

DEPUTY JUDGE ADVOCATE'S OFFICE
7708 WAR CRIMES GROUP
EUROPEAN COMMAND
AFO 407

HF/ic

17 November 1947

UNITED STATES }

v. }

Karl BOEHM, et al. }

Case No. 12-1155-2

REVIEW AND RECOMMENDATIONS

I. TRIAL DATA: The accused were tried at Dachau, Germany, during the period 20-25 June 1947, before a General Military Government Court.

II. CHARGE AND PARTICULARS:

CHARGE: Violation of the Laws and Usages of War.

Particulars: In that the accused, Karl BOEHM and Rudiger von MASSOW, German nationals, did, at or near FREILASSING, Germany, on or about 16 April 1945, deliberately and wrongfully encourage, aid, abet and participate in the killing of a member of the United States Army, believed to be Captain Chester E. COGGESHALL, who was then and there a surrendered and unarmed prisoner of war in the custody of the then German Reich.

III. DATA AS TO ACCUSED:

1. Karl BOEHM

This accused was acquitted (R 165).

2. Rudiger von MASSOW

This accused was acquitted (R 165).

IV. SUMMARY OF EVIDENCE: On or about 16 April 1945, a wounded, surrendered and unarmed American prisoner of war, now believed to be Chester E. Coggeshall, was killed at or in the vicinity of Freilassing by one August Kobus, the local Ortsgruppenleiter, acting on orders of one Strodelo, a Kreisleiter (R 9, 11; P-Ex 2). Accused von MASSOW, who was in charge of the armored car in which the wounded prisoner was transported (R 110), knew that the American was to be killed (R 140), but there was insufficient evidence to implicate him as an active participant in the killing. Accused BOEHM knew about the order concerning captured fliers (R 13; P-Ex 2), but the evidence was not sufficient to establish that he participated in the killing.

The Court had jurisdiction of the persons of the accused at the time of the trial.

subject matter.

V. CONCLUSIONS:

It is recommended that the record of trial be filed in the records of this office and that a copy of this Review and Recommendations be forwarded to the Judge Advocate, European Command, for his information.

HERMAN PLATT
Attorney
Post Trial Branch

Having examined the record of trial, I concur, this _____
day of _____ 1948.

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