

**SCHEDULE.**

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

Accused: Tpr. Rudolph Burton X-4 list CAC 3 Cdn Transit Camp CEN

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	Not guilty	Not 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 483 fn 4 para 2, RP 44; special findings see RP 44 and MML p 733, and in last of kit see RP 44 fn 6.)

At 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 \_\_\_\_\_ days were spent in hospital. (1)  
 (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 days

(Sgd) \_\_\_\_\_ Date awarded: 21 Mar 46 (Sgd) W. Lockhart President. (RP 45, 50.)  
 Judge-Advocate, if any. (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), 46(A), 51-56, 120, MML pp 739-761, RR Can 567-571. Requests require an confirmation and cannot be revised: AA 54(5). Standing order 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. Means of confirmation or non-confirmation may be obtained before arraignment: RP 53, MML p 65. Quashing after arraignment: RR Can 571. Duties and powers of retaining offrs: AA 57, 57A, RP 33A, 34. 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:

Noted

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

Date 23 Mar 46.

(Sgd) \_\_\_\_\_ Commanding W. Lockhart CEN  
 Confirming Officer.

**PART IV. PROMULGATED AND EXTRACTS TAKEN.** (RP 53, RR Can 574, 577.)

Approved \_\_\_\_\_ Date \_\_\_\_\_ Signature of Offr \_\_\_\_\_



RECORDED AT CMHQ IN AB 1607 52-36  
**FIELD GENERAL COURT-MARTIAL**

CPASG (In lieu of AF 40/P & S/1000 (6144) 4/388)

Convened by order of Brig. T.J. Rutherford CAC Dep/Comd CEN dated 18 Mar 46.

**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) apptmt, A/R or A/Apptmt, if any, see AA 182, 183, fn 3, RR Can 308, 328, 330.)

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

0148842 Tpr. Rudolph BURTON X-4 list CAC 3 Cdn Transit Camp CEN.

PROCEEDINGS REVIEWED  
 27 Mar 46 C.H. [Signature]  
 Held in the Field at \_\_\_\_\_ BRANCH C.M.H.Q.  
 REVIEWED BY \_\_\_\_\_ on (date(s)) 20 and 21 Mar 46.  
**RECORD FORM A—OPENING PROCEEDINGS AND ARRAIGNMENT.**

A1. The President, Members, waiting Member, ~~and, if any, and Offr 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 fn RÖs. 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 A95, for auths 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, 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 not 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 not brought before the Court. At 1030 hours trial commences.

A4. The Prosecutor produces a Medical Certificate that accused is not fit to undergo trial by court-martial. (1) ~~The Court informs the Court that accused elected to be tried by court-martial instead of being dealt with summarily by the CO. (1)~~

(1. RR Can 557. 2. AA 66(B), RP 60 fn 1. For effect see RR Can 563(c). Delete, if not applicable.)

A5. President to accused: Do you object to T.M. MILLER as interpreter? Ans No.

The Interpreter is sworn. (1) ~~Do you object to \_\_\_\_\_ as shorthand writer? Ans \_\_\_\_\_~~  
 (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. (2)  
 (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, ~~if any, and Offr under instr, if any,~~ are sworn. (1) The following are the ranks, names and units of the offrs comprising the Court, etc:

President	<u>H. Col</u>	<u>W.W. LOCKHART</u>	<u>RCCS</u>	<u>3 Cdn Transit Camp</u>
Member	<u>Capt</u>	<u>M.H. McLEGO PIC</u>	<u>C.I.C.</u>	<u>3 Cdn Transit Camp</u>
Member	<u>Capt</u>	<u>Y. VEZINA</u>	<u>C.I.C.</u>	<u>3 Cdn Transit Camp</u>
Judge-Advocate				
Prosecutor	<u>Capt</u>	<u>J.C.P. HARRY</u>	<u>C.I.C.</u>	<u>3 Cdn Transit Camp</u>
Defending Offr	<u>Capt</u>	<u>A.P. STEWART</u>	<u>C.I.C.</u>	<u>3 Cdn Transit Camp</u>

Questions by President: Is the Prosecutor a lawyer? Ans No. Is the Defending Offr a lawyer? Ans No. (2)

(1. RP 26, 27, 109, 111. List of offrs under instr will be returned separately with proceedings for information of Comd GCP.)

(2. If Pres a lawyer and Def Offr not, accused is entitled to an adjournment when RP 60 (B) and fn 2 were not followed. See fn 2.)

A8. The accused Tpr. Rudolph BURTON before arraignment make(s) (no) no plea. (1)

(1. 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, 32(A), 113), or as to the trial (RP 26), or as to accused's mental fitness to stand trial (AA 152, RP 37), or by one of several accused charged jointly to be tried separately (RP 16, 71), such plea, the address made in support or against, the evidence, if any, and finding are recorded per Mann. 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 not arraigned (separately) on all charges in the charge sheet. (1) The accused does not object to any charge. (2) There is an amendment to be made in the Charge Sheet. (3) The President reads the plea in Part I of the Schedule.

(1. RP 21, 112. See para 4 of instr p 2. When does this one Charge Sheet see RP 62; when several accused to be tried separately see RP 109, and see separate copies of CPASG in court proceedings. 2. RP 21, RP 22. If evidence, defence and other appropriate notes are taken.

(2. RP 21, 112. See para 4 of instr p 2. When does this one Charge Sheet see RP 62; when several accused to be tried separately see RP 109, and see separate copies of CPASG in court proceedings. 2. RP 21, RP 22. If evidence, defence and other appropriate notes are taken.