

SCHEDULE.

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

Accused: A108794 PTE MIKE UKRAINYC IC SCOTR

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>AA 6(2)(H)</u>	<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 _____ beginning on (date) _____
 (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 14 days, of which 14 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 effect Field Punishment for 90 days and to forfeit all ordinary pay for 90 days.

(Sgd) R. R. Tull Major 28 JUNE 44 (Sgd) R. R. Tull Major
 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.)

PART III. DECISION OF CONFIRMING OFFR ON FINDING(S) AND SENTENCE.

(For duties and powers see AA 54, 57, RP 37(D) in 4.46(A), 51-56, 120, MML pp 759-761, KR Can 567-577. Acquittal requires no confirmation and cannot be revised: AA 54(7). Sending back finding or sentence for revision by Court: AA 54(2), RP 120(G). If not confirmed, accused may be tried again: AA 57, MML p 64. Minutes of confirmation or non-confirmation may be altered before promulgation: RP 53, MML p 63. 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 orders.⁽¹⁾
 (1. AA 57A. Delete if not used.)

Date 28 Jun 44

Commanding

Confirming Officer.

PART IV. PROMULGATED AND EXTRACTS TAKEN. (RP 51, KR Can 576, 577.)

Accused: A108794 Pte, Ukraine H. Date: 28 Jun 44 Signature of Offr: [Signature]
C. C. BELDU Lt.-Colonel
 O.C., 1st Bn, C.Scot.R. (AP)
 ALL DELETIONS AND ALTERATIONS WILL BE INITIALLED.

FIELD GENERAL COURT-MARTIAL

RECEIVED
 5 JUL 1944
 JAG BRANCH
 S.W.A.Q.

RECORDED AT ONHO IN 103 160 400-26

Order of Brigadier H.W. Foster, Comd 7 Cdn Inf Bde dated 20 June 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) appeal, 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
A108794 Pte Mike UKRAINYC

PROCEEDINGS REVIEWED
 5 Jul 44

PROCEEDINGS OF TRIAL
 REVIEWING OFFICER, JAG BRANCH C.M.H.Q.
 Held in the Fd in (country) FRANCE on (date(s)) 28 JUNE 1944

RECORD FORM A—OPENING PROCEEDINGS AND ARRAIGNMENT. 8/118.

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 fn ROs. For guidance on procedure when a variation in this form arises, see form for CCM 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 AFS, for auths and instrs on how to record addresses, evidence, etc., which instrs are themselves 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 initiates 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 is ~~is~~ 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 48, 50, RP 105-107. 3. RP 11-13, 23, 24.)

A3. The Court is opened. The accused is ~~is~~ brought before the Court. At 0935 hours trial commences.
 A4. The Prosecutor produces a Medical Certificate that accused is ~~is~~ fit to undergo trial by court-martial.⁽⁴⁾ The Prosecutor informs the Court that accused elected to be tried by court-martial instead of being dealt with summarily by the CMO.⁽⁵⁾
 (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 _____
 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 _____
 (1. RP 110. 2. If no objection, waiting member retires. RP 48(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	<u>MAJOR</u>	<u>R R FULTZ</u>	<u>R WPG RIF</u>
Member	<u>CAPT</u>	<u>WLC WHITE</u>	<u>REGINA RIF</u>
Member	<u>CAPT</u>	<u>R H TYE</u>	<u>IC SCOTR</u>
Judge-Advocate	<u>CAPT</u>	<u>A C HALL</u>	<u>HQ 3 Cdn DIV</u>
Prosecutor	<u>LIEUT</u>	<u>JPR MULLISON</u>	<u>IC SCOTR</u>
Defending Offr	<u>CAPT</u>	<u>E G ENGLISH</u>	<u>IC SCOTR</u>

Questions by President: Is the Prosecutor a lawyer? Ans No. Is the Defending Offr a lawyer? Ans No.
 (1. RP 26, 27, 309, 111. List of offrs under instr will be returned separately with proceedings for information of Comd Offr.)
 (2. If Prosecutor and Def Offr not, accused is entitled to an adjournment when RP 87 (6) and fn 2 were not followed. See Df p 3.)

A8. The accused PTE MIKE UKRAINYC before arraignment make(s) (100) plea CR

(1. If a special plea is made for separate trial on one or more charges (RP 62(G), (H)), or as to the jurisdiction of the Court (RP 30, 25(A), (B)), 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 28, 71), such plea, the addresses made in support or against the evidence, if any, and finding are recorded per fn 10. For forms of record see references in fn 1 to RP cited. Insert in AQ rank and name of the accused making the plea.)

A9. The accused is ~~is~~ 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 Instr p 1. When more than one Charge Sheet use RP 62; when several accused to be tried separately see RP 71(C), and use separate copies of CF AFS to record proceedings. 2. RP 32, RP 33. If otherwise, delete and make appropriate record per fn 10.)

A10. The Court ~~is~~ considers the Instrs on Procedure after Arraignment at top of p 2. The proceedings are continued on Record Form B and E

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

PROCEEDINGS REVIEWED
 Date 5 July 44
[Signature]
 Cdr Major G.H.G. J.A.
 021 Army Gp