

CERTIFIED TRUE COPY

4F-11

(D.M. Owen) **Capt FIELD GENERAL COURT-MARTIAL**
Cdn Sec CHQ 2 ECH

CPAAB (in lieu of AFAA)
40 P. S. 1006 (2004)

Convened by Order of Lt-col E.W. Whelpton Comd 1 Cdn Corps dated 8 Oct 1944

ACCUSED. Adm Area

(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/appnt, if any, see AA 182, 183, fns. KA Can 308, 328, 330.)

Number. (a) Prmnt R. (b) Appt, A/R or A/Appmt. Full Christian Names. Surname. Unit.

H40615 Private Frederic, Gordon PETERS East & PER
on str 4 Cdn
Rft Bn 1 Cdn
Base Rft Gp

PROCEEDINGS OF TRIAL.

Held in the Fd in (country) Italy on (date(s)) 12th October 1944

RECORD FORM A—OPENING PROCEEDINGS AND ARRAIGNMENT.

A1. The President, Members, waiting Member, if any, and ~~the~~ 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 book of Convening Order, CF AFS, 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, 72, 74, 94, 103, 119, 122.)

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

(1. As to use of Summary of Evidence see RP 17 fn 6. AA 49, 50, RP 103-107. 2. RP 11-12, 23, 24.)

A3. The Court is opened. The accused is brought before the Court. At 1000 hours trial commences.

A4. The Prosecutor produces a Medical Certificate that accused is (are) fit to undergo trial by court-martial. ~~The Prosecutor informs the Court that accused is fit to undergo trial by court-martial. The Court is satisfied that accused is fit to undergo trial by court-martial.~~

(1. KA Can 537. 2. AA 46(B), RP 40 fn 1. For effect see KA Can 562(c). Delete, if not applicable.)

A5. ~~The Convening Order is read to the accused.~~

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

Ans. No. Yes.
(1. RP 110. 2. If no objection, waiting member retires. RP 108(B). If objection, see procedure AA 51, RP 25, 71, (6), MML p 742.)

A7. The President, Members, ~~by name and rank and service number, if sworn.~~ The following are the ranks, names and units of the officers comprising the Court, etc:

President	Capt	F. T. Marcotte	R 22e R
Member	Capt	C. D. Beatty	S. L. I.
Member	Capt	E. D. B. Magee	R. C. E.
Judge-Advocate		Nil	
Prosecutor	Capt	E. R. Brown	R. C. A.
Defending Offr	Lieut	D. N. Solomon	R. C. A.

Questions by President: Is the Prosecutor a lawyer? Ans. Yes. 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 Capt 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 B1 p 1.)

A8. The accused H-40615 Pte F.G. Peters before arraignment make(s) plea guilty.

(1. If a special plea is made for separate trial on one or more charges (RP 62E), (62F), or as to the jurisdiction of the Court (RP 26, 55(A), 113), or in bar of trial (RP 26), or as to accused's mental fitness to stand trial (AA 120, RP 57), or by one of several accused charged jointly to be tried separately (RP 16, 71), each plea, the evidence results to support or against, the evidence, if any, and findings are recorded per Notes. For forms of record see references in fn to RP cited. Insert in AB rank and name of the accused making the plea.)

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

(1. RP 31, 112. See para 1 of instrs p 2. When more than one Charge Sheet see RP 62: when accused accused to be tried separately see RP 71(C), and see 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 adjourned.~~

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

SCHEDULE.

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

Accused: H-40615 Private Frederic Gordon PETERS

Charge.	Plea.	Finding.	(Space for use as required for further charges, accused charged jointly, special findings, etc.)
(Insert "alternative" where applicable.) 1st AA Sec 15(1)	(See Instrs p 2.) GUILTY	(See note below.) GUILTY	
2nd			
3rd			
4th			
5th			
6th			

(Note: As to findings for lesser offences see AA 56, RP 44; Findings on alternative charges see MML p 463 fn 4 para 2, RP 44; special findings see RP 44 and MML p 733; and in loss of kit see RP 44 fn 6.)

~~Time in confinement awaiting present trial—a total of 15 days, of which N/A days were spent in hospital.~~

(1. Insert sentence being served, or delete, if not applicable. See RP 46(A). Information should be found on MF B355 or AF B296.)

(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 9 (nine) months detention.

(Sgd) Judge-Advocate, if any. Date awarded. 12th Oct 1944. (Sgd) "F Marcotte Capt" President. (RP 45, 50.)
(See book 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, (26), 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(C). 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 offer promulgation: KR Can 573. Duties and powers of retaining 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:

CONFIRMED

~~By me, the confirming officer, in accordance with the provisions of the above-mentioned regulations.~~

Date 14 Oct 44 (Sgd) "E W Haldenby" Brig
COMMANDER
1 Cdn Base Rft Group
Confirming Officer

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

Accused Date Signature of Offr
H40615 Pte Peters, F.G. 21 Oct 44 "JASolcom Lieut"
Adjutant

2 Cdn Reallocation Centre

ALL DELETIONS AND ALTERATIONS WILL BE INITIALED.