

50-101  
FIELD GENERAL COURT-MARTIAL

CPAS 10 1000 4/38B

Convened by Order of Maj Gen K L M Burns Cdn Sec 1 Ech  
Cond HQ 21 Army Updated 17 May 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 continued rank, and (b) appoint, A/rank or A/appmt, if any, see AA 182, 183, fn. KR Cdn 308, 328, 330.)

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

G2028 Pte William McNAMARA Cdn Sec 1 Ech  
Carman HQ 21 Army Gp

CERTIFIED TRUE COPY  
A QJA,

PROCEEDINGS OF TRIAL.

Held in the Fd in (country) BELGIUM on (date(s)) 19 & 20 May 45

RECORD FORM A--OPENING PROCEEDINGS AND ARRAIGNMENT. 33/144

A1. The President, Members, waiting Member, JA, if any, and Offrs under instrs, if any, assemble, and the Court is closed. R

(PRINTED MATTER, NOT IN ITALICS FOR GUIDANCE, WILL BE DELETED IF NOT USED OR APPLICABLE, AND INITIALED BY PRES OF JA. The Schedule referred to throughout is in 2 A. Citations do NOT include all relevant forms. For guidance on procedure when a variation in this form arises, see form for GCM in MML pp 741 to 752. A brief record of such variation will be made and given a number having reference to appropriate or preceding page number herein. See back of Convening Order, CF 293. For notes and instructions on how to record addresses, evidence, etc. which notes are hereafter called "Notes". As to general provisions for conducting the trial see AA 13, RP 36, 43-70, 72, 74, 84, 102, 119, 122.)

A2. The President intials and lays before the Court the Convening Order and Charge Sheet(s) attached thereto (1) The Court is satisfied that it is properly convened and constituted(2), accused is (are) amenable to military law, and each charge discloses an offence(3) R

(1. As to use of Summary of Evidence see RP 67 fn 4. 2. AA 49, 50, RP 105-107. 3. RP 11-12, 22, 24.)

A3. The Court is opened. The accused is (are) brought before the Court. At 0930 hours trial commences. R

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

(1. KR Cdn 557. 2. AA 46(B), RP 60 fn 1. For effect see KR Cdn 563(c). Delete, if not applicable.)

A5. President to accused: Do you object to BCC039 as interpreter? Ans No sir  
The Interpreter is sworn (1). Do you object to Cpl M Harvey as shorthand writer? Ans No sir.  
The shorthand writer is sworn (2) R

(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? R

Ans No sir (2)

(1. RP 110. 2. If no objection, waiting member retires. RP 88(B). If objection, see procedure AA 21, RP 22, 71, 16, MML p 742.)

A7. The President, Members, JA, if any, and Offrs under instrs, if any, are sworn (1). The following are the ranks, names and units of the officers comprising the Court, etc. R

President	Lt col	D L Redman VD KC	att Cdn Sec 1 Ech HQ 21 A Gp
Member	Capt	E B Van Dine	1 Cdn Disc Centre
Member	Lt	R D Evans	CIC Sea of Can
Judge-Advocate			
Prosecutor	Maj	R A Hanson	Cdn Sec 1 Ech
Defending Offr	Capt	J K Kidd	Cdn Sec 1 Ech

Questions by President: Is the Prosecutor a lawyer? Ans Yes Is the Defending Offr a lawyer? Ans Yes (2)

(1. RP 26, 27, 109, 111. List of offers under instrs 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 85 (3) and fn 2 were not followed. See Cf p 3.)

A8. The accused before arraignment make(s) (no) plea R

(1. If a special plea is made for separate trial on one or more charges (RP 42(E), 108), or as to the jurisdiction of the Court (RP 24, 25(A), 112), or in bar of trial (RP 36), or as to accused's mental fitness to stand trial (AA 120, RP 57), or by use of several accused charged jointly to be tried separately (RP 14, 71), such plea, the addresses made in support or against, the evidence, if any, and findings are recorded per Notes. For forms of record see references in fn 1 to RP cited. Insert in AB rank and name of the accused making the plea.)

A9. The accused is arraigned (1) on all charges in the charge sheet (2). The accused does not object to any charge (3). There is no amendment to be made to the Charge Sheet (4). The President records the plea in Part I of the Schedule. R

(1. RP 21, 112. See para 1 of instrs p 2. When more than one Charge Sheet see RP 62; when several parties to be tried separately see RP 71(C), and use separate copies of CF 40 to record proceedings. 2. RP 22, RP 33. If otherwise, delete and make appropriate record per Notes.)

A10. The Court considers the Instrs on Procedure after Arraignment at top of p 2. The proceedings are continued on Record Form D. R

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

VOL 3 P 130

SCHEDULE.

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

Accused: G2028 Pte W.C. McNAMARA Cdn Sec 1 Ech HQ 21 Army Gp

Charge.	Plea.	Finding.	(Space for use as required for further charges, accused charged jointly, special findings, etc.)
(Insert "alternative" where applicable.) 1st AA 41	(See instrs p 2) Not Guilty	(See note below.) Guilty	
2nd			
3rd			
4th			
5th			
6th			

(Note: As to findings for lesser offences see AA 36, RP 44; findings on alternative charges see MML p 483 fn 4 para 2, RP 64; special findings see RP 44 and MML p 733, and in case of kit see RP 44 fn 6.)

All previous sentences are (1) ~~being~~ ~~on~~ (2) R

(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 17 days, of which all 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: To suffer penal servitude for a term of three (3) years.

Judge-Advocate, if any. Date awarded. (Sgd) "D L Redman" Lt Col President. (RP 45, 50)  
20 May 45  
(See back of Convening Order as to assembly and disposal of record after trial.)

PART II. MINUTE WHERE CONFIRMATION RESERVED. (AA 54(S), RP 120(F), MML p 746.)

Reserved for confirmation

30/5/45 (Sgd) Commanding "K L M Burns" Major General  
GO I/C 30 May 1945  
CDN SEC 1 ECH HQ 21 Army Gp

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

(For duties and powers see AA 54, 57, RP 37(D) fn 4, 46(A), 51-56, 120, MML pp 759-761, KR Cdn 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 Cdn 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: I confirm the finding of the court, but commute the sentence so that it shall read: "To be imprisoned without hard labour for one year" and I confirm the sentence as so commuted.

I deem that the accused be not committed to prison or detention barracks until further orders. (2) HDGC  
(1. AA 57A. Delete if not used.)

(Sgd) "H D G Crerar" General  
( H D G Crerar )  
Commanding GOC in C First Cdn Army  
Confirming Offcer.

PART IV. PROMULGATED AND EXTRACTS TAKEN. (RP 51, KR Cdn 576, 577.)

Accused. Date. Signature of Offr.  
G2028 Pte W C McNAMARA 19 Jun 45 "V S J Richmond" Lt Col  
CR #615 Comd'g 1 Cdn Disciplinary Centre  
d/20 Jun 45

ALL DELETIONS AND ALTERATIONS WILL BE INITIALED.

I certify that there are no illegalities or irregularities to justify withholding confirmation of these proceedings.  
30 May 45 Lt Col  
DJAG Cdn Sec GHQ 1 A Gp