

SCHEDULE.

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

Accused: **A-55712 Pte (L/Cpl) Donald James HYMAN, 9 CBR Bn**

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	Guilty	Guilty	
2nd			
3rd			
4th			
5th			
6th			

(Note: For details of procedure for finding on alternative charges see MML p 483 in 4 para 2, RP 44. (I. See RP 44(A) in 2. Information should be found on MF B355 or AF B296 admitted in evidence under E2.)

At present under sentence for **10 Feb 45** beginning on (date) **10 Feb 45** (I. Insert sentence being served, or delete, if not applicable. See RP 44(A). Information should be found on MF B355 or AF B296.)

Time in confinement awaiting present trial—a total of **65** days, of which **Nil** days were spent in hospital. (I. See RP 44(A) in 2. Information should be found on MF B355 or AF B296 admitted in evidence under E2.)

Sentence Awarded by the Court:

To undergo one years detention.

(Sgd) **10 Feb 45** (Sgd) **G.G. MacKenzie Major**
Judge-Advocate, if any. Date awarded. 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 740.)

Date (Sgd) Commanding

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

(For duties and powers see AA 54, 57, RP 27(D) in 6.44(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 57, MML p 64. Minutes 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 in 1.)

My decision on the finding(s) and sentence set forth in Part I is:

Confirmed

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

(Sgd) **G.S.N. Gostling Brig**
Date **17 Feb 45** Commanding **2 Cdn Base Rft Gp**
Confirming Officer.

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

Accused. Date. Signature of Offr.
A55712 Pte (L/Cpl) Donald James HYMAN **20 Feb 45 (Sgd) C.L. Nelson Capt Adjnt**
9 CBR Bn **9 Bn 2 CBR Gp**

ALL DELETIONS AND ALTERATIONS WILL BE INITIALLED.

FIELD GENERAL COURT-MARTIAL

Convened by Order of **Brig G.S.N. Gostling** Comd **2 CBRG** dated **3 Feb 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 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/R or A/Appt. Full Christian Names. Surname. Unit.
A.55712 Pte (L/Cpl) Donald James HYMAN 9 CBR Bn

CERTIFIED TRUE COPY
PROCEEDINGS OF TRIAL.

Held in the Fd in (country) **BELGIUM** on (date) **10 Feb 45**

RECORD FORM A—OPENING PROCEEDINGS AND ARRAIGNMENT. 23/115

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. 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 preceding para number herein. See back of Convening Order, CF 493, for signs and notes on how to record addresses, evidence, etc., which must be hereafter called "Notes". As to general provisions for conducting the trial see AA 53, RP 56, 63-70, 73, 74, 84, 102, 118, 120.)

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 ~~not~~ amenable to military law, and each charge discloses an offence. (I.)

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

A3. The Court is opened. The accused is ~~not~~ brought before the Court. At **1000** hours trial commences.

A4. The Prosecutor produces a Medical Certificate that accused is ~~not~~ fit to undergo trial by court-martial. The Prosecutor informs the Court that accused elected to be tried by court-martial instead of being dealt with summarily by the COT. (I. KR Can 557. 2. AA 44(B), RP 60 in 1. For effect see KR Can 563(c). Delete, if not applicable.)

A5. President to accused: Do you object to **as interpreter?** Ans **Ans**

The Interpreter is sworn. (I. Do you object to **as shorthand writer?** Ans **Ans**
The shorthand writer is sworn. (I. RP 72. Delete, if not employed.)

A6. The Convening Order and names of the President and Members of the Court are read to the accused. (I.)

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

Ans **Ans** (I.)

(I. RP 110. 2. If no objection, waiting member retires. RP 68(B). If objection, see procedure AA 51, RP 25, 71, 18, 90M, p 742.)

A7. The President, Members, JA, if any, and Offrs under instr, if any, are sworn. (I.) The following are the ranks, names and units of the offrs comprising the Court, etc:

President	Major	G.G. MacKENZIE, MBE, FCR, X-2 List att 3 Cdn
Member	Major	D. MacKENZIE, Essex Scot, X9 List att 3 Cdn
Member	Lieut	B. LAMARIE CPC 11 CBR Bn
Judge-Advocate		
Prosecutor	Lieut	A.T. MANN CIC 11 CBR Bn
Defending Offr	Lieut	A.F. McINTOSH CAC 9 CBR Bn

Questions by President: Is the Prosecutor a lawyer? Ans **Ans** Is the Defending Offr a lawyer? Ans **Ans** (I.)

(I. 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 (6) and fn 2 were not followed. See Cf p 3.)

A8. The accused **A55712 Pte (L/Cpl) HYMAN, D.J.** before arraignment make(s) (no) **plea** (I.)

(I. If a special plea is made for separate trial on one or more charges (RP 62(E), 109), or as to the jurisdiction of the Court (RP 34, 35(A), 112), or in lieu 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 fns to Ref cited. Insert in AB rank and name of the accused making the plea.)

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

(I. RP 31, 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(G), and use separate copies of CF 496 to record proceedings. 2. RP 11, RP 31. 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.

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