

DEPUTY THEATER JUDGE ADVOCATE'S OFFICE
7708 WAR CRIMES GROUP
UNITED STATES FORCES, EUROPEAN THEATER

20 December 1946

UNITED STATES)

v)

Karl SONNER, a German)
National)

REVIEW AND RECOMMENDATIONS OF
THE DEPUTY THEATER JUDGE
ADVOCATE FOR WAR CRIMES
Case No. 12-2119

1. TRIAL: The accused was tried at Dachau, Germany, on 17, 18, and 19 July 1946 before a General Military Government Court appointed by paragraph 20 Special Orders No. 184, Headquarters, United States Forces European Theater, dated 3 July 1946.

| 2. <u>FINDINGS</u> : The offense involved was: | <u>Plea</u> | <u>Finding</u> |
|--|-------------|----------------|
| CHARGE: Violation of the Laws of War. | NG | NG |

| | | |
|--|----|----|
| Particulars: In that Karl SONNER, a German national, did, at or near Olching, Germany on or about the 19 July 1944, wilfully, deliberately and wrongfully kill an unknown member of the United States Army, who was then in the act of surrendering, by shooting him with a gun. | NG | NG |
|--|----|----|

3. SENTENCE: The accused was found not guilty by the court.

4. RECOMMENDATIONS: It is recommended that the case record be filed with this memorandum without further action.

5. DATA AS TO ACCUSED: The accused was a German national, 57 years old and a resident of Olching, Bavaria, a town in the vicinity of Munich (R. 3). He was an artist by profession and had four children (R. 138). He joined the N.S.D.A.P. in 1933 (R. 139). He served 42 months in the German Army (1914-1918) and was discharged in the grade of sergeant (R. 170). He was a member of the Reserve Gendarmerie in July 1944. (R. 139).

6. EVIDENCE: On 19 July 1944 an American flyer parachuted to earth in the vicinity of Olching, a suburb of Munich. This happened about noon (R. 141). Immediately upon landing he freed himself from his parachute and ran into a neighboring clump of bushes.

(R. 8). The accused appeared on the scene and ordered him to come out and surrender, firing a shot into the air to give force to his words (R. 144). The flier came out with his hands in the air and approached the accused who was about 18 meters distant (R. 161). He dropped his right arm slightly and the accused saw a bright object glistening in the hand (R. 148). The accused concluded that the object was a pistol and fired once. The victim fell and the accused went to the body. The soldier was found shot in the middle of the chest and was breathing his last when the accused reached him (R. 144). In his right hand he clutched the handle of a parachute rip cord to which was attached about six inches of steel cable (R. 150). The accused claimed that he identified the object in the victim's hand as a pistol and he thought he would have to shoot the flier before the flier shot him (R. 148). The accused turned in a complete official report to the officials the next morning. (R. 160).

7. DISCUSSION: It appears that the victim in this case was shot by the accused while the latter was under the mistaken impression that he was about to be attacked. No testimony actually controverts this evidence. It is possible that he acted hastily but such action may be considered excusable when it is realized that he was faced by an apparently armed enemy who had not been reduced to the status of prisoner of war. The accused was also acting within the scope of his authority as a gendarme. A perusal of the record discloses no material error.

8. CONCLUSION: The findings of the court are amply sustained by the evidence. No formal approval is required, and it is recommended that the record of trial and this Review and Recommendations be filed without further action.

/s/ David P. Hervey
DAVID P. HERVEY
attorney

Having examined the record of trial, I concur.

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