INSTRUCTIONS ON PROCEDURE AFTER ARRAIGNMENT.

The accused may not plead or be found Guilty on more than one of two or more charges laid in the alternative (RP 37(A).) As to veithdrawal of alternative charges by Prosecutor see RP 35(C). No other charge can be withdrawn for any reason without authy from Convening Offr. If Convening Offr concurs, Court may accept plea of Guilty to lesser, etc., offence. (RP 44(H).) Accused may change a plea of Not Guilty to Guilty to Guilty during trial. (RP 38.) As to refusing to plead or not pleading intelligibly see RP 35(A). As to plea when sentence may be death see RP 35(D).

2. The proceedings on each charge sheet (RP 62) after arraignment will be conducted as follows in the respective

- I. If pleas to all charges are GUILTY, use Record Form B below.
- II. If pleas to all charges are NOT GUILTY, use Record Form D on p 3.
- III. If pleas to some charges are GUILTY and to other charges are NOT GUILTY and,
 - (a) Such mixed pleas occur when there are no alternative charges in the Charge Sheet, use Record Form C below. (RP 37(4).)
 - (b) Such mixed pleas occur in a set of two or more charges laid in the alternative, see RP 37 (A) and fn 2 as to discretion of Court, (i) to try the accused on all such alternative charges as if he had pleaded Not Guilty thereto, or, (ii) to record the pleas as the findings of Court. After deciding between (i) and (ii), Court will proceed under foregoing instra as may be appropriate to result of its decision. See MML p 744 Instrs (2).
- 3. As to responsibility of President to accused see RP 59, 60(C); powers and duties of JA see RP 103; duty of Prosecutor see RP 60(A) (B); duty and privileges of accused and Defending Offr see RP 60(C), 87(C), 91, 92; swearing and withdrawal of witnesses from Court see RP 81, 82; questioning of accused see RP 88, 87(C), 92(B), and of witnesses we RP 83.85; calling or re-calling of witnesses by Court etc. see RP 75-79, 86, 116; use of Summary of Evidence at Trial see RP 17(E) fn 6; and responsibility of JA or Pres to record proceedings see RP 94, 96

RECORD FORM B-PROCEEDINGS ON PLEAS OF GUILTY TO ALL CHARGES.

B1. The President or JA, if any, complies with RP 35(B) by explaining to the accused the nature and meaning of the charge(s)(1), and that on his plea of Guilty there will be no regular trial but merely a consideration of the sentence to be awarded after he has been given an opportunity to make a statement in reference to the charge(s), call witnesses as to character and make an address in mitigation of punishment.(2)

(1. RF 25 fn 3. 2. MML p 58 pers 47.)

B2. President to accused: The Court will now receive any statement you desire to make in reference to the charge(s).(i) If it appears from your statement that there are circumstances which indicate that you do not understand the effect of the piea of Guilty(i), or which show provocation or extenuation in respect of which in your interest the witnesses for the Prosecution should be examined(i), we shall advise you to change your piea to Not Guilty. In making a statement you will not be sworn or subject to cross-examination; and anything you say will not be used in evidence against you after you change your piea. If, however, it appears to the Court that your statement affects only the amount of purishment to which you are liable, you will not be advised to change your plea and you will be given an opportunity later to prove your statement by sworn testimony, if you so desire (i) will be given an opportunity later to prove your statement by sworn testimony, if you so desire.(*)

President to accused: Do you wish to make a statement ! Ans. NO (), 8P 27(8). 2. 8P 37(0) fn 6. 3. 8F 35(8) fn 5 para 3. MML p 54 para 47. 4. See para E3 of Record Form E. 5. Statement, if any, recorded per Notes.)

olders the acquired's statement.(1) The Court decides (not) to advise accused to change his to Not Guilty on the court of the court decides (are) so informed, and he (they) (their) plea(s) of Guilty to Not Guilty os change(s) his (their) plea(s) on ______ charge(s). Part I of the Schedule is ______ charge(s) accordingly _______ (l. Court may be closed to consider the scatterent. Delete whole or part not used.)

B4. On the charge(s) to which the pleads of Guilty is dense not changed the President records finding(s) of Guilty in Part I of the Schedule.(*)
(1. SP 35(5). If any pice(s) is (are) charged, use Second form C or D as appropriate.)

B5. The Summary of Evidence is marked Ex. A., initialled and road aloud by the President. (1) (I if there is no Summary, or if it is invisequete, comply with RF 27(8). If there is one evidence incomistant with any plea standing, as Guilty. Court will obvine occused to change such piec and, if changed to Not Guilty, try such charge(s) by one of pares DI to DB inclusive of Recard form D on p 1. RF 27(D).)

B6. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using Record Form E on p 3.

RECORD FORM C-PROCEEDINGS ON MIXED PLEAS OF GUILTY AND NOT GUILTY.

Cl. As to the charges on which account pleaded NOT GUILTY the trial is continued by using paras D1 to D8 maive of Record Form D on p 3 before producing with C 2.(*)

(i. 18 19(4:61)

C2. The charges on which accused pleaded GUILTY was read to him (them) again, and the trial is continued by using paras B1 to B5 of Record Form B above. (**)

(1. Under 85 such parts only of the Summery of Evidence are read as read on the part with under C2. If any pine is charged to Not Guitt. Itsel themsee proceed by sampling with pures D1 to D6 inchange in Record Form D on p 3 and making on appropriate record thereof on 6 separate short.)

C3. The accused having been found Guilty on one or more of the charges, the proof form E on p 3.

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS

Pin here Loose Sheets of Record.

RECORD FORM D-PROCEEDINGS ON PLEAS OF NOT GUILTY TO ALL CHARGES.

Do you wish to apply for an adjournment on the ground that any of the rules to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on that you have not had sufficient opportunity to prepare your defence ! Ans. If "yes", see RP 39(A) for procedure. Stotement or evidence. If any, is recorded per Notes.)

D2. The Prosecutor makes (an) (no) opening address.(1)
(1. R) 19(8), 60(A) (8), 90, 92(C) (D). Record address per Notes. subject to RP 95(C).)

D3. The evidence for the Prosecution is taken.(1)
(1. RP 39(C) 114, KR Can 555. Record evidence per Notes. As to Prosecutor giving evidence himself see RP 39(D) (E).)

D4. The Prosecution is closed.(1) The Defending Offr submits that the evidence for the Prosecution does not establish a prima facie case against the accused on the charge(s).(*) The Court is closed, and considers the submission.(*) The Court is re-opened, and the President announces that the submission is disallowed on the charge(s), and that, accordingly, the trial will proceed on the former, but the accused is (are) found Not Guilty on the latter charge(s), (1). Delete remainder of this pare, it ubmission not mode.

2. Arguments on submission, answer and reply are recorded per Notes.

3. RP 40 fo 1. See MML p 22 pares 12-14 and p 21 pares 12-14. Delete part not used. If occured equitted on all charges, use excend elementaries in pare of the pare 42.

MS: If trial proceeds, accused must be alleed a great initiate in making his defence, and the Court should not stop his defence solely on ground of irrelevance. (RP 50(C), 114. 1).

D5. President to accused: You will now proceed with your defence.(1) You may, if you wish, give evidence yourself on oath as to the facts or your character or both, in which case you will be subject to cross-examination. (*)
You may, however, make a statement without being worn, and you will not be subject to cross-examination. (*)
But a statement which could have been made on oath will not carry with the Court the same weight as sworn testimony. (*)

President to accused: Do you wish to give evidence yourse as a witness, make a statement, or do neither ? Do you in end to call witnesses on your behalf? Ans.

(1. RP 155. 2. RP 40(A), see 80(D). 3. RP 40 fn 10. 4. RP 40 fn 12. 9.) D6. Consequent on the answers recorded in para D5 the appropriate procedure for the defence is followed.(*)
(1. RF 114, 115, 116. For procedure see Notes on back of Convening Order, CF N5. Evidence for accused as to his
character should, if in his messers, he given before the finding. See RF 464(R in 1. 86(C). Note turber apportunity in para E1
of Recard Form E. Recard per Notes addresses, statement, evidence used any summing up by th. A under RF 42, 103(e).

D7. The Court is closed to consider the finding(s).(1) The finding(s) of the Court is (are) recorded in Part I of the Schedule.(2) The Court is re-opened.

(1. 89 42, 117(A). See Notes in Part I of Schedule. 2. 89 48(A).)

D8. The President announces the finding(s), if any, of Net Guilty, and states to the aced that the finding(s) of the Court on the

charge(s), being subject to confirmation, will be the confirmation will be the confirmation of the confir sused forthwith.

D9. The accused having been found Guilty on one or more of the charges, the proceedings are concludes Record Form E below.

RECORD FORM E-PROCEEDINGS ON CONVICTION BEFORE SENTENCE.

President to accused: Do you wish to give evidence yourself or to call any witnesses as to your character 1(1)

The Prosecutor produces Statements as to Character and Particulars of Service⁽¹⁾, and certified true copy the product Sheetis⁽²⁾, purporting to refer to the accused, which he submits to the Defending Offr for examination, and then to the Court for admission in evidence. The Court is satisfied that these documents refer to the accused, because (i) they purport to be signed in the manner required by AA 163(1) (g) (h), and (ii) they purport to refer to (a) soldier(s) having the same number, rank, name and corps as the accused. Admitted in evidence and marked Ex. TBI and Ex. respectively.(*) d Kx "B" and Ex "G" respectively.(*)

1. NPB 355 or APB 298, 2. NPM 6. 3. NP 46, KR Can 558. If above documents not produced, see

E3. President to accused: Do you wish to address the Court on the Statement(s) and Conduct Sheet(s), and in multigation of punishment 1(1). Ann. Yes

(i. RP 31(c), 66(D). Z. Actress if any, recorded per frame. Court should permet occused or his witnesses to proun such anything here or presimantly stated which would affect the amount of punishment. RP 37(F) fo 7.)

E4. The President states that the Court is closed to committee the sentence, and that the sentence to be awarded by the Court, being subject to confirmation, will not be announced, but will be promulgated later, and the proceedings in open court are accordingly terminated.(1) (1. Al 34(4), N 120(4).)

ES. The Court considers the menterice. (2) The President records the sentence in Part I of the Schedule, which is distord and rigned by him and the JA, if any (2) .

(i) When several extraord tried superstay one PP 7(D). One senseror only, conjecture of the parishment or positioned size does in Ad-1, 64 and in preside, it is the president of the form of the parishment of the parishment of the parishment and charge sheet; on which occurred fissed parity, and the parishment of the parishment of

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.