

RECEIVED
5 MAY 1945
J. BRANANCH
C.M.A.R.

RECORDED AT CMHQ IN AB 160, 57-130
FIELD GENERAL COURT-MARTIAL
CFASG (in lieu of AFASG)
49 P. 25 (1945)
4/388

Convened by Bar P.A.S. Todd Comd CORRA 2 Coy (Inf) dated 14 March 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) appmt, A/rank or A/appmt, if any, see AA 182, 183, fns, KR Can 306, 328, 330.)

Number.	(a) Prmt R.	(b) Appmt, A/R or A/Appmt.	Full Christian Names.	Surname.	Unit
M 28366	GNR		LOUIS	KAPLACE	
D 10890	GNR		MILTON	CARR	SULLIVAN

PROCEEDINGS REVIEWED
R. K. ...
 REVIEWING OFFICER, IAG, CMHQ.
...

PROCEEDINGS REVIEWED
...
 5 May 1945, Sec 1, Ec. HQ.
 WT Army Gp.

Held in the PG in (containing) PROCEEDINGS OF TRIAL. on (date(s)) 30 Mar 45

RECORD FORM FOR 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 GCN-MML pp 741 to 759. A brief or oral such variation will be made and given a number having reference to appropriate or preceding para number herein. See back of Convening Order. CF ASG for apts 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, 132.)

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

(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 (2) (are) brought before the Court. At 1000 hours trial commences.

A4. The Prosecutor produces a Medical Certificate that accused (2) (are) fit to undergo trial by court-martial. (2) The Prosecutor informs the Court that accused (2) (are) fit to undergo trial by court-martial instead of being dealt with summarily by the COT. (2)

(1. KR Can 557. 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 SSgt KENNIS VAN VRIJLDENHOVEN DUTCH TO ENGLISH as interpreter? Ans: NO

The Interpreter is sworn. (2) Do you object to ... as shorthand writer? Ans: NO

(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 this Court? Ans: NO

(1. RP 110. 2. If no objection, waiting member retires. RP 65(B). If objection, see procedur AA 51, RP 25, 71, 72, 74, 742.)

A7. The President, Members, JA, if any, and Offrs under instr, if any, are sworn. (2) The following are the ranks, names and units of the offrs comprising the Court, etc:

President	<u>LT COL</u>	<u>J. W. G. THOMPSON M/L ED</u>	<u>ROA</u>
Member	<u>MAJOR</u>	<u>M. L. TROY ED</u>	<u>CIC</u>
Member	<u>CAPT</u>	<u>K. F. GAREN</u>	<u>CAC</u>

Judge-Advocate

Prosecutor CAPT. W. D. SHERREN ROA 2 CON SVY.

Defending Offr LT T. C. MCGILTON ROA 6 CON ATK REGT

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 Offr.)
(2. If Pres a lawyer and Def Offr not, accused is entitled to an adjournment when RP 89 (b) and fn 1 were not followed. See Dn p 23)

A8. The accused (2) (are) arraigned (separately) on all charges in the charge sheet. (2) The accused (2) (are) not object to any charge. (2) There is no amendment to be made to the Charge Sheet. (2) The President records the pleas in Part I of the Schedule.

(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 57), or by one of several accused charged jointly to be tried separately (RP 16, 71), such pleas, 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 all cases and name of the accused making the plea.)
(1. 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(C), and use separate copies of CF ASG 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 D.

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

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