

SCHEDULE.

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

Accused: A-55712 Pte (L/Cpl) Donald James HYMAN, 9 CBR Bn

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	<i>Guilty</i>	<i>Guilty</i>	
2nd			
3rd			
4th			
5th			
6th			

(Note: As to findings for lesser offences see AA 55, 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.)

As-present under sentence for _____ beginning on (date) _____ (1)

(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 66 days, of which 24 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:

To undergo one years detention.

(Sgd) _____ Date awarded 10/24/45 (Sgd) _____ 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 _____ (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 4, 46(A), 51-56, 120, MML pp 759-761, KR Can 547-577. Acquittal requires 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:

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 17 FEB 45 (Sgd) _____ (G S N Gostling) Brig
Commanding 2 CDR BASE HPT GP Confirming Officer.

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

Accused. Date. Signature of Offr.

A 55712 Pte (L/Cpl) Donald James HYMAN, FEB 20 1945 _____
9 CBR Bn. ALL DELETIONS AND ALTERATIONS WILL BE INITIALED.

RECORDED AT CMHQ IN AB 160. HW-54
FIELD GENERAL COURT-MARTIAL

CPA86 (In lieu of AFAP) 40/P & B/1608 (144) 4/388

Order of Brig G S N Gostling Comd 2 CBRG dated 5 Feb 45

ACCUSED.

(b) apmt, A/R or A/Apmt, if any, see AA 182, 183, fn, KR Can 308, 326, 330.)
Full Christian Names. Surname. Unit.
A-55712 Pte (L/Cpl) Donald James HYMAN, 9 CBR Bn

PROCEEDINGS REVIEWED
REVIEWING OFFICER, JAG BRANCH CMHQ

PROCEEDINGS OF TRIAL
Held in the Pd in (country) RELATIV on (date) 10 FEB 45

RECORD FORM A—OPENING PROCEEDINGS AND ARRAIGNMENT. 23/116

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. Customs do NOT include all relevant fine ROs. For guidance on procedure when a variation in this form arises, see form for GCM in MML pp 741 to 755. A brief record of such variation will be made and given a number having reference to appropriate or preceding page number instr. See back of Convening Order, CF 495. For notes on how to record addresses, evidence, etc, when instrs are forwarded called "Notes". As to general provisions for conducting the trial see AA 52, RP 56, 63-70, 72, 74, 94, 102, 119, 122.)

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, accused is (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 is (are) brought before the Court. At 10.00 hours trial commences. 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(d). Delete, if not applicable.)

A5. President to accused: Do you object to _____ as interpreter? Ans _____
The interpreter is sworn. (1) Do you object to _____ as shorthand writer? Ans _____
(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)

(1. RP 110. 2. If no objection, waiting 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 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 G MacKENZIE, MBE, FCM, X-9 List att 3 Cdn NEDP
Member	Major	D MacKENZIE, Essex Scot, X-9 List att 3 Cdn NEDP
Member	LIEUT CAPT	H S JARROLD, CFC, 11 CBR Bn
Judge-Advocate		
Prosecutor	Lieut	A T MANN, CIC, 11 CBR Bn
Defending Offr	LIEUT	A F McINTOSH, CAC, 9 CBR Bn

Questions by President: Is the Prosecutor a lawyer? Ans No. Is the Defending Offr a lawyer? Ans No. (1)

(1. RP 28, 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 DF p 3.)

A8. The accused A-55712 Pte (L/Cpl) HYMAN D J. before arraignment make(s) (no) (s) plea (1)

(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, 55(A), 113), or in case of trial (RP 26), 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 6, 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 fn to Ref cited. Insert in Ad 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 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 495 to record proceedings. 2. RP 21, RP 21. 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.

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