

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

Accused: B94887 Pte Mc Namara

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	Guilty	Guilty	
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.)

At present under sentence for _____ beginning on (date) _____
(1. Insert sentence being served, or delete, if not applicable. See RP 46(A). Information should be found on MF 8355 or AF 8296.)

Time in confinement awaiting present trial—a total of 23 days, of which nil days were spent in hospital.⁽¹⁾
(1. See RP 46(A) fn 2. Information should be found on MF 8355 or AF 8296 admitted in evidence under E2.)

Sentence Awarded by the Court: 12 months detention for a period of 12 months
26 Nov 1945 (Sgd) _____ President. (RP 45, 30.)

(Sgd) _____ Judge-Advocate, if any. (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. Acquittal requires no confirmation and cannot be revised: AA 54(3). Sending back finding or sentence for revision by Court: AA 54(5), RP 120(G). If not confirmed, accused may be tried again: AA 57, 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 ordered.
(1. AA 57A. Delete if not used.)

(Sgd) W. A. Lucas
Date 30 Nov 45 Commanding H.Q. Can. & Chgo. Det Coy R.C.A.S.C.
Confirming Officer R.C.A.S.C.

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

Accused. _____ Date. _____ Signature of Offr. _____

B94887
Pte Mc Namara R.A.

1 Dec 45

Roy Thomas Roy Capt.
(R.W. Johnston) Capt.,

ALL DELETIONS AND ALTERATIONS WILL BE INITIALED.

FIELD GENERAL COURT-MARTIAL

Convened by Order of Col. W. A. Lucas Comd Can. & Chgo. Det Coy dated 23 Nov 45

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) appmt, A/cank or A/appmt, if any, see AA 182, 183, fns, KR Can 308, 328, 330.)

Number. (a) Print R. (b) Appmt, A/R or A/Appmt. Full Christian Names. Surname. Unit.

B94887 Pte
PROCEEDINGS REVIEWED
14 Dec 45 J. P. Brady Maj
R. Held in the Fd in (country) _____

PROCEEDINGS OF TRIAL.

on (date(s)) 26 Nov 1945

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 fns 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 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, 73, 74, 94, 102, 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, 18. 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 is (are) to be tried by court-martial instead of being dealt summarily by the UO.⁽²⁾

(1. KR Can 557. 2. AA 46(8), 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? Ans _____
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.⁽²⁾
(1. RP 110. 2. If no objection, waiting member replies: RP 52(8). 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 C. S. Tonnet 1 Cdn Coy Tpt Coy
Member Captain J. R. Danaher 1 Cdn Coy Tpt Coy
Member Captain W. Dayman 66 Cdn Coy Tpt Coy
Judge-Advocate RP 6 63 Cdn Army Tpt Coy
Prosecutor Lieut. R. A. Cruickshank 63 Cdn Army Tpt Coy
Defending Offr Lieut. J. H. Restall R.C.A.S.C.

Questions by President: Is the Prosecutor a lawyer? Ans no Is the Defending Offr a lawyer? Ans no

(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, proceed to an adjournment when RP 49 (3) and fn 2 were not followed. See D1.)

A8. The accused B94887 Pte Roy Alexander Mc Namara before arraignment makes (no) _____

(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 57), 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 fns in 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 (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 26, 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 31, RP 32. 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 _____

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

RP 160 401 11 P 144