

**SCHEDULE.**  
**PART I. PLEA(S), FINDING(S) AND SENTENCE.**

Accused:

Charge	Plea	Finding	(Space for use as required for further charges, accused charged jointly, special findings, etc.)
(Insert "alternative" where applicable.)	(See Instr p 2.)	(See note below.)	
1st	Not guilty	Guilty	
2nd	Not guilty	Not guilty	
3rd	Not guilty	Not guilty	
4th	Not guilty	Guilty	
5th	Not guilty	Not guilty	
6th	Not guilty	Not guilty	

(Note: As to findings for lesser offences see AA 56, RP 44; findings on alternative charges see MML p 483 fn 4 para 2, RP 44; special findings see RP 44 and MML p 753, and in lieu of list see RP 44 fn 6.)

Time in confinement awaiting present trial—a total of 87 days, of which Nil days were spent in hospital.<sup>(1)</sup>  
(1. See RP 46(A) fn 2. Information should be found on MF B355 or AF B296 admitted in evidence under E2.)

Sentence awarded by the Court:

To undergo detention for 45 days

Sgd. 15 Nov 43 (Sgd) F. D. Tweedie President. (RP 45, 50.)  
Date awarded. (See back of Convening Order as to assembly and disposal of record after trial.)

**PART II. MINUTE WHERE CONFIRMATION RESERVED.** (AA 54(5), RP 120(F), MML p 760.)

**PART III. DECISION OF CONFIRMING OFFR ON FINDING(S) AND SENTENCE.**  
(For duties and powers see AA 54, 57, RP 37(D) fn 2, 46(A), 51-56, 120, MML pp 759-761, KR Can 567-577. Acquittals require no confirmation and cannot be revised: AA 54(2), RP 120(G). If not confirmed, accused may be tried again: AA 157, MML p 14. Minute of confirmation or non-confirmation may be altered before promulgation: RP 53, MML p 65. Quashing after arraignment: KR Can 573. Duties and powers of reviewing offrs: AA 57, 57A, RP 52A, 54. The Confirming Offr must sign here personally. AA 172 fn 1.)

My decision on the finding(s) and sentence set forth in Part I is:  
I confirm the finding and sentence but suspend the sentence execution.

(Sgd) P. J. Montague Commanding  
Date 27 Nov 43 Canadian Military Confirming Officer.

**PART IV. PROMULGATED AND EXTRACTS TAKEN.** (RP 53, KR Can 576, 577.)

Accused 27 Nov 43 Signature of Offr. P. J. Montague

**FIELD GENERAL COURT-MARTIAL**

XX-40  
CPA96 (In lieu of AFM3)  
40/P & B/1698 (2064)  
dated 3 Nov 43

Convened by Order of P. J. Montague Major Gen. Comd S.O. CMHO

**ACCUSED.**

(As to the trial of two or more charged jointly see RP 16, 71, 109. As to reasons for showing (a) permanent or confirmed rank, and (b) appt, A/rank or A/appt, if any, see AA 182, 183, fn, KR Can 308, 320, 330.)

Number. (a) Prmt R. (b) Appt, A/R or A/ Appt. Full Christian Names. Surname. Unit.  
B-73846 Proceedings Reviewed Malcolm Nicolas Lee 1st Can Para Bn C.A.  
21 Nov 43  
P. J. Montague  
Reviewing CEG (IAG) CMHO  
**PROCEEDINGS OF TRIAL.**

Held in the Fd in (country) England on (date(s)) 15 Nov 43.

**RECORD FORM A—OPENING PROCEEDINGS AND ARRAIGNMENT.**

A1. The President, Members, waiting Member, JA, if any, and Offrs under instr, if any, assemble, and the Court is closed.

(PRINTED MATTER NOT IN ITALICS FOR GUIDANCE, WILL BE DELETED IF NOT USED OR APPLICABLE AND INITIALED BY PRES OR JA. The Schedule referred to throughout is on p 4. Citations do NOT include all relevant fnn ROs. For guidance on procedure when a variation in this form arises, see form for GCM in MML pp 741 to 759. A brief record of such variation will be made and given a number having reference to appropriate or preceding para number herein. See back of Convening Order, CF A95, for oaths and instrs on how to record addresses, evidence, etc., which instrs are hereafter called "Notes". As to general provisions for conducting the trial see AA 53, RP 56, 63-70, 73, 74, 94, 103, 119, 132.)

A2. The President initials and lays before the Court the Convening Order and Charge Sheet(s) attached thereto.<sup>(1)</sup> The Court is satisfied that it is properly convened and constituted<sup>(2)</sup>, accused is (are) amenable to military law, and each charge discloses an offence.<sup>(3)</sup>

(1. As to use of Summary of Evidence see RP 17 fn 6. 2. AA 49, 50, RP 105-107. 3. RP 11-13, 23, 24.)

A3. The Court is opened. The accused is (are) brought before the Court. At 1430 hours trial commences.

A4. The Prosecutor produces a Medical Certificate that accused is (are) fit to undergo trial by court-martial.<sup>(1)</sup> The Prosecutor informs the Court that accused elected to be tried by court-martial instead of being dealt with summarily by the C.O.<sup>(2)</sup>

(1. KR Can 557. 2. AA 46(B), RP 60 fn 1. For effect see KR Can 563(c). Delete, if not applicable.)

A5. President to accused: Do you object to me as shorthand writer? Ans No as shorthand writer? Ans No

The Interpreter is sworn.<sup>(1)</sup> Do you object to me as shorthand writer? Ans No as shorthand writer? Ans No  
(1. RP 72. Delete, if none employed.)

A6. The Convening Order and names of the President and Members of the Court are read to the accused.<sup>(1)</sup> President to accused: Do you object to be tried by me as President or by any of the Members of the Court? Ans No.

(1. RP 110. 2. If no objection, waiting member retires. RP 68(B). If objection, see procedure AA 51, RP 25, 71, 18, MML p 742.)

A7. The President, Members, JA, if any, and Offrs under instr, if any, are sworn.<sup>(1)</sup> The following are the ranks, names and units of the offrs comprising the Court, etc:

President W. Col. F. D. Tweedie Galt's Tank Regt.  
Member Lieut. M. Cote 1st Can Para Bn.  
Member " G. H. Mac Donald 1st Can Para Bn.

Judge-Advocate J. A. Rositer  
Prosecutor Lieut. H. Taylor  
Defending Offr Mag.

Questions by President: Is the Prosecutor a lawyer? Ans No Is the Defending Offr a lawyer? Ans No  
(1. RP 26, 27, 109, 111. List of offrs under instr will be returned separately with proceedings for information of Conv Offr.)  
(2. If Pres a lawyer and Def Offr not, accused is entitled to an adjournment when RP 89 (B) and fn 2 were not followed. See D1 p 2.)

A8. The accused.  
(1. If a special plea is made for separate trial on one or more charges (RP 62(E), 108), or as to the jurisdiction of the Court (RP 34, 35(A), 112), or in bar of trial (RP 36), or as to accused's mental fitness to stand trial (AA 130, RP 57), or by one of several accused charged jointly to be tried separately (RP 16, 71), such plea, the addresses made in support or against, the evidence, if any, and finding are recorded per Notes. For forms of record see references in fnn to Rsp cited. Insert in A8 rank and name of the accused making the plea.)

A9. The accused is arraigned (separately) on all charges in the charge sheet.<sup>(1)</sup> The accused does not object to any charge.<sup>(2)</sup> There is no amendment to be made to the Charge Sheet.<sup>(3)</sup> The President records the pleas in Part I of the Schedule.  
(1. RP 31, 112. See para 1 of instr p 2. When more than one Charge Sheet see RP 62; when several accused to be tried separately see RP 71(C), and use separate copies of CF A96 to record proceedings. 2. RP 32, RP 33. If otherwise, delete and make appropriate record per Notes.)

A10. The Court (in closed session) considers the Instrs on Procedure after Arraignment at top of p 2. The proceedings are continued on Record Form.

**PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.**

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