	ALTRE EVENTUALI ANNOTAZIONI
Ciro	Natale	Piemonte Maria	Portici	10	6	02	Coniug.	
Maria	Luigi	Abate Marianna	Napoli	5	2	10		
Maria	Ciro	Vigniello Maria	"	2	10	36		dec. 28-5-38
Natale	"	"	"	8	2	38		
Luigi	"	"	"	15	8	38		





36

carta non bollata da valere esclusivamente per

...194...-XX ... E. F.

IL TRASCRITTORE

IL PODESTÀ

Declassified E.O. 12356 Section 3.3/NND No. 785016

Mod.. 52

CITTÀ DI NAPOLI

DIREZIONE SERVIZI DEMOGRAFICI

I DIREZIONE (ANAGRAFE)

CERTIFICATO

DI

Stato Anagrafico di Famiglia

Napoli R. Pinto e Bianchi & C.

Avv. AURELIO GENOVESE
NAPOLI - Piazza G. Bovio, 8
AVELLINO - Via Roma, 2

62

Received,
11-11-43.
A.M.G.O.H.
Legal

Dichiarazione di appello per Gentile Vincenzo

Il sottoscritto difensore di Gentile
produce appello avverso la sentenza del 30
ottobre 1943 pronunciata dal Tribunale Militare
Militare Interalleato con la quale il Gentile
venne condannato a mesi 6 di reclusione e
a £25.000= di multa per violazione dell'Ordine
del Governo Militare Alleato del 20 ottobre 1943
firmante i prezzi massimi dei generi alimentari
nella Provincia di Avellino, per i seguenti motivi:

1°) L'accusato si dichiarò colpevole in una
sola ben compresa la domanda che in modo
non troppo chiaro gli venne rivolta dall'inter

Declassified E.O. 12356 Section 3.3/NND No. 785016

A. M. G.
Leg. Ad

Dichiarazione di appello per Gentile Vincenzo

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produce appello avverso la sentenza del 30
ottobre 1943 pronunciata dal Tribunale Militare
Militare Interalleato con la quale il Gentile
venne condannato a mesi 6 di reclusione e
a £25.000= di multa per violazione dell'Ordine
del Governo Militare Alleato del 20 ottobre 1943
firmato; per furto continuato di generi alimentari
alla Provincia di Avellino, in pregiudizio altrui;

1°) L'accusato si dichiara colpevole in non
avere ben compreso la domanda che in modo
un troppo chiaro gli venne rivolta dall'inter-
prete, poichè egli erroneamente ritenne di
dichiararsi innocente. E non avendo avuto

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ragione di ritenere una sua responsabilità nel fatto che egli commise soltanto un giorno dopo della pubblicazione del listino dei prezzi, quando cioè non ancora le aveva potuto avere conoscenza. Quindi la violazione avvenne in = consapevolmente e non può essere colpita dalla sanzione penale.

2°) La pena, in ogni caso, è eccessiva, quando si consideri la limitata entità del fatto e che, se l'accusato avesse rispettato il listino dei prezzi, avrebbe dovuto vendere con perdita, poichè fino al giorno precedente il suo negozio vendeva al pubblico a £16.- al litro ed egli aveva acquistato dai grossisti a prezzi superiori.

Bellano, 11 novembre 1943.

Avv. Guido Fenaroli

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1604

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(Translation.)

61

Declaration of appeal for Gentile.

The undersigned,,defender of Gentile ,appeals against the sentense of the 30 October,194",issued by the Summary military Court,by which Gentile was sentenced to 6 months jail and L.25,000 fine,for violation of the order of the Allied Military Government of 20 October,1943,fixing maximum prices for commodities in the Province of Avellino, for the following motives:

1. The accused declared himself guilty Because he had not clearly understood the question addressed to him by the interpreter and he erroneously thought he was declaring himself innocent.And he would have had no reason to admit his responsibility in the deed,which he committed only one day after the publishing of the price list,that is to say when he had had as yet no knowledge.Therefore the violation was unconsciously made and cannot be punished by the penal sanction.

2. The punishment is,in any case,excessive,when we consider the slight importance of the fact and that,if the accused had respected the price-list, he would have been obliged to sell under cost ,since,up to the day before, wine was sold to the public at L.16 a liter and he had bought it from the producers at a price little inferior.

Avellino,11 November,1943

Avv.Aurelio Genovese.

34

1605

Declassified E.O. 12356 Section 3.3/NND No. 785016

Avv. AURELIO GENOVESE
NAPOLI - Piazza G. Bovio, 8
AVELLINO - Via Roma, 2

Received, 6
11/11/43
from Gov't
Seal
Censor

Dichiarazione di appello per
Pellecchia Arturo di Giuseppe

Il sottoscritto difensore di Pellecchia Arturo di Giuseppe fa[rà] appello avverso la sentenza del 30 ottobre 1943 pronunciata dal Tribunale Supremo Militare Interalleato con la quale il Pellecchia venia condannato a mesi 6 di reclusione e a £ 25.000 = di multa per violazione dell'Ordine del Governo Militare Alleato del 20 ottobre 1943 presente; fissati i motivi del gravame alligenti nella Provincia di Avellino, in fatto e diritto.

1°) L'accusato si dichiarò colpevole per errore perchè, non conoscendo la lingua inglese, la traduzione della domanda seguita dall'interprete determinò in lui confusione la modo che

Declassified E.O. 12356 Section 3.3/NND No. 785016

Spl. 2 fasc offerm Tiziano 2 Tenenti 2-

d'aver arrestato innocente. Né potrà consapevol
mente d'aver arrestato colpevole, perché altri è uno
cui fu il rendere del libro di vino, come
risulta innanzi al funzionario di Pubblica
Sicurezza l'acquirente che nel confronto
eseguito con l'accusato d'aver che non
lo conosceva, ma che non molto più
recente aveva venduto il vino -

2°) La Loca è accertato che il Tenente
Lento che un solo libro di vino fu venduto
e che il vino era stato consegnato in epoca
precedente all pubblicazione del Listino de-
gressi a prezzo molto più elevato di quello
fissato da detto Listino -

Bellino, 11 novembre 1943

Avv. Lucchi

1607

Declassified E.O. 12356 Section 3.3/NND No. 785016

(Translation)

59

Declaration of appeal for Pellecchia Arturo di Giuseppe.

The undersigned, defender of Pellecchia Arturo di Giuseppe, appeals against the sentence of 30 October, 1943, issued by the Summary Military Court, by which Pellecchia was sentenced to 6 months jail and L.25,000 fine for violation of the order of the Allied Military Government, fixing maximum prices for commodities in the Province of Avellino, for the following motives:

1. The accused declared himself guilty owing to a mistake due to the fact that, not being acquainted with English, the translation of the question made by the interpreter confused him so much that he answered in the affirmative, thinking to declare himself innocent. Nor could he consciously declare himself guilty, because another person, not he, was the seller of the litre of wine, a fact which was admitted, in the presence of the P.S. Official, by the buyer who, having seen the accused, said that he did not know him and that a much older man had sold him the wine.

2. The punishment is excessive when we consider that only one liter of wine was sold and that the said wine had been bought at a time anterior to the publication of the price-list, at a much higher price than that fixed by the list.

Avellino 11 Novembre, 1943

Avv. Aurelio Genovese.

32.

1608

Declassified E.O. 12356 Section 3.3/NND No. 785016

MEMO.

To:- C.C.A.C.

Petitions for Review -

Cases of Bruno and Ugliano - Naples.

Herewith petitions against sentence in the above two cases which were heard at Naples, together with letter 3/6071/6 of 14 Nov setting out the facts. The Court was a Summary Military Court and no full record of the proceedings is kept.

2. I am of opinion that the sentence in Bruno's case is somewhat excessive for the offence committed. I suggest that in the accused's petition the sentence of imprisonment be reduced to 30 days and the fine remitted.

3. In Ugliano's case, I do not think the sentence excessive and I recommend that it be confirmed by you.

24 Nov 43.

Lt. Colonel,
Chief Legal Officer.

Sentences as endorsed on petition.

2910

Declassified E.O. 12356 Section 3.3/NND No. 785016

To the President of the Allied Military Tribunal

Ugliano Salvatore di Enrico on the 30th October 1943, was found in possession of 12 packages of cigarettes, was tried and sentenced to 1 month imprisonment.

In view of the fact that he has spent already 15 days in prison he asks for the suspension of the penalty even by paying a bond. Ugliano is the father of 8 small children.

Naples, 9/11/1943

signed: Avv. Francesco Molfese

Friday confirmed.
Sentence confirmed.
29/11

53

A S. Ecze il Presidente del Tribunale
Militare

Voghiano Salvatore di Enrico
trovato in possesso di 12 pacchetti
di sigarette nel giorno 30-10-43
fu giudicato e condannato a un
mese di carcere.
Poiché a scontato già 15 giorni
di carcere preventivo rinnova a
V Ecze la sospensione del resto
della pena anche sottoponendosi
a una buona cauzione.
L'Voghiano è padre di ben 8 figli
di tenera età.
Napoli 9-11-1943

[illegible]

29

Declassified E.O. 12356 Section 3.3/NND No. 785016

55

A S. A. il Presidente del Tribunale
Alleato

Bruno Giovanni fu Ferdinando nel giorno 4 del mese di Novembre sorpreso di volersi impossessare di razioni alimentari del posto (Granili) fu tradotto immediatamente innanzi a V. O. e condannato a 60 giorni di carcere.
Poichè non è possibile tradurre l'affollato il sottoscritto avvocato invoca una commutazione di pena o la sospensione della esecuzione sottoponendo anche ad una lieve cauzione per le condizioni misere della famiglia.
Il Bruno è l'unico sostegno della madre e di tre sorelle.
Napoli 9-11-1943
avv. Giovanni Maffei

28

Declassified E.O. 12356 Section 3.3/NND No. 785016

A S. Exc. il Presidente del Tribunale
Militare

Bruno Giovanni fu Ferdinando nel giorno 4 del mese di Novembre sospettato di volersi sottrarre alle vettovaglie alimentari sul porto (Granili) fu tradotto immediatamente innanzi a V. O. e condannato a 60 giorni di carcere.
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Il Bruno è l'unico sostegno della madre e di tre sorelle.

Napoli 9-11-1943

avv. Gaetano Manfredi

28

Declassified E.O. 12356 Section 3.3/NND No. 785016

Col. EDGAR ERSKINE HUME
Governor of

Naples

The undersigned widow BRUNO ANNA, born FORTE, living in Naples, Via Fonseca Nº 92, is honored to submit to your consideration and to the generous Humanity of this Hon. Command, what follows:

With the death of the Husband, Ferdinando Bruno and with the call to arms of her son Gennaro (Serving on italian moschito-boat for three years, for some time now has not given news of himself, so that the mother is not sure if he is alive or dead) tha only economic and moral help of the poor family (Composed of 6 persons, of which 3 girls sick and unable of any activity) is given by her son

BRUNO GIOVANNI fu Ferdinando

who forces himself, with his work as a motorist mecanic, to insure the all family an Honest living.

A misfortune has now befallen this unfurtunate youth, and with him, his family already so much tried by the effects of this war for which the accursed fascism is responsible

The unfurtunate Giovanni, Nov.4th, 1943 while on his work, opened a can of bisquits which had been offered him by a friend, and was arrested tried and condemned to 60 days in jail and fined £5000.

Due to the quick way in which he was tried and && condemned, the poor boy had no opportunity to request a consellor for his defense, such counsellor could have very easily shown that there not been any malice in what the youth had done by accepting, in all good fait the can of goods.

His conduct as clearly shown by his penal certificate, is flawless; only circumstantial evidence has shown him guilty of theft, which is very disagreeable to the sentiment of the family.

The undersigned, beg to implore the generosity of the Allied Authority, so that giving once more proof of humanity towards the poors, and understanding that the unfurtunate youth was an innocent victim of his juvenile inexperience, will void, after due appeal the shame of a sentence, considering that such sentence would close to her son (whom I repete is the only bread winner in the family) all opportunity of honest work and so the possibily of supporting his family.

It is an act of charitable clemency, which the Hon. Allied Authority, will certainly not denie to a poor unfurtunate mother, who Hoping with all her heart tosee this appeal benevolently accepted, blegs in the name of all mothers of this

Declassified E.O. 12356 Section 3.3/NND No. 785016

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The supplicant, also ask respectfully that her son, (Who is at the moment detained in the Judiciary Prisons of Poggio Reale) be released as soon as possible, so that he can return to his work and help his family now destitute. Sure that to such an appeal will be given immediate answer, the writer thanking you in advance & remain

Yours respectfully

Declassified E.O. 12356 Section 3.3/NND No. 785016

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Declassified E.O. 12356 Section 3.3/NND No. 785016

Ill.mo Sig. Col. EDGAR ERSSKINE HUME

Gov. di

N A P O L I

La sottoscritta vedova BRUNO ANNA, nata Forte, domiciliata a Napoli, alla Via Fonseca N° 92, si onora sottomettere all'alta considerazione ed alla generosa umanità di cotesto On.le Comando Alleato quanto segue:

Con la morte del marito, Ferdinando Bruno, e col richiamo alle armi di suo figlio Gennaro(che imbarcato da tre anni sui Mas, non dà più sue notizie, e si ignora, purtroppo, la sua sorte) l'unico sostegno economico e morale della sua povera famiglia (composta di 5 persone di cui 3 signorine, malandate in salute ed inabili a qualsiasi attività) viene dato esclusivamente da suo figlio

BRUNO GIOVANNI fu Ferdinando

il quale si sforza, col suo lavoro di motorista meccanico, di assicurare a noi tutti l'onesto pane quotidiano.

Declassified E.O. 12356 Section 3.3/NND No. 785016

Gov. di

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Senonchè, una triste sventura ha ora colpito questo disgraziato giovane e conseguentemente l'intera famiglia dell'esponente, già tanto provata dal dolore per effetto di questa guerra cui ci ha con=

Declassified E.O. 12356 Section 3.3/NND No. 785016

dotto il maledetto regime fascista..

Il disgraziato Giovanni, infatti, in data 4 novembre volgente mentre sul suo posto di lavoro, apriva una scatoletta di pastarelle che gli era stata offerta da un suo amico è stato arrestato e, seduta stante, condannato a 60 giorni di reclusione ed a lire cinquemila di multa.

La fulmineità del giudizio ha impedito allo sventurato orfano di affidare la sua difesa ad un legale, il quale avrebbe potuto ben dimostrare che, nel fatto addebitatogli, esulava ogni lontana intenzione dolosa e che giammai si poteva pensare che egli avesse voluto rendersi colpevole di furto, quando egli, in assoluta buona fede, aveva accettata la scatoletta.

La sua condotta come luminosamente risulta dal suo certificato penale è del tutto immacolata; onde solo una tragica fatalità lo ha fatto ritenere colpevole del reato di furto, che ripugna di sentimenti di assoluta correttezza di tutta la famiglia.

La sottoscritta, pertanto, si permette invocare

Declassified E.O. 12356 Section 3.3/NND No. 785016

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La sottoscritta, pertanto, si permette invocare col cuore trafitto dal più intenso dolore, l'alta generosità dell'Autorità Alleata, affinchè dando an cora una volta prova di buon cuore verso la povera gente e ritenuto che il disgraziato giovane è vit=

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tima innocente della sua inesperienza giovanile = con opportuno giudizio di appello
voglia cancellare l'onta di una condanna ed annul=
larla del tutto, considerando che questa condanna
chiuderebbe per tutta la vita la possibilità a suo
figlio (che, si ripete, è l'unico sostegno della
casa) di lavorare onestamente e sfamare la sua po=
vera famiglia che viceversa resterebbe priva di aiu
to economico ed anche morale perchè la supplicante,
assai acciaccata negli anni ed in salute, ne mori=
rebbe certamente dal grande dolore.

E' un atto di caritatevole clemenza, che la be=
nemerita Autorità Alleata non vorrà certamente ne=
gare ad una sventurata mamma, la quale pienamente
fiduciosa di vedere benevolmente accolta questa sua
supplica, benedice, in nome di tutte le mamme di
questa disgraziata nostra Patria, le Gloriose Arma
te Anglo=Americane, vivamente auspicando alla loro
immancabile ed imminente Vittoria!

La supplicante, quindi, chiede che suo figlio
(che è attualmente detenuto nelle Carceri Giudizia=
rie di Poggioreale) sia sollecitamente escarcerato
e reso, così, posto in grado di riprendere il suo

Declassified E.O. 12356 Section 3.3/NND No. 785016

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rie di Poggioreale) sia sollecitamente escarcerato
e venga, così, posto in grado di riprendere il suo
lavoro e conseguentemente ridare il vitto alla dolo
rante famiglia.

Sicura che sarà presto accolto questo suppliche=

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vole grido di soccorso, l'esponente ne rende, con grato animo e col materno cuore anticipate vivissime grazie, baciando rispettosamente la mano di V.S.Ill.ma e confermandosi

Napoli, 18/11/1943

Dev.ma ed obblig.ma

(ANNA FORTE ved. BRUNO)

Anna Forte v. Bruno

Domicilio: Via Fonseca, 92 = NAPOLI =

Allegato: Certificato di nascita

Stato di famiglia

Certificato penale

Declassified E.O. 12356 Section 3.3/NND No. 785016

1624

Declassified E.O. 12356 Section 3.3/NND No. 785016

BRUNO GIOVANNI fu Ferdinando
nato il 14 novembre 1922
domiciliato: Via Fonseca, 92
arrestato il 4 novembre 1943
sul posto di lavoro perchè aveva fra le mani una scatoletta avuta da un suo amico senza saper ragione fu portato al Molo Beverello e immediatamente condannato a 60 giorni di reclusione e 5.000 lire di multa.

Declassified E.O. 12356 Section 3.3/NND No. 785016

Mod. 18 A

CITTÀ DI NAPOLI

DIREZIONE SERVIZI DEMOGRAFICI

II Divisione (Stato Civile)

CERTIFICATO DI NASCITA

Il sottoscritto Ufficiale dello stato civile

CERTIFICA

che dal registro degli atti di nascita dell'anno mille 902

parte I Serie II N.° 1102 Sezione Stella

risulta che nel giorno 11 del mese di novembre

dell'anno mille 902

è nato in Napoli

(1) Bruno Giovanni

da (2) Ferdinando

e da (3) Forte Luisa

(4)

Si rilascia in carta non bollata per uso di lavoro

Napoli, li 2-4 *1943 Anno XXI*

Il trascrittore

L'Ufficiale di stato civile

(1) Cognome e nome. — (2) Nome del padre. — (3) Cognome e nome della madre. — (4) Indicazione dell'annotazione di matrimonio quando esiste a margine dell'atto originale.

1942 - Napoli, R. Tipografia Giannini

Declassified E.O. 12356 Section 3.3/NND No. 785016

Mod. 117 Tipi Feole - Napoli

N. 4608

R. Procura presso il Tribunale di Napoli

CASELLARIO GIUDIZIALE

Certificato generale

(Generale Penale o Civile)

- (in carta libera per indigenza - comprovata da certificato in data 9. 2. 9/10 XVIII del Podestà di

(art. 607, 608 Cod. Proc. Pen. 28 b)

31 e 32 R. D. 18-6-1931 n. 778 e 101 Dec. Minist. 6-10-1931

Al nome di Bruno Giovanni

(di o fu) Ferdinando e (di o fu) Forte Anna

nato il 14. 11. 922 in Napoli Circondario di Napoli

su richiesta del

SI ATTESTA che in questo Casellario giudiziale risulta:

CASELLARIO GIUDIZIALE - NAPOLI

NULLA

Napoli 15. 2. 9/10 XVIII

IL SEGRETARIO

(D'Ercole Alfredo)

Declassified E.O. 12356 Section 3.3/NND No. 785016

Mod 32

MUNICIPIO DI NAPOLI

DIREZIONE SERVIZI DEMOGRAFICI

I DIVISIONE (ANAGRAFE)

CERTIFICATO

DI

STATO ANAGRAFICO DI FAMIGLIA

1912 — Napoli, R. Tipog. alla F. Ghio con. & Figli

Declassified E.O. 12356 Section 3.3/NND No. 785016

u
A 2015

Si certifica che nel registro di popolazione di questo Comune esiste il foglio di famiglia portante il numero 5322
con abitazione in via Fondera n. 92
In detto foglio risultano iscritti: agg: 21

N.° d'ordine	Relazione di parentela o convivenza col capo famiglia	COGNOME	NOME	PATERNITÀ	MATERNITÀ	NASCITA: LUOGO	NASCITA: giorno
1	Capo famiglia	Forte	Anna	Pellegrino	Antonetti Pasquale	Napoli	4
2	figlio	Bruno	Concetta	Ferdinando	Forte Anna	"	15
3	"	"	Margherita	"	"	"	13
4	"	"	Maria	"	"	"	6
5	"	"	Gennaro	"	"	"	19
6	"	"	Giovanni	"	"	"	4
7							
8							
9							
10							
11							
12							
13							
14							
15							

Il presente certificato si rilascia in carta non bollata da valere ecc.

Napoli 1942-XX E. F.

IL TRASCRITTORE

Bruno

Agostino

Declassified E.O. 12356 Section 3.3/NND No. 785016

4/24015

Numero della richiesta .....

Dalla trascrizione di questo Comune esiste il foglio di famiglia portante il numero 53922 *intestato a* Forte Anna

abitazione in via Fonseca n. 92

Anno: 21

NOME	PATERNITÀ	MATERNITÀ	NASCITA				STATO CIVILE	ALTRE EVENTUALI ANNOTAZIONI
			LUOGO	DATA				
				giorno	mese	anno		
Anna	Pellegrino	Antonetta Pasquale	Napoli	4	8	86	coniugato	
Concetta	Ferdinando	Forte Anna	"	15	9	13		
Margherita	"	"	"	13	2	12		
Maria	"	"	"	6	4	18		
Gennaro	"	"	"	19	2	21		
Giovanni	"	"	"	14	11	22		

Carta non bollata da valere ecc.

194[illegible]-XX E. F.

IL TRASCRITTORE

Per il PODESTÀ

CIRCONDARIO DI NAPOLI

MANDAMENTO di

4° S

QUARTIERI STEL

Cat. 32

Modello N. 23 (§ 673 e 700 del Regol.)

COMUNE DI NAPOLI

SEZIONE

Attestazione di buona condotta

a favore di (a) Bruno Giovanni

(a) Cognome e nome dell'aspirante surrogato, o dell'aspirante all'arruolamento volontario.

(b) La data ed il millesimo si esprimeranno in tutte lettere.

(c) Accennare ai mezzi con cui durante il tempo ivi menzionato provvide alla sua sussistenza.

(d) Qualora la richiesta sia fatta dal Prefetto si dirà: « ad istanza del Prefetto ».

(e) come surrogato di fratello o volontario.

Il sottoscritto Consigliere Delegato per il quartiere attesta e certifica:

1.° Che (a) Bruno Giovanni

figlio di Ferdinando e di Zorte Anna

nato il 14. 11. 922

a Napoli Mandamento di ——

Circondario di —— siccome risulta dall'esibito atto autentico di nascita è ~~o fu~~ domiciliato nel mandamento di Napoli - Via Gioacchino 92

millenovecento

2.° Che non è rissoso o dedito al vino, all'ozio, e che ha sempre provvisto a sostentamento con (c) mezzi propri

ed è tenuto in estimazione di probo ed onesto.

In fede di quanto sopra ed a seguito di istanza del predetto (d)

Bruno Giovanni

gli si rilascia la presente attestazione di buona condotta onde possa valersene per essere ammesso nell'esercito dell. in carta ex. da bollo per polizia P. S. Stella 20 - 2. 39

Fatto a Napoli li 19 39 XVII

Declassified E.O. 12356 Section 3.3/NND No. 785016

Attestazione di buona condotta

a favore di (a) Bruno Giovanni

(a) Cognome e nome dell'aspirante surrogato, o dell'aspirante all'arruolamento volontario.

(b) La data ed il millesimo si esprimeranno in tutto lettere.

(c) Accennare ai mezzi con cui durante il tempo ivi menzionato provvide alla sua sussistenza.

(d) Qualora la richiesta sia fatta dal Prefetto si dirà: « ad istanza del Prefetto ».

(e) come surrogato di fratello e volontario.

Il sottoscritto Consigliere Delegato per il quartiere attesta e certifica:

1.° Che (a) Bruno Giovanni figlio di Ferdinando e di Conte Anna nato il 14. 11. 922 a Napoli Mandamento di —— Circondario di —— siccome risulta dall'esibito atto autentico di nascita è (~~o fu~~) domiciliato nel mandamento di Napoli - Via Foria (~~via~~) (b) 92 millenovecento

2.° Che non è rissoso o dedito al vino, all'ozio, e che ha sempre provvisto a sostentamento con (c) mezzi propri

ed è tenuto in estimazione di probo ed onesto.

In fede di quanto sopra ed a seguito di istanza del predetto (d) (e)

Bruno Giovanni

gli si rilascia la presente attestazione di buona condotta onde possa valersene per essere ammesso nell'esercito R. M. V. in carta ex. da bollo per notorietà P. L. Italia 20. 2. 39

Fatto a Napoli li 16/2 1939 XVII

Visto per la vidimazione
Visto per conferma
Il Prefetto della Provincia
Il Prefetto
d'ordine

Il Podestà
IL PODESTÀ
L'UFFICIALE DELEGATO

1937 — Napoli, R. Tipografia Gianniui

Declassified E.O. 12356 Section 3.3/NND No. 785016

Subject: Allied Military Court - NAPLES - Petitions for Review.

H.Q., A.M.G.,
15 Army Group,
C. M. F.

AMG/206/
16. Nov. 43.

C. C. A. O.

Herewith petitions for review of sentences of a Summary Military Court at NAPLES made by the following accused:-

(a) Di Giacomo Carmine fu Antonio.

(b) Torlino Matteo

(c) D'Alfonso Donatantonio

(d) De Masullo Pasquale.

2. The records of the cases are not enclosed and it is understood from the Senior Legal Officer, Naples, that proper records have not been kept by the Court in question. Instructions to rectify this state of affairs have already been issued to the S.L.O., Naples.

3. The facts of the cases will be seen from the attached letter Amgot 3/6016/L dated 5.Nov.43, received from S.L.O., and from the petitions attached.

4. Above accused (a) pleaded "Guilty" to a black market offence and was sentenced to 6 weeks imprisonment and a fine of 10,000 Lire. His petition is to be let off the term of imprisonment on the grounds of his own age and health and the age of his wife. In my opinion the grounds for the petition are not adequate to justify an interference with the sentence. The age of the accused is no ground whatever and if he is ill he can receive medical treatment in prison. Sentence confirmed Harewell.

5. Accused (b) was sentenced to 3 months for stealing Allied property and the observations of the S.L.O. will be noted. In my view the argument advanced by the S.L.O. might be an argument for setting aside the sentence but can be no argument for its reduction. The Court heard the case and found the accused "Guilty" of the charge. The accused himself in his petition does not even suggest that he has been wrongly convicted and he bases his petition on the size of his family. It is to be observed that the accused has seven sons who live on his (the accused's) earnings, and if this be true it is more an argument to keep the accused in prison than to release him. In my view there is no adequate ground shown for a reduction of sentence. 15 Sentence confirmed Harewell.

6. Accused (c) and (d) were sentenced to terms of imprisonment for plunder. The evidence against them was that they had a considerable quantity of property of a non-military nature and the defence of D'Alfonso Donatantonio was that he acquired the property from the Germans. It would appear also in Pasquale's case that he acquired the property before the occupation. You will observe the comments of the S.L.O. with which Sentence confirmed Harewell.

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(b) Torlino Matteo

(c) D'Alfonso Donantonio

(d) De Masullo Pasquale.

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Sentence confirmed
Vincent

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Sentence confirmed
Vincent

I agree with the recommendation
I have minuted accordingly above
Do you want to endorse Courtney Smith?
M. 18/11

H. E. ROWE,
Lieut. Colonel,
Chief Legal Officer.

HER/JG.

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4

HEADQUARTERS
REGION 3
ALLIED MILITARY GOVERNMENT
REGAL OFFICE

A mgot 3/6016/L.
5 November, 1943

Subject : Petitions to review

To : Chief Legal Officer, AMG, 15 Army Group, CMF.

As requested in your communication of 29 th October 1943, AMG/201/I, I am forwarding to you herewith petitions to review on behalf of the following:
Torlino Matteo, D'Alfonso Donantonio, Di Masullo Pasquale and Di Giacomo Carmine fu Antonio, all tried by Summary Military Courts.

1. Di Giacomo Carmine pleaded guilty to the charge of selling bread without ration coupons in his bakery shop. He was sentenced to 6 weeks imprisonment and a fine of 10.000 lire. In view of his age and physical condition, the remainder of his term may well be commuted to a fine.

2. Matteo Torlino, was sentenced to three months for stealing Allied Property. On a plea of not guilty, the only evidence introduced was that he was found in possession of two tins of salmon, three tins of steak kidney pudding, two tins of biscuits, and two packets of cigarettes. The accused claimed that rations were given to him by soldiers. Since on the evidence it appears that at most the accused should have been found guilty of wrongful possession instead of theft and since rations are frequently given away by soldiers, and since, as far as the record shows, the accused has no record of previous convictions, it is recommended that the term be reduced.

3. D'Alfonso Donantonio, was sentenced to one year's imprisonment for plunder. On a plea of not guilty, the only evidence against the accused was possession in his home on the 6th of October 1943 of private property such as dry goods, wearing apparel and

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had stolen it.

4. Di Masullo Pasquale was sentenced to one year's imprisonment and a fine of 5000 lire for plunder. On a plea of not guilty, the only evidence was wrongful possession of household furniture and supplies (see enclosure for quantity). The same comment applies as made in the case of D'Alfonso, supra. If the accused received or bought the material in either instance before our occupation, then our Military court had no jurisdiction of this Italian Law offense.

SERIAL No. 16.

Henry L. Klein,
Capt. JAGD.

J.V.M. Shields, Lt. Col.
Regional Senior Legal Officer,
Region III.

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Serial No. 13

46

The Honorable
Chief Legal Officer
Lt. Col. Shields.

the undersigned Avv. Morganti Ugo electively domiciled for the present procedure in c/o Rag. Comm. Alberto Rosati, Via Duomo 36, Naples, exposes:

The 25th Oct., 1943, the honorable First Summary Court in Naples condemned a certain Di Giacomo Carmine fu Antonio, 67 years of age, domiciled alle Fontanelle alla Sanità 39, to a fine of L.10000 together with 6 weeks imprisonment for black market crimes.

Di Giacomo is at present in jail since the 17th October.

IT IS REQUESTED

in view of the gravity of the punishment and the clemency that for other similar crimes has been shown by the Summary Court, in view of the age and illness of the Di Giacomo who is afflicted with hernia and cardiac asthma, in view also of the age of his old wife and the difficulties in which is being found the baker's shop which without the direction of the Di Giacomo is very disturbed in the production and distribution to the purchasers, that you would consent to grant to Di Giacomo the suspension of the incarceration accepting the payment of the fine of L.10,000, and if necessary, also the payment of L.100 per day in commutation of the remaining period of jail for which it is asked the pardon.
The undersigned lawyer hopes that the present petition will receive favorable consideration and guarantees the obligation of payment that Di Giacomo undertakes with the present petition

15

signed: Avv. Alfredo Morganti

Onorevole Capo Ufficiale Legale
Sig.Lt.Colonnello ~~Schildt~~ Schiels
NAPOLI

Il sottoscritto Avvocato MORGANII UGO domici=liato elettivamente per la presente procedura presso il Rag.Comm.Alberto Rosati,Via Duomo 36 Napoli espone:

In data 25 ottobre 1943 la On.le Prima Corte sommaria in Napoli condannò il nominato Di Giaco=mo Carmine fu Antonio di anni 67 domiciliato Fon=tanelle alla Sanità N.39,a 10mila lire di multa congiuntamente a sei settimane di carcere per reati annonari.

Il Di Giacomo è attualmente detenuto fin dal 17 ottobre.

S I C H I E D E

data la gravità della punizione e la clemenza che per altri reati del genere la On.le Corte Sommaria ha più volte dimostrato,data l'età e la malattia del Di Giacomo il quale è affetto da ernia diasma cardiaca,data ancora l'età della

Declassified E.O. 12356 Section 3.3/NND No. 785016

Sig.Dt.Colonnello

N A P O L I

Il sottoscritto Avvocato MORGANII UGO domici=
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presso il Rag.Comm.Alberto Rosati,Via Duomo 36
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ernia ediasma cardiaca,data ancora l'età della
sua vecchia moglie e le difficoltà dell'eserci=
zio di panetteria,che senza la direzione del Di
Giacomo è notevolmente disturbata nella produzio=

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Onorevole Capo Ufficiale Legale
Sig.Lt.Colonnello ~~Schildt~~ Shields
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zio di panetteria,che senza la direzione del Di
Giacomo è notevolmente disturbata nella produzio=

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ne e distribuzione agli avventori, che Vostro Ono=
re voglia consentire la grazia al detto Di Giacomo
per la sospensione della sua carcerazione accet=
tando il pagamento in contanti delle diecimila
lire di multa, e quanto mai, anche il pagamento
di lire cento al giorno in commutazione del resi=
duo periodo di carcere che si chiede venga grazia=
to. Il sottoscritto avvocato sperando nell'acco=
glimento della presente istanza garantisce perso=
nalmente gli obblighi di pagamento che il Di Gia=
como assume con la presente.

Napoli 30 ottobre 1943.

Avv. Mozzanti Ugo

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1643

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SERIE No 10

45

Avv. IPPOLITO CIRIELLO

Via Roma 28 - SALERNO

Al Sig. INCARICATO DEGLI AFFARI CIVILI

Presso il Comando Militare Alleato

SALERNO

Il sottoscritto avvocato fa istanza perché la S.V.I. si benigni di condonare la pena inflitta a TORLINO MATTEO, condannato dal Tribunale Militare a tre mesi di reclusione, essendo costui l'unico sostegno di una numerosa famiglia composta della moglie e di ben sette figli, che vivono del suo lavoro.

Con perfetta osservanza.

Salerno 21 ottobre 1943

f/to Avv. Ippolito Ciriello

Sentenza suspended 13.

21 Oct 43

OFFICE
Allied Military Government
Civ. Affairs Officer

Lawyer IPPOLITO CERIELLO

TO THE CIVIL AFFAIRS OFFICER
Allied Military Government

SALERNO

The undersigned lawyer makes petition to Your Excellency to suspend the sentence on Torlino Matteo, condenmed by the Allied Military Court to 3 months imprisonment. The prisoner is the supporting menber of a numerous family composed of wife and 7 sons who live by his earnings.

Yours faithfully

Declassified E.O. 12356 Section 3.3/NND No. 785016

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Appeal. SERIAL No 15 4C

The bearer D'Alfonso Donatantonio in Nicola, aged 71. arrested 6-10-1943. Sentenced to one year imprisonment for goods being found in his house on 9-10-1943. appeals:-

He prays this honourable command to accord him a provisional liberty, as he has been abbandoned by his wife & children for incompatibility of character. He has left his house alone, in disorder, and would like at least the time to put things in order and take some necessities for his personal hygiene. promising to report weekly to the C.C.R.R.

Hoping that this appeal be granted considering the serious situation of his case.

1/1.

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(13)

On.le Comando Generale delle forze
armate alleate del Tribunale militare
Costa dei Cavalieri

Il Sottoscritto Dott. Gaetano Sanfantanio di
Nicola di anni 39 arrestato il 6-10-43.
Giudicato e condannato ad un anno di reclu-
sione per oggetti trovatagli in casa il 9-10-43
ricorso in appello con data odierno.
Con preghiera domando Gentilmente
a Codesto On.le Tribunale di Valerle
accordare la libertà provvisoria poiché
l'esponente abbandonato dalla moglie e figli
per incompatibilità di carattere.
Ha lasciato la sola, in disordine, affinché
potesse rimediarla almeno un pò a posto, e
procurarsi per la pulizia e Biancheria
personale, necessario per igeni personale.
Promettendogli di presentarsi presso
settimanalmente per la presenza ai

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Carabinieri Reali

Fiducioso che la presente
Supplica venga benevolmente
accolta, considerando la grave situazione
di un doppio disgraziato.
Le porge anticipatamente
i più distinti ringraziamenti
ed Ossequi Umiliatissimi
Il Redattore Bertone Bernardino

Cava 10-10-1943



11-10-43
IL CUSTODE
(Ferdinando)

1668

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Appeal. Act

The bearer D'Alfonso Donatantonio in Nicola (aged 39) born in Lettamanoppello (Pescara), appeals to the court of the Allied Military government.

Against the decision of the military judge of Cava 9-10-1943, which sentenced the above to one year imprisonment for a crime he ignores and which for motives repeats the past. On 6-10-1943, his house was searched, and pieces of material and other articles were found not belonging to him, but which were given to him by the Germans so were other articles which he had paid for, as done by other citizens of Cava.

The bearer asked and obtained from the maresciallo CC.RR. the restitution of the goods to their proper owners, except that which he bought from the[illegible]

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Germans. Infact he names the witnesses; the owners who asked and received their goods and who can confirm the truth.

Pisapia brothers (grocers).
Carleo Antonio (chemist).
Gravagnuoli Vincenzo (cloth store).

He appeals to be judged by an officer who knows the Italian language.

Sezione Mandamentale di Lecce 10.10.43.

Atto di Appello

Il sottoscritto D'Alfonso Domenicantonio di Nicola di anni 39 da Lettomanoppello (Pescara) fa ricorso in appello al Comando Generale delle Forze Armate Alleate del Tribunale Militare -
Contro la decisione del Sig. Giudice Militare di Lecce, che il 9.10.943, condannato il sottoscritto ad un anno di reclusione per il reato di cui ignora, come delle chiamate e che per motivi ripete il passato accaduto. Il giorno 6.10.43 venendosi la perquisizione in casa, ove fu trovato, oltre gli effetti ed altri oggetti non di mia proprietà, ma che ho stato consegnato dai militari tedeschi, altri oggetti pure mi fu dato dai militari tedeschi facendo facchinaldi, come fu acquistato anche da altri cittadini Lecce -
Lo tribunale chiese pure, ed ottenne dal Maresciallo dei R.C. la testimonianza della messa di proprio podere, Bianco quello che comprai effettivamente dai militari tedeschi.
Inoltre medico come testimoni; i padroni che vivono nella loro mano, e che possono confermare la mia vendita.
I fratelli Pizzapia (Guerri Antonio), Carlo Antonio (farmacista), Guadagnuolo Vincenzo (Mag. Vicesindaco).
- Prego inoltre mi sia subordinata, che l'appello sia discusso da un ufficiale che sappia la lingua Italiana.
Subordinatamente il detenuto

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ricorso in appello al Comando Generale delle Forze Armate
di Albania del Tribunale Militare -
Contro la Sentenza del Sig. Giudice Militare di Corte, che
il 9-10-943, condannava il sottoscritto ad un anno di
reclusione per il reato di cui in epigrafe, come dalle chiarezze
e che per motivi ripeto il passato accaduto. Il giorno 6.10.43
venivasi la perquisizione in casa, ove fu trovato, oltre
il Cassetto col altri oggetti non di mia proprietà, ma che
lo era stato consegnato dai militari tedeschi; altri oggetti
pure mi fu dato dai militari tedeschi facendo fochi taldi;
come fu acquisitato anche da altri cittadini Corfesi -
Lo scrivente chiese pure, ed ottenne dal Maresciallo dei R.R.
C.C. la restituzione della merce di propria proprietà, tranne
quella che comprai effettivamente dai Militari tedeschi.
Tutto ciò in come testimoni; i padroni che si trova nella casa
lo la merce, e che possono confermare la mia versione.
I fratelli Pirapia (gerenti alimentari), Carlo Deliano
(farmacista), Gratsiano di Vincenzo (Sig. Vassili).
- Prego inoltre mi sia subordinata, che l'appello sia discusso
lo da un ufficiale che sappia la lingua Italiana.
Subordinatamente il sottoscritto
Appella Sanatoriamente -

Il Curato - [illegible]

IL CUSTODE
(Feliciano Capitano)

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OGGETTI=sequestrati nell'abitazione di D[illegible]'Alfonso Donatantoniodi Nicola e fu Man[illegible]i Maria natoa a LETTO M[illegible]oppello il I settembre I904,dom milciliato a Cava Dei Tirreni via G[illegible] Accarino n.6I il giorno 6 ottobre I943.-

==========

4-materassi di lana
4-cuscini di lana
~~I pezzo di tela madre~~
6 pezzi di tela madre
I spezzo di tela ma[illegible]
4 pezze di popelin grigio verde
23 spezzi di satin per coperte
3 pezze panama per camicie
I pezza gabardina per donna
I pezza stoffa fantasia per donna
I pezza crespo
I pezza fantasia bianca
2 pezze fantasia per donna
I pezza tela madre
I pezza crespo bianco
I pezza panama per camicie
I pezza di tala bianca da I50 C/M
I pezza fantasia lana mista
I pezza tela madre
I pezza copertone per cappotto
I pezza fantasia per donna
I spezzo fantasia bleù per donna
I spezzo verbano nero per donna
I spezzo panama per camicie
I pezza di tela semenzaio
2 pacchi di cotone
II pezze di fasce per bambini
II pacchi fasce per neonati
3 spezzi satin per coperte

7

==========

I paio di scarpe nere da sport
I paio di scarpe bianche da sport
I7 scarpette di gomma sport
3 paia di scarpe di cuio da sport
2 paia di scarpe disuguali
6 zainetti
7 ginocchieri
9 baschi di vario colore
3 berretti
3 paia di guanti tipo sport
3 cuffie da bagno

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6 pezzi di tela madre
I spezzo di tela ma
4 pezze di poplin grigio verde
23 spezzi di satin per coperte
3 pezze panama per camicie
I pezza gabardina per donna
I pezza stoffa fantasia per donna
I pezza crespo
I pezza fantasia bianca
2 pezze fantasia per donna
I pezza tela madre
I pezza crespo bianco
I pezza panama per camicie
I pezza di tala bianca da I50 C/M
I pezza fantasia lana mista
I pezza tela madre
I pezza copertone per cappotto
I pezza fantasia per donna
I spezzo fantasia bleù per donna
I spezzo verbano nero per donna
I spezzo panama per camicie
I pezza di tela semenzaio
2 pacchi di cotone
II pezze di fasce per bambini
II pacchi fasce per neonati
3 spezzi satin per coperte

==========

I paio di scarpe nere da sport
I paio di scarpe bianche da sport
I7 scarpette di gomma sport
3 paia di scarpe di cuio da sport
2 paia di scarpe disuguali
6 zainetti
7 ginocchieri
9 baschi di vario colore
3 berretti
3 paia di guanti tipo sport
3 cuffie da bagno
2 reti portabagagli
2 cuffie per motociclsti
I rete per ping pong
I cinto elastico
2 spezzi feltro
2 bottiglie di alluminio
I schiaccia patane
I portavivanti
I7 bicchieri di alluminio
I visiera di cerulloide

c/o

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I zainetto di tela
2 paia di occhiali

======

I4 pacchi di sigari toscani
5 pacchi di nazionali

==========

2 maschere antigas marca inglese

I4 flaconi tintura per capelli
80 scatole pastiglie per la tosse
2 flaconi sciroppo floboson
2 flaconi biocalcio
9 tubetti lupes
6 scatole pillole catramina
27 flaconi medicinali vari
30 iniezioni omnatina
I scatolo contenente oggetti igiene

3 vasoi di metallo
I3 piattini di metallo

90 tubetti pietralcino misto per suino
I servizio da caffè per I2 persone
I vasoio con parti di orologio per riparazioni
3 orologia a pentolo
I cassa con barattoli di giardiniera
I cassetta di susine secche
I30 pacchi di megarol
40 bustine sugherolo
I damigianina con vermut

I tavolo scrivania
6 sedie di legno
I coperta imbottita con fasce gliallo=oro e granata

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I4 flaconi tintura per capelli
80 scatole pastiglie per la tosse
2 flaconi sciroppo floboson
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9 tubetti lupes
6 scatole pillole catramina
27 flaconi medicinali vari
30 iniezioni omnatina
I scatolo contenente oggetti igiene

3 vasoi di metallo
I3 piattini di metallo

90 tubetti pietralcino misto per suino
I servizio da caffè per I2 persone
I vasoio con parti di orologio per riparazioni
3 orologi a pentolo
I cassa con barattoli di giardiniera
I cassetta di susine secche
I30 pacchi di magarol
40 bustine sugherolo
I damigianina con vermut

I tavolo scrivania
6 sedie di legno
I coperta imbottita con fasce gliallo=oro e granata

IL MARESCIALLO MAGGIORE A PIEDI
Comandante la Stazione
(Emilio Vicenzo)

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SERIAL No 16.

Appeal.

On the 10th Octob 1943 in the jail of Cava dei Tirreni before the jail-keeper Di Pasullo Pasquale of the late Joseph aged 43 from Cava dei Tirreni presented himself.

He wishes to appeal as in effect with the present act of appeal against the sentence of the Allied Military Court 9-10-1943, with which he was condemned to one year imprisonment and 5000 lire fine, for the charge of Plunder.

Causes will be brought up by the lawyer Pietro De Ciccio whom he appoints as his defendor before the Allied Military Court.

CARCERI MANDAMENTALI
DI
CAVA dei TIRRENI

A T T O D I A P P E L L O

L'anno millenovecentoquarantatrè il giorno dieci del mese di ottobre nelle Carceri di Cava innanzi al sottoscrtto Custode delle Carceri di Cava è personalmente comparso il detemuto DiMasullo Pasquale fu Giuseppe di anni 43 da Cava dei Tirreni, il quale ha dichiarato di voler produrre come in effettò col presente atto produce appello avverso la sendeza del Tribunale Militare Alleato in data del 9 Ottobre 1943 con la quale veniva condannato ad Anni Uno di reclusione e lire Cinquemila di multa, per il reato di saccheggio e furto.

Motivi- Saranno presentati dallà Avvocato Pietro DeCiccio che nomina come suo difensore d'inanzi al Tibunale Militare Alleato?.

Dal che si è redatto il presente verbale, letto confermato e sottoscritto.

Di Masullo Pasquale

4

IL CUSTODE DELLE CARCERI
IL CUSTODE

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Reasons of the appeal for De Masullo Pasquale.

We ask you to ~~l~~ free the appealing De Masullo for insufficiency of proofs.

We cannot deny that in his house there were found some stolen goods belonging to the Hotel de Londre, but everybody knows that when the Germans were here they used to steal lots of things and as the De Masullo family has two young women it can be easily imagined that they tried to get friendly with the two girls giving them these stolen goods which they hid from the head of the family who was out working all day farming.

As he ignored the existence of the goods in his house, he has not gone against the notice of the Allied Government which imposed the consignment of the goods received by the Germans.

As De Masullo has a good conduct and an excellent background he asks you to forgive his fault, giving him a conditioned sentence.

We ask you in the mean time that De Masullo may be ~~released~~ conditionally discharged.

MOTIVI DI APPELLO

p e r

DE MASULLO PASQUALE

I°

Si domanda che l'appellante De Masullo venga assolu-
to,quanto meno,per insufficienza di prova.
E' innegabile che in casa sua furono trovati degli
oggetti rubati di pertinenza dell'Albergo di Londra.
Ma dati i saccheggi e gli atti vandalici commessi
dai Tedeschi a Cava,come altrove,e che sono noti,è
da ritenere rispondente alla verità che gli oggetti
furono portati in casa dai soldati tedeschi.
E quando si consideri,come si potrà agevolmente pro-
vare,che della famiglia del De Masullo fanno parte
due giovani donne,che è intuitivo i Tedeschi cercas_
sero ingraziarsi con donativi,si converrà che ben
potettero,gli oggetti portati dai saccheggiatori,es_
sere stati nascosti dalle donne di casa al capo di
famiglia,il quale era assente tutto il giorno per i
lavori agricoli.
Se egli ignorava la esistenza degli oggetti in casa,
(ed è l'Accusa che deve provare che egli la conosces_

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p e r

DE MASULLO PASQUALE

I°

Si domanda che l'appellante De Masullo venga assoluto,quanto meno,per insufficienza di prova.

E' innegabile che in casa sua furono trovati degli oggetti rubati di pertinenza dell'Albergo di Londra.

Ma dati i saccheggi e gli atti vandalici commessi dai Tedeschi a Cava,come altrove,e che sono noti,è da ritenere rispondente alla verità che gli oggetti furono portati in casa dai soldati ~~nemici~~.

E quando si consideri,come si potrà agevolmente provare,che della famiglia del De Masullo fanno parte due giovani donne,che è intuitivo i Tedeschi cercassero ingraziarsi con donativi,si converrà che ben potettero,gli oggetti portati dai saccheggiatori,essere stati nascosti dalle donne di casa al capo di famiglia,il quale era assente tutto il giorno per i lavori agricoli.

Se egli ignorava la esistenza degli oggetti in casa, (ed è l'Accusa che deve provare che egli la conoscesse),non ha contravvenuto neanche al Bando del Comando Alleato che imponeva la consegna delle cose ricevute dai Tedeschi.

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II.

Subordinatamente,data la buona condotta e i precedenti ottimi del De Masullo,si domanda che gli si voglia perdonare la colpa,concedendògli il beneficio della condanna condizionale.

III.

Si domanda,intanto,che il De Masullo venga escarcerato per concessione della libertà provvisoria,la quale sarebbe tanto più giusta in quanto egli è stato tratto in arresto dopo la sentenza di condanna,che, per essere stato interposto appello,non era ancora passata in cosa giudicata.

Cava dei Tirreni li 6 Ottobre 1943.

Di Masullo Pasquale

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MATERIAL FOUND IN POSSESSION OF DI MASULO PASQUALE.

20 sheets, 60 mattress covers, 2 curtains, 9 meters of muslin, 76 doilies, 23 table clothes, 18 towels, 17 chairs, 4 night gowns, 2 blankers, 8 table center pieces, 3 pillow cases, 5 maps, 5 lace center pieces, 4 small mattress covers, 30 kgs. of mattress wool.


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