

SCHEDULE.

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

Accused: D. 95928 Pte Dubeau, L. - 4 VRD 1 GOOD RCOG

Charge.	Plea.	Finding.	(Space for use as required for further charges, accused charged jointly, special findings, etc.)
1st AA Sec 15(1)	<i>Guilty</i>	<i>Guilty</i>	
2nd			
3rd			
4th			
5th			
6th			

(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 loss of kit see RP 44 fn 6.)

NOT
At present under sentence beginning on (date) 26 Jan 45 (1)
(Insert sentence being served, or delete, if not applicable. See RP 46(A). Information should be found on MF B355 or AF B296.)
Time in confinement awaiting present trial—a total of 9 days, of which 11 days were spent in hospital. (4)
(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 thirty (30) days
(Sgd) 26 Jan 45 (Sgd) John Meade President. (RP 45, 50.)
Judge-Advocate, if any. Date awarded. (See back of Convening Order as to assembly and disposal of record after trial.)
Major

PART II. MINUTE WHERE CONFIRMATION RESERVED. (AA 54(5), RP 120(F), MML p 740.)

Date 27 Jan 45 (Sgd) JH Commanding

PART III. DECISION OF CONFIRMING OFFR ON FINDING(S) AND SENTENCE.

(For duties and powers see AA 54, 57, RP 27(D) fn 6.46(A), 51-56, 120, MML pp 759-761, KR Can 567-577. Acquittals require no confirmation and cannot be revised. AA 54(3). Sending back finding or sentence for revision by Court: AA 54(3), RP 120(F). If not confirmed, accused may be tried again: AA 57, MML p 64. Minutes of confirmation or non-confirmation may be altered before promulgation: RP 32, MML p 65. Quashing after promulgation: KR Can 573. Duties and powers of reviewing offrs: AA 57, 57A, RP 13A, 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:

Confirmed

I *do not* think that the accused be not committed to prison or detention barracks until further ordered. (1)
(1. AA 12A. Delete if not used.)

Date 27 Jan 45 (Sgd) J. H. Boydell Commanding
F. Sp. CRU. Confirming Officer

PART IV. PROMULGATED AND EXTRACTS TAKEN. (RP 33, KR Can 576, 577.)

Accused. Date. Signature of Offr.
D. 95928 Pte DUBEAU, L. 26 Jan 45
4 VRD 1 GOOD RCOG
1000 Pte D. O. B. 16 2012 1500 45
4 VRD 1 GOOD RCOG

ALL DELETIONS AND ALTERATIONS WILL BE INITIALED.

FIELD GENERAL COURT-MARTIAL

RECORDED AT CMHQ IN AB 1504 40-112
CFMHR (10 (REV) OF AFMHR)
40/17 & B.1009 (1644)
4/38B

Convened by Order of Brigadier J.E. Seger Comd F Sp. CRU dated 24 Jan 45

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 name, and (b) apmnt, A/rank or A/oppmt, if any, see AA 182, 183, fn. KR Can 308, 328, 330.)

(a) Print R. (b) Apmt, A/R or A/Appmt. Full Christian Names. Surname. Unit.

Private Lionel DUBEAU 4 VRD 1 GOOD RCOG

PROCEEDINGS REVIEWED 14 Feb 45

PROCEEDINGS OF TRIAL.

Held in the Fd in (country) England on (date/s) 26 Jan 45

RECORD FORM A—OPENING PROCEEDINGS AND ARRAIGNMENT.

A1. The President, Members, ~~waiting Member, etc.~~ 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 fms RDs. 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 495, for auth and instr on how to record addresses, evidence, etc. which items are hereafter called "Notes". As to general provisions for conducting the trial see AA 53, RP 36, 63-70, 73, 74, 94, 103, 119, 122.)

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

(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 1150 hours trial commences.

A4. The Prosecutor produces a Medical Certificate that accused is ~~(are)~~ fit to undergo trial by court-martial. (3) The Prosecutor informs the Court that accused elected to be tried by court-martial instead of being dealt with summarily by the CCM. (4)

(1. KR Can 537. 2. AA 46(B), RP 60 fn 1. For effect see KR Can 583(c). Delete, if not applicable.)

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

The shorthand writer is sworn. (1) 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. (2) President to accused: Do you object to be tried by me as President or by any of the Members of the Court?

Ans No (3)
(1. RP 112. 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, ~~if any~~, and Offrs under instr. ~~if any~~, are sworn. (1) The following are the ranks, names and units of the offrs comprising the Court, etc:

President	<u>Major</u>	<u>B. Th Meade</u>	<u>ED RC</u>	<u>HQ CRU</u>
Member	<u>Capt</u>	<u>R. A McCabe</u>	<u>1 CB RC</u>	
Member	<u>Lieut</u>	<u>J. D. McQuigan</u>	<u>1 CB RC</u>	
Judge-Advocate	<u>Lieut</u>	<u>H. V. Orest</u>	<u>4 VRD 1 GOOD</u>	
Prosecutor	<u>Lieut</u>	<u>W. J. Baden</u>	<u>4 VRD 1 GOOD</u>	
Defending Offr				

Questions by President: Is the Prosecutor a lawyer? Ans No Is the Defending Offr a lawyer? Ans No (5)

(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 (C) 2 were not followed. See D1 p 2.)

A8. The accused is before arraignment make(s) (no) (a) plea (6)

(1. If a special plea is made for separate trial on one or more charges (RP 42(E), 108), or as to the jurisdiction of the Court (RP 34, 25(A), 112), or in bar of trial (RP 26), 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 fms to RP cited. Insert in AB rank and other of the accused making the plea.)

A9. The accused is not arraigned (separately) on all charges in the charge sheet. (1) The accused does not object to any charge. (2) There is no amendment to be made to the Charge Sheet. (3) The President records the plea in Part I of the Schedule.

(1. RP 31, 112. See para 7 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 496 to record proceedings. 2. RP 32, RP 33. If relevant, delete and make appropriate record per Notes.)

A10. The Court is closed and considers the lists on Procedure after Arraignment at top of p 2. The proceedings are continued on Record Form B.

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.