

5 Oct 1946

RECORD.

The accused having been arraigned on the first charge, the Defending Officer offers a Special Plea under RF 44(h) to the effect that the accused admits not having stolen, but having fraudulently misapplied (A.S. 56) a total of approximately 25000 cigarettes (RF 44(d) and not 29000 cigarettes as charged.

The Judge-Advocate explains the nature of this special Plea and asks the Prosecuting Officer whether or not this Plea has been referred to the Convening Officer, and if so, what is his decision. The Prosecutor states to the Court that this Special Plea had in anticipation been suggested to the Convening Officer and that the Convening Officer did not see fit to concur in its acceptance.

The Judge-Advocate informs the accused of such decision and explains to him that he will arraign him again on the same charge.

The accused was then arraigned in the following terms:

Are you guilty or Not Guilty of the First Charge against you which you have heard read?

Answer: Guilty sir.