

SCHEDULE.

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

Accused: B 86852 Pte Robert LEVACK - 4 Cdn Repat Dep

Charge.	Plea.	Finding.	(Space for use as required for further charges, accused charged jointly, special findings, etc.)
(Insert "alternative" where applicable.)	(See Instrs p 2.)	(See note below.)	
1st AA Sec 15(1)	<i>GUILTY 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.)

As present under sentence for _____ beginning on (date) _____
(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 *10* days, of which *NIL* days were spent in hospital.⁽²⁾
(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:

*10 months detention for a period of 10 days
(60) days and to be put under stoppages of pay
until he has made good 70-10-1 the expenses of his
retention in unit 3 DEC 45*

Judge-Advocate, if any. Date awarded. (Sgd) _____ President. (RP 45, 50.)
(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.)

Date _____ (Sgd) _____ Commanding

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

(For duties and powers see AA 54, 57, RP 37(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(2), RP 120(G). If not confirmed, accused may be tried again: AA 157, MML p 64. Minute of confirmation or non-confirmation may be altered before promulgation: RP 53, MML p 65. Quashing after promulgation: KR Can 573. Duties and powers of reviewing offrs: AA 57, 57A, RP 53A, 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:

Finding and sentence confirmed

I direct that the accused be not committed to prison or detention barracks until further order.⁽⁵⁾
(1. AA 57A. Delete if not used.)

Date *6 Dec 45* (Sgd) *[Signature]* Commanding *[Signature]* Confirming Officer.

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

Accused. Date. Signature of Offr.
B 86852 Pte Robert LEVACK, R *7 Dec 45* *B. A. Lavery*

ALL DELETIONS AND ALTERATIONS WILL BE INITIALLED.

FIELD GENERAL COURT-MARTIAL

CFMPS (In Use of AFM) 4/308

Convened by Order of Col J A Wilson

A/Comd "E" Gp CRU dated 30 Nov 45

RECEIVED

4 Dec 1945

JAG BRANCH

Number

B 86852

Pte

PROCEEDINGS REVIEWED

14 Dec 45

REVIEWING OFFICER, JAG BRANCH

Held in the Fd in (country) England

on (date) 3 Dec 45

PROCEEDINGS OF TRIAL

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 fmns 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 495, for oaths and notes 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, 74, 74, 103, 119, 132.)

A2. The President initials and lays before the Court the Convening Order and Charge Sheet attached thereto.⁽¹⁾

The Court is satisfied that it is properly convened and constituted⁽²⁾, accused is ~~there~~ amenable to military law, and each charge discloses an offence.⁽³⁾

(1. As to use of Summary of Evidence see RP 17 fn 6. 2. AA 49, 50, RP 105-107. 3. RP 11-12, 23, 24.)

A3. The Court is opened. The accused is ~~are~~ brought before the Court. At *10.00* hours trial commences.

A4. The Prosecutor produces a Medical Certificate that accused is (are) fit to undergo trial by court-martial.⁽⁴⁾

The Prosecutor informs the Court that accused is ~~is~~ to be tried by court-martial instead of being dealt with summarily by the CCM.

(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 _____ as interpreter? Ans _____

The interpreter is sworn. Do you object to *E190409 O'NEILL* as shorthand writer? Ans *NO SIR*

The shorthand writer is sworn.⁽⁵⁾

(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.⁽⁶⁾

President to accused: Do you object to be tried by me as President or by any of the Members of the Court?

Ans *NO SIR*⁽⁷⁾

(1. RP 110. 2. If no objection, waiting member retires. RP 60(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.⁽⁸⁾ The following are the ranks, names and units of the offrs comprising the Court, etc:

President *LTCOL D L REDMAN, VD* *HQ CRU*

Member *CAPT F F LANGDALE* *3 Cdn Rep Dep*

Member *LIEUT R E DUFFY* *3 Cdn Rep Dep*

Judge-Advocate _____

Prosecutor *LIEUT D MAIN* *CIC 4 C R D*

Defending Offr *CAPT R E DEMPSTER* *CAC 4 C R D*

Questions by President: Is the Prosecutor a lawyer? Ans *NO* Is the Defending Offr a lawyer? Ans *NO*⁽⁹⁾

(1. RP 26, 27, 109, 110. 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 Di p 3.)

A8. The accused _____ before arraignment make(s) (no) ~~plea~~ ⁽¹⁰⁾

(1. If a special plea is made for separate trial on one or more charges (RP 42(E), 106), or as to the jurisdiction of the Court (RP 24, 35(A), 112), or as to 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 fn 5 to RP cited. Insert in AB rank and name of the accused making the plea.)

A9. The accused is ~~is~~ arraigned ~~(separately)~~ on all charges in the charge sheet.⁽¹¹⁾ The accused does (do) not object to any charge.⁽¹²⁾ There is no amendment to be made to the Charge Sheet.⁽¹³⁾ The President records the pleas in Part I of the Schedule.

(1. RP 26, 112. See para 1 of Instrs 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 22, RP 23. If otherwise, delete and make appropriate record per Notes.)

A10. The Court ~~is~~ considers the Instrs 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.