

SCHEDULE.

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

Accused: L-7638 Pte John Duncan MacBeth 45 Cdn Gen Tpt Coy RCASC

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	<u>GUilty</u>	<u>GUilty</u>	
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: imprisonment for 2 years (date) 24 Nov 43 (1)

Time in confinement awaiting present trial—a total of 8 days, of which 0 days were spent in hospital. (1)

Sentence Awarded by the Court: To be imprisoned with hard labour for two years.

(Sgd) London H. Jernigan 24 Nov 43 (Sgd) W. A. Lucas
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 27(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(3), 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 52A, 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 finding of the court, but commute the sentence to 90 days detention

(1. AA 57A. Delete if not used.)

Date 25 Nov 43 (Sgd) W. H. Lelling Lt Col
Commanding H.Q. COMD
2 Cdn Corps Tpt Coy Confirming Officer.

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

Accused. Date. Signature of Offr.
L 7638 Pte John Duncan MacBeth 26 Nov 43 J. H. Buchanan
45 Cdn Gen Tpt Coy RCASC

ALL DELETIONS AND ALTERATIONS WILL BE INITIALED.

FIELD GENERAL COURT-MARTIAL

CPA96 (In lieu of AFA3)
40/P & S/1868 (2864)

Convened by Order of Lt Col W. H. Lelling Comd 2 Cdn Corps Tpt Coy Dated 23 Nov 43

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

Number. (a) Prmt R. (b) Appmt, A/R or A/Appmt. Full Christian Names. Surname. Unit.
L-7638 RC Proceedings Reviewed John Duncan MacBeth 45 Cdn Gen Tpt Coy
RCASC

10 Dec 43 W. C. Smith Revising Officer (IAC) M.H.Q.
PROCEEDINGS OF TRIAL.

Held in the Fd in (country) England on (date(s)) 24 Nov 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 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 outbs 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 (2), accused is not 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 11-12, 23, 24.)

A3. The Court is opened. The accused is not brought before the Court. At 1800 hours trial commences.

A4. The Prosecutor produces a Medical Certificate that accused is not fit to undergo trial by court-martial. (1) The Prosecutor informs the Court that accused is 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 Ans

The interpreter is sworn. (1) Do you object to as shorthand writer Ans
The shorthand writer is sworn. (2)
(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 SIR (2)
(1. RP 110. 2. If no objection, waiting member retires. RP 60(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 W. A. Lucas HQ Comd 2 Cdn Corps Tpt Coy RCASC
Member Capt W. J. A. May 2 Cdn Corps Tpt Coy
Member Lieut J. H. Shannon 42 Cdn Gen Tpt Coy RCASC
Judge-Advocate Capt L. H. Jernigan HQ 2 Cdn Corps
Prosecutor Lt E. B. Rolston 45 Cdn Gen Tpt Coy RCASC
Defending Offr Lt H. R. Goodman 45 Cdn Gen Tpt Coy RCASC

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 is lawyer and Def Offr not, accused is entitled to an adjournment when RP 89 (b) and fn 2 were not followed. See Df p 3.)

A8. The accused not before arraignment make(s) (no) plea (2)

(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, 25(A), 113), or in bar of trial (RP 36), or as to accused's mental fitness to stand trial (AA 120, 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 form of record see references in fns to RP cited. Insert in AB rank and name of the accused making the plea.)

A9. The accused is not 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 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 considered the Instrs on Procedure after Arraignment at top of p 2. The proceedings are continued on Record Form B.

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.