

UNITED STATES MILITARY TRIBUNAL III

Nuernberg, Germany

Filed 29 March 1948 with
SECRETARY GENERAL
for Military Tribunal's
Defense Center

THE UNITED STATES OF AMERICA :

-against-

ALFRIED KRUPP VON BOHLEN UND
HALSACH, et al. :

Defendants :

Case No. LC

MOTION TO TERMINATE THE PROCEEDING AND DISMISS CHARGES

COMES NOW the Defendant Friedrich v. Duelow and moves this Tribunal to terminate the proceedings and dismiss the charges against him on the grounds:

1. That the case was referred for trial on November 12th 1947 on which day this Tribunal was non-existent. (Exhibit 1)

2. That Honorable H.C. Anderson was designated Presiding Judge of this Tribunal on November 12th 1947 on which day this Tribunal was non-existent. (Exhibit 2)

3. That the opening session of this Tribunal was held on November 17th 1947 and the accused called upon to plead on that day at which time this Tribunal was non-existent. (Record of trial, p. 1)

4. That General Order No. 126, Headquarters European Command, dated 21 November 1947, did not purport to, and could not cure the defects complained of. (Exhibit 3)

5. That proceedings had before this Tribunal was appointed were null and void and that all subsequent proceedings are likewise null and void.

6. That even if some nebulous power was derived from Control Council Law No. 10 or Military Government Ordinance No. 7 to create a court after it had commenced to function or to create a court at any time, nevertheless by reason of the subsequent dissolution of the Control Council, the power allegedly derived therefrom terminated and the proceedings are null and void.

This motion is based upon the exhibits, the Record of Trial, and the oral testimony to be adduced in the hearing thereon.

(s) JOSEPH S. ROBINSON
and DR. WOLFGANG BOHLE
Joseph S. Robinson and
Dr. Wolfgang Bohle

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