

SCHEDULE.

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

M7233 Sgt Donald Charles Deane, 1 Cdn L of C Terminal Sig Sec RC Sigs
Accused L22456 Cpl Willard Alexander McGillivray 1 Cdn L of C Terminal Sig
Sec RC Sigs

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 AA 18(4)	Guilty by both accused	Guilty in the case of each accused	
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 152, and in loss of kit see RP 44 fn 6.)

At present under sentence of 12 months (beginning on date) (1)
(1. Insert sentence being served, or delete, if not applicable. See RP 45(A). Information should be found on MF B355 or AF B296.)
Time in confinement awaiting present trial - a total of 2 days, of which nil 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 each accused - To be reduced to the ranks and to undergo detention for a period of ten months.

(Sgd) "D.G. Dean Capt" 4 Oct 44 (Sgd) "E.J. Durnin Maj or"
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 63. Quashing of promulgation: KR Can 571. 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 except under further orders.
(1. AA 57A. Delete if not used.)

Date 4 Oct 44 (Sgd) "W.G.H. Roaf
Commanding Comd 1 Cdn L of C Terminal
Confirming Officer.

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

Accused. Date. Signature of Offr.
M7233 Sgt Donald Charles Deane 5 Oct 44 "A.B. Chapple Capt" SC'A'
L22456 Cpl Willard Alexander McGillivray HQ 1 Cdn L of C Terminal

ALL DELETIONS AND ALTERATIONS WILL BE INITIALLED.

FIELD GENERAL COURT-MARTIAL

CPARS (In lieu of AFAS)

1 Cdn L of C
Convened by Order of Brig WHE Roaf OBE ED Comd Terminal dated 3 October 1944

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 Appt, if any, see AA 182, 183, fn 3, KR Can 308, 328, 330.)

Number. (a) Print R. (b) Appt, A/R or A/Appt. Full Christian Names. Surname. But.
M7233 Sgt DONALD CHARLES DEANE both of
L22456 Cpl WILLARD ALEXANDER MCGILLIVRAY 1 Cdn L of C Terminal
Sig Sec RC Sigs
Cdr Sec HQ 2 PROCEEDINGS OF TRIAL.

Held in the Fd in (country) France on (date(s)) 4th Octy 44

RECORD FORM A-OPENING PROCEEDINGS AND ARRAIGNMENT. XI 132 XI 133

A1. The President, Members, waiting Member, JA, if any, and Offr 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 in p 4. Citations do NOT include all relevant fn 30s. 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 AS5, for auths 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, 72, 74, 94, 102, 118, 122.)

A2. The President initials and lays before the Court the Convening Order and Charge Sheet attached thereto (1)
The Court is satisfied that it is properly convened and constituted (2), accused (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 (are) brought before the Court. At 10.0 hours trial commences.

A4. The Prosecutor produces a Medical Certificate that accused (are) fit to undergo trial by court-martial (4)
The President instructs the Court that accused (are) to be tried by court-martial instead of being tried with members by the (1944)

(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 me as interpreter? Yes

The Interpreter is sworn (1) Do you object to me as shorthand writer? Yes
(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?

Yes (2)
(1. RP 116. 2. If no objection, waiting member raises. RP 68(E). If objection, see procedure AA 51, RP 25, 71, 18, MML p 742.)

A7. The President, Members, JA, if any, and Offr under instr, if any, are sworn (1). The following are the ranks, names and units of the offrs comprising the Court, etc:

President Major E.J. Durnin 1 Cdn OBE Wks
Member Major C.C. Manley 10 Cdn Pd Hyg Sec
Member Major E.D. Thobold MC 3 Cdn Town Major
Judge-Advocate Capt D.G. Dean HQ A Tps Area
Prosecutor Capt A.B. Chapple 1 Cdn L of C Terminal
Defending Offr Por Sgt Dean - Maj F.S. Osler 1 Cdn L of C Terminal
Por Cpl McGillivray - Major F.S. MacLeod 1 Cdn L of C Terminal

Question by President: Is the Prosecutor a lawyer? Yes Is the Defending Offr a lawyer? Yes

(1. RP 26, 27, 109, 111. List of offrs under instr will be returned separately with proceedings for information of Comd Offr.)
(2. If this a lawyer and Def Offr not, accused is entitled to an adjournment when RP 49 (B) and fn 2 were not followed. See D. MacLeod

A8. The accused Sgt Dean and Cpl McGillivray before arraignment make no plea. No

(1. If a special plea is made for separate trial on one or more charges (RP 42(E), 108), or as to the jurisdiction of the Court (RP 34, 150A, 175), or as to 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 finding are recorded per Notes. For forms of record see references in this to RP cited. Insert in all rank and name of the accused making the plea.)

A9. The accused (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 pleas in Part I of the Schedule.

(1. RP 21, 212. See para 1 of instrs p 2. Where 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 AS6 to record proceedings. 2. RP 22, RP 31. If afterwards, 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 and C

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.