

## FIELD GENERAL COURT-MARTIAL

CFM (in lieu of AFM)

1 FEB 1945

1 FEB 1945

## SCHEDULE.

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

Accused: E10207 Pte Patrice Cyr R de Chand

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 Sec 15(1)	Guilty	Guilty	
2nd Sec 15(2)	Guilty	Guilty	
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 753, and in loss of kit see RP 44 fn 6.)

At present under sentence of beginning on (date) 24 Jan 45

Time in confinement awaiting present trial—a total of 28 days, of which 0 days were spent in hospital. (1)

Sentence Awarded by the Court: To undergo Detention for a period of six (6) months.

(Sgd) 24 Jan 45 Judge-Advocate, if any. Date awarded. (Sgd) Frank Moore Major 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 760.)

Date 24 Jan 45 (Sgd) Frank Moore Major Commanding

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

(For duties and powers see AA 54, 57, RP 37(D) fn 6, 46(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 157, MML p 64. Minute of confirmation or non-confirmation may be altered before promulgation: RP 53, MML p 65. Quashing offfr promulgation: KR Can 573. Duties and powers of reviewing offfr: 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:

Confirmed

I direct that the accused be not committed to prison or detention barracks until further orders. (1)

Date 25 Jan 45 (Sgd) Frank Roberts Brig Commanding. (Sgd) R de Chand Confirming Officer.

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

Accused: E-10207 Pte Cyr Patrice Date: 27 Jan 45 Signature of Offr: W. A. L. H. Bl

ALL DELETIONS AND ALTERATIONS WILL BE INITIALED.

Convened by Order of Brig J A Roberts Comd 8 C I B dated 28 Jan 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) apptmt, A/rank or A/apptmt, if any, see AA 182, 183, fms, KR Can 308, 328, 330.)

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

E10207 Pte Patrice Cyr R de C.

PROCEEDINGS OF TRIAL.

Held in the Fd in (country) Holland on (date) 24 Jan 45

## RECORD FORM A—OPENING PROCEEDINGS AND ARRAIGNMENT. 2/14-

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 fms ROs. 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 variations will be made and given a number having reference to appropriate preceding para number herein. See back of Convening Order, CF 485, 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, 132.)

A2. The President initials 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)

(1. As to use of Summary of Evidence see RP 17 fn 5. 2. AA 49, 50, RP 105-107. 3. RP 11-13, 23, 24.)

A3. The Court is opened. The accused is (are) brought before the Court. At 09.30 hours trial commences. (1)

A4. The Prosecutor produces a Medical Certificate that accused is (are) fit to undergo trial by court-martial. (1) The Prosecutor informs the Court that accused elected to be tried by court-martial instead of being dealt with summarily by the CO. (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 H P. Gagnier as interpreter? Ans No

The Interpreter is sworn. (1) Do you object to H P. Gagnier 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. (1) 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 28, 71, (8), MML p 742.)

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

President	<u>Major</u>	<u>Frank Moore</u>	<u>N. W. R.</u>
Member	<u>Capt</u>	<u>R. M. Laigne</u>	<u>R de Chand</u>
Member	<u>Capt</u>	<u>W. P. Gagnier</u>	<u>R. O. T.</u>
Judge-Advocate			
Prosecutor	<u>Capt</u>	<u>H. Bourque</u>	<u>R de Chand</u>
Defending Offr	<u>1st</u>	<u>F. P. Gagnier</u>	<u>R de Chand</u>

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

(1. RP 26, 27, 109, 111. List of offfs 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 (B) and fn 2 were not followed. See OI p 3.)

A8. The accused E10207 Pte Patrice Cyr R de Chand before arraignment make(s) (no) plea Guilty

(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 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 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 fms to RP cited. Insert in AB rank and name of the accused making the plea.)

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

(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 486 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 39 E

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

Europe III  
p. 114