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TO: Director, FBI (92-6054)

FROM: *10B* Legat, Rome (92-80) (P)

SUBJECT: LA COSA NOSTRA
AR - CONSPIRACY

Re Rome airtel 6/14/68, and Rome cable to the Bureau 6/26/68.

Information in the enclosed memorandum was received from Dr. BORIS GIULIANO, Flying Squad, Police Headquarters, Palermo, Sicily, on 6/26/68, and from the Consular Section, U. S. Embassy, on 7/2/68. *B*

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6 - Bureau (1 - Liaison)

(1 - Bufile 92-9093 VINCENZO MARTINEZ)

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UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

WASHINGTON, D.C. 20535

July 3, 1968

VINCENZO MARTINEZ

The following information was made available by Police Headquarters, Italian National Police, Palermo, Sicily, on June 26, 1968, and by the Consular Section, U. S. Embassy, Rome, Italy, on July 2, 1968:

The trial of ~~VINCENZO~~ MARTINEZ and sixteen other persons charged in Italy with aggravated criminal conspiracy resumed on June 14, 1968. After several hearings extending through June 22, 1968, which were devoted to the arguments of the defendants' attorneys, the court recessed until June 25, 1968.

On June 25, 1968, the court ruled that there was insufficient evidence to sustain the charge of aggravated criminal conspiracy against the defendants and ordered their release. Two of the Italian nationals face charges elsewhere and were sentenced to a period of obligatory sojourn.

Under Italian law (Article 479 of the Italian Code of Penal Procedure) the term "insufficienza di prove" (insufficiency of evidence) is a qualified acquittal because it is ordered when the evidence is inadequate to warrant a verdict of guilty; however, the inference remains that the trial established elements of guilt which were offset by elements of innocence. Under Article 479 three other acquittal verdicts were possible: (1) "Per non aver commesso il fatto," meaning there was no evidence incriminating the defendants or the evidence clearly established innocence. (2) "Il fatto non costituisce reato," meaning the act committed does not constitute a crime. (3) "Il fatto non sussiste," meaning there is no evidence that a crime has been committed.

The Public Prosecutor has appealed the court's decision; however, as of July 2, 1968, no ruling had been made on the appeal.

The interrogatories executed by GERALD SHUR of the U. S. Department of Justice were not introduced into evidence at the trial.

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ENCLOSURE

92-6054-2367



UNITED STATES DEPARTMENT OF JUSTICE
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