

**SCHEDULE.**

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

Accused: B-64789 Pte SMYTHE, Gerald - R.H.L.I. - 4 C.I.R.U.

Charge.	Plea.	Finding.	(Space for use as required for further charges, accused charged jointly, special findings, etc.)
(Insert "alternative" where applicable.) 1st AA Sec. 8(1)	(See Instr p 2.) Not guilty	(See note below.) Guilty	
2nd AA Sec. 8(2)	Not guilty	Guilty	
3rd AA Sec. 10(2)	Not guilty	Not guilty	
4th AA Sec. 22	Guilty	Guilty	
5th			
6th			

(Note: As to findings for lesser offences see AA 56, RP 44; findings on alternative charges see MAM p 483 (n 4 para 2, RP 44; special findings see RP 44 and MAM p 353, and in loss of kit see RP 44 (n 6).)

At present under sentence for 28 days F.P. beginning on (date) 13 Oct 43.  
(1. Insert sentence being served, or delete, if not applicable. See RP 46(A). Information should be found on MF B355 or AF 6296.)

Time in confinement awaiting present trial—a total of 5 days, of which Nil days were spent in hospital.  
(1. See RP 46(A) fn 2. Information should be found on MF B355 or AF 6296 admitted in evidence under E2.)

Sentence Awarded by the Court:

To undergo detention for 180 days.

(Sgd) 27 Oct 43 Judge-Advocate, if any. Date awarded. (Sgd) F. D. Tweedie Lt Col. President. (RP 45, 50.)  
(See back of Covering Order as to assembly and disposal of record after trial.)

**PART II. MINUTE WHERE CONFIRMATION RESERVED.** (AA 54(5), RP 120(F), MAM 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 371(D) (n 6, 46(A)), 51-56, 120, MAM pp 759-761, KR Can 567-577. Acquittals require no confirmation and cannot be revised: AA 54(5). 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, MAM p 64. Minutes of confirmation or non-confirmation may be altered before promulgation: RP 53, MAM p 65. Questioning 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 171 (n 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 order.  
(1. AA 57A. Delete if not used.)

Date 28 Oct 43 (Sgd) J. A. McIntosh Commanding  
W. Group Confirming Officer.

**PART IV. PROMULGATED AND EXTRACTS TAKEN.** (RP 53, KR Can 576, 577.)

Accused. Date. Signature of Offr.  
B-64789 Pte Gerald Smythe 29 OCTOBER 43 A. H. Keenan, Capt. Adj. Gen.

ALL DELETIONS AND ALTERATIONS WILL BE INITIALED.

**FIELD GENERAL COURT-MARTIAL**

CP Form (In lieu of SP 42)  
M.P. & S. 1908 (3894)

Convened by Order of Colonel J.A. McIntosh Comd "D" Coy, C.R.U. dated 26 Oct 43.

**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) appeal, A/Rank or Appoint, if any, see AA 182, 183, (ns, KR Can 306, 328, 330).)

Number. (a) Prmt R. (b) Appmt, A/R or A/Appmt. Full Christian Names. Surname. Unit.  
B-64789 Pte R. Dean Wells Gerald SMYTHE 4 C.I.R.U.  
17 Nov 43 Capt. R.H.L.I.

**PROCEEDINGS OF TRIAL.**

Held in the Fd in (country) England on (date) 27 Oct 43.

**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 form Nos. For guidance on procedure when a variation in this form arises, see form for GCM in MAM 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 Covering Order, CF 495, for notes 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, 122.)

A2. The President initials and lays before the Court the Convening Order and Charge Sheet (attached thereto) and the Court is satisfied that it is properly convened and constituted (F), accused is (not) amenable to military law, and (not) summoned by the Offr.  
(1. As to use of Summary of Evidence see RP 17 (n 1), AA 49, 50, RP 105-107, 1. RP 11-13, 23, 24.)

A3. The Court is opened. The accused is (not) brought before the Court. At 10.15 hours trial commences.

A4. The Prosecutor produces a Medical Certificate that accused is (not) fit to undergo trial by court-martial (F). The Prosecutor informs the Court that accused is (not) elected to be tried by court-martial instead of being dealt with summarily by the Offr.  
(1. KR Can 557, 2. AA 46(B), RP 60 (n 1). For effect see KR Can 563(c). Delete, if not applicable.)

A5. President to accused: Do you object to \_\_\_\_\_ as interpreter? Yes

The interpreter is sworn (F) Do you object to \_\_\_\_\_ as shorthand writer? Yes

(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. 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, 31, 38, MAM p 762.)

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

President	<u>Lt Col.</u>	<u>F. D. Tweedie (Capt.)</u>	<u>4 C.I.R.U.</u>
Member	<u>Capt.</u>	<u>J. R. Shepherd</u>	<u>3 C.I.R.U.</u>
Member	<u>Lt</u>	<u>J. L. Magee</u>	<u>7 C.I.R.U.</u>
Judge-Advocate			
Prosecutor	<u>Lt.</u>	<u>D. W. Foley</u>	<u>4 C.I.R.U.</u>
Defending Offr		<u>W. F. Lees</u>	<u>4 C.I.R.U.</u>

Questions by President: Is the Prosecutor a lawyer? Ans. No. 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 Court Offr.)

(2. If Pres a lawyer and Def Offr not, accused is entitled to an adjournment when RP 89 (B) and (n 2) were not followed. See Cf p 33.)

A8. The accused \_\_\_\_\_ before arraignment makes (no) statement.  
See Note A

(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 34, 35(A), 113), or in lieu of trial (RP 34), or as to accused's consent (consent 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 appeal, the evidence, if any, and finding are recorded per Notes. For forms of record see references in (ns) to RP cited. Insert in All cases and name of the accused making the plea.)

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

(1. RP 31, 112. See para 1 of notes 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 concludes the Instrs on Procedure after Arraignment at top of p 2. The proceedings are continued on Record Form D & C.

**PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.**