

5 JULY 1947

UNITED STATES)
))
 V.)
))
Earl GEGGUS))

Case No. 12-1930-1

REVIEW AND RECOMMENDATIONS

I. TRIAL DATA: The accused was tried at Dachau, Germany, on 27 May 1947, before an Intermediate Military Government Court.

II. CHARGE AND PARTICULARS:

CHARGE: Violation of the Laws and Usages of War.

PARTICULARS: In that Earl GEGGUS, a German national, did, at or near HEDDERSHEIM, Germany, on or about 31 July 1944, deliberately and wrongfully encourage, aid, abet and participate in committing assaults upon an unknown member of the United States Army who was then and there a surrendered and unarmed prisoner of war in the custody of the then German Reich.

III. EVIDENCE AND RECOMMENDATIONS:

1. EARL GEGGUS

Nationality:	German
Age:	54
Place:	G
Finding:	G
Sentence:	Imprisonment for two years at hard labor commencing 17 July 1945

Evidence for Prosecution: At or near Heddeshain, Germany, on or about 31 July 1944 an unidentified American flyer parachuted to earth and was taken into custody by some German soldiers, who placed him in the truck in which they were riding (a. 1, P-Ex 2, pp. 1, 2, P-Ex 3). As the truck proceeded toward Heddeshain it was stopped by four men, one of whom was the accused. One of these men pulled the flyer from the truck. Accused hit the flyer in the face several times with his hands and along with another group kicked the flyer

as he lay on the ground. The flyer suffered other mistreatment at the hands of members of the group other than the accused (P-Ex 2, pp. 2, 3; P-Ex 3, pp. 2, 3). The flyer was then taken on foot to Heddosheim (P-Ex 3, p. 4).

Evidence for Defense: No evidence was offered by the defense.

Sufficiency of Evidence: The findings of guilty are warranted by the evidence. The sentence is not excessive. At the time the accused pleaded guilty, the Court explained to him the meaning of his plea and asked if he desired to change his plea to not guilty. He refused to do so and the prosecution proceeded with evidence sufficient to establish a prima facie case against accused.

Petitions: No Petitions for Review nor Petitions for Clemency were filed.

Recommendation: That the findings and sentence be approved.

V. QUESTIONS OF LAW:

Jurisdiction: It is clear that the Court had jurisdiction of the person of the accused and of the subject matter.

Examination of the entire record fails to disclose any error or omission which resulted in injustice to the accused.

VI. CONCLUSIONS:

1. It is recommended that the findings and the sentence be approved.
2. Legal Forms Nos. 12 and 16 to accomplish this result are attached hereto, should it meet with approval.

/s/ Nora G. Springfield
NORA G. SPRINGFIELD
1st Lt., WAC
Post Trial Branch

Having examined the record of trial, I concur.

/s/ C. E. Straight
C. E. STRAIGHT
Lieutenant Colonel, JAGD
Deputy Judge Advocate
for War Crimes