

SCHEDULE.

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

Accused: D-15734 Pte Marcel DUBE X-List 20 2nd Special Bn Coy

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	<u>GUilty</u>	<u>GUilty</u>	
2nd			
3rd			
4th			
5th			
6th			

(Note: As to findings for lesser offences see AA 56, RP 44; findings on alternative charges see MML p 463 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 sentence for beginning on (date) 15 Jan 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 15 days, of which NO days were spent in hospital.⁽¹⁾
(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:

Ninety days detention less time in military custody awaiting trial (15 days)

(Sgd) For 44 Judge-Advocate, if any. Date awarded 15 Jan 45 (Sgd) G. H. J. Almarson 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 15 Jan 45 (Sgd) G. H. J. Almarson Commanding

PART III. DECISION OF CONFIRMING OFFER 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 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 137, 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 officers: AA 57, 57A, RP 53A, 54. The Confirming Offer 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⁾
(1. AA 57A. Delete if not used.)

Date 15 Jan 45 (Sgd) G. H. J. Almarson Commanding
(Sgd) G. H. J. Almarson Confirming Officer.

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

Accused. D-15734 Pte DUBE, M. Date. 6 Jan 45 Signature of Offr. G. H. J. Almarson
(EA. Awards), Lieut & Asst Adj. G. H. J. Almarson, 20 2nd Special Bn Coy

ALL DELETIONS AND ALTERATIONS WILL BE INITIALED

FIELD GENERAL COURT-MARTIAL

Convened by Order of Brig G S N GOSTLING Comd 20 2nd dated 1 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) appt, A/rank or A/appt, if any, see AA 182, 183, fns, KR Can 308, 328, 330.)

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

D-15734 PROCEEDINGS REVIEWED 15 Feb 45 PROCEEDINGS OF TRIAL.
Held in the Pt in (country) Belgium on (date) 15 Jan 45

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 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 variation will be made and given a number having reference to appropriate or preceding para number herein. See back of Convening Order, CF 495, for instructions 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 (am) 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 (am) brought before the Court. At 1000 hours trial commences.

A4. The Prosecutor produces a Medical Certificate that accused is (am) 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 (CA).⁽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 an interpreter Ans
The interpreter is sworn.⁽¹⁾ Do you object to as shorthand writer Ans
The shorthand writer is sworn.⁽²⁾
(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.⁽³⁾ 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 118. 2. If no objection, waiting member retires. RP 68(B). If objection, see procedure AA 51, RP 25, 71, 18, MML p 762.)

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 offrs comprising the Court, etc:

President MAJOR G. H. J. ALMARSON X-List CAC
Member CAPT H. T. HORE 12 CBR Bn X-List RCNE
Member LIEUT W. J. DALTON 12 CBR Bn X-List CAC
Judge-Advocate LIEUT DA THURROTT 20 Apr Comp Coy
Prosecutor LIEUT CA LAW 20 Apr Comp Coy
Defending Offr LIEUT CA LAW 20 Apr Comp Coy

Questions by President: Is the Prosecutor a lawyer? Ans NO Is the Defending Offr a lawyer? Ans YES⁽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 55 (3) and fn 2 were not followed. See Di p 3.)

A8. The accused D-15734 Pte DUBE before arraignment make(s) one plea guilty⁽³⁾

(1. If a special plea is made for separate trial on one or more charges (RP 41(E), 108), or as to the jurisdiction of the Court (RP 34, 55(A), 117), or as to the trial of two or more charged jointly (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 (a) to (h) of p 4. Insert in AB rank and name of the accused making the plea.)

A9. The accused is (am) arraigned (separately) on all charges in the charge sheet.⁽¹⁾ The accused does (am) 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 21, 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 496 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 B

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

2 CBR Bn V.I. II 1-118