

SCHEDULE.

PART I. PLEA(S), FINDING(S) AND SENTENCE. *W27*

Accused: *L 56828 Sp1 Donald Daniel Lavelle 9 Cdn Fd Sqn RCE*

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 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.)

Time in confinement awaiting present trial—a total of *13* 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:
To suffer field punishment for 28 days and to forfeit 28 days pay.
 (Sgd) *W. J. Currie* 29 Oct 43. (Sgd) *D. Currie* Maj.
 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(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 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:
Finding and sentence confirmed
 I direct that the accused be not committed to prison or detention barracks until further order(s).
 (1. AA 57A. Delete if not used.)
 Date *3 Nov 43* (Sgd) *F. F. Worthington* Maj-Gen
 Commanding *4 Cdn Armd Div* Confirming Officer.

PART IV. PROMULGATED AND EXTRACTS TAKEN. (RP 52, KR Can 57a, 577.)

Accused. Date. Signature of Offr.
L56828 Sp1 Lavelle DD *9 November* *D. Minshall* Major
9 Cdn Fd Sqn RCE *1943* *Officer Commanding*
9 Cdn Fd Sqn RCE

ALL DELETIONS AND ALTERATIONS WILL BE INITIALED.



FIELD GENERAL COURT-MARTIAL

Comd'g Officer: *Col. D. J. ...* dated *28 Oct 43*
 Convened by Order of *Maj. F. F. Worthington*

ACCUSED.

(As to the trial of one or more charged jointly see RP 16, 71, 109. As to reasons for showing (a) permanent or confirmed rank, and (b) appoint, Armt or Appnt, if any, see AA 182, 183, fn. KR Can 208, 228, 230.)
 Number. (a) Prmt R. (b) Appnt, A/R or A/Appnt. Full Christian Name. Surname. Unit.
J56828 Sp1 Donald Daniel Lavelle 9 Cdn Fd Sqn RCE

Proceedings Reviewed

PROCEEDINGS OF TRIAL.

Held in the Fd in (country) *England* on (date(s)) *29 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 fn 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 A95, for oaths and instructions as to 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 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 *1000* hours trial commences. (1)
- A4. The Prosecutor produces a Medical Certificate that accused is (are) fit to undergo trial by court-martial, (1) 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 *N/A* as interpreter? Ans *no*
 The shorthand writer is sworn. (1) Do you object to *M. J. G. S. T. F. ...* 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* (2)
 (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 *Maj. D. J. Currie 29 Cdn Armd Recce Regt.*
 Member *Capt. R. A. Tuffin HQ Sqn 4 Cdn Armd Div*
 Member *Capt. H. R. Crossley 4 Cdn Armd Div Sqn*
 Judge-Advocate *Maj. W. A. D. Gunn HQ 4 Cdn Armd Div*
 Prosecutor *Capt. J. H. Reems 9 Cdn Fd Sqn RCE*
 Defending Offr *Lt. W. B. M. Clarke 9 Cdn Fd Sqn RCE*

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 D1 p 3.)

A8. The accused *L 56828 Sp1 Donald Daniel Lavelle* before arraignment make(s) (no) plea
 (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 24, 25(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 14, 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 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 (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, 512. See para 1 of instr p 2. When more than one Charge Sheet see RP 62; when several accused to be tried separately see RP 71(C), and see separate copies of CF A95 as record proceedings. 2. RP 32, RP 33. If otherwise, delete and make appropriate record per Notes.)

A10. The Court (is/considers) the Instrs on Procedure after Arraignment at top of p 2. The proceedings are continued on Record Form *Band E*

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.