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2 OCT 1945
BRANCH
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RECORDED AT CMHQ IN AB 160 C ADF-1-34
FIELD GENERAL COURT-MARTIAL
CFAB (in lieu of AFAB)
10/P & 5/10/8 (2884)

Convened by Order of Brigadier TG Gibson DSO Comd 2/7 Cdn Inf Bde dated 10 Oct 45
(Rif) (CAOF)

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) appt, A/rank or A/appt, if any, see AA 182, 183, fns, KR Can 308, 328, 330.)
Number. (a) Prunt R. (b) Appt, A/R or A/Appt. Full Christian Names. Surname. Unit.
H.102009 Rfn Dennis Fagg, 4 R Wpg Rif (CAOF)

PROCEEDINGS REVIEWED
R. Lussington Capt
24 Oct 45
REVIEWING OFFICER, JAG BRANCH C.M.H.Q.

PROCEEDINGS OF TRIAL.

Held in the Pd in (country) GERMANY on (date(s)) 12 Oct 45

RECORD FORM A—OPENING PROCEEDINGS AND ARRAIGNMENT.

- A1. The President, Members, ~~writing Member~~, JA, 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 fns Rds. 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 oaths 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 ~~fit~~ 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 ~~fit~~ brought before the Court. At 1400 hours trial commences.
- A4. The Prosecutor produces a Medical Certificate that accused is ~~fit~~ fit to undergo trial by court-martial.⁽¹⁾ The Prosecutor informs the Court that accused ~~is to be tried by court-martial instead of being dealt with summarily by the C.O.~~
(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 ~~Sgt WAA Haymans~~ as interpreter? Ans. No, sir
The Interpreter is sworn.⁽¹⁾ Do you object to ~~S/Sgt F J Nethercut~~ as shorthand writer? Ans. No, sir
The shorthand writer is sworn.⁽¹⁾
(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 sir.⁽²⁾
(1. RP 110. 2. If no objection, writing member retires. RP 68(B). If objection, see procedure AA 51, RP 25, 71, 18, MML p 742.)
- A7. The President, Members, JA, 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 Major A.P.W. Watkinson 4 Reg Rif R (CAOF)
Member Capt. B.X. Dzieliewski 4 QOR of C (CAOF)
Member Lt. L. J. Naubert 4 R Wpg Rif R (CAOF)
Judge-Advocate Capt. J.M. Robinson HQ 3 Cdn Inf Div (CAOF)
Prosecutor Capt. G. A. Embury 4 R Wpg Rif (CAOF)
Defending Offr Major J. A. Dunlop 4 QOR of C (CAOF)
- 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 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 DI p 33.)
- A8. The accused H.102009 Rfn Fagg, D. before arraignment make(s) (no) plea(s)
(1. If a special plea is made for separate trial on one or more charges (RP 62(c), 108), or as to the jurisdiction of the Court (RP 24, 35(A), 112), 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 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 fns to Rdf cited. Insert in AB book and name of the accused making the plea.)
- A9. The accused is ~~fit~~ arraigned ~~separately~~ on all charges in the charge sheet.⁽¹⁾ The accused does ~~not~~ not object to any charge.⁽²⁾ There is no amendment to be made to the Charge Sheet.⁽³⁾ The President records the plea 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 A95 to record proceedings. 2. RP 32, RP 33. If otherwise, delete and make appropriate record per Notes.)
- A10. The Court ~~has read 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.

SCHEDULE.

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

Accused: H.102009 Rfn Fagg, D., 4 R Wpg Rif (CAOF)

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 AA 40	NOT GUILTY	NOT GUILTY	
2nd AA 40	NOT GUILTY	NOT GUILTY	
3rd AA 40	NOT GUILTY	NOT GUILTY	
4th			
5th			
6th			

(Note: As to findings for lesser offences see AA 56, RP 44; findings on alternative charges see MML p 493 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 for beginning on (date) 13 Oct 45
(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 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 submitted to evidence under E2.)
Sentence Awarded by the Court:

(Sgd) *[Signature]* 13 Oct 45 (Sgd) *[Signature]*
Judge-Advocate, if any. Date awarded. 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(S), 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) 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 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 172 fn 1.)

My decision on the finding(s) and sentence set forth in Part I is:

"ACQUITTAL 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 18 Oct 45 (Sgd) *[Signature]*
A/ Commanding 2/7 Cdn Inf Bde (Rif) CAOF
Confirming Officer.

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

Accused. Date. Signature of Offr.

ALL DELETIONS AND ALTERATIONS WILL BE INITIALED.