

FIELD GENERAL COURT-MARTIAL

5M-66
4388

Convened by Order of Brig G S N Gostling Comd 2 CBRG dated 18 Apr 45

SCHEDULE.

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

Accused: H-100182 Pte Halcrow J Cameron of Canada 1 Can Dis Centre

Charge.	Plea.	Finding.	(Space for use as required for further charges, accused charged jointly, special findings, etc.)
1st	For pleas and Findings on First and Second Charge		
2nd	Sheet see part I of Schedules attached		
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.)

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 65 days, of which 111 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 penal servitude for the term of five years and to be discharged with ignominy from His Majesty's service.

(Sgd) "J K Kidd" Lieut 23 Apr 45 (Sgd) "R R Eulitz" Major
 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.)

I RESERVE THE FINDING AND SENTENCE FOR CONFIRMATION BY SUPERIOR AUTHORITY

Date 8 Mar 45 (Sgd) "J G Spragge" Brig Commanding 2 CAN BASE RPT GP
 ("J G SPRAGGE") Brigadier

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

(For duties and powers see AA 54, 57, RP 37(D) fn 4, 4A(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 I confirm the findings of the Court on the 1st and 2nd charges and the finding of the Court on the 3rd charge. I do not confirm the findings on the 4th and 5th charges. I confirm the sentence of the Court.

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 7 June 45 (Sgd) "G O S Curran" Lt Colonel
 Commanding 2 CBRG
 Confirming Officer.

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

Accused. Date. Signature of Offr.
 H-100182 Pte Joseph Halcrow 16 June 45 W S D Richardson Lt Col
 Comd 1 Cdn Dis Centre

GR #578
 1/10 Jan 45 ALL DELETIONS AND ALTERATIONS WILL BE INITIALED.

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. Unit.
 H-100182 Pte Joseph HALCROW Cameron Own Highlanders of Canada at 1 Cdn Dis Centre

CERTIFIED TRUE COPY

PROCEEDINGS OF TRIAL.

Held in the Fd in (country) BELGIUM on (date(s)) 19, 21, 23 APR 45

RECORD FORM A—OPENING PROCEEDINGS AND ARRAIGNMENT. 50/138

- 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. 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, 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 (1), 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 1000 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 B. Bongar 191 Longe as shorthand writer? Ans. Yes
 The Interpreter is sworn. (1) Do you object to Leon Street as shorthand writer? Ans. Yes
 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. S.I.R. (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	R. R. EULTZ	AASH of C	11 CBR Bn
Member	Capt	H. W. KING	H&PE	10 CBR Bn
Member	Capt	M. BAIRD	CIC	10 CBR Bn
Judge-Advocate	Lieut	J. K. KIDD	QOR	Cdn Sec 1 Ech HQ 21 AG
Prosecutor	Capt	H. A. HANSON	C&Y	Cdn Sec 1 Ech HQ 21 AG
Defending Offr	Capt	R. P. MILLIGAN	SDG	5 CBRG

Questions by President: Is the Prosecutor a lawyer? Ans. Yes. Is the Defending Offr a lawyer? Ans. Yes.
 (1. RP 26, 27, 109, 111. List of offrs under instr will be returned separately with proceedings for information of Conv Offr.)
 (2. If Pros 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 2.)

A8. The accused H-100182 Pte J. Halcrow 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 34, 35(A), 113), or in bar of trial (RP 36), or as to accused's mental fitness to stand trial (AA 130, RP 37), 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 findings are recorded per Notes. For forms of record see references in fns to R&P cited. Insert in AS 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 remarks the pleas in Part I of the Schedule. For second charge sheet see transcript.
 (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 A96 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 D & E.

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.