

RECORDED AT CMHQ IN AB 160 45-136
FIELD GENERAL COURT-MARTIAL

CPA 10 10 1968
 4/38B

Controlled by Order of Brigadier K G Blackader Comd 16 CTR dated 5 Feb 45
USO, WC, ED **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, fns, KR Can 308, 328, 330.)

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

H-19087 **PROCEEDINGS REVIEWED** Leonard Frederick RUSSELL CIG 1 CTR

Med V...
REVIEWING OFFICER, JAW PROCEEDINGS OF TRIAL.

Held in the Pd in (country) England on (date) 6 Feb 45

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 fns 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 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, 123.)

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 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 11-13, 23, 24.)

A3. The Court is opened. The accused is brought before the Court. At 15.00 hours trial commences.

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

(1. KR Can 257. 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 John B. Shanley as interpreter? Ans No

The shorthand writer is sworn.⁽¹⁾ Do you object to John B. Shanley as shorthand writer? Ans No
 The shorthand writer is sworn.⁽²⁾

(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.⁽¹⁾ 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.⁽¹⁾ The following are the ranks, names and units of the offrs comprising the Court, etc:

President	<u>LT COL</u>	<u>D. L. REDMAN</u>	<u>VD</u>	<u>HQ - RE</u>
Member	<u>CAPT</u>	<u>G. A. BOURGEOIS</u>		<u>1 CTR</u>
Member	<u>LT</u>	<u>B. J. McLEOD</u>		<u>3 CTR</u>
Judge-Advocate				
Prosecutor	<u>LT</u>	<u>R. B. ALLAN</u>		<u>1 CTR</u>
Defending Offr	<u>LT</u>	<u>J. COWAN</u>		<u>1 CTR</u>

Questions by President: Is the Prosecutor a lawyer? Ans Yes. Is the Defending Offr a lawyer? Ans Yes.
 (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 DI p 3.)

A8. The accused before arraignment make(s) plea

(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 24, 25(A), 113), or in bar of trial (RP 36), or as to accused's mental fitness to stand trial (AA 130, RP 27), 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 fns to RP cited. Insert in AB rank and name of the accused making the plea.)

A9. The accused is 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 pleas in Part I of the Schedule.

(1. RP 21, 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 32, RP 33. If otherwise, delete and make appropriate record per Notes.)

A10. The Court is closed and 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.