

SCHEDULE.

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

Accused: **F.31143 Pto Lawson OAKES**

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 AA 10 (4)	Guilty	Guilty	Charge 7th AA 40 Guilty Guilty
2nd AA 15 (1)	Guilty	Guilty	8th AA 40 Guilty Guilty
3rd AA 10 (4)	Guilty	Guilty	
4th AA 15 (1)	Guilty	Guilty	
5th AA 10 (4)	Guilty	Guilty	
6th AA 15 (1)	Guilty	Guilty	

(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 **120 days** beginning on (date) **1 Nov 43** (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 **6** 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: **One (1) year detention**

(Sgd) **27 Nov 43** 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(S), RP 120(F), MML p 780.)

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(2). 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 33A, 34. 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 and 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 **1 Dec 43**

(Sgd) **Commanding** **Compd 11 Cdn Inf Bde** Confirming Officer.

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

Accused. Date. Signature of Offr.

F31143 Pto Lawson Oakes **2 Dec 43** **JP McNeil A.C.**

ALL DELETIONS AND ALTERATIONS WILL BE INITIALED.

FIELD GENERAL COURT-MARTIAL

CFA96 (In lieu of AFAS) 40/P & S 1608 (2864)

Convened by Order of **Brig. G. Kitching, DSO** Comd **11 Cdn Inf Bde** dated **26 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) apmnt, A/rank or A/apmnt, if any, see AA 182, 183, fns, KR Can 308, 328, 330.)

Number. (a) Pmnt R. (b) Apmnt, A/R or A/Apmt. Full Christian Names. Surname. Unit.

PROCEEDINGS REVIEWED

LAWSON OAKES C B Highre

PROCEEDINGS OF TRIAL.

Held in the Fd in (country) **ITALY** on (date(s)) **27 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 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 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 (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 11-13, 23, 24.)

A3. The Court is opened. The accused is (are) brought before the Court. At **10.10** 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 C.O. (4)

(1. KR Can 557. 2. AA 48(8), RP 60 fn 1. For effect see KR Can 563(c). Delete, if not applicable.)

A5. President to accused: Do you object to **MSA** as interpreter? Ans

The Interpreter is sworn. (1) Do you object to **MSA** as shorthand writer? Ans

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** (2) (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	P. KENNEDY	11 Cdn Inf Bde Sp Gp (PLP)
Member	Capt	S R GRAINGER	Perth Regt
Member	Capt	W S ELDER	Ir RC
Judge-Advocate			
Prosecutor	Capt	O.S. Price	C B Highre
Defending Offr	Capt	G.M. Logan	C B Highre

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

(1. RP 26, 27, 109, 111. List of offrs under instr will be returned separately with proceedings for information of Cons Offr.)

(2. If Pres 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 3.)

A8. The accused **F31143 Pto Oakes, L** before arraignment make(s) (no) plea

(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), 113), 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 to 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 (not) 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 34, 112. See para 1 of Instr p 2. When more than one Charge Sheet see RP 62; when accused accused to be tried separately see RP 71(C), and use separate copies of CF A96 to record proceedings. 2. RP 35, RP 36. If objection, debate 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**.

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.