

SCHEDULE.

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

Accused: B63201 Fus James Victor SHAW, Ph Fus

Charge.	Plea.	Finding.	
(Insert "alternative" where applicable.)	(See Instrs p 2.)	(See note below.)	(Space for use as required for further charges, accused charged jointly, special findings, etc.)
1st	<u>Not guilty</u>	<u>Not guilty</u>	
2nd			
3rd			
4th			
5th			
6th			

(Note: As to findings for lesser offenses see AA 56, RP 44; findings on alternative charges see MML p 481 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) _____⁽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 _____ days, of which _____ days were spent in hospital—⁽²⁾
 (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:

(Sgd) W M Shaw 21 Oct 44 George R Duncan
 Judge-Advocate, Ph Fus Date awarded (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(3), RP 120(F), MML p 740.)

Date _____ (Sgd) _____ Commanding

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

(For duties and powers see AA 54, 57, RP 27(D) fn 4.46(A), 51-56, 120, MML pp 739-761, 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. Minutes 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

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 _____ (Sgd) _____ Commanding
 _____ Confirming Officer

PART IV. PROMULGATED AND EXTRACTS TAKEN. (RP 53, KR Can 57A, 577.)

Accused. _____ Date. _____ Signature of Offr. _____

ALL DELETIONS AND ALTERATIONS WILL BE INITIALED.

RECORDED AT CMHQ IN AB 160
FIELD GENERAL COURT-MARTIAL

CPARS (in use of AFAP)
 40-P-2-7608 (2064)

Controlled by Order of Prig J S Johnston, DSO, DFC, DCM, DSO, DFC, DCM, DSO, DFC, DCM dated 19 Oct 44

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) apmt, A/rank or A/apmt, if any, see AA 182, 183, fn, KR Can 306, 328, 330.)

Number. (a) Prmt R. (b) Apmt, A/R or A/Apmt. Full Christian Names. Surname. Unit.
B 63201 Fus James Victor SHAW PL Fus

PROCEEDINGS REVIEWED

Joseph P. Rufiquella Capt.
21 Nov 44.
 REVIEWING OFFICER, JA

PROCEEDINGS OF TRIAL.

Held in the Fd in (country) Italy on (date/s) 21 Oct 44

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 at p 4. Citations do NOT include all relevant (fn RO). 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 preceding para number herein. See back of Convening Order, CF 493, for orders and instrs on how to record address, evidence, etc. which instrs are hereafter called "Notes". As to general provisions for conducting the trial see AA 52, RP 56, 63-70, 73, 74, 94, 103, 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⁽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 11-12, 23, 24.)

A3. The Court is opened. The accused is (are) brought before the Court. At 1610 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(c). Delete, if not applicable.)

A5. President to accused: Do you object to _____ as interpreter? No

The Interpreter is sworn in. Do you object to _____ as shorthand writer? No
 (The additional writer is sworn in.)
 (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?

No
 (1. RP 110. 2. If no objection, waiting member retires. RP 68(B). If objection, see procedure AA 51, RP 25, 71, (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	<u>Major</u>	<u>G R Duncan</u>	<u>ZRC</u>
Member	<u>Capt</u>	<u>N C Rost</u>	<u>Ritch</u>
Member	<u>Capt</u>	<u>N H McLeod</u>	<u>CBH</u>
Judge-Advocate	<u>Capt</u>	<u>W M Shaw</u>	<u>Ph Fus</u>
Prosecutor	<u>Lt</u>	<u>H Boobinder</u>	<u>Ph Fus</u>
Defending Offr	<u>Lt</u>	<u>D R Nish</u>	<u>CBH</u>

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

(1. RP 26, 27, 109, 111. List of offrs under instr will be returned separately with proceedings for information of Com Offr.)
 (2. If Pres a lawyer and Chief Offr not, accused is entitled to an adjournment when RP 89 (B) and fn 2 were not followed. See D1 p 2.)

A8. The accused _____ before arraignment maker(s) (no) Yes

(1. If a special plea is made for separate trial on one or more charges (RP 62(E), 106), or as to the jurisdiction of the Court (RP 34, 35(A), 112), 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 address 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.)

The accused is not arraigned (summarily) 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 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 496 to record proceedings. 2. RP 31, RP 33. If otherwise, delete and make appropriate record per Notes.)

The Court is not considered: 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.

Ba/109

RECORDED AT CMHQ IN AB 160
 FIELD GENERAL COURT-MARTIAL
 CONTROLLED BY ORDER OF PRIG J S JOHNSTON, DSO, DFC, DCM, DSO, DFC, DCM
 DATED 19 OCT 44
 UNIT: PL FUS
 NAME: SHAW, JAMES VICTOR
 NO: B 63201