

ACC

10000/143/666

CONVICT
JAN. 194

10000/143/666

CONVICTIONS BY AMG IN SICILY (BONASERA GIUSEPPE)
JAN. 1946

Public Safety - To Commission:

Re, case of
 DONALD A. Gussuppy, copy of a letter sent
 to the Finance Sub. Commission is attached.
 This letter is self-explanatory.

1/25/46

Superintendent
 Colonel Infanteria
 Chief Legal Advisor

2390

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/mda.

25 January 1946.

AG/4083/1/L.

SUBJECT : BELLASIA Giuseppe.

TO : Finance Sub-Commission.

1. On the 10 day of December, 1945 BELLASIA Giuseppe was convicted by a Superior Military Court, sitting at TRIESTE, in case No. 286, and was sentenced to two years imprisonment and a fine of 5000 lire, in default of payment thereof he was to serve one year additional imprisonment.

2. On review, the conviction, fine and imprisonment were affirmed. It was ordered, however, that on default in payment of the fine, two months (not one year) additional imprisonment be served.

3. The accused paid the 5000 lire to Major E. J. BEE (now Colonel) who in turn paid said sum to the trial Judge, Captain W. F. WATKINS.

4. On 31 day January, 1946 Captain W. F. WATKINS paid to the Finance Sub-Commission the sum of 102000 lire for fines collected. The name of BELLASIA Giuseppe was included on the list of defendants from whom this amount was collected.

5. The trial Judge did not enter on the record of trial the receipt of this fine, and from correspondence had with the prison authorities, neither the payment of the fine nor the modification made on review of the fine to be served on default in payment were notified to the prison authorities.

6. On the expiration of his term, and because of the condition of the prison record, the accused was confronted with the necessity of paying the 5000 lire fine or serving an additional year of imprisonment.

7. By a letter from the Director della Casa di Reclusioni di NOVO to the Minister of Grace and Justice, dated 9 December 1945 No. 6137/3/1/S, report was made that at the moment of his release,

ROSSI Giuseppe had (again) paid the 5000 lire fine. On 31 Dec 1945 the Legal Sub-Commission advised the Minister of Grace and Justice that said 5000 lire should be paid to the Finance Sub-Commission.

8. By letter addressed to Colonel E.J. RIK, Public Safety Sub-Commission, dated 9 January 1946, the former accused ROSSI Giuseppe set out that he had twice paid the fine, and requested a refund be made of one payment. He gave as his address VIA PATRIZIO, 43, MILANO.

9. The facts would indicate that the claim for refund is well founded and should be made forthwith. It is requested that the records of the Finance Sub-Commission be checked for confirmation, and if found as here set out, that refund be made to ROSSI Giuseppe forthwith.

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

HEAL JARTERS ALLIED COMMISSION
Public Safety Sub-Commission
APO 394

AC/14057/3/PS.

16 January 1946.

SUBJECT : Convictions by A.M.G. in Sicily.

TO : Legal Sub-Commission.

1. With reference to attached letter from Bonasera Giuseppe :-

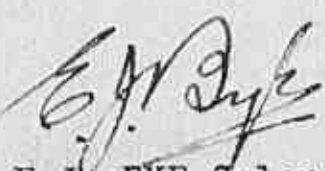
2. He was charged before a Superior Court presided over by Capt. W.K. Mathews, Legal S/C, on or about 10th December 1943 in Messina, with the Larceny of a quantity of clothing, the property of the Countess Nicolasi, of Barcellona, Province of Messina.

3. Bonasera was convicted, sentenced to 2 years imprisonment and ordered to pay a fine of 5,000 lire. The fine was paid to the Court by me from monies in the accused possession.

The fine was dealt with by Capt. Mathews, a receipt given and Court Records marked accordingly.

4. I do not know the result of the review of the case, but the Court and Police Records are no doubt in Archives and the fact that the fine was paid, and not kept by me as suggested by Bonasera, can be confirmed.

5. May writer be informed of the true position please?


E.J. BYE Colonel
Deputy Director
Public Safety S/C.

2390

EJB/ac

Via Rapietta, 48
Palermo

Jan. 9, 1946

Col. E. J. Bye
A. V. Safety Comm.
Rome

Dear Sir:

I learned from Col. Mac Callum of your promotion from Major to Colonel. Will you please permit me to take this opportunity to proffer you my congratulations.

I am writing to let you know that the \$50.- which you kept, that belonged to me, to pay for the fine of 5,000 lire, was not registered at the prison. Consequently, to enable my release at the expiration of my sentence of two years & 5,000 lire fine, I was compelled to trouble my aunt in Enna for the same amount. If you remember I was sentenced Dec. 10, 1943 by Capt. Mathews, who presided as judge & you as prosecutor during the trial at the Superior Allied Military Court in Messina.

I heard later that the inserted fine was cancelled at the Revision of my trial. I hope, therefore, that you will ascertain to the ²³⁹⁴ Casa Penale di Noto (Prov., Siracusa), from where I was released, regarding the matter of the paid or cancelled fine. As to the former, the "Casa Penale"

will send my recent the 5,000 lire; & as to the latter, if you will be as kind as to send it to me at the above address. I am in great need of it; for as you know, I am alone here, in Italy. More than 50,000 lire worth of "dry goods" merchandise has been stolen from me, not to mention a portable, Royal typewriter, which I brought from the U.S., etc., etc.

By the way, those pants, which Countess Nicolaci said belonged to her son, was a mis-identity for I bought them in Palermo. The others were given to the boy, who helped Maria in the kitchen, by Lt. Mitchell. This is merely one example; there are others which I could easily clarify — but what is the use of "crying over spilt milk." I regret immensely that this incarceration has caused me to be branded with an ignoble reputation — making it most difficult to attain employment.

Will you please give my sincere regards to Major Dring & Lt. Mitchell?

An early reply shall be deeply appreciated. Regards.

Yours respectfully,
Donasera Giuseppe (Joe)

0630