REEL NO.

# START =

FIRST =

SIDE

CCC-108 PTE QUENNEVILLE L.

		Br	10	J.R.
Convened	Order	of	DED	1000

Stewart Lough Comd "G" Gp C.R.U Hated 2 Feb 44

	by Order of	DSO MO VD	ACCUSED.	rmad
runii	(As to the trial and (D) appmt,	of two or more charged ju Airank or Aiappmt, if any	intly see RP 16, 71, 109. As to reasons for showing (a) permanent or confi- see AA 182, 183, fee, KR Can 306, 328, 330.)	E

		Appmt, A/B or A/Appmt.	Full Christian Names.	Surname.	Unit.
0.21715	Pte.		Leopold	QUENNEVILLE	5 C.I.R.U

167244 PROCEEDINGS OF TRIAL 72 14 Though Cope

REMINISTER OF THE CONTRACTOR SHANDS SHOULD on (date(\$) 3 Feb 44

# RECORD FORM A-OPENING PROCEEDINGS AND ARRAIGNMENT.

TAY, At The President Members, waiting Member, JA of any

TAY A. The Court is satisfied that it is properly

\$3. As to use of Summary of Evidence use RP 17 fo 6. 2. AA 49, 50, RP 105-107. 3, RP 11-13, 23, 24.)

ANT. A3. The Court is opened. The accused is (are brought before the Court. At 1405 hours trial commences

As. The Prosecutor produces a Machical Certificate that accused is seen fit to undergo trial by court-martial (1).

As. The Prosecutor produces a Machical Certificate that accused is seen fit to undergo trial by court-martial instead of being head with a summand of LOGATS.

As Con 557. As 4648, 57 so for 1. For effect see ER Con 5836c. Delete, if not applicable.)

II. KR Can 557 2. AA 46(8), RP 60 fn I. For effect see KR Can 563(c). Delete, if not applicable

1234 to At mor trainmenting is exceeded the same singue so or AF 72. Delene, if none employed

A6. The Convening Order and names of the President and Members of the Court are read to the ancased (\*) President to accused. Do you object to be tried by me as President or by any of the Members of time Court 425. No No Sin

(I) RP JIO. 2. If no objection, woming manufact retires. RP pd(E). If objection, see procedure AA 51, RP 25, 71, ISL MAMA, p 742.) major h. D. Cheorald (Westini P) 501RU hat president 1 CORU

Cafe H. A. Wilson West B.H. Lamont (1elest R) 101RU. LAT Member 2 Ay Member 5-81RV

To A & some 9. S. Freeman Wint-AAJ Prosecution Link. JA Defending Offer

AN Questions by President Is the Prosecutor a lawyer ! And No Is the Defending Offir a lawyer ! Suns NO TO (6) 68° 28, 27, 108, 111. List of office under instr will be returned separately with proceedings for information of Come Offe.)
(2) If Pros. o lowers and Def Offer not, occused is entitled to an adjournment when RP 89 (8) and to 2 were not followed: See DI p 23:

before arraignment make(s) (tso) (a) plea Als. The accused

(i) If a special plea is made for imporphe shipl on one or more charges (AP 62(E), 108), or as the jurisdiction of shell-burs. (AP 36), at a sculped's intensity (Stores to store that (AA 30, AP 30), or as to accused it intensity (Stores) to store that (AA 30, AP 30), or as to accused it intensity (Stores) to store that (AA 30, AP 30), or as to accused it intensity (Stores) to store dependent intensity (Sto

ASE. The accused is taken arraigned in paradolys on all charges in the charge sheet. (\*) The accused does she not object to any charge. (\*) There is no amendment to be made to the Charge Sheet. (\*) The President records the pleas in Part I of the Schedule. あかか

AP 31, 1-12. See June 1 of leaves 9.2. When more than one Charge-Sinest one RP 62, when several occurred in its strend supervisor, see 87 711(2), and use separate applies of CF APs to record bioscendings.
 AP 32, AF 33, N otherwise, desires and make algorithmian record per Notes.

ADS. The Court is closed and) considers the Instru on Procedure after Arraignment at top of p. 2. The pro-edings are continued on Record Form.

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

SCHEDULE.

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

Accused C.21715 Pte. Leopold QUENNEVILLE (C.H. of O.) 5 C.I.R.U.

Charge. (Insert " oltanotive " where (See Instrs p 2.) (See nate below.) (Space for use as required for further charges, occused charged jointly, special findings, etc.) 1st AA Sec 15(1) Juilly

(Note: As to fundings for lesser offences see AA.56, RP 44; fundings on otternative charges see MML p 483 fo. 4 page 2, RP 44; of fundings see RP 44 and MML p 753, and in last of kit see RP 44 (n h ).

insers sentence being served, or delete, if not applicable. See RF 46(A). Information should be found on MF 8355 or AF 8296.)

hay Time in confinement awaiting present trial a total of days, of which W. days were spent in hospital (4) (I. See RP 46(A) fn Z. Sefarmation should be found on MF B355 or AF B296 admitted in evidence under E2 )

Sentence Awarded by the Court of under go detention for a period of (150) one hundred of fifty days.

PART II. MINUTE WHERE CONFIRMATION RESERVED. (ALSHS), RP 120(F), RIML 9 760.

Day got wood to Street for commanding Breeze Countries of Cr. Con Cr. Units

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

For dates and powers are AA 54, 57, RP 37(D) (n 6.46(A), 51-56, 120, MML pp 759-764, KR Can 567-577. Requires require no confirmation and connect be revised. AA 54(3). Sending book finding or sentence for revision by Court. AA 54(A), RP 20(C). RP not confirmation and connect be tried again. AA 57, MMA, p 64. Minute of confirmation are non-confirmation may paramise the sentence of the sentence of revision of the sentence before 77A, RP 53A, 54. The Confirming Offic must sign here personally. AA 672 for 6.3.

I con firm the sentince

I direct that the accused be not committed to prison or detention barracks until further orders.(\*)

(I. AA 574. Delete f out uses!)

Commanding

Confirming Officer PART IV. PROMULGATED AND EXTRACTS TAKEN. (Nº 53, JR Con 576, 571.)

G.21715 Pte. Quenneville, L. 19 Feb 44 5 CIRU Part 11 D.O. No. 38 d 21 Fabruage & Cdn Inf Art Unit

ALL DELETIONS AND ALTERATIONS WILL BE INITIALLED.

1. 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 withdrawal of alternative charges by Prosecutor see RF 35(C). No other charge can be withdrawn for any reason without authy from Convening Offr. If Convening Offr concers, Court may accept plea of Guilty to lesser, etc. offence. (RP 44(H).) Accused may change a plea of Net 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.
  - 11. If pleas to all charges are NOT GUILTY, use Record Form D on page 3.
  - 111. 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, we Record Form C
    - (b) Such mixed pleas occur in a set of two or more charges laid in the alternative, see RP 37 (A) and fu 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 instructs as may be appropriate to result of its decision. See MML p 744 Instru (2).

#### 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)(4), 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.(s)

(1. RP 35 fn 3. 2. MML p 54 page 47.)

B2. President to accused: The Court will now receive any statement you desire to make in reference to the charge(s).<sup>4)</sup> If it appears from your statement that there are circumstances which indicate that you do not understand the effect of the plex of Guilty(<sup>1</sup>), or which show provosation or extenuation in respect of which in your interest the witnesses for the Presscution should be examined(<sup>1</sup>), we shall advise you to change your piece 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 piec. If, however, it appears to the Court that your statement affects only the amount of penashment to which you are liable, you will not be advised to change your piec. and you will be given an opportunity later to preve your statement by anoun extincist, if you so choose (<sup>1</sup>) charge(s).(3) If it appears from your statement that there are circumstances which indicate that you do not under-

President to accused : Do you wish to make a statement ! Ans Wo. (1. AP 37(b) 2. AP 37(D) (n.6. 2. AP 35(B) (n.5 pare 2, MML p.54 pare 47. 4. See pare El of Record Form E. 3. Statement, if any, recorded per Normal.

Bit. The Court amenders the accessed a state that et The Court decides (not) to advise account to change hit AND telemorphisms of the control of

AAT characters him (these replication sets consider the supporters. Desire whole or part are success.)

B4. On the charge is to which the pleases of Guilty is (ass) not changed the President records findingles of Guilty in Part I of the Schadule (1)

(1. RF 35(B). If any plea(s) is (are) changed, use Record Form C or D as appropriate.)

B5. The Summary of Evidence is marked Ex. (i. it free is a Summary, of it is isosiepasts, comply with 89 318). If there is any evidence incommittee with any pine standing at Guity, Gaut will obvious accessed at change such pine and, if changes in his Guity, try such charge(s) by use of pares Di to D8 inclusive of Search form D as p.3. 89 31(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 accused pleaded NOT CUILTY the trial is continued by using paras Di to Ds inclusive of Record Form D on p 3 before proceeding with C 2 (\*) (1.  $\Re \mathcal{B}(A)$  (E).)

C2. The charges on which accused pleaded GUID back read to him (them) again, and the trial is continued by using paras B1 to B5 of Becord Form is above the first paraset in the charges short only of the Surgeon of Evidence are read as relate to the charges short with wholes C2. If my plan is charged to Nat Gainty, used therems program for complying with points D1 to D8 includes in Securd Form D as § 2 and racking an appropriate record thereof as a apparent shoet.)

C3. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using Record Form E or P 3.

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

Pin hore Loose Sheets of Becord.

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

Di President to accused; De you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity to prepare your defence ? Ans.
(I. If "yes", see RP 19(A) for procedure. Statement or evidence, if any, is recarded per Notes.)

D2. The Prosecutor makes (an) (no) opening address (1) (i. RP 39(8),  $\delta O(A)$  (8), 90 (C) (D). Record address per Notes, subject to RP 95(C).)

Dis. The evidence for the Prosecution is taken.(\*)

(I. RP 39(C), II4, KR Can SSS. Recard evidence per Notes. As to Prosecutor giving evidence himself see RP 39(D) (E).)

194. 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 ...charge(s).(\*) The Court . charge(s), and allowed on the charge(s), and that, accordingly, the trial will proceed on the former, but the used is (are) found Not Guilty on

the latter charge(s), and that, accordingly, the trial will proceed on the former, but the accused is (are) found Not Grain (I. Delete remainder of this pure. If submission not made.

(I. Delete remainder of this pure. If submission not made.

2. Arguments of submission, onswer and reply are resurrant per Notes.

3. 89 40 fo 1, See MANG. 972 pares 12-4 and p 81 pero 42.

Delete part not used. If occurred capabilities will be 10 pero 1

130. President to accused: You will now proceed with your defence (1). You may, if you wish, give evidence yourself on onth 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 aword, 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. (?)
Your may call witnesses in your defence and as to disaptoner, whether you give evidence or make a statement or do

President to accused: Do you wish to give withence yourself as a witness, make a statement, or do menther ! ..... Do you intend to call witnesses on your behalf i as to character only ? Ams 3. RP #0 fo 10. 4. RP #0 fm 2.9.) (I. RP-+55 2. RP 40(A), see 896C).

DM. Consequent on the answers recorded in para D5 the appropriate procedure for the defence is followed.(1)
(1) RF 114, 115, 116. For specifier see Notes or back of Covering Order, CF A95. Evidence for occured as to his character should if in his interest, be given before the finding. See RF 46(A) fin 1, 86(C). Note the further opportunity in para E8 of Record form E. Record by Points addresses, statement, evidence and any summing up by the js under RF 41, 103(s).

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.(1) The Court is re-opened.
(1. 87.43, 177.45 See Notes in Fart 1 of Schedule. 2. RF 44(A).)

DS. The President announces the finding(s), if any, of Not Guilty, and states to the accosed that the finding(s) charge(s), being subject to confirmation, will be promulgated later (f)

the The Provient amountees that the accused is found Not Guilty on all charges and is to be released forthwith, and that the proceedings are accordingly terminated. Part I of the Schedule is dated and signed (\*)

[3] As 54(3) (8), 69 45, 120(8). Z. As 54(3), 89 85, 117. This dimension accordingly when that we plan of Guilty containing and dust with sades Securit Surve & acc.)

The accused having been found Guilty on one or more of the charges, the preceedings are concluded by using Record Form E below.

#### RECORD FORM E-PROCEEDINGS ON CONVICTION BEFORE SENTENCE.

# No. President to accused: Do you wish to give evidence yourself or to call any witnesses as to your character 1(1)

(I. If evidence has aircody been given by accused or his witnesses as to his character, delete this para. RP 37(C) fo 4, 46 fm II. Recorded and witnesses are awarn. Evidence recorded per Nation.

E2. The Prosecutor produces Statement(s) as to Character and Particulars of Service(\*), and oseraned true copy (supplies) of Conducts Short/s(\*), 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 2.4 [833] (g) (h), and (ii) they purport to the accused, because (ii) they purport to be signed in the manner required by 2.4 [833] (g) (h), and (ii) they purport to (a) policie(s) having the same number, rank, name and corps as the accused. Admitted in evidence and respectively (\*)

[In MFS 253 or MFS 296. 2. Adm. 3. SF 46, KE Con 553. 2 shows documents not produced, see NF 46 to 1.

83. President to nocused: Do you wish to address the Court on the Statementing and Confinet Shoretish, and in A D. mitigations of punishment ?(1) Ann Yes ( Lie at a terminal day Dr. for daying of faces.) (2) (1. No III). Address, f any recorded per Mane. Court mount served or the wineses to prose so note crything here or previously stand which would affect the amount of punishment. No III(f) to 7.)

Ex. The President states that the Court is closed to consider the semismor, 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.(\*)

ES. The Court considers the sentence (2) The President records the sontence in Part I of the Schedule, which

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

TO BE TRIED BY FIELD GENERAL COURT MARTIAL. Restrict Long L (J.R. Stewart Lough) Brigadler, Commander "G" Group, CANADIAN REINFORCEMENT UNITS. 2 Feb 44 Convening Officer. T. S. T.

# FIELD GENERAL COURT-MARTIAL

CFASE (In lies of AFAS) 40(FAS/1697 (2863)

(Whether the accused to be tried is under his comd or not, a FGCM may an application to him be convened by any offr of Cdn Army Overseat, as of any other force if authorized in law, in immediate comd of troops an active servict, subject to RP 105(C) and restrictions imposed by appropriate authorized and the service of the convening Offr in dealing with the application see MML Chap V paras 20 and 23, AA 49, 30, RP 104-107, 114. As to the dates and privileges of the Convening Offr in dealing with the application see MML Chap V paras 20 and 23, PS 37(8).

There should be a separate Convening Order for each person so be tried separately by the same Court. RP 71(C), 109. As to separate charge sheets ex RP 108. As to two or more accused charged laintly see RP 16, 109.

RP 62, and as to separate tried on charges in the same charge sheet see RP 108. As to two or more accused charged laintly see RP 16, 109.

As to reasons for showing (a) permanent or confirmed rank, and (b) appmt, A/rank or Ajappmt, if any, see AA 162, 183, firs, KR Can 308, 328, 330.

Number. (a) Prmnt R. (b) Appmt, A/R or A/Appmt.

2 Feb 44

Date

Full Christian Names. Surname, Unit.

0,21715

Pte.

Leopold

GRENNEAITTE

C.H. of O. 5 C.I.R.U.

# CONVENING ORDER.

- 1. Whereas complaint has been made to me, the undersigned, that the person in amed above as the accessed, being subject to unlittery law, has (NOXXX committed the offence) set forth in the Charge Sheet & stacked and say the industry of the control of the contro
- 3. I hereby convene a Field General Court-Martial to try the said person(M, and to consist of the Offra appointed
- 4. Avger hinden na karen nangerin ndendik karenkanakan na kan nden endoken no, ka kinakan ba baran ka or detailed hereunder. (AA 49, RF 106(B), 107(A). Delete the whole or port, if not applicable.) MUNKANESKA

#### PRESIDENT.

	PRESIDENT.	
MAJOR	N.D. THEOBALD MG (WESTMR REGT)	5 C.I.R.V.
(Rank.)	MEMBERS.	1 0.I.R.U.
	to be detailed by 0.0.	
A Captain		1 0.I.R.U.
A Lieut	to be detailed by 0.0. (Named or detailed. RP 106.)	(Limit.)
(Rank-)	WAITING MEMBER.	
A Lieut	to be detailed by O.C. (Named or detailed of any N 10c.)  JUDGE-ADVOCATE.	5 C.I.R.U.
		(Shirt)
(Rank.)	(Must be named, if any RP 100-)	0
On Active Service in the	Pd Solo + A	Brigadier
England	(Conned personally. Ap 105 for 2)	(Rank.)
ill (Country-)	(J.R. "G" Group Can Rf	t Units.

Convening Officer. CONVENING OFFR WILL INITIAL ALL DELETIONS AND ALTERATIONS

L. D. The Cald myn

Conneville, L. . . . . . . or 5 Mm Int Aft Poit . . . and in my

7. A. X.

12 sle Cept.

Statement in metigation of previous hument for Ple . Leopold Quenneville Personal and family history Born, Dec 24, 1923, into a family which was to prove unhealthy and unstable. Left school in 3rd grade at age of 13 yes when Types old lost hearing in one car. the brother and one sester died of 1 B. line brother has lived at home for 12 yers with 1.13. Father spent two years in an institution Quanelled with brother and just could not bear bung told to do things by him home on the farm army history 18 yes of age enlisted on 19 Sep 41. Orkeeded overseas Mar 42 ang 43 hospitalyted due to enjury from 69 spenats while in hispital had sere on life and given Kahu & Wasserman lesto Former negative & latter doubtful enough to have aummented relasting Nov 43. This not yet done. Summediate past bestong in army AWL for 18 days in Sep relet 1983. Influence of thers. He had money and they helped him ahendet

Persuaded to go AWL this last line for a'. 1944 when he surendered to earl police general characteristics and stability of account Stories by accused of thoughts of suicedo. General metability and dullness. H.O's report given through Psychiatric and Medical examination which will would in his being alleated to some brauch where he should be more uneful Habriek Tunk See attatehed dorton opinion. h. A. When rold major

2. In my opinion the m/n sollier should be reviewed by s Payohistrist.

2.7.5 Pte Quenneville, L. - 5 CIRU Cat A Age 20 Service 2 5/12 Enlist Sep 41 Overseas Mar 42 Family F spent several yrs in Cnt Mental hosp, remains mentally historyimpaired armamently vascular accidents, imstable until previously. Eather irritable, nervous. 2 sib (brothers & sisters) died Th. 2 brothers, 2 sisters. Alive and well.

1 brother doesn't work said to have T.P.

Past Illness Demies any but childhood disease. Demies VP preophilitable. Bervice Com Shot Yound in less a Remed. 16 COS.

P.M. Horn and raised in small village East tot. Largely French Canadian. Eather famer and rented large farm and until patient was 10 wears was prospecies but tended to variet family through drinking. Patient had payend neurotic trait Equipment and partitions and recessiveness. He was incompatible with sits (brothers and sisters), hated brothers, betty thefts for which he was beaten by them. Foor chicational progress sculin't remember or learn, readily confused, no interest. Foor at cames, never learned to throw a ball. progress couldn't remember or learn, readily confused, no interest. Four at games, never learned to throw a ball. Socially fair, smoked early; he denies inventle crimes, sixed peoply opposits sex. Employed in father's farm with short period of wandering and casual labour. States he overated farm after reverses in family fortunes through father's illness and tertal insta filty; was irritable and into leive couldn't take advice, would have home far short periods when bothered. Didnt intend to emist but went up for exam with friend so could get a rejection sig so could continue work on Boy't job, has accepted.

Soliated Sey 41 completed basic training with attrienty, smilet before a feet nind on learness. No trouble with conlont learn or keen wind on leadures. He trouble with Cal. Employed in fatigues, few AWIs, drinks. Not discontent of an estationed near home. Overseas var 42. 4 mone in William had difficulty with TOETs but sent to field in Jul 43. In Aug during battle innoculation wounded. Fe was in state of acute fear and confision - 6 weeks in 16 CGE. Went AVI. on return to unit on suggestion of fellow. Sentenced to on return and inmediately ment all on completion. Has comid to go All. Readmes depressed, nervous, tense when in burraghs. Cant control himself doesnt want to so All but cant resist a suggestion. When in field was also wary tense restlers and went AMI. Stayed in woods. He has difficulty finding female acapanionship states he was taken in by widow aged 45 in London and seduced, has returned there when AMI. Finds other empanions, denies assumed about maities. Longest period AMI was 10 days Sep 41 m. in sentence of 21 days detention. At present waiting FOCM. He canting to violence. Was occasionally thought of suicine in past. Nell develored and nourished stignale inferiorly. At the exam is markedly tense, with hysterical mannerisms and reactions. Speech sturred, husby, excessive sal vation. CNS neurological exam NAL. Has accury penis, glands see. Was readily contrased enctionally. Lattle affect is congruous. Rapid swings in meed. tentally he is barder line and duli manory, poor comprehension calculative poor.

Judgement is poor larks shouthonal control with initiability intuitivements. Chilsish tantrums. No present calusions but personality and reactions show pre-psychotic treits. but personality and reactions show pre-payments traits.

RECORD of the Declaration of a Court of Inquiry assembled at Tournay Barracks 1945, for the purpose of investigating on the 20th day of December and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. C.21716, Pte Guennville, L., Cameron Highlanders of Ottawa, on strength of 5 Canadian Infantry Beinforcement Unit

#### DECLARATION

The Court declare that No.9, 21715, Ite Quen Wille, L., Cameron

Highlanders of Ottawa, on strength of 5 Garadian Infentry Reini oreement Unit illegally absented himself without leave from Tourney Barracks, Famborough, Hants B Canadian Infantry Halpforement Unit

on the 27th day of November, 1943, at 2559 hrs

that he is still so absent, and that on the 18th December 1945 he was deficient, and that he is still deficient of the following articles:-

Al	RTICLES	VALUE	ARTICLES	VALI
BD Blooses BD Tronsers Bonnets,705 Boots,ankle,prs Shirts,woollen Towels,hand Shirty, gym	1 £1.3.6 1 1.4.18 1 0.2.8 1 1.4.5 1 0.5.48 1 0.1.5.	60.18.62 0.19.2 0.2.0 0.19.82 0.4.0.		
TOTALS	24.3.1	25.5.5.		

Signed at Tournay Barracks Farmborough, Hants

day of December o 43 this 20th

Member Taylor) Limet Canada 5 Canadian Infanty; Reinforcement Unit.

Signature of Commanding Officer

Certified true copy

E 1. N. V.

.7.5 Pte quenneville, L. - 5 CIRU at A Age 10 Service 2 3/12 Enlist Sep 41 Cat A Age 20 Service 2 Referred for S grading. Adjustment difficulties in unit. Can't hear well, can't seem to learn well, memory is poor. Becomes Represed and lonely. "Can't stop myself going Ave. Becomes Depressed and lonely. "Cant stop myself going Ava., derves set me had."

Family P spent several yrs in Ont Vental hosp, remains mentally historympaired apparently vascular accidents, thatable until nevicously. Nother irritable, nervous. 2 sib Chrothers & sisters) died TR. 2 brothers, 2 sisters and well.

1 brother doesn't work said & haves 1.0.

Fast Illness Benies any but childhood disease. Denies VB are or during service. Class several carebral injuries In childhood. Bervise Can Sict Vennd in legs - Ava 42. lo or the condition of the Cardina and raises in small villages East Out, lawyely Press.
Candian. Pather, ferrer and reside Laye fart and motil
satient was 10 wang was presperous but tended to revised.
Family through drinking. Estient had psycho herocite tract.
Family through drinking. Fatient had psycho herocite tract.
Family through drinking. Fatient had psycho herocite tract.
Family through drinking. Fatient had been petty thefts for which he was bester by them. For estectional progress couldn't remember or learn, readily confused, no interest. Foor at rames, never learned to throw a ball.
Socially fair, sacked sarily: he denies inventie crimes, intered poorly opposite sex. Exployed in father's farm with mistry periods when bothered, and castal labour. States he constructed farm after reverses in family furtures through taken and sometance farm after reverses in family furtures through taken and sometance and the mistry was scritched and sork as farm the had state had a sealed when the farm of the mistry periods when bothered. Claim interest with a farm of breaming the had state of a smallered takes from his and the sealed when the farm of the mistry of the same with the sealed when fathered the same farm of her mistry with refers but sent to fiscal in Mil 1.

Again had difficulty with TREEs but sent to fiscal in Mil 1.

In Aug during hattle innoculation wounded. He was in state of acute fear and confusion - 6 weres in 16 dos, went and of acute fear and confusion - 6 weres in 16 dos, went and and reaction of acute fear and confusion - 6 weres in 16 dos, went and and reaction of acute fear and confusion - 6 were in 16 dos, went and an acute of acute fear and confusion - 6 were state when the period with the same when in hyrdow ace. If his other companions, denies sential about the sentence was in fam but personality and reactions show pre-payments traits.

and more superation readily becomes psychotic under stress. Wental Dallness with eactional Instability, 0622. Recategorized MS5 Useless in any raracity and early repatriation indicated. His Medical conditions should be considered at his trial. Unfit for detention. 1 STAFF CAPTAIN GROUP CON. RET UNITS

RECORD of the Declaration of a Court of Inquiry assembled at Tournay Barracks
Parnborough, Hants
on the 20th day of December 1943, for the purpose of investigating
and recording the absence, without leave, from his duty, and deficiency, if any, in
the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing
of No. 6.21716, Pta Grennville, L., Cameron Highlanders of Ottawa, on
strength of 6 Canadian Infantry Scinforcement Unit

#### DECLARATION

The Court declare that No.C.21715, Pte Quencella, L., Cameron

Bighlanders of Ottawa, on strength of 5 Garadian Infantry Reinforcement

Unit

illegally absented himself without leave from Tourney Barracks, Famborough, Hants

5 Canadian Infantry Reinforcement Unit

5 Canadian Infantry Reinforcement Unit

6 at 2559 hrs

on the 27th day of November, 1945,

that he is still so absent, and that on the 18th December 1943 he was deficient, and

that he is still so absent, and that on the 18th December 1945 he was deficient, and that he is still deficient of the following articles:—

A	RTICLES	VALUE	ARTICLES	WALUE
BD Blouses BD Trousers Bonnets, TOS Boots, ankle, prs Shirts, woollen Towels, hand Shirty, gym	1 £1.3.6 1 1.4.1 1 0.2.8 1 1.4.5 1 0.5.4 1 0.1.5 1 0.1.7	0.19.3		
TOTALS	24.5.1	#5.5.5.		

Signed at Tournay Barracks Farmborough, Hants

this 20th day of December 45

(N. ) MAIGH CAN President the Black Match (NIR) of Canada the Canada intactry Beinforce ant Unit (R. ) Guilt) 118 and Clangary Highlands Canadian Infantry Beinforce and Unit

if. Paylor Lieut
The Lorne Sects of Canada
5 Canadian Infantry Reinforcement Unit.

Signature of Commanding Officer

Certified true copy

M. F.B. 173 A. F.B. 113 15M - 6-41 (718) B.Q. 1770-18-417 Signature of Officer having coastnedy of original record

£ 1. N. J.

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to charge of

Arrey Form 6.1617 R.A.F. Form 1627

# PART 2.

This portion of the Form should be completed and linewarised to the Officer Commanding this may be talk to whom Part 1 of this form is seen, as one as all expenses have been assertated. (It should not be detached from Part I unless delay is completent as analysis as The refund of expenses incurved by the Police applies easy in the case of the Police Authorities in Northern Jealand, the Jole of Man and due Consistes of Orking and Shelland

Statement of Expenses chargeable to Army or Air Force Funds

Posice in the case of No.

CENTIFIED that this statement of expenses is corner.

Superintendent or Officer in charge of Police Station

#### PART L.

# CERTIFICATE OF SURRENDER TO THE CIVIL POLICE OF A DESERTER OR ABSENTEE WITHOUT LEAVE.

This Form is ONLY applicable where a person surmenders to a Constable as being a Deserter or Absence.

#### Instructions for the Guidance of the Police



When a person surrenders himself to a constable as being a deserter or absentee without leave, the officer of police in charge of the police station to which he is brought shall forthwith inquire into the case, and if it appears to him from the confession of that person that he is a deserter or absentee without leave he may cause him to be delivered into military or Air Force custody without improve him before a course of working the leave as the confession of the confession

In such a case a telegram should be despatched to the Omical Commanding the Man's Unit\*\* in the case of soldiers and in the case of animal the O.C. Ese station at which the arman base served notifying that he has surrendered, and stating the animal ranks name and unit of the man and that officer will at once arrange to send an escent for the man to be taken rank name and unit of the man. And that officer will at once arrange to send an escent for the man to be taken rank emilitary of Air Force custody. Where an absentee's unit is statighted overseas (outside Great Bentam, Northern Ireland Distrem and the Channel Islands) the telegram will be despatched to the O.C. Regimental Depot in the case of a soldier and in the case of an airman to the O.C. No. 1 R.A.F. Depot, Uxbridge, who will arrange escort. This certificate will be handed to the escort on arrayal.

<sup>\*</sup> Stations of Units and December of these to the Month.

<sup>5</sup> Note — Special instructions apply to war for the disposal of absolute and describes from the Army, so in secretar for the flavor politics; Ad, Math. Passence will be balled, over team the sixed methodation by the CL. He meaned multisaty unit or the CL. Trouble without nearest multisaty unit or the CL. Trouble without nearest.

<sup>12745)</sup> W. 10500 127 35 000 1002 A S E W Ltd. Cp 698 Fermi C.1027412

with a true copy of the Sermany of Evidence taken at Tournay Barracks, Parnborough Bents on the Flat day of January 1944, preliminary to my Court Martial.

I further asknowledge that I have been served with a true copy of the Charge under which I ambeing brought to Court Martial.

1. 21715. P. R. Christielle.

(C. 21715 the cameville, L.)

Dated at Tournay bernasts this Flat day of January 1964.

I hereby request that the Convening Officer appoint an Officer to represent me at my trial.

I desire the services of Lity H. Patrick R. H. C.

191215 Pt downwill

Dated at Tournay Harracks this Sist day of Jarmary 1945.

1. 8. 5.

In the case of Wo. G-21718, Private QUIVILVIIIE, Largell, Cameron Highlandors of Ottawa, on the strength of 5 Canadian Infenter Heinforcement Unit, as a reinforcement, a soldier of the Canadian Lieut. W.W. Thom, Royal Canadian Artillery, Assistant Records Officer, & Sanadian Infuntry Reinforcement Tolt, Basing Lie - only sween atabas: I am Light. W.E. Them, Royal Carnidian Artillery. Assistant Heady's Officer, 5 Canalian Infantry Reinferement Unit. I produce a Certified True Leys of a Record of the Decision of the County of English of the County which assembled at Tourney Bernscha on the May of December 1913 showing the accused whom I am resortize as showing himself without leave from Tourney Laurencks, Francounty Henrice at 2015 hours on the Bitts in at Tourney Henrice at 2015 hours on the Bitts in at Tourney Henrice at 2015. Two resorties as shanting alastes.

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- Pla	Date of offence	Bank	Cases of drunken- ness	- OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order daspen- sing with trial	By whom awarded	Remarks
1	17Sep 43	Pte.		A.A.Sec 15 (1) AWL from 2200hrs 17 Sep to appreh. at 1000 hrs 19 Sep 43.(1 day 12 hrs)	Documentary	7 days F.P.& 7 days pay	20Sep43	Lt.Col.G.F.	2 days p
1	208ep 43	Pte.		A.A.Sec 15 (1) A.L thilst a der- aulter from 1330 hrs 20 Sep to 1045 hrs 8 Oct 43.(18 days 3hrs 15 mins)	CSM Darwin	28 days detn.	12 Oct43	Col.A.S. Pearson	19 diere
				Certifies true copy as take	Tionopids Off	the first			

Control Secretaries, June 19, 1981 (Secretaries Secretaries Secretaries Physics Action Control Secretaries Secreta

# STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

	No.	Name	Regimen	t (or unit)
Number - 21715	Ale	quennerle		SEIRO
W. C. P	ng is a fair and true summ	mary of the entries in the	Service o	nd-General Co
			ital and Squadre	
or Company Condu	et sheets of the accused,	exclusive of convictions by a Cour	ch telal has been	dispensed
of summary awards with.	under Section 47 of the	Army Act and of cases in whi		
Within	ast 12 months	Since enlistment of	ar appointment	7 Kines
For AH SEV				
For				
Number of ins	tances of gallantry or dist	inguished conduct Act		
There are no e	ntries in the employ also	as of the accused jo		
NoveH the	charge is for drunkenness	s, the entries for drunkenness mus	t be stated separ	ately.
2. The accus	ed has not been previous			
		or, or a court martial or a civil court	of accommon to	werde under
Section 47 of the	Air Force Act for Army Act and dispute	A.F.A. 78 ations with trial under A.A. 78		
annexed to this str	atement			
-	at the present time is an	eder sentence for tel	ginning on the	•
day-ok				
				/ 5
4. The accu	used has been in confineme	ent awaiting trial on the present el	narges, tor. N	7.64 - 100/28 10
eivil custody, and	d 6 days in	Air Force/ military custody, making a total	of Let do	ys in custody.
of which	NIL days were spe	nt in hospital.		
5. The pres	sent age of the accused a	ecording to his record of service is attestation paper i		
	attestation	fied in his record of service is attractation paper	19 Sep	
7. The ser	vice which the accused is	allowed to reckon towards dischar	on Lyn	, 4 m.
	used is entitled to reckon	service for the purpose		
9. The nee	rused is in possession of a	or entitled to no air force descrat	on, or air force- military	to is subside ( not no size 2 - )
		air force decoration or reward.	CV3H	
10. (If the Air-Force of the regimental of		hit B' The A.	T.	alliver innt treids

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in mi Albai	proved as a non-comm	nissioned officer continue	ously, without red	uction, to the
ent date:			Date	of promotion.
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In the rank of	1	years.		
In the rank of Norm.—If any matter	in any of the above pa	years. aragraphs cannot be state	ed from the Regime	ental books, the
ragraph must be struck	manufacture of the same of the			
	1 8	CHEDULE		Air Force
Of convictions by a case, and of cases in which	h trial has been dispen			
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XX-96 PTE QUESNEL A

X

# SCHEDULE.

Charge.	Ples.	Finding.	
nsert " alternative " where applicable.)	(See Instra p Z.)	(See note below.)	(Space for use as required far further charges, accused charged jointly, special findings, etc.)
	Guilty.	Quely	
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			A STATE OF THE STA
(Note : As to fit special findings see 2	ndings for Jesuse siffer UP 44 and MME & 75	sces per AA So., RP 44 E. and in loss of AH se	; findings on elementive charges see MML p 483 fs 4 paro I. RP 44 ; e RP 44 (n 6.)
t present under senten			beginning on (6mm) K- MN 439
II Insaid summand	DELINE REPVENT. OF STREET	ISH, IF NOT DEBUTEDING	See RP 45(A), information should be found on MF 8355 or AF 5296.)
see to confinement as	eniting present	trial-a total of	Mays of which days were spent in hospital (
		ould be found on MF I	6355 or AF 8296 admirtted in evidence under E2.)
entence Awarded by t	he Court :		1. Whatein
~ 00	under	40 00	days detention.
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41-			awarded President (# 43. 50.)
- Jedge-Adau	Cate, if anyo		awartied.  bisembly and disposal of record after trial.)
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T PART IL	MINUTE WH	ERE CONFIRM	MATION RESERVED. (AA S#(\$), AF (2007), MARL p. 760.)
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	(Karl)		Commanding
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late	W. W. C.		and the second s
	undurate transport to the same of	E CONFIRMI	NG OFFR ON FINDING(5) AND SENTENCE.
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PART III.	DECISION C		to the last the head on the total AB Con \$47,677 According to the last
PART III.  (for duties and pan confirmation and confirmed, accurate and confirmed, accurate and confirmed, accurate and confirmed.	DECISION C	RP 37(D) for 6.46(A), 1 A 34(3). Sending bac in : AA 157, MAKL b i inshine after bromule	SI-56, I 2D, MMIL pp 7:59-761, KR Can 567-577. Acquittain require no k finding ar sensence for revision by Court: A3 54(2), RF I 2016(3). If 64. Minute of cardinametria or non-differentia may be othered before state: KR Can 573. Duzies and pawers of reviewing with: A8 57.
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FIELD GENERAL COURT-MARTIAL CHAPTER STATE OF THE STATE OF

Convened by Order of Brig. K. C. Black goler Comd & CITS dated 10 Dec. 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) appeal, Aronk or Asappent, if any, see AA (82, 163, frs. KS Car 306, 178, 330.)

Number. (a) Print R (b) Agpint, A/R or A/Appint. Full Christian Names.

Albert

Surname. Unit. Quesnel R de Chaud

F11063

EXCULE Orugal, Copt.

28 Dec 42 Per wing Officer (1 A C) MHO

PROCEEDINGS OF TRIAL

Held in the Fd in (country)

England

on (district) 11 Dec 43

#### RECORD FORM A-OPENING PROCEEDINGS AND ARRAIGNMENT.

Al. The President, Members, waiting Member, JA, if any, and Offrs under instr. if any, assemble, and the

PRINTED HATTER NOT IN ITALICS FOR GUIDANCE, WILL BE DELETED IF NOT USED OR APPLICABLE, AND INITIALLED (PRINTED MATTER NOT IN STAILES FOR GUIDANCE WILL BE DELETED IT NOT USED ON APPLICABLE, AND INITIALISE BY PRES CIR IA. The Schedule nufferred to chroughnum is on p.4. Common do NOT include oil relationstant from 1915. For guidance on proceedure while a verticities on this form stritus, use flows for GCM in thist, pp.741 to 799. A brief record of such viriation will be medic sted given a number having reference to appropriate or presenting pore number memor. See back of Convening Order. CF ASS, for south and instruct so have all record undersomes, evidence, ecc., which instrus are hermafter cuited "Notes", As to general provisions for conducting the trust one AA 53, RF is, 63-70, 73, 74, 90, 803, 119, 122.)

A2. The President initials and lays before the Court the Convening Order and Charge Sheet (A) attached therein The Court is satisfied that it is properly convened and constituted(2), accused as issue amenable to military law, and each charge discloses an offence.(2)

(i. As to see of Summery of Evidence see SF 17 56 5 2. As 49, 50, SF 105-102. 2. SF 11-12, 23, 24.)

A3. The Court is opened. The accused as the brought before the Court. At / OFP hours trial communication.

A4. The Prosecutor produces a Medical Certificate that accused is the first to undergo trial by court-marginal 20.

Production of the Court that courses all cited to be fired by court-marginal instead of being death with

(I. KR Con 557. L. AA 46(8), RP 60 fo | For effect see KR Con 563(c). Devers. If not applicable.)

A5. President to accused the you object to The Interpreter is sworn.(1) Be you object

11. RF 72. Delete, if nane employed.)

A6. The Convening Order and names of the President and Members of the Court are read to the accused. President to accused: Do you object to be tried by me as President or by any of the Members of the Court

Ass NO 19

(1. AP 110. 2. If no adjection, working member retires. AP 68(E). If objection, see procedure AA 51, RP 25, 71, 16, MMNL is 742)

A7. The President, Members, JA, if any, and Offrs under matr, if any, are sworn.(1) The following are the

S. E. Anderson Maj. M Shore TR President Capt. P. A. Labracque R de Chaud Q.O.R.ofc. 1. S. Waldie Member Judge-Advocate M.C.M. Mc Crausin Prosecutor A.P. Ladas Defending Offr

Questions by President: Is the Prosecutor a lawyer ! Ans NO. Is the Defending Offr a lawyer ! Ans NO.

(). No 20, 27, 105, 111. Loss of offer under main will be returned separately with proceedings for information of Cone Offer.

(2. If from a lawyer and Def Offer nex. accepted is entatined to an adjustment when No 60 to 2 were not followed. See Co.

A8. The accepted E 11063 FG QUESTIEL A horizon acraignment trake(s) (106) in Tolera

(1) If a special plan is made for supercer cond on one or more charges (FF 6.1(E), 10HE), or on to the paradiction of the Caure (FF 1.1(E), 12HE), are not to the paradiction of the Caure (FF 1.1(E), 12HE), are not or the paradiction of the Caure by one of several occused charged jumply to be trust supercetaly (FF 1.6, 71), such plan, the endowment of an independent or against, the evidence, if one, and finding our microcide per Noune. For forms of enemed are referenced in fact in Ref. citized. Insert in Me rank and some af the occused paging the plan.)

A.9. The accused in the control paging the plan.)

A.9. The accused communication of all charges in the charge sheet (\*) The accused down micro-independent paging of the plan. The accused down micro-independent paging of the plan in the charge sheet (\*) The President recognition in Part I of the Schecksie.

80 3s; i12. See pare 1 of lesses p. 2. When severe than one Change Short one RP 52; when several occurred to be tried experiently use RP 71(C), and use supercore copies of CF A86 to record proceedings.
 80 32, RP 33. If otherwise, debete and make appropriate record per Nation.

A10. The Court is closed and considers the Instra on Procedure after Arraignment at top of p 2. The gen-

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS

## 9 -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 withdrawal of alternative charges by Prosecutor see RP 35(C). No other charge can be withdrawn for any reason without authy from Concening Offr. If Convening Offr concurs, Court may accept plea of Guilty to lesser, etc. affence. (RP 44(H).) Accused may change a plea of Not Guilty during trial. (RP 38.) As to refusing to plead or not pleading intelligibly see RP 35(A). As to plea schen 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
- 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(A))
  - (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 instructs as may be appropriate to result of its decision. See MML p 744 Instruction.

## 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 A 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 call witnesses as to character and make an address in mitigation of punishment. (\*) (1. RP 35 fn 3. 2. MML p 54 para 47.)

B2. President to accused: The Court will now receive any statement you desire to make in reference to the charge of the H it appears from your statement that there are circumstances which indicate that you do not understand the effect of the plea of Guilty(\*), or which show provocation or extenuation in respect of which in your interest the witnesses for the Prosecution should be examined(\*), we shall advise you to change your pies 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 pies. If, however, it appears to the Court that your statement affects only the amount of pumishment to which you are liable, you will not be advised to change your pies and you 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 (i, RF 27(b), 2. RF 37(D) in b. 2. RF 35(b) in 5 pero 2, MANL p. 54 pero 47. 4. See pero E3 of Record Form E.
5. Sustamon, (form, recorded per Notes.)

B3. The Court considers the accused's statement. The Court decides (not) to advise accused to charge the charge of Guilty to Not Guilty on the charge of Court of the Schedule is amounted accordingly.

Application of Guilty to Not Guilty on the charge of the schedule is amounted accordingly.

Application of Court may be gloud as consider the statement. Delete whele or part not used.)

move(a) his (their thinks) we (i.e. consider the statement. Delete whole or port not used.)

(i. Court may be closed as consider the statement. Delete whole or port not used.)

B4. On the charge of to which the please of Guilty is (act) not changed the President records findingle) of the Schocknie (\*) Guilty in Part I of the S.

B5. The Summary of Evidence is marked Ex A, initialled and read about by the President.(1)

(1. if there is no Summory, or if it is inadequate, comply with RF 3783. if there is any evidence incomingne with any place standing as Guilty, Court will delive accused to thones such place and. if changed to Not Guilty, try such change(s) by one of porces D1 to D8 inclusive of Recurd Form D on p 3. RF 37(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.

C1. As to the charges on which accused pleaded NOT GUILTY the trial is continued by using paras D1 to D8 inclusive of Record Form D to p 3 before proceeding with C 2. (1)

C2. The charges on which accepted pleads is GUILTY are read to him (them) again, and the trial is continued by using paras B1 to B5 of Record Refront B above D

(1. Under 65 such parts only of the Summary of Evidence are used to reside to the charges dead with under C2. If any pice is charged to the Guilty, trial theorem proceeds by complying with paras D1 B to including in Second form D on p 3 and making an appropriate second thereof on a separate sheet.)

C3. The accused having been found Guilty on one or more of the charges, the proceedings are exactuded by using

## PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

Pin fore Loose Streets of Record.

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

M. President to accused: Do you wish to apply for an adjournment on the ground that any of the rules diating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity to prepare your defence ! Ans if "res", see M 39(A) for procedure. Statement or swidence, if day, is recorded per Notes)

D2: The Prosecutor makes (an) (no) opening address.(1)
(1. AP.39(B), 60(A) (B), 90, 92(C) (D). Record address per Notes, subject to RP #5(C).)

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

D4. The Prosecution is closed.(4) The Defending Offr submits that the evidence for the Prosecution fices not establish a prima facie one against the accused on the charge(s),(2) The Court is closed, and considers the admission.(4) The Court is re-opened, and the President announces that the submission charge(s).(2) The Court .....charge(s), and allowed on the is disallowed on the

harge(s), and that, accordingly the trial will proceed on the former, but the accused is (are) found Not Guilty on

the latter charge(s), 4)

(i) Delete remainder of this pay, if submission not made.

(i) Delete remainder of this pay, if submission not made.

(ii) Delete remainder of this pay, if submission not made.

(iii) Delete remainder of this pay, if submission not made.

(iv) Delete remainder of this pay, if submission not made.

(iv) Delete remainder of reply are recorded per Notes.

(iii) Delete remainder of reply are recorded por a lattice pay of the pay of the pay of this pay, if submission, answer and reply are recorded por a lattice pay of the pay of the pay of the pay of the pay of this pay, if submission and its pay of the pay of

D5. President to accused: You will not proceed with your defence. (\*) You may, if you wish, give evidence yourself on each 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 sworn, and you will not be subject to cross-examination. (\*) But a statement which could have been made one both will not carry with the Court the same weight as sworn testimony. (\*) You may well without the court of the same weight as sworn testimony. (\*) You may call witnesses in your defence and are to character, whether you give evidence or make a statement or do

President to accused: Do you wish to give evidence purself as a witness, make a statement, or do neither? Do you intend to call witnesses on your behalf ! Are they witnesses as to character only Ans.

11. RP 155. 2. RP 40(A) see 80(D). 3. RP 40 fn 10. 4. RR 40 fns 2. 9.9

D6. Consequent on the answers recorded in para D5 the appropriate procedure for the defence is followed.(1)

(1. RF 114, 115, 116. For procedure see Notes on book of Convening Order. CF A85. Evidence for occused as to his character should, if in his interest, be given before the finding. See RF 46(A) in 1, 260.

Note the further opportunity in para E8 of Security Form E. Security Procedure and only summing as by the jA 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.(\*) The Court is re-opened.
(i) RP 42, 177(8). See Notes in Part 2 of Schedule. 2. RP 44(A).)

D8. The President annunces the finding(s), if any, of Not Guilty, and states to the accused that the finding(s) the Court on the charge(s), being subject to confirmation, will be promulgated later. (\*)

Or. The President announces that the accused is found Not Guilty on all charges and is the released forthwith.

and that the proceedings are accordingly terminated. Part I of the Schedule is dated and shapel (1)

AA 54(2) (6), NP 45, 120(4). 2. AA 54(2), NP 45, 1/2. This alternative associatement is not applicable who are blear of Guilty automating and dealt with under Record Form 2 at C.)

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

### RECORD FORM E-PROCEEDINGS ON CONVICTION BEFORE SENTENCE.

E1. President to accused: Do you wish to give evidence yourself or to call any witnesses as to your character 1(2) (I). If evidence has already been given by occuseed or his witnesses as to his characters, deletes this para. 89 37(C) for 4, 46 fin 5.
Accussed and witnesses are sween. Evidence recoarded per Notes.)

F2. The Prosecutor produce Statement(s) as to Character and Furthenhars of Service(1), and certified true copy results of Conduct Sheet (4), 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 accussed, because is they purport to be signed in the manner required by AA 163(1) (g) (h), and (ii) they purport to refer to (a) soldier(c taying the same number, rank, name and corps as the accused. Admitted in evidence and

marked Ex B and Ex C respectively (\*)

(I. MFB 255 or AFB 296. 2 MFM 4. 2 AF 46. ER Con 558. If shown documents not produced, see RP 46 fo I perc (.)

E3. President to accused: Do you wigh to address the Court on the Shatement and Conduct Sheetile, and in mitigation of quanishment 1(1) Ans (C. N. 27(C), 46(D), 2. Address of any, recorded per Notes. Court should perfolio occupied or his witnesses to be an act anything here in previously stated which would affect the amount of punishment. NO 37(7) fo 7.)

E4. The President states that the Court is closed to consider 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. As \$4(6), 8\*(2004))

E5. The Court considers the sentence. (1) The President records the sentence in Fact I of the Schedule, which

E.O. The Court considers the sentence at The President records the sentence in Fact 1 of the Scheduler is diated and signed by him and the JA, if any (2) [...]

When several accord fred apparently see RP 7(D). One sentence only, comparison of the purishment or purishment into down in AA 41, 44 and its pressur, in the severed to cover all charges in all charges them to which occurred found quility. SP 48. As to sentence sentence we A4 4, 128, 128, 2.8 4-6-50, 6.1 Rt. 1984, RX Can 288, 230, 543-56. Oversea RO 209, 2323, MANS, p 80, 757-759. As to sentence suggested for civil offerces by the law of Engineer use A4 41(3), 868(4, p) 30, respectively under sentence of implementation seen A4 44(18, 86); RX Can 564. R 950. As to release from arriess the Confirming Offer see RX Can 584. As to suscendily and disposal of record offer tripl use mixture to back of Convening Order.)

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

lst Bn dier of the service, is

# CHARGE SHEET

The accused, E-1106 Pte Albert WERE, 1st Bn Le Regiment de la Chaudiere, A.F., a soldier of the Canadian Army Overseas placed on active service, is charged with:-

First Charge Army Act Section 15 (1) ABSENTING HIRSELF WITHOUT LEAVE.

in that he

while under close arrest, absented himself without leave from 1900 hrs on 15 November, 1943 till 1500 hrs on 50 November, 1943.

Total Absence: 14 days, 20 hours.

Signed in the field This day of December, 1943.

(PAUL BATHIEU) Lt-Col.,

Commending, Le Regiment de la Chaudiere, A.F.

TO BE TRIED BY F.G.C.M.

In the Field This GIE day of December, 1942.

(K.G. BLACKADER) Brigadier, Commanding, 8 Can Inf Bde.



# FIELD GENERAL COURT-MARTIAL

CFA95 (In lies of AFAS) 40/PAB/1697 (2883)

(Whether the accused to be tried is under his comd or not, a FGCM may an application to him be convened by any offr of Cdn Army Overseas, or f any other force if authorized in law, in immediate cand of troops on active service, subject to RP 105(C) and restrictions imposed by appropriate early, A.49, 50, RP 104-107, 114. As to the duties and privileges of the Convening Offr in dealing with the application see MML Chap Y paras 20 and 23, RP 87(B).

Their should be a separate Convening Order for each person to be tried separately by the same Court. RP 71(C), 109. As to separate charge sheets on RP 62, and as to separate triol on charges in the same charge sheet see RP 100. As to two or more accused charged jointly see RP 15, 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.)

#### ACCUSED.

(a) Prmnt R. (b) Appmt, A/R or A/Appmt.

Full Christian Names. Surname. Unit.

E-1106

Albert

QUESNEL R de Chaud

#### CONVENING ORDER.

Whereas complaint has been made to me, the undersigned, that the personis) named above as the accused, being subject to military law, has (have) committed the effence(s) set forth in the Charge Sheet(s) attached and on (elate)
 Dec 43 — endorsed by me, (or by an offr of my staff for me), "To be tried by Field General (Courthartial".

the Mortini colours that it is not practicable to delay the trial for reference to a superior qualified ode.)

(Delete part in brockets when not required for compliance with 89 105(C).)

I hereby convene a Field General Court-Martial to try the said person(s), and to consist of the Offrs appointed or detailed hereunder.

three Office to form the Court, (b) a Fd Offices President, for the reasons I have 4. Ioner

(AA 49, RP 106(B), 107(A). Delete the whole or part, if not applicable.)

I also appoint as Judge-Advocate thereat the Offr mentioned hereunder. (82 106(E), Delett, if none appointed.)

PRESIDENT.

M.A. J. N Shore R J E Anderson AF (96.) MEMBERS. R de Chaud P A Labracque Capt QOB of C I S Waldle detailed AF (Ob.) Lt (Rank-) WAITING MEMBER. N Shore R E T Gorman of ar detailed, if any. AF 106.) (Rook.) JUDGE-ADVOCATE. (Rank.) On Active Service in the Fd.

England

Date 10 Dec 43

8 Gdn Inf Bde Commanding vening Officer

CONVENING OFFR WILL INITIAL ALL DELETIONS AND ALTERATIONS

(See sweries) for ooths and notes for use an trial.)

THE SECURITION IS TO A CHARGE SHIP

Tato: 13 Dec. 1845

This is to certify that I have this sorning examined the s/m soldier and in my opinion he his fit to undergo trial by court martiel.

ROBLIA NO £ 110 63 REAR P. C. Name, Quesnal A.

CONT. S. ALDONE, TORO

H.O. A. de Cheud

Byhelit. ray Detence - address & Court. Defence has no intention of making any years hus only wish to draw to the attention of the laws the excellent record of the accused. The accused had been an N. C.O. and in the army since 1939. During that sime he had seemed in the I see and also as an instruction as OCTU. 28 was only during the Time the account was as a lading wint that The entires shown on his mFM 6 were made. When the accused had here with Lis aun unis Le Lais never hien in any trauble.

Ceftilier A. BURNARY OF EVIDENCE In the case of E-11063 Pte Albert WESNEL, let Bn Le Regiment de la Chaudiere A.F. a soldier of the Canadian Army, placed on Active service The Commanding Officer directs that the evidence be taken on oath. B-9375 Pte Doyle A. Le Regiment de La Chaudiere A.F. having been duly sworn states:
I am E-9876 Pte Doyle A. Le Regiment de la Chaudiere A.F.
On the 15 Nov 45 I was essort for Pte Suemel A. at about
1000 hrs, the accused asked me to so to tollet room. I went
with him, but the tollet room was too small to so with him
in, so I stayed at the door. I heard a noise then I opened
the door and Pte Quesnel was some and the window open. I
adviced immediately 1/Gpl Caren G. The nocused declines to cross-examine the vitness. I rifle A E-10308 L/Opl Seron G. Le Regisent de la Chaudiere A.F. having been anly every states;

I am E-10500 L/Opl Garon G. Le Regiment de la Grandiere A.F.
On the evening of 15 Nov 42, I was in charge of the guard
and at about 1900 hrs Pte Doyle the two escort for Pte
Quesnel A. reported me that the assumed has desarted.

I want around the house and 41d not find Pte Quesnel A. Then I saviced the orderly dericant. The accused declines to prose-exemine the witness E-10200 L/Opi Caron G. Le Regiment de la Chandiera . E-12099 A/Sgt Gagman R. Le Regiment de la Chaudiere A.F. having been duly sworn states: I am E-18009 A/Sat Gagmen R. Le Regiment de la Chaudiere A.F. On the 30 Nov 43 at boot 1800 hrs. Pte tuesnel A. reported to me and he was tober and properly dressed The accused declines to cross-examine the witness. Hand Por money E-13184 4/CSM Lavole A. Le Regiment de la Chaudiere A.F. baving been duly sworn states: The B-13104 A/CSI Lamis A. Le Resiment de la Shaudiers A.F. From 1900 has 15 Nov 45 hill 1900 has 30 Nov 45, I never sen 2-11065 Pte Queenel A. in "C" for lines or envenere size. The source deplines to prospermittee the withers.

thibit C	Nog-11063N Date of last er			No.	Sqn, Battery, or Company and date	Period not reckon freedom from ext	Infantry ing towards ratios	Sheet No 1	Signature OC Company, ate	Date of second or of order dispet-	Character by whom awarded	Remacks
	Company Con-	duct Sheet	ETI	-				Names of Witnesses	Punishment awarded	alng with trust		
•	Place	Date of offener	Rank	Cases of dranken- nos		10 Oct 41	on comp	Eting 9 ye	Reprinented	24 Aug 42	7	orf & dya
	Gre Freid	14-8-1	2 Op	1		Ohrs 14-Aug Aug 42 (3 dec 15 (1) A	age Shrei		Severely "epr		The second second second	rorf 1 day's pay
	Field	10-101	43 Cp	2	111 0945h	ANL 2309443	(9hrs 46	CBM Pleson	Benef	- 20 Cet	it Vol	Forf 3 dys
	Field	18-10			111 OZ 45 (1)	To A SETTING	Cus cot 4	Documenter tol Bimerd	3 B	28 Oct 4	*aschereas	Do.
•	Pield	20-10	14 3P	10	111 17001 10 hsw 30		15 997					(PTO).

Field :	Date of offenor	Rank	bres	OFFENCE	Names of Witnesses	Punshme	nt awarded	Date of award or of order diagran- sing with trust	lly whom awarded	Remarks
	10-11-	• • • • •		A A'sec 15 (1) AA 2230hre till 2330hrs 12 Nov 43 (1 hour) L	fgt Pope /Gpl Desbiens FgtLetendre	7 days	G. B.		Lt. House	nu
Fleld	13-11-	43 1		s.O.A.S. an enet to the prejudi- ce etc. in that he in the field at about 2145hrs 13 Nov 43 cau- sed trouble in a public house damaging civil property for the smount of EO-E-6	L/wpl	26 day 28 day F.R.&I	n F.P. s Pay 149(2)	15 Nov 43	Lt Vol P. Mathieu	forf 28 days pay Phai 149(1)(a)
				G. Bou	the True to the thies in the second to be se	ent ay	light	R.d	Chause cember	1843

For the Court



M.F.B. 355 (2M - 5-41 (872-9) 16-Q 1772-99-690

# STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
1063	OTE	Albert QUE	SNEL Chaudiere
	/		10
			Service and General 49
Conduct sheets or Company Conduct s	heets of the accused,	exclusive of convictions by a C	ourt-Martial or a Civil Court,
of summary awards un with.	der Section 47 of the	Army Act and of cases in 3	which trial has been dispensed
For AA Sec	12 months (000)	times AA Sec 13	it or appointment  (1) - FreE times  (0) L THE times
E.		Line	times 4
Von		- Clare	times _9/1
Number of instan	cus of gallantry or dis	tinguished conducts B	
		or,	
There are no entr	ior in the conduct she	ota of the accessed III	
NOTE.—If the chi	arge is for drunkennes	a, the entries for drunkenness n	nust be stated separately.
2. The accessed	has not been previous		
		or,	
Pravious convict	ions of the secused by	y a court-martial or a civil co	70
Section 47 of the Air	rmy Act and dispens	sextons with trial under AA	75 are set out in the Scheduler
And the same and			
Ma The second	is not under sentence.	at the present time	in Talature of the
		ar, of 1 Las	bys Full Sunpohiment
The negused at	the present time is ur	ader sentence in the SEC 90	beginning on the
day of her			
4. The approach	has been in cardiform	ent awaiting Wal on the present	t charges, for Mot days in
	78/190	military custody, making a tot	tal of days in custody,
civil custody, and	days were spe		
of which			- /
5. The present	age of the accused a	coording to his record of service	is 26 years / months
6. The date of		fied in his record of service is	
7. The service	which the accused is	allowed to reckon towards disci	parce is 4 years 2 respect
8. The accuse	d is entitled to rocked		se of determining his pension, etc.
9. The accuse	d is in possession of a	or sutifled to no air force decor	ration, or air loron remark (of \$ # 3
possession of or ent	culed to Stein any	air force decoration or neward.	- /\',
	A STATE OF THE PARTY OF THE PAR		
		-miniary-	1
to. (If the acc	used is a warrant offic	er.) The account before he was	a made a warrant affices inst being

dated	accused holds in the Royal Canadian Air Force the rank of Permanent Enree in unit unit, and in his regiment (or corps), the rank of
dated	
12. The accused has served as a non	commissioned officer continuously, without reduction, to the
esent date:-	Date of promotion.
	VIO
In the rank of	years.
In the rank of	
In the rank of	pove paragraphs cannot be stated from the Regimental books, the
aragraph must be struck through.	are paragraphs
	SCHEDULE
	Air Sees
Of convictions by a court martial or	civil court, of aummary awards under Section 47 of the Army
et, and of cases in which trial has been	dispensed with of accused, Number. Rank
	Argument
Note.—A verbatim extract from the rial must be inserted.	regimental books stating these convictions and disponentions with
	Charge too which Secure of the Perishment
Description of Court Date and Pin by which tried of Triel	newicted Court Remitted

Ph Quesnelle J.

(E)

### SCHEDULE.

	The same of the sa	LESS TO THE STATE OF THE STATE	DING(S) AND SENTENCE.
Accused : P /55/	38 9/ES	erone S	DESTREASE 8CDOR
		***	
Charge.	Plea.	Finding.	
(Insert " alternative " where applicable.)	(See Instrs p 2.)	(See note below.)	(Space for use as required for further charges, accused charged jointly, special findings, etc.)
Int AAA	nor Genery	Genety	
2nd A A +0	Genety	Gunling	
9 9 40	Genella	Quelly.	
3rd	-		
4th			
5th	11		
6th			
(More As to I		CES 100 AA SE, RP 44	Findings on alternative charges see MML p 483 fn 4 para 2, RP 44 ; e RP 44 (n 6.)
apecial findings are	RF ## and MML p 753		
At present under sente	noo for-		beginning on (date)  See RP 46(A). Information should be found on MF B355 or AF B296.)
		Too for the state of	A C. MANS OF Which A Line Chara water alleger an accompanion
Time in confinement	awaiting present ! (A) fo 2. Information sh	could be found on MF	6355 or AF 8296 admitted in evidence under E2.)
Sentence Awarded by	the Court :		
D. Cendergo &	eleationfo	ns Thurly l	30) days and the feet under stages
5.	La Sas ma	he good th	an of \$5.5.8/2, a percion of the
of had no	. 6 4 2		
Cours a lite of	La-to-Eac	16.1	her +5" (sa) Eller Mices
19bods			
(8gd)	namber Water	Date	awarded. (89 45, 50)
Jadge-Adv	peaber, if any. (See back of C	Date Laurenting Order as to	e awarded. (Sgd) (President (89 45, 50) assembly and disposal of record ofter triol)
Judge-Ads	(See back of C	Lainventing Onder as to	awarded. (President. (87 45, 55)) assembly and disposal of record ofter trial.)
Jadge Ads	(See back of C	Lainventing Onder as to	awarded. (89 45, 50)
Judge-Ads	(See back of C	Lainventing Onder as to	awarded. (President. (87 45, 55)) assembly and disposal of record ofter trial.)
Judge-Ads	(See back of C	Lainventing Onder as to	awarded. (President. (87 45, 55)) assembly and disposal of record ofter trial.)
PART II.	(See book of S	Lainventing Onder as to	awarded. (President. (87 45, 55)) assembly and disposal of record ofter trial.)
Jadge-Ads	(See back of C	Lainventing Onder as to	awarded. (President. (RP 45, SE) assembly and disposal of record ofter trial.)  MATION RESERVED. (M 54(5), 8P (20(F), MML p 760.)
PART II.	(See)	convening Order as to	awarded. (President. (P 45. 85) assembly and disposal of record ofter triel.)  MATION RESERVED. (AS 54(5), 89 120(5), MAL p 780.)  Commanding  NG OFFR ON FINDING(5) AND SENTENCE.
PART II.	(Seed)	convening Order as to	Awarded. (President. (P 45. 85) assembly and disposal of record ofter trial)  MATION RESERVED. (ALS4(3), PP 120(F), MALL \$ 760.)  Commanding  NG OFFR ON FINDING(5) AND SENTENCE.
PART II.	(Seed)	convening Order as to	Awarded. (President. (P 45. 85) assembly and disposal of record ofter trial)  MATION RESERVED. (ALS4(3), PP 120(F), MALL \$ 760.)  Commanding  NG OFFR ON FINDING(5) AND SENTENCE.
PART II.	(Seed)	convening Order as to	Awarded. (President. (P 45. 85) assembly and disposal of record ofter trial)  MATION RESERVED. (ALS4(3), PP 120(F), MALL \$ 760.)  Commanding  NG OFFR ON FINDING(5) AND SENTENCE.
PART II.  Date  PART III.  For duties and confirmation and not confirmed, a paramajection 174. AF SIA M.	(Seeback of G	DF CONFIRMI  RP 27(D) fn 6.46(A). A 54(D). Sending the promote of the property of the promote of	Amarded.  (President. (RP 45. 85) assembly and disposal of record ofter triel.)  MATION RESERVED. (AA 54(3), RP 120(F), MAIL p 760.)  Commanding  NG OFFR ON FINDING(S) AND SENTENCE.  51-36. 120, MAIL to 739-761, AR Con 561-377. Acquires require no ca feeding or sentence for revision by Court: AA 54(2), RP 120(G). If 64. Minute of confirmation or non-confirmation may be citized before getoe: AR Con 573. Ducles and powers of reviewing offix: AA 57, and and confirmation of an order of the confirmation of
PART II.  Date  PART III.  For duties and confirmation and not confirmed, a paramajection 174. AF SIA M.	(Seed)	DF CONFIRMI  RP 27(D) fn 6.46(A). A 54(D). Sending the promote of the property of the promote of	anarded.  (President. (87 45.55) assembly and disposal of record ofter trial)  MATION RESERVED. (AS 54(5), 89 120(F), MAL p 760.)  Commanding.  NG OFFR ON FINDING(5) AND SENTENCE.  51.50. 120. MAL po 757-761, KR Con 567-577. Acquired a require no conformation of sentence for revision by Court: AS 54(2), 89 120(G), 89 144. Minute of conformation or opin-conformation may be observed below groom: KR Con 571. Outless and powers of reviewing offs: AS 57, notify, AS 172 (b. 1.)  th in Part I is:
PART II.  Date  PART III.  For duties and confirmation and not confirmed, a paramajection 174. AF SIA M.	(Seeback of G	DF CONFIRMI  RP 27(D) fn 6.46(A). A 54(D). Sending the promote of the property of the promote of	Amarded.  (President. (RP 45. 85) assembly and disposal of record ofter triel.)  MATION RESERVED. (AA 54(3), RP 120(F), MAIL p 760.)  Commanding  NG OFFR ON FINDING(S) AND SENTENCE.  51-36. 120, MAIL to 739-761, AR Con 561-377. Acquires require no ca feeding or sentence for revision by Court: AA 54(2), RP 120(G). If 64. Minute of confirmation or non-confirmation may be citized before getoe: AR Con 573. Ducles and powers of reviewing offix: AA 57, and and confirmation of an order of the confirmation of
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PART II.  Date  PART III.  For duties and confirmation and not confirmed, a paramajection 174. AF SIA M.	(Seeback of G	DF CONFIRMI  OF CONFIRMI  OF STOLE TO A 46/4).  Solid State promise person  exact large bers per	Commanding  NG OFFR ON FINDING(5) AND SENTENCE.  31-58. 120. MML pp 759-761, KR Can 567-357. Acquired resolve no ca feeling or sentence for resilient or specific name in the filter of
PART II.  Date  PART III.  For duties and confirmation and not confirmed, a paramajection 174. AF SIA M.	(Seeback of G	DF CONFIRMI  AF 31/10) fo 6.46/A,  A 54/D, Seeding to  oin 6.46/37. Med.  outside plans must sign here person asset sign here person asset sign here person	Commanding  MATION RESERVED. (M.54(5), 89 120(5), MML p. 760.)  Commanding  NG OFFR ON FINDING(5) AND SENTENCE.  31.50. 120. MML pp. 759-761, KR Can 567-357. Acquirents require no cx feeding or sentence for revision by Court: AA \$4(5), 89 120(6), 87 144. Minute of Conference or oper-conference only be dreved before groom: KR Can 512. Duties and powers of reviewing offs: AA 57, north, AA 772 ft 1.3  Conference on the conference of the confer
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PART II.  Date  PART III.  For detent and confirmation and ax confirmation and ax confirmation of ax confirmation of ax confirmation on ax confirmation of axis of the confirmation of the confir	(Seeback of G	DF CONFIRMI  OF CONFIRMI  OF CONFIRMI  OF STIDD In 6.46(A).  A SAID. Sending both  on 54 137. MML I  outsing offer promi  special properties of the said of the sa	Commanding  MATION RESERVED. (M.54(5), 89 120(5), MML p. 760.)  Commanding  NG OFFR ON FINDING(5) AND SENTENCE.  31.50. 120. MML pp. 759-761, KR Can 567-357. Acquirents require no cx feeding or sentence for revision by Court: AA \$4(5), 89 120(6), 87 144. Minute of Conference or oper-conference only be dreved before groom: KR Can 512. Duties and powers of reviewing offs: AA 57, north, AA 772 ft 1.3  Conference on the conference of the confer
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PART II.  Date  PART III.  For deten and confirmation and ax confirmation and ax confirmation on the confirmation of the confi	(See back of G MINUTE WH  (Sed)  DECISION C D DECISION C D D D D D D D D D D D D D D D D D D D	DF CONFIRMI  OF CONFIRMI  OF CONFIRMI  OF STIDD In 6.46(A).  A SAD. Sending box.  A STA MAC I  OCCUPANT AND A SAD.  SENDENCE SET FORM  OF AN ATTA.  OF AN ATTA.	Commanding  NG OFFR ON FINDING(5) AND SENTENCE.  SI-Su 120, MML po 759-761, KR Con 367-377. Acquired require no confining or sentence for revision by Court: AA \$4(2), RF (20)(3), RF (20)(4), RF (20)(4), RF (20)(5), RF (20)(6), RF (20)
PART II.  Date  PART III.  For success and confirmation and not confirmed, a paramilyation:  STA, NF SIA, 34  My decision on	(See book of G MINUTE WH  (Seed)  DECISION C  DOWNERS are AS 54, 57, cammer be revised of account may be revised of account may be for a factoring of the funding(s) and the funding(s) and the funding of the funding o	DF CONFIRMI  OF CONFIRMI  OF CONFIRMI  OF JUD 16 6.46(A).  A 54(A). Sending beautiful for promise to the period of	Commanding  NG OFFR ON FINDING(S) AND SENTENCE.  31-32. 120. MML pp 759-761, KR Can 561-371. Acquired remote no crising or sentence for resistency and confirmation may be street before grove: KR Can 51-31. Duties and powers of reviewing affect AA ST, continue to the confirmation of the sentence of the
PART II.  Date  PART III.  For deten and confirmation and ax confirmation and ax confirmation on the confirmation of the confi	(See book of G MINUTE WH  (Seed)  DECISION C  DOWNERS are AS 54, 57, cammer be revised of account may be revised of account may be for a factoring of the funding(s) and the funding(s) and the funding of the funding o	DE CONFIRMI  P 17(D) to 6.46(A).  A 54(A). Sending the promise that promise the period of the period	Commanding  NG OFFR ON FINDING(5) AND SENTENCE.  S1.50. 120. MML po 757-761. KR Con 567-577. Acquired a resident no confidence for revision by Court: AA 54(2), 87 (20(G), 187

ALL DELETIONS AND ALTERATIONS WILL BE INITIALLED.

	40/F /6 (5) 1698 (6144)
/	4/38B
Conversed by Order	MANUAL PROPERTY AND ADDRESS OF THE PARTY AND A
	ent or confirmed
C.M.H.Q. (All To the trics of two or more charged jointly see RP 18.461, 109. As to necessary for showing (a) perman rank, and (b) appart. Arrank or Ajappant, if any, see AAMB2, 183, fas. KR Can Xidi, 328, 330.)	17-14
Number (a) Propert R. (b) Appent, A/R or A/Appent. Full Corresions statutes.	name. Unit.
DETEWED ALT	
PROCES 33 REVIEWED LAND CAMINO.	ELLE, 8 Cin Inf
AND BRANCH C.	
PROCEEDINGS OF TRIAL.	
Or Held = the Fd in (country) and lateral on (date(a))	mar +s
RECORD FORM A-OPENING PROCEEDINGS AND ARRAIG	SNMENT.
RECORD FORM A-OPENING PROCEEDINGS ander instruit.	any assemble, and the
Al. The President, Members, waiting Member, JA, if any, and Offra under instr, if a Court is closed.	
PRINTED MATTER, MOT IN ITALICS FOR GUIDANCE, WILL BE DELETED IF NOT USED OR APPLICABLE	ROS FOR EUROPEER
BY PRES OR JA. The Schedule referred to throughout it on p. a. Customs on next moved in the property of the pr	nd of such veriotism of Convening Order,
are bracefule when a veriotion in this form grises, see farm for GCM in MMS 39 741 to 757. A based reco- ser bracefule when a veriotion in this form grises us oppositions or preceding parts consider levels. See back will be made and given a number having efforces to oppositions as a preceding parts consider level. See back CF 485, for oothe and instart on how it record addresses, and, as acc, which makes are breafful with precisions for conducting the trial see AA 52, 29 56, 63-70, 75, 74, 74, 74, 18, 182. The precisions for conducting the trial see AA 52, 29 56, 63-70, 75, 75, 75, 75, 75, 75, 75, 75, 75, 75	ster". As to general
personner for commercing the trial use At \$1.00 M, and the Convening Order and Charge Black A2. The President initials and lays before the Court, the Convening Order and Charge Black A3. The President initials and lays before the Court, the Convening Order and Charge Black A3.	t(s) attached thereto.(1)
A The Court is satisfied that it is properly convened and exhibitions.	
each charge discloses an offence. (*)  (I. As to use of Summory of Evidence see RP 17 fn 6. 2. AA 49, 50, RP 005-107. 2. RP 11-13.)	23, 24.)
are a second the appeared is (abo) becaught before the Court. At (1.19.19.	DOUGS FLIST COMPRESSIONS.
A4. The Prosecutor produces a Medical Certificate that accused is (are) fit to undergo to  The Prosecutor informs the Court that accused elected to be tried by court-markal inste	ad of being dealt with
7 - streamarily by the CALLY	bie.
as interpri	eter i Ans
The Interpreter is aworn. (1) Do you object to Time Age to bands suite as shorthand w	rriter ! Ans ILD
The shorthand writer is sworn.(*)	
(f. 86.72. Delete, if occur employed.)  3.5. The Convening Order and names of the President and Members of the Court are	read to the accused.(1)
As. The Convening Order and names of the President and Members of the Control are President to accused: Do you object to be tried by me as President or by any of the	Members of the Court s
Ann (5) (5) (6) 2. If no objection, writing member retires. RP 68(5). If objection, see procedure AA 5	51, 89 25, 71, IB. MML p 7423
me to the state of any and Office under lasts if any are sworn. (1)	The following are the
Al. The President, McHours, wa, I all, ranks, mames and unuts of the offre comprising the Court, etc :	ALM KOW
President Thayor & M. Museum EDICE	0.50
Montes Capi D. R. Kingan	70000
The Brown	9000K
Member debat	
Tradigo Advocate Contra 3 to Deanmell	8 C 3 DR
Prosecutor agrain and processor	8 C J JR
Defending Office Described Ager M. O. Police	100
Questions by President : Is the Prosecutor a lawyer ! Ans . Is the Defending Offr	Account of Come Office)
(1). AP 16, 27, 109, 111. List of offin under instr will be returned separately with proceedings for 2 of the 16, 27, 109, 111. List of offin are proceed is entitled to an adjournment when RF BF (R) and fin 2 of the 17 of the 18 of the	
as The accused before arraigns	ment make(s) (no) (s) ples

(i) If a special piec is made for separate trial on one or more charges (6P 62(E), 10B), or on to the jurisdiction of the Court (RP 34, 35(A), 112), or in our of trial (RP 26), or or to consequent's measure fitness to stand trial (A4 15C RP 57), or by one of several accusate charges jointly to be tried separately (RP 15, 71), such piec, the addressors made in support or against, the evidence, of seve, and finding are recorded per Notes. For farms of record one references in fine to RoP cited. Insert in A6 needs once of the occused moking the piec.)

A.S. The accused is (are)-arraigned (separatric) on all charges in the charge obsect.(1) The accused does ideal not object to any charge.(2) There is no amendment to be made to the Charge Sheet.(2) The President records the pleas in Part I of the Schedule.

(1) RP 32, 582. See pare 1 of lasts p 2. When more than one Charge Sheet see R\* 62; when several occused to be used approximately see RP 7:(C), and an assume capies of CP 889 to record processings.

2. RF 32, 86 33. If otherwise, doint and make appropriate record par Noon.)

The Court (se closed and) considers the Instrs on Procedure after Arrangement at top of p 2. The proceedings are continued on Record Forms D < \* B

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

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.
- 111. 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 O
  - (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 Such makes peak occur in a set of two or more courses use in the atternative, see RP 31 (A) and in 2 as to discretion of Court, (i) to try the accused on all such alternative charges as if he had pleaded Not Guilly thereto, or, (ii) to record the pleas as the findings of Court. After decising between (i) and (ii), Court will proceed under foregoing instrs 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 102; duty of Prosecutor see RP 60(A) (B); duig and privileges of accused and Defending Offr see RP 60(C), 85(C), 91, 92; sveezing and withdrawal of vertnesses from Court see RP 81, 82; questioning of accused see RP 80, 87(C), 92(B), and of vertnesses see RP 81,83; calling or re-calling of witnesses by Court, etc, see RP 75.79, 80, 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.

- Bi. The President or JA, if any, complies with RP 35(B) by explaining to the accused the nature and meaning B1. The fresdent set start, or any, complies with Rr 30(13) 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. 89 35 fo 3. 2. MML p 54 pare 47.)
- B2. President to accused: The Court will now receive any statement you desire to make in reference to the charge(s).(1) If it appears from your statement that there are circumstances which indicate that you do not under-

(J. 8F 33(B). 2. RF 33(D) fn 6. 3. RF 33(B) fn 3 para 3. MML p 54 para 47. 4. See para E3 of Record Form E. 5. Statement, if any, recorded per Notes.)

B3. The Court considers the accused's statement.(1) The Court decides (not) to advise accused to change his (their) please) of Guilty to Not Guilty on tharge(s). The accused is (are) so informed, and issetthey) change(s) his (their) please on consider the matterest. Delete whole a part of the Schedule is amended accordingly.

B4. On the charge(s) to which the pleu(s) of Guilty is lare) not changed the President records finding(s) of The Guilty in Part I of the Schedule.(1) (1. RP 35(B). If any plea(s) is (are) changed, use Record Form C or D as appropriate.)

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 accused pleaded NOT GUILTY the trial is continued by using paras Di to DS inclusive of Record Form D on p 3 before proceeding with C 2.(1)

CZ. The charges on which accused pleaded GUILTY are read to him (them) again, and the trial is continued by using paras B1 to B5 of Record Form B (100%).

(b) Under B5 such parts soly of the Summely of Science are read as relate to the charges dealt with under CL. If any plea is charged as Not Gailty, that thereon proceeds by pumplying with perm D1 to D6 inclusive in Retard form D on p 3 and making an appointment record thereof on a apporticitient.)

(3). The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

Pin here Succes Sheets of House,

### RECORD FORM D-PROCEEDINGS ON PLEAS OF NOT GUILTY TO ALL CHAR

DE Problem to ALL CHARGES
Dil. President to accused: Do you wish to apply for an adjournment on the ground that any of the rule ating to procedure before trial have not been compiled with, and that you have been prejudiced thereby, or or of the first season of the rule of the procedure. Statement or evidence, if any, is recorded per Notes.

Del. The Prosecutor makes (an) (no) opening address.(1)
(1. NP 39(8), 80(A) (8), 90, 32(C) (D). Record address per Notes, subject to RP 95(C).)

Dis. The evidence for the Prosecution is taken.(1)
(1. RP 39(C), 114, KM Can 555. Recard evidence per Notes. As to Prosecutor giving evidence himself see RP 39(C) (E).)

The Prosecution is closed.(3) The Defending Offr submits that the evidence for the Prosecution does not to establish a prima facie case against the accused on the is closed, and considers the submission (\*) The Court is re-opened, and the President announces that the submission charge(s) (3) The Court is disallowed on the 124

obarrance, and that, accordingly, the trial will proceed on the former, but the accused is (are) found Next Guilty on charge(s), and afficered on the

the latter charge(s) (1)

(1) Delete remainder of this pare, if submission not mode, 2. Arguments on submission, unaver and rely are recarded for Notes. 3, 89 40 (s.). See MML p.72 pares 12-14 and p.81 pare 42. 4. Delete part not used. If occused accounted in the part use section distorative in pare 62.

(No. If trial proceeds, occused must be allowed great latitude in making his anience, and the Court should not step his animal modely on ground of arelevance. (RP 60(C), 114, 115.)

Do. President to accused: You will now proceed with your defence. (2) 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 sworn, 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 bestimony (\*).

President to accused: Do you wish to give evidence yourself as a witness, make a statement, or do neither ! Ans my self on acid Do you intend to call witnesses on your behalf ! Ans. Then

Are they witnesses as to character only ! Ams.

(1. RP 115. 2. RP 40(A). ree 80(D). 3. RP 40 fn 10. 4. RP 40 fm 2. F.)

D6. Consequent on the answers recorded in pars D5 the appropriate procedure for the defence is followed.(1)

(i. Rf 1/4, 1/5, 1/6. For procedure see Notes on bock of Covering Order, CF Rf. Evidence for accused as to the character should, if in his interest, be given before the finding. See Rf 46(A) for 3, Sect. Note the further opportunity in part of Record Form E. Record per Notes addresses, statement, evidence and any summing up by the jA 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 Schmöule.(\*) The Court is re-opened.
(1. 89 42, 117(A). See Notes to Part 1 of Schedule. 2. 89 44(A).)

DS. The President assessment the stationals), if assessed Not Guilty, and states to the accused that the sinding(s) 

(i) AA 34(3) (ii) AF 45, 120(A). 2. AA 54(3), AP 45, 17. The elementum amountment is not opplicable when them are gloss of Guilty sustaineding and dealt with under Record Form B or C.)

De. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using

# RECORD FORM E-PROCEEDINGS ON CONVICTION BEFORE SENTENCE.

El. President to accused: Do you wish to give evidence yourself or no call any witnesses as to your character 1(2) And Rouleed a winers

(1) If evidence has already been given by accused or his witnesses as to his character. delete this pure. NP 37(C) fo 4, 40 fb 5. Accused and witnesses are swore. Evidence recurried per Noces.)

E2. The Prosecutor produces Statement(s) as to Character and Particulars of Service(1), and certified true copy conduct Sheet(\$)(\$), purporting to refer to the accused, which he submits to the Defending Offer 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(I) (g) (h), and (ii) they purport to refer to (a) soldier(i) having the same number, rank, name and corps as the accused. Admitted in evaluence and

d Ex C and Ex D respectively (\*)

(\*) MFS 355 or AFF 254. 2. MFM 6. 2. RF 46, KR Can 552. If others documents not produced, ser AF 46 to 2

posts (\*)

E3. President to accused: Do you wish to address the Court on the Statement(s) and Conduct Sheetish, and its mitigation of punishment 5(\*) Ans. C. La. St. St. Address of any, recursed per Nord. Court about persons occused or his witnesses to punish mention another persons in the witnesses to punish mention another persons of punishment. AF 27(F) fo F.

E4. The President states that the Court is closed to consider the sentence, and that the sentence to be awarded by the Court, being subject to confirmation, will not be abnounced, but will be promulgated later, and the proceedings in open court are accordingly terminated. (1)

(ii. AA 54(6), 8F (10(4))

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

# CHARGE SHEE

The accused, B155138 Private Jerome QUEBNELLE, Canadian Infantry Corps, on the strength of No 8 Canadian Infantry Training Regiment, a soldier of the Canadian Army Overseas, is charged with:

FIRST CHARGE

WHILE ON ACTIVE SERVICE, Neglecting to obey Camp Standing Orders,

Section 11 Army Act

in that he.

In the Field, on 25 February 1945, neglected to obey Paragraph 4 of 8 Cdn Inf Trg Regt Camp Standing Orders by being in Brighton, Sussex, a distance greater than five miles from 8 Cdn Inf Trg Regt, contrary to Paragraph 4 of 8 Cdn Inf Trg Regt Camp Standing Orders.

SECOND CHARGE

WHILE ON ACTIVE SERVICE, Conduct to the Prejudice of Good Order and Military Discipline,

Section 40 Army Act

in that he,

In the Pield, on 25 Pebruary 1945, improperly and without sutherity took and used Canadian Army Vehicle number CM 4230994, thereby occasioning damage to the said vehicle to the extent of £8-0-7%, and a loss to the Public of £0-1-6, the value of petral consumed,

THIRD CHARGE

WHILE ON ACTIVE SERVICE, Conduct to the Prejudice of Good Order and Military Discipline,

Section 40 Army Act

in that he,

In the Field, on 25 February 1945, improperly and without authority took and used Canadian Army Vehicle Number CM 4230904, thereby causing injuries to B41904 pte Roberts, N.A. and D131578 Pte Cookman, T.R. of 8 Cdn Inf Trg Regt, the said injuries resulting in hospitalization and ambulance services in the amount of £7-15-0.

Juliteary 5 17.M. Mitchell) Lt Col A/Commender 8 Cdn Inf Trg Regt.

IN THE FIELD 13 March 1945

To be tried by Field General Court Martial.

(J B Weir) Gol

In the field A/Cond 14 Cdn Inf Trg Ede

In the field 18 Mar 45

m

# FIELD GENERAL COURT-MARTIAL

(Whether the accused to be tried is under his come or not, a FGCM may on application to him be convened by any affer of Can Army Overseum, or any other force if authorized in law, in immediate came of troops on active service, subject to RP (0.55(C) and restrictions imposed by appropriate authorized any other force if authorized in law, in immediate came of troops on active service, subject to RP (0.55(C) and restrictions see MML (hop V paras 20 and 23, AA 49, 50, RP (04-107, 114. As to the duties and presidence of the Convening Off in dealing with the application see MML (hop V paras 20 and 23, PR 27(D).

There should be a separate Convening Order for each person to be tried sebarately by the same Court. RP 71(C), 109. As to tend of the same charge sheet see RP 108. As to tend or many accused charged solicity see RP 10, 109.

As to reasons for showing (a) permanent or confirmed rank, and (b) appoint. A(rank or A)appoint. If any, see AA 167, 183, fns. KR Can 308, 208.

### ACCUSED.

ACCC	SED.	
Number. (a) Prmnt B. (b) Appmt, A/R or A/Appmt.	Full Christian Names.	Surname. Unit.
	NG ORDER.	Must show as the accused.
I. Whereas complaint has been made to me, the unique subject to military law, has it provides ministed the sudoresd by me, (why are of Martial."  2. And whereas I am of opinion that it is not practice. Court-Martial; (and then it is to practice the delay.	the trial for reference to	ould be tried by an ordinary General a superior qualified offer
3. I hereby convene a Field General Court-Martial or detailed hereunder.  The make to appoint (a) three Officits for a	to try the said person (1), at	as President, for the reasons i have
A second short	orie anentioned horearder.	Por.
	SIDENT.	
	nomed. AP (04.)	(Cast.)
(flank.)		

(Named or detailed. RP (06.) (Rank.) WAITING MEMBER (Named or detailed, if any. RP 106.) (Rank.) JUDGE-ADVOCATE. (Must be named if any. RP 106.) On Active Service in the Fd (Country.) Dat- 16 Mer 45 A Comd HQ, 14 Dame offering bde

CONVENING OFFR WILL INITIAL ALL DELETIONS AND ALTERATIONS

4/38A CPA SA (Co limit of AFA S)

(See overleaf for across and notes for use on trial.)

### Medical Officer's Cortificate K.R. (Can), part 557

Date ... 10. War. 45 ..... (Mon) .... (Mon) .... (Monday of ficer) (Medical of ficer) .... (Monday Reinf recent Units Routine Order No. 3 1974 27, 6/6 Jes 40

Pte ROBERTS, M.E., 8 CITH, sworn, states:-

The Court is informed that you have been charged in connection with an includent that occurred at the time of the offence for which the accused here stands duarged. I will, therefore, resayou pure 95 of thep 6 of the idd.

the accused had a pass to be in Brighton?

How do you know the accused was in Brighton? I saw him there, Sir.

Did you see the Camp Standing Order planing No. I have not, mir.

nave dany standing Orders been read to

days extracts of Camp Standing Orders, read to you?

4 (3) TO COLPLY WITH BY THE CPRING OF THE COURT IT IS NOT MECESSALIT

SWCTEL D-131578, Fte COCCCLM, P.H., 8 CITE,

The Court is informed that you under charge in connection with an inoident that occured at the time of the offence for which the accused now stands charged. I will, therefore, read you park 95 of Chap 6 of Mail.

# PROS

What do you do in this camp? I'm Dvr IC.

the accused? Do you know Yes, Sir, 01

I

- Did you see him in Brighton on the 25 Feb 45?
- Have you seen a copy of Camp Standing Orders? No, Sir.
- Did you know if the accused had a pass that day? No, Sir, I couldn't say.

- How long have you been in this camp? Going on two months.
- During that time, have Camp Standing Orders been read to you?
- Have extracts of Camp Standing Orders, cevering "Bounds", been

### QUESTIONS BY THE COURT

- are Camp Standing Orders posted in this camp? Possibly, but not in transport.

IN THE OPINION OF THE COURT IT IS NOT RECESSARY TO COMPLY WITH RP 83 (B).

- Do you know the accused?
- Around the 25 Feb 45, what was your posm in this camp? I was 2 IC of 16 Bm, 8 CITE.
- What was your connection with the accused at that time? The Jeep that he drove was my personal vehicle. He was my
- Who normally signed passes for the accused?
- Usually myself or the Adjutant.
- If the accused had a pass would you know about it? I should. I think I would.
- h.
- On the 25 Feb did the accused have a pass from you or to your knowledge did he have a pass?
- Did you detail the accused to go to Brighton? 2.
- No, Sir. 24.4

IN THE OPINION OF THE COURT IT IS NOT DECESSARY TO COMPLY WITH RE 83 (B).

### FOURTH WITHESS

Capt R.D. McGILLIVRAY, 8 CETR, sworn, states:-

What is your posn in this camp? gr 18, Coy Comd. 19.4

Do you know the accused?

What is your connection with the accused?

He was at that time under me. As a dvr he is attached to tpt but he is on my strength.

Who would normally issue a pass to the accused? Myself and the 2 IC.

On the 25 Feb did the accused have a pass from your coy? Not to my knowledge.

Did you detail him to go to Brighton?

Have you a copy of Camp Standing Orders?

Your coy office is avilable to any rank at all times?

What other steps aid you take?
I didn't take any step in particular. All the men have been attached to other days and camp standing orders have been read before them. The posn of this HQ Coy is very hard. All the personnel are on the adam and it is very hard to get a muster parade.

Can you state definitely that the accused had had Camp Standing

It is possible that he could/have had them read to him?

Was he frequently in your coy orderly rm? No, Sir, not frequently, just once in awhile. at the Bn Graerly Em. He was the 2 ID Dvr.

IN THE OPINION OF THE COURT IT IS NOT NECESSARY TO COMPLY WITH RP 83 (B).

Lt D.M. Smith, 8 CITR, sworn, states:-

. What is your men in this camp?

have you camp Standing Orders for this camp? Yes. I produce Camp Standing Orders for 8 CITR.

I tender these orders as evidence;

I have no objection,

(Marked Ex " ").

M

- Did you know when and where these orders were posted? They were distributed to the three bns and also to the unit NAAFI. I know they were posted in the unit NAAFI as I posted them there myself in Jan.
- Are they still there in the NAAFI? To the best of my knowledge, they are, Sir.
- How are they posted? I posted one copy in each of the rooms the men frequent and one on the notice board.

### WITNESS TO THE COURT

This is my office cony (ref to Ex "A") and I would Mce

- You posted this order (pointing to Ex A)? Yes, I rosted copies of this order.
- Are they marked as Camp Standing Orders in such a way that they can be recognized as such? Yes, Sir.
- They are still there?
- Yes, Sir, to the best of my knowledge.

- Tes, as far as Iknow.
- When did you last see the copies you posted in the MAAFI? I saw them there about two weeks ago.
- Has 8 CITR a notice board for the rosting of orders? Yes, Sir, there is one in front of the kitchen on the main road.
- Were Camp Standing Orders posted there?
- No., Sir.

22

IN THE OPINION OF THE COURT IT IS NOT MECESSARY TO COMPLY WITH RE AS (B).

### DEF OFFR

The defence wish to move that no case has been established. The charge is laid under Sec 11; the foot-note on Sec 11 states that evidence must be given to show that the order was duly posted and brought to the notice of the accused. Evidence has not been produced to show that this was complied with. There is also no positive evidence that he didn't have a pass.

### STATEMENT BY THE PROS OFFE ON THE FINDINGS

I would like to make a motion that this charge has been subtantiated. First of all I would suggest that we have positive proof that the

accused did not have a pass. We have the evidence of his Cow Comd and also the evidence of the 2 IC of 18 Bn for whom the accused drove, that neither one of these offrs gave him a pass nor was there any pass forthcoming from his coy. I believe their evidence also stated that these were the only two sources from evidence also stated that these were the only two sources from which the accused could have obtained a pass.

They stated that he didn't get a pass from them to go to Brighton on the 25 Feb 45. Now from the foot-note, under Sec 11 of the AA (he reads further) he was in no position at any time to be made acquainted with the orders. We have the evidence from the Assistant Admn Off that codes of Camp Standing Orders were nosted on notice boards in the two recreational huts belonging to the NAAFT. I suggest that in such a place the accused would have had ample concrtunity of seeing them there. I further think that it is common knowledge that there is a five mile limit in this area ample Concrunity of seeing them there. I further think that it is common knowledge that there is a five mile limit in this area outside of which no ORs may pass without a pass from authorities. I was somewhat hampered by the regulations and I felt that I I was somewhat hammered by the regulations and I felt that I could not want to ask the two witness any further question as they were charged with similar charges due to the fact that they could incriminate themselves. The contents of the first part of care 4 of Camp Standing Orders state that no CR shall be outside that five mile limit of this camp without a pass. In view of the fact that he was in Brighton on the 25 Feb 45, in view of the fact that the Camp Standing Orders were publicly posted in the NAAFI Recreation Rooms, that he has in fact committed an act which is contrary to Sec 11 of the AA, this charge is substantiated.

The accused, sworn, states:-

- Did you ever see the Camp Standing Orders?
- Were Standing Orders read to you at any time?
- It has been given in evidence that Standing Orders were costed in the MAANI Recreation Rooms, have you been in there? I was in there a couple of times. I never noticed the orders, I was never there long enough.
- What was the nature of your employment? was a Dyr for Major Yearwod. I also drove for the ORm and the OM Stores.
- In other words you were employed as DR when not employed by Major Yearwod?
- A. Yes, Sir.
- Did this leave you much freedom?
- Mo, Sir, a few times I missed my meals.
- Were copies of Standing Orders posted in your quarters?
- Have the limits or bounds been explained by any of your offr?
- Mo, Sir.
- Were you aware of the 5-mile limit?
- No, Sir. I had no idea at all if I was out-of-bounds.
- IN THE OPINION OF THE COURT IT IS NOT NECESSARY TO C MPLY WITH RF 83 (B).



- How long have you been in this camp?
- A. Since thele Jan 45.
- Did you have a rass on Sun 25 Feb 45?
- No. Bir.
- Were you in Brighton on Sun 25 Feb 45? Yes, Sir.
- Did anybody ever explain to you that there was a five-mile bounds? No, Sir, I was never explained that.

- How long have you been in the Army?

- Were copies of Standing Orders posted there in a CITRY
  - No. Sir.
- Daily orders were posted in the hut?
- No, Sir.
- Where were they posted? I've never seen them posted but I delivered them around.
- Where did you bed them? In the Bn ORm, Sir.

  - As Dwr, did you ever drive more than five miles? Yes, Sir,

  - Were you given a pass? No, Sir.

Mere you told when you were sent out more than five miles if you 0.

- required a pass. I never had a pass, Sir. A.
- Were you ever accompanied by an officer more than five miles?
- Yes, Sir.
- Was enything said about a pass?
- No. Sir.

### SURSTION BY THE PROS OFFR

- When you were in Brighton, were you on duty? No, Sir.
- h.
- IN THE OPINION OF THE COURT IT IS NOT NECESSARY TO COMPLY WITH RP 85 (B).

# STATEMENT BY THE DEFENDING OFFICER ON THE FINDINGS

There is very little to say at this point and it has practically all been said before. The evidence would indicate that the Camp Standing Orders had not been read to the accused and that in being beyond the five-mile limit, he was inadvertently or without his knowledge committing the offence under the act. The defence is based on the circumstances of the orders not having been read or sufficiently promulgated to put him in a posn to be acquainted with them.



E-1 B-155138 Private QUESNELLE, J.

a CITR

CHARACTER WITNESS

Major M.D. YEARWOD, 8 CITR, sworm, states:-

I know the accused quite well. He has always appeared to be a very good man, consequentious driver, prompt, confident and I never had any trouble with him in any way. I was very much surrised when my Jeep was reported missing in this particular instance. I have known the roughly two months. I talked to some of the Senior him roughly two months. I talked to some of the Senior of this own unit as to his character before we accepted him as a driver. They gave me a very good recommendation of him, which was one of the reasons why I took him on as my dvr. Up to this instance, he bore out that character.

IN THE OPINION OF THE COURT IT IS NOT NECESSARY TO COMPRY WITH BP 83 (B).

### PIRA IN MITIGATION OF SENTENCE

I would like to impress upon the Court that it is an error on the part of the accused more in a thoughtless nature. The evidence as to his character and his servance I think bears that out. It is possible that he was ice I think bears that out, It is possible that he was led astray and he relied on his offr to draw his attn to the orders instead of as a more experienced man to the orders instead of as a more experienced man would do, read them mimself. The only thing that can be said about his taking the vehicle is that during the beriod of time that he was a dwr of that vehicle he was used extensively in quite a variety of duties under a number of different offrs. It is quite morral under number of different offrs. It is quite morral under such circumstances that the dwr of the vehicle or any person in charge of equt or stores should get the feeling that he is held responsible for the vehicle or feeling that he is held responsible for the vehicle or the stores and more or less left to his own discretion in that matter. Offences of this nature seldom occur except under such circumstances.

m

Summary of Evidence in the case of B155138 Private Jerome QUESNELLE, Canadian Infantry Corps, on the strength of No 8 Canadian Infantry Training Regiment, a soldier of the Canadian Army Overseas.

By direction of the Commanding Officer the Summary is taken on oath.

### FIRST WITNESS

For the Prosecution B41924 Pte Roberts, M.A., Cdn Inf Corps, on the strength of No 8 Cdn Inf Trg Regt, a soldier of the Canadian Army Overseas, having been duly sworn, statest

I am B41924 Pte Roberts, M.A., and am a Despatch Rider on the strength of 8 Cdn Inf Trg Regt. On 25 Feb 45 at about 1400 hrs, after some discussion, I with Pte Quesnelle and Pte Cockman proceeded to Brighton in a Military 5 Cwt No CM 4230994. Pte Quesnelle, the accused, whom I now recognize, was driving the jeep. After spending part of the after noon and evening in Brighton we left for Horsham at about 2200 hrs. We were traveling at approximately 35 miles per hour and I had occasion to tell the accused to slow down as there was a sharp bend ahead, On doing so, bright lights of an encoming vehicle blinded the driver of the jeep and he did not see the bend. We went off the road on the left and I was thrown out of the jeep and landed on a boulder in a field and injured my back. We were picked up by some civilians from a nearby house and they treated us for scratches, bruises and shock and put a splint on me to keep me rigid, thinking I may have broken my back. Some-one called an ambulance which came and I was taken to Sussex County Hospital in Brighton. They took X-Rays and sent me to No 13 Cdn General Hospital at Cuckfield where they took six more X-Hays and found slight concussion to the hip. They discharged me from hospital on 3 Mar 1945.

(341 824 Pto Roberts, M.A.)

The accused declines to cross-examine this witness.

Prosecution

SECOND WITNESS D131578 Ftm Cockman, T.H., Cdn Inf Corps, on the strength of No 8 Cdn Inf Trg Regt, a soldier of the Canadian Army Overseas, having been duly sworp, states:

> I am D131578 Pte Cockman, T.H. and am a Driver 1/c on the strength of 8 Cdn Inf Trg Regt. On 25 Feb 45 after some discussion, Pte Quesnelle, the accused whom I now recognize, Pte Roberts and myself left for Brighton at approximately 1500 hrs in a Military 5 Cwt No. CM 4230994. We spent the afternoon and evening in Brighton and left at approximately 2200 hrs for Horsham. About seven miles out of Brighton Pte Roberts mentioned a turn in the road to the accused, who was driving. The lights of an oncoming vehicle blinded the accused and we were part way across the intersection before noticing it. We swung hard to the right in an effort to make the turn, out hit the curb on the left side of the road, ran up along the shoulder for some distance and finally ran into the The approximate speed of our vehicle was 35 ditch. The app miles per hour.

- Page 2 -

SECOND WITNESS For the Prosecution

I was taken by a civilian ambulance to Sussex County Hospital and removed next day to No 13 Canadian General Hospital and was discharged on 3 March 1945.

M. lockman

(D131578 Pte Gockman, T.H.)

The accused declines to cross-examine this witness.

THIRD WITNESS

For the Prosecution Major D.M. Yearwood, Gdn Inf Corps, on the strength of No 8 Gdn Inf Trg Regt, an Officer of the Canadian Army Overseas, having been duly sworn, states:

I am Major D.M. Yearwood, and am 2 i/c of 16 Cdn
Inf Trg Bn, No 8 Cdn Inf Trg Regt. Military Vehicle
No. CM 4230994 is on charge to 16 Cdn Inf Trg Bn,
B Cdn Inf Trg Regt, for the use of the 2 i/c. All
authorized journeys for that vehicle were usually
signed by myself, or by the Adjutant or Quarter Master
if they were using it, but only with my permission.
The permanent driver of this vehicle is Pte Quesnelle,
the accused, whom I now recognize, a member of 16 Cdn
Inf Trg Bn and he comes under ne for duty and passes.

On 25 Feb 1945 during the afternoon and evening I was not using this vehicle and I did not authorize it to make a trip to Brighton or anywhere else, nor did any other person request the use of this vehicle from me. I did not give the accused any pass to go anywhere on 25 Feb 1945.

undy convovading a (D.M. Yearwood) Major.

The accused declines to cross-examine this witness.

Prosecution

Capt. R.D. MacGillivray, P.E.I. Highlanders, on the strength of No S Can Inf Trg Regt, an Officer of the Canadian Army Overseas, having been duly sworn, states:

I am Capt. R.D. MacGillivray, OC HQ Coy, 16 Cdn Inf Trg Bn, 8 Cdn I f Trg Regt. Pte Quesnelle, the accused, whom I now recognize, is a driver 1/c on the strength of HQ Coy, 16 Cdn Inf Trg Bn, 8 Cdn Inf Trg Regt. He was not issued with a pass for anywhere on 25 Feb 1945 from this Company. A. Machilleum Coll.

The accused declines to cross-examine this witness.

FIFTH WITNESS

For the Prosecution

Lieut J.P.G. Gordon, RCEME, on the strength of #124 L.A.D. (RCEME), an Officer of the Canadian Army Overseas, having been duly sworn, states:

I Am Lieut J.P.G. Gordon, and Am OC of #124 L.A.D. (RCEME). I herewith present a statement, marked Exhibit "A" which shows the extent and value of damages to Military Vehicle No CL 425094 Cars 5 cwt, which were incurred on the Brighton-Horsham road on 25 Feb 45. The cost of repairs will be 28-0-72. The statement also shows the amount and value, 20-1-6, of petrol used by this vehicle, while proceeding from H rsham to Brighton and return to the scene of the accident. It is a proximately 20 miles from 8 Cdn Inf Trg Roat to Brighton.

(J.P.G. Gordon) Lieut

The accused dealines to cross-examine this witness,

SIXTH WITNESS

For the Prosecution Lieut D.M. Smith, North Hova Scotia Highlanders, on the strength of No 8 Cdn Inf Trg Regt, an Officer of the Ganadian Army Overseas, having been duly sworn, atatem:

I am Lieut D.H. Smith, North Nova Scotia Highlanders, and am Assistant Administrative Officer of 8 Cdn Inf Trs Regt. I herewith present a statement, marked Exhibit "B" from the Royal Sussex County Hospital which shows the cost of hospitalization for one day for treatment to B41924 Pte Roberts, M.A., £0-12-6. I herewith present a statement, marked Exhibit "C" from 13 Cdn Gen Hospital which shows the cost of hospitalization for five days for treatment to 841924 pte Roberts, M.A., £2-10-0. I herewith present a statement, marked Exhibit apa from the Royal County Sussex Rospital which shows the cost of hospitalization for one day for treatment to D131578 Pte Cockman, T. 20-12-6. I herewith present a statement, marked Exhibit "E" from 13 Cdn Gen Hospital which shows the D131578 Pte Cockman, T., £2-10-0. I herewith present, marked Exhibit "P", Certified True Copy of a bill presented by Henfield & District Ambulance Club for services in removing DIS1578 Pte Gockman, T. and B41924 Pte Roberts, M.A. from the scene of an accident at Paymings Crossroads to Royal Sussex County Hospital, Brighton on 25 Feb 1946, in the amount of £1-10-0.

407

SIXTH WITNESS (continued) For the Prosecution

The total cost of hospitalization and ambulance services to Pte Roberts and Pte Cockman amounts to £7-15-0. I also produce the following document pursuant to Overseas RO 5352 which has been read over and shown to the accused, and which is attached hereto as Exhibit "G", Certified True Extract from 8 Cdn Inf Trg Regt Standing Orders, which defines the area "IN BOUNDS" to other ranks of 8 Cdn Inf Trg Regt.

(D.M. Smith) Lieut

The accused declines to cross-examine this witness.

The accused was cautioned as follows: Do you wish to make a statement or to give evidence on cath? You are not coliged to say snything or to give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence.

The accused declines to make a statement or to give evidence on oath.

I certify that the foregoing summary of evidence consisting of POUR pages was taken down by me in the presence and hearing of the accused and that rules of procedure 4 (c), (d), (e), and (f) have been complied with.

IN THE FIELD

(F.E. Scammell) Capt Officer Detailed to take Summary

### MO.184 LIGHT AID DETACHMENT (ROBEE)

LAD/**853**—4-4 c/o # 8 C .I.T.R. 12 Mar 45

TO WHOM IT MAY CONCERN:

### Report re damage CL-4230994 Cars 5 cwt.

1. Herewith a report on the damage to the above cars 5 cwt sent to this Unit for repair.

Damaged Unit Ap	orex. Cost	
A-809 Left Front Axle A-1496 Broke Drum Assy, A-612 Left Front Spring A-2478 Left Windshield	2/10/0 2/8/0 1/3/0 0/18/75	
Total Cost of Replacement	Parts	
Hours spent in repair Cost per hour Cost of Labour	7 3 shillings	0/21/0
Total cost of Re	pair	8/ 0/ 74
2.		
	07 -47	/

Distance travelled approx. 23 miles Gasoline used 15 gals. Approx. cost 18 pence

3. For your information.

mod/ta

(J.P.G. Gordon) Lieut. O.C. #124 L.A.D. (ROEME) Odn Army Overseas

Mi

EXT)101 t MBM
TERMINOS BRIGHTON 425: (5 Hose)
Telegraphic Address
"HEALTH" PHONE BRIGHTON

The Royal Sussex County Hospital, Brighton 7.

### MEMORANDUM.

12th March

204 5

The Officer Commanding,

8 C.I.T.R.

Canadian Army.

Contribution towards cost of treatment of

No. D = 41924

Pto. ROFERTS. MARTIN.

from

to

being

ueds

at the rate of per week
1 Day's Maintenance on the
26th February 1945.

With the Turning Superintendent & Complementer

Usula adult

## "13 CAMADIAN GENERAL MORETTAL"

### D. 41924 Pte. Roberts, H.A.

- 26 Feb 45, and discharged on 3 Mar 45 making total hospital days 5.
- Charge in military hospitals is 10/- per day. Total hospitalisation : 5 days @ 10/+ per day making a total of #2:10:0.

Lloyd All

Exhibit Np#
Telephone BRUHTON 4281 (5 (ines)
Telegraphic Access
"HEALTH" DHOME BRIGHTON

L. L. W. LANGASTER-GAYE, F.C.C.B., F.H.A. Secretary Superintendent The Royal Sussex County Hospital, Brighton 7.

### MEMORANDUM.

12th March

194 5

The Officer Commanding,

8 CM.T.R.

Canadian Army.

Contribution towards cost of treatment of
No. D = 131578

Pte. COCKEAN. THOMAS.

from to

keing usels doys
at the rate of per week
1 day's Maintenance on the
26th February 1945.

With the Fourtery Representation of Complements

17

Uwla

aralle

NAME OF TAXABLE PARTY OF TAXABLE PARTY.

Officer Commanding, 8 C.I.T.R.

EXHIBIT "E"

D.131578 Pte. Cocksan, T.H. The marginally named soldier was admitted to 13 Cdn General Hospital on 26 Feb 45, and discharged on 3 Mar 45 making total hospital days 5.

2. Charge in military hospitals is 10/- per day. Total hospitalisation: 5 days 6 10/- per day making a total of £2:10:0d.

Floyd Syel

EXHIBIT "F"

March 1st 1945

M . . . Commanding . Officer . . . No B C.I.T.R. Transport Canadian Army

· Phone: Henfield 59

HENFIELD & DISTRICT AMBULANCE CLUB

Brazier's Garage, Henfield.

H. Adams, Hon. Secretary

Hire of Ampulance for; D131578 Pte Cockman, T.H. B41924 Pte Roberts, M.A.

From Paynings Crossroads

To Royal Sussex County Hospital, Brighton

per mile £1-10-0

Accident at Paynings Crossroads at Midnight of Fab 25th, 1945.

CERTIFIED TRUE COPY

(D.M. Smith) Lieut.

Officer having custody of Original Record.

8 CANADIAN INFANTRY TRAINING REGIMENT, C.A.O.

ISSUED BY

COLONEL J.B. WEIR, O.B.E., E.D.

No other ranks will leave the Area within 5 miles of Camp

without a properly signed pass.

Passes are not required by Other Ranks under command of this Unit when proceeding to places after duty, within bounds as laid down in the above paragraph. "After duty" is defined as the period between 1700 hrs and 2230 hrs each week day, and between 1200 hrs and 2230 hrs on Saturdays and Sundays. In the case of Sgts., S/Sgts., and Warrant Officers, 2359 hrs will apply.
Passes are essential at all other times outside of the Unit

lines for all other ranks.

Nothing in this order is to be construed as granting permission for personnel to leave the Unit lines when required in the Unit

lines for paracos or other duties.

The MAAFIS are out of bounds to defaulters and other ranks BAAPIs are out of bounds for other ranks receiving medical treat-ment, i.e., "Excused", "Light" or "Medicine and Duty" during parade hours. Company Orderly Sergeant and the Provost Sergeant will see Canteen is opened.

All Orderly Rooms are out of bounds to all ranks unless on duty. Plantations: All ranks will take particular care to avoid damage to trees and plantations. The practice of entering plantations (farms) with vehicles) of all types is forbidden.

(sgd) Howard S. Smith, Maj.

(J.B. Weir) Colonel

CERTIFIED THUE EXTRACT OF 8 CDM INF TRO REGI STANDING ORDERS

(D.M. Smith) Lieut Asst Admin Offr, 8 odn Inf Tra Regt.

Certified true copy of Reading and for + of orders freed as En 'A' angual remark to admin off as urgently repured. The Mien Maron

ARMY FORM B.296 (WAR).

Regiment (or as the case may be).

### Statement as to Character and Particulars of Service of Accused.

(For Use at Trials by Field General Courts-Martial only).

Name.

Number.

Rank.

(\*25072) WLEOTEL TOU SERSO PAR ALLEWISE GPAPS

Conduct State in 17 being Conduct State in 17 being conduct State in 17 being produced in Court with this statement but is mot to be annexed in the pro-seedings. The numbers street is stated should be recorded by the state of the recorded by the recorded	<ol> <li>The following is a fair and true summary of the entries in the of the accused, exclusive of convictions by a court martial or a civil cor</li> </ol>		ct Sheet			
	For A.A. Sec 15 (1)	2	times.			
	For A.A. Sec 40	1	times			
	For		times.			
	For		times.			
as the case may be, should be austed separately. Any recognized operal arts of gallentry or changuaked	Date of first entry in Field Conduct Sheet 17 Nov 43					
mondact pengdyd on the Field Condust Sheet should also be innerted here.	Date of last entry in Field Conduct Sheet 8 May 44					
	2 . Atmosphism members address by a bosponstrian $8.86$ actor Section and resident	Kil Bolies also	*****			
*Budge and if not	*S. NEW RESERVED ON THE PROPERTY OF THE STATE OF THE STAT					
	Maintag name Managar D.					
	days in civil custody; and for days in military emstudy, is /2 days in open arrest, will days in close arrest; of					
	whichdays were spent in hospital.					
	5. The present age of the accused is 21 yrs, 9 mont	hs.				
	6. The date of his attestation is 26 Peb calling up for military service 19 Dec	44 (G. 42 (MR	S.)			
	7. The service which the accused is allowed to reckon is 2 yr	s, 2 mo	nths.			
#Store the military decorations (II any)	8. The accused is in possession of; N11					
	· NERT AND AND AND AND AND PRODUCED AND AND AND AND AND AND AND AND AND AN	JAN KKASES	manage (			
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INSTRUCTION .- If any matter in any of the above paragraphs cannot be stated

from the regimental books the paragraph must be struck through

### SCHEDULE OF CONVICTIONS BY A COURT-MARTIAL OR CIVIL COURT.

Description of Court by which tried.	Date and Place of Trial.	Charges upon which convicted	Sentence of the Court	Funjohnent remitted, or sentence suspended,
		NIL		

THEREBY ERTHFY that the foregoing particulars, which have been extracted from the regimental books in my custody, are correct to the best of my knowledge and belief.

Signed this Signed this day of March 1940

DISIN

		POS DI	No	J. Sqn, Battery, or Company and date Period not reckoning towards freedom from extra fluo	Sheet No. T	27-11-420C Badges Signature OC Company, etc.			Some As
Date of last so Company Con	duct Sheet		of	last drunk i Pressum	Names of Witnessen	Puntakment awarded	Characti named or or organ disper- sion with total	ity whom awarded	Acres 44
Place	Date of officient	Resk	Cases of drunken- ness	4 07 Vay 43		at a hard	18-11-43	5 Capt J.W.	
prince	17-11	Pte		AWL from 27 Nov 43 Total absence	L/C Lealie.	Admonished		MacKenzie	
George	40			13 hrs A.A. 15 1+1	L/C Payoni	Aumonished	22-7-44	Major J.S. Wright	Forf 5 d pay FR&I 149 (1)
Nanaimo	17-7	Pto		AVIL from 2200 hrs 17-7-44 to 1400 hrs 22 Jul 44 T.A. 4 days	A.J.				
				16 hrs. A.A. 15 (1) Cond to the prej. etc. green	L/Gpl 4D Mattius:	3 days CB	7 Aug 4	A Capt.E.R Burke	
Manaimo Dan	14:72			Div patches on summer tunic AA					

THE RESERVE OF THE PARTY OF THE

# B CANADIAN INPARTS TRAINING R MINERY

I, No. P15513B Pte Quesnelle, J. .....wish to have (Renk) (Renk) an officer defend no at my forthcoming trial by Court Martial.

(Sod) albaids pte Quesnelle, J.

TV

### LIST OF WITHESSES

In the case of B155138 Pte Quesnelle, J., Cdn Inf Corps, on the strength of No 8 Cdn Inf Trg Regt.

### FOR THE PROSECUTION

1.	B41924 Pte Roberts, M.A.	8	gan	Ini	Trg	Kage.
	D131578 Pte Cockman, T.H.	8	Gdn	Inf	Trg	Regt.

8 Cdn Inf Trg Regt. Major D.M. Yearwood 3. 8 ddn Inf Trg Regt.

Capt. R.D. MacGillivray #124 L.A.D. (RCEME) Lt. J.P.G. Gordon 5.

8 gdn Inf Trg Regt. Lt. D.M. Smith 8.

In the case of B155133 Pte Quesnelle, J., Gdn Inf Corps, on the strength of No 8 Gdn Inf Tvg Regt.

EXHIBIT "A" - Statement of damages, repairs, and petrol dated Statement from Royal Sussex County Hospital dated 12 Mar 45. EXHIBIT "B"

Statement from 13 Cdn Gen Hospital dated 12 Mar 45. EXHIBIT "C"

Statement from Royal Sussex County Hospital dated 12 Mar 45. Statement from 13 Cdn Gen Hospital dated 12 Mar 45. EXHIBIT "D"

EXHIBIT "E"

Certified True Copy of a bill presented by Henfield & District Ambulance Club dated 1 Mar 45. EXCHIBIT "F"

EXHIBIT "G" - Certified True Extract of Persodicties Cdn Inf Trg Regt Standing Orders.

13 March 1945

This is to acknowledge that I have received free of charge, the following papers in connection with my forthcoming trial by F.G.C.M.

l Copy of Charge Sheet l Copy of Summary of Evidence l List of Witnesses l List of Exhibits.

HE 59.
PLE. QUENELLE. L.

### SCHEDULE.

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

Charge.	Plea.	Finding.	
(Insert " alternative " where applicable.)	(See Instrs p 2.)	(See note below.)	(Space for use as required for further charges, occused charged jointly, special findings, etc.)
21.000	B.148	Guilty	
nt a harge	Alst Guilts.	Guilts	
nd Contract			
rd			
th			
th			
Mars - As to F		NA SE RE MA	i ; findings on alternative charges see MAML p 483 fo 4 para 2. RP 44 ; see RP 44 (n 6).
special findings see	ndings for lesser actor RP 44 and MAS. p.75.	3, and in loss of kit s	spe RP 44 (n.6.)
At present under sente	nee for 7	cel	beginning on (date) [1]
		ese. If not applicable.	See RF 46(A). Information should be found on MF 8355 or AF 8296.)
		market in dealers and	days of which of the lines were appeared to
(1. See RF 40)	A) in Z. Intormician a	offering the Language on the	
Sentence Awarded by	the Court	4 1.00	series of the (10) months
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roads good.	ocate, if any. (See back of	23 Dat Convening Order on to	124.66 in hapiet of lase of hit
(Sgd) Judge-Adv	ocate, if any. (See back of	23 Dat Convening Order on to	164.66 in Acapaset of large of fit  (811) college for Inspect to awarded.  Definition (82 45.50)  a secondly and disposal of record after what)
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(Sgd) Judge-Adv	ocate, if any. Geo book of I	Dad Dad Convening Order on to	(Sgd) college (specific of larger of fit (Sgd) college (specific of see for fit of see for see
(Sgd) Judge-Adv PART II.	Geo bock of (MINUTE W)	Dad Convening Order on a	(Sgd) colleged by large of fit  (Sgd) colleged by large of fit  be awarded.  Definitions. (89 45. 80.)  RMATION RESERVED. (AS 54(5), 89 120(9), MML p 760.)  Commanding  UNG OFFR ON FINDING(5) AND SENTENCE.
(Sgd) Judge-Adv PART II.	Geo bock of (MINUTE W)	Dad Convening Order on a	(Sgi) colleged by larger of fit  (Sgi) colleged by larger of fit  be awarded.  Definitions. (89 45. 80.)  RMATION RESERVED. (AS 54(5), 89 (2007), MML 9 760.)  Commanding  UNG OFFR ON FINDING(5) AND SENTENCE.
(Sgd) Judge-Adv  PART II.  Date  PART III.  (For detics and 5)	MINUTE WE  (Sgd)  DECISION (Swers see AA 34, 37.	Date Confirm Of Confir	(Sigh) colding land factors of fit (Sigh) colding land factors of fit (Sigh) colding land factors of fit (Sigh) colding land factors of record of the effect (Sigh) colding colding colding land of fit (Sigh) colding land of fit (Sigh) colding land colding land colding land colding land colding land colding colding of sections of court is AA 54(3), No. 120(3), If section for continue for revision by Court is AA 54(3), No. 120(3), If
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PART II.  Date  PART III.  (for daties and a confirmation and not confirmed, and promulgipotes: 1 51A, R 5 33, A 8 53, S 54, S 54, S 54, S 54, S 55, S	(Sgd)  DECISION (Sgd)	Date Conversing Order on a HERE CONFIRM AP 37(D) fo a 44(A A 54(3). Sensing a gain : AA 157, MMS, Quadring offer primary of result sign here pain.	(Sgd) College (Spd) (Sgd) (Sgd
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PART II.  Date  PART III.  (For daties and a confirmation and not confirmed, and promulgipotes: 1 51A, R 5 33, A 8 53, S 54, S	(Sgd)  DECISION (Sgd)	Date of Confirm April (1997) Ap	(Sgd) College (Spd) (Sgd) (Sgd
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PART IV. PROMULGATED AND EXTRACTS TAKEN. (AP 53, KR Can 576, 527.)

Commanding

Accused.

B78614 PTE QUESNELLE L.

H. Bet 44

Signature of Offr. Jackson Land AGUER 2 Cd. Rollmaker Centre

COMMANDEPORCE

ICON MSE IN I

ALL DELETIONS AND ALTERATIONS WILL BE INITIALLED.

RECORDED AT CMHQ IN AB 160, 4E-59 FIELD GENERAL COURT-MARTIAL 2000 VOM Convered by Drift or Brig E. H. Dr. Carker Comd Down 1006 Copydated 20 Sop & 4

ACCUSED.	
(As to the trial of two or more charged jointly see RF 16.71, 109. As to recoons for aboveing (a) permanent or contract, and (b) appent, Arank or Arappent. If any, see AA 182, 183, fm, KR Can 308, 328, 330.)  Number. (a) Print R. (b) Appent. A/R or A/Appint. Full Christian Names. Surname.  3 7 F6/4 FACCEEDINGS REWEWED 2.2 (LW 44)  REVIEWING OFF PROCEEDINGS HOF TRIAL.	
THE TENTH OF PROCEEDINGS POT STATES	300
Held in the Fd in (country) Z2aly on (deserts) 23 Sap	45
RECORD FORM A-OPENING PROCEEDINGS AND ARRAIGNME	NT. 20 118

Al. The President, Members, waiting Mem-

(PRINTED MATTER NOT IN TTAILES FOR GUIDANCE, WILL BE DELETED IN NOT USED DR APPLICABLE, AND INITIALISED BY PRESCRIPE A. The Schedule referred to throughout is on p. 4. Crustions do NOT include all relevant from RDs. For guidance on procedure when a varieties is this form critics, size form for GCM in MMR. pp. 74. bi. 25%. A brief record of year another immens. See book of Carrier will be mode and given a number healing reference to appropriate or prescribing from number immens. See book of Carrier in Carrier and State of ABS, for outs and instruction them to record additionals, evidence, such unlike insures are learned for carrier and previous for conducting the about on AA S3, RF SA, 63-70, 73, 74, 74, 103, 114, 123.

A2. The President initials and lays before the Court the Convening Order and Charge Sheet(s) attached therein.(\*) The Court is satisfied that it is properly convened and constituted(\*), accused is (many amenable to military law, and each charge discloses an offence co

(). As to use of Summary of Evidence see RF (7 fn 6. 2. AA 49, 50, RF 105-107. 2. RF 11-13, 23, 24.)

A3. The Court is opened. The accused is (are) brought before the Cours. At A.C. hours trial commences. A4. The Prosecutor produces a Medical Certificate that accused is (mo 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 deals with

summarily by the COR (i. KR Can 557. 2. An 46(8), RP 60 fn i. For effect see KR Can 563(c). Ceisses. If not applicable.) A5. President to accused. Do you object to se interpreter to the as shorthand writer ! Ans The Interpreter is sworn chy Dio you defined to The shorthand writer is sworm riv

(I. RP 72. Delete, if name simpleyed.) A6. The Convening Order and names of the President and Members of the Court are read to the accused. President to accused: Do you object to be tried by me as President or by any of the Members of the Court !

Ans Pol Missie (5) (). RP 310. 2. If no objection, working manner retires. AP 08(3), if objection, one percedure AA 51, RP 25, 71, 18, MAMC p 7423 A7. The President, Momhers, JA, if any, and Offics under instr, if any, are sworn.(1) The following are the ranks, names and units of the offics comprising the Court, etc. THE RIPERSON PERSON 4 OF REE BY

President	MATOR	GF Mc Jatyre CFR	40da 1 h. Bo
Member	Capt.	WHS Stutt PPCLI	- Hada Ret. Do
Member	Capt	MAN STUFF I, CASE	
Judge-Advocate		K.R. Brown	4 cdn R.f. Bin
Prosecutor	Capt	RA Munday REASC	unda PA Ba
Defending Offe	11/11/04	AA Manuery A Const.	

Questions by President : Is the Presecutor a lawyer ! Ans Jos Is the Definding Offr a lawyer ! Ans Jos (2) (1. RP 26, 27, 109, 111. Last of office under rests will be recurred separately with proceedings for information of Care (Iffic.)

(2. If Princ a lawyer and Def (Iffic nox, excused in entitled to an adjournment when RP 89 (IS) and fin 2 were not fallowed. See DI p 2.355 pt.

A8. The accepted B7 55 of P.5 Acres Quel Sac We before arraignment make(s) (not by plea

(i) If a special pion is made for separate total as one or more changes (RF A3E), ICRS), or as to the jurisdiction of the Court (RF 3H, 35(A), 1/2), or in her of total (RF 3H), or as to accusated a minital filterior to stand trial (AA 18C, RF 5T), or ly use of several accusated changed piontly to be trained separately (RF 1AT), such plant, the saldreases and/e in support or against, the evidence, if any, and finding are recorded per bioless. For forms of original use references in fini to RuP cited. Insert in AB resist and more of the occurred meeting the plant.)

A9. The accused is (man) arraigned (separately) on all charges in the charge sheet.(1) The accused dose (dos) object to any charge.(2) There is no assemble to be made to the Charge Sheet.(1) The President reports the on Part I. of the Schodule. not object to any charge (\*) The pleas in Part I of the Schedinke.

(i. RP 31, 112. See paint i of lestes p.2. When more than one Change Sheet see RP 62; when several occupied to be tried separately see RP 71(C), and use separate capino of CF AP6 to record prevailings.

2. RP 22, RP 33. If otherwise, delete and make appropriate record per 76000.

A10. The Court is skewed and considers the Instrs on Procedure after Arraignment at top of p 2. The proosedings are continued on Record Form. C.

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

### INSTRUCTIONS ON PROCEDURE AFTER ARRAIGNMENT.

 The accused may not plead or be found Guilly on more than one of two or more charges laid in the alternative.
 (RP 37(A).) As to withdrawal 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 Offreconcurs, Court may accept plea of Guilly to lesser, see, offence. (RP 44(H).) Accused may change a plea of Not Guilly to Guilly during trial. (RP 38.) As to refusing to plead on not related in purely the graph of the convenience of 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

1. 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

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(A).)

(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 No Guitsy thereto, or, (ii) to record the pleas as the findings of Court. After deciding between (i) and (ii), Court will proceed under foregoing instructs as may be appropriate to result of its decision. See MML p 744 Instruct).

 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 90(A) (B); duty and privileges of accused use RP 101, uncl.); journs and times of SA see RP 101, uncl.) and uncluded uncluded uncluded and Defending Offer see RP 90(C), S7(C), uncl. 22; secreting and withdrawsis of witnesses from Court see RP 81, 82; questioning of accused use RP 80, 87(C), 92(B), and of unitnesses ee RP 83-85; calling or es-calling of wisnesses by Court etc see RP 75-79, 86, 116; use of Summary of Evidence at Trial see RP 15(E) for 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 meaof 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(1), call witnessess as to character and make an address in mitigation of punishment.(2)

(1. 8F 25 fo 3. 2. MML p 34 pers 47.)

B2. President to accused: The Court will now receive any statement you desire to make in reference to the by. Presenced to accused: The Court will now receive any statement you desire to make in reference to the charge(s).(2) If it appears from your statement that there are circumstances which indicate that you do not understand the effect of the plea of Guilty(\*), or which show provocation or extensiation in respect of which in your interest the sitnessess for the Prosecution should be examined(\*), we shall advise you to change your plea 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 plea. If, however, it appears to the Court that your statement affects only the amount of punishment to which you are hable, 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.(\*)

President to accused: Do you wish to make a statement I Ans. A.S. See pare E3 of Record Form E. S. Settlement, if any, recorded per Notes.)

3. Settlement, if any, recorded per Notes.)

B3. The Court considers the accused's statement (i) The Court decides (not) to advise accused to change his charge(s). The accused is (are) so informed, and he (they) (their) please) of Guilty to Note Guilty on change(s) his (thoug) plents) the chargeds' Part 1 of the Schedule is amounted accordingly (1. Court may be closed to consider the statement. Delets whole or part not used.)

36. On the charges to which the pleast of Guilty is (see) not changed the President records finding of Guilty in Part I of the Schedule.(4) Guilty in Paset I of the Schodule.(1) (i. AP 35(8). If one plea(s) is (are) changed, we Record Form C or D as appropriate.)

B5. The Summary of Evidence is marked Ex G, initialled and read aloud by the President (!)(ii) If there is no Summery, or if it is insofequote, comply with RF 31(B). If there is no Summery, or if it is insofequote, comply with RF 31(B). If there is any evidence inconsistent with any pine standing as Guilty, Court will drive accessed to thonge such pine and, if changed to hist Guilty, try such charge(s) by use of panes D1 to D8 inclusive of Record Form D on p. 3. RF 37(D).

Bd. 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.

C1. As to the charges on which accused pleaded NOT GUILTY the trial is continued by using paras D1 to D8 inclusive of Record Form D on p 3 before proceeding with C 2.(\*) p. AP  $\Pi(A)$  (E).)

C2. The charges on which accused pleaded GUILTY are read to him (them) again, and the trial is continued by using paran B1 to B5 of Record Form B above. (3)

(1) Under B1 soil hers only of the Samourey of Evidence are read as relate to the charges dealt with under C2. If any plan is changed in Net Gai soil in thereop proceeds by complying with pares D1 to D6 inclusive in Recard Form D on p 2 and making an appropriate record thereof on a separate siness.)

C3. 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.

# PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

re Lorse Sheets of Record.

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

D1. President to accused: Do you wish to apply for an adjournment on the ground that any of the rules D1. President to accused: Do you wish to apply for an adjoint the prejudiced thereby, or on relating to precedure before trial have not been complied with, and that you have been prejudiced thereby, or on relating to precedure before trial have not been complied with, and that you have been prejudiced thereby, or on relating to precedure before trial have not been complied with, and that you have been prejudiced thereby, or on relating to precedure before trial have not been complied with, and that you have been prejudiced thereby. the ground that you have not had sufficient opportunity to prepare your defence ! Ans....
(f. If "yes", see RF 39(A) for progedure. Statement or evidence, if ony, is recarded per Notes.)

D2. The Prosecutor makes (M1) (no) opening address.(1) (1. AP 39(0), 80(A) (b), 90, 92(C) (D). Ascard address per Notes, subject to AP 95(C).)

D3. The evidence for the Prosecution is taken.(1)
(1). RP 39(C), 114, KR Can 555. Recard 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 ....charge(s),(\*) The Court establish a prima facie case against the accused on the charge(s).(3) The Court is closed, and considers the accused on (3) The Court is re-opened, and the President announces that the submission

charge(s), and allowed on the charges and that, accordingly, the trial will proceed on the former, but the accused is (are) found Not Guilty on is disallowed on the

(1) Delete remainder of this pare, if submission not mode. 2. Arguments on submission, answer and reply are recarded per histes. 3. RP 40 ft 1. See MML p.72 parts 12-14 and p.81 para 42. 4. Delete part not used. If accused acquisition on all charges, use second alternative in para 06.)

N8: If trail proceeds, occused must be allowed great listitude in making his defence, and the Court should not stop his defence sales or ground of irrelevance. (RP 60(C), 114, 115.) the latter charge(s).(4)

D6. President to accused: You will now proceed with your defence.(\*) You may, if you wish, give evidence yourself on eath 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 sworn, 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 every testiment, (%)
You may call witnesses in your defence and as to character, whether you give evidence or make a statement or do notifier.

President to accused: Do you wish to give evidence yourself as a witness, make a statement, or do meither ! ...... Do you intend to call witnesses on your behalf? (). AP 155. 2 RP 40(A), see 80(D). 2. RP 40 fn 10. 4. RP 40 fn 2. R) Ans

Dis. Consequent on the answers recorded in para D5 the appropriate procedure for the defence is followed. (1)

(1. RF 114, 115, 116. For procedure see Notes on back of Convening Order, CF A55. Endence for occused as as his chemicates should, if n his interest, be given before the finding. See RF 46(A) for 1, 86(C). Note the further opportunity in pare E1 of Record Form E. Record per Notes oddresses, statement, evidence and any numerous up by the J8 under RF 42, 103(a).

D7. The Court is closed to consider the finding(s).(1) The finding(s) of the Court is (No) recorded in Part I of the Schedule.(2) The Court is re-opened.
(1. RP 43, 117(A). See Notes in Part 1 of Schedule. 1. RP 44(A).)

DS. The President announces the finding(s), if any, of Not Guilty, and states to the accused that the finding(s) 

D9. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using

# RECORD FORM E-PROCEEDINGS ON CONVICTION BEFORE SENTENCE.

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

(i) If evidence has already been given by occused or his witnesses as to his character, delete this para. RP 37(C) fo 4. 46 fb 1. Accused and witnesses are sworn. Evidence recorded per Notes.)

E2. The Prosecutor produces Statement(a) as to Character and Particulars of Service(\*), and certified true copy (copyes) of Conduct Sheet(s)(\*), 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 accussed, because (i) they purport to be signed in the manner required by AA 165(ii) (g) (h), and (iii) they purport to refer to (a) soldierts, having the same number, rank, name and corps as the accused. Admitted in evidence and 

pens ()

E3. President to accused: Do you wish to address the Court on the Statement's and Conduct Sheet(s), and in

unitinguities of partialment (1) Are (Cod).

(1) RF 37(C), 46(D). 2. Auditor. If any, recorded per Notes. Court should permit accused or his witnesses as some an acts conting been or previously stated which would effect the amount of punishment. RF 37(F) fo 7.) E4. The President states that the Court is closed to consider 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 (\*)
(). AA 54(6), Nº 120(A).)

E3. The Court considers the sentence (1) The President records the sentence in Part I of the Schedule, which

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

SINTER BUSELE BUSINES

THE ACCUSED, NO. BYSSL4 FRIVATE LOUIS GUSSESLUS, OF THE INISH REGY OF GANADA, ON STREET 4 OUR RET BY, 1 ODS BASS RET GROUP, A SOLDIER OF THE GANADIAN ARMY OVERSEAS, ALLIED ARMIES IN ITALY, IS CHARGED WITH:

A.A. Bec 15(1)

WHEN OR ACTIVE SERVICE ABSENTING HINSELF WITHOUT LEAVE

in that me

In the Field, did absent nimself without leave from 1700 hrs the 28th August 1844 until surrandering himself to the military Folice at 0950 hrs a sept 1844. (Rotal time absent 11 days, 16 hrs, 30 minutes).

A.A. Sec 24(2)

OLUTHIAG WE STATEMENT OF SOLUTION OF THE SOLUT

my named tot

In the Field, in Italy, on it sepasaries amounting

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Total & 122,17 \$ 104,66

In the Field 20 sep 44

(L J Flynn) Lt.-col., Commanding, 4 Gdn Rft Sn, 1 Gdn Sase Rft Group - OMF Field General Court Mential

20 be trued by In the Field 20 Sept 44

8 a meander Brig. 7.9. m.S. 1 Quentos. 200180

# FIELD GENERAL COURT-MARTIAL

CFA95 (In lies of AF 929) 40/PAB/1697 (29898)

(Whether the occused to be tried is under his comd or not, a FGCM may an application to him be convened by any offir of Cdn Army Oversous, and of any other force if authorized in law, in immediate comd of troops on active service, subject to RP 105(C) and restrictions imposed by appropriate authorized in law, in immediate comd of troops on active service, subject to RP 105(C) and restrictions imposed by appropriate authorized AA 49, 30, RP 104-107, 114. As to the duties and privileges of the Convening Offir in dealing with the application see MML Chap Y paras 20 and 23, AR 9 81(B). There should be a separate Convening Order for each person to be tried separately by the same Court. RP 71(C), 109. As to separate Convening Order for each person to be tried separately by the same Court. RP 71(C), 109. As to separate tried on charges in the same charge sheet see RP (0B. As to see or more accused charged jointly see RP 16, 109.

As to reasons for showing (a) permanent or confirmed rank, and (b) apport, A/rank or A/appint, if any, see AA 162, 163, fns, KR Con 306, 328, 230.)

### ACCUSED.

Number. (a) Prmnt R. (b) Appmt, A/R or A/Appmt. Full Christian Names.

Surname. Unit.

B/8614 rrivate

Louis QUESNELLE

IRU X 4 List # Gdn Rft Bn

### CONVENING ORDER.

And whereas I am of opinion that it is not practicable that such offence(s) should be tried by an ordinary G Court-Martial; (and that it is not practicable to delay the trial for reference to a superior qualified effe.) (Delete port in brockets when not required for compliance with RF 105(C).)

I hereby convene a Field General Court-Martial to try the said person(#), and to consist of the Offre appoints of or detailed hereunder.

4. I am smalle to appoint (a) three Office to form the Court, (b) a Fd Offic as President, for the reasons I (AA 49, RP 106(B), 107(A). Delete the whole or part, if not applicable.) sked hereter

ice Advocate thereat the Offr mentioned here (RP 106(E). Delete, if none appointed.)

5 in.

PRESIDENT

(Must be named. 87 (56.)

MEMBERS.

G.E. MC INTYRE

GYR 4 Con left Bn

W.H.J. STUTT

FFCLI 4 OFT RFt Bn

(Named or detailed. RP 106.) WAITING MEMBER.

CAPTAIN (Ronk.) F. POTVIN

(Normed or detailed, if any. RF 106.)

R22eR 4 Com Rft Bn

JUDGE-ADVOCATE.

Must be named, if any. AF 106.)

(Unit.)

Ou Active Service in the Ed

R. a. McCush

20 Sept 44

CONVENING OFFR WILL INITIAL ALL DELETIONS AND ALTERATIONS

(See averteef for autho and notes for use an tripi.)

Exhibit 3. 

. P.Tr. QUESNELLE ... L. ..... BH., I ran Base Saint Depots and in my opinion be is fit/ to undergo Trial by Court Martist

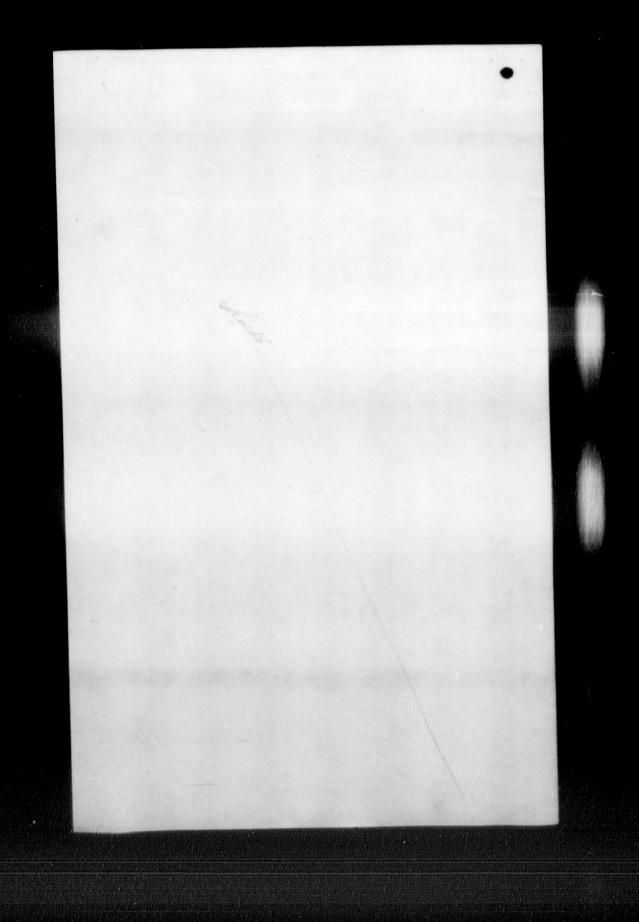
In the Field 23- 9- 1944.

-646 an Capt

The your frage of the lay that hope to be ment The solut of the break a down to the the best of the solution of the solutions of the solut a f his not take over h. I to stone with 1 the sold The state of the s 6. The had a the policy of hands tot of whenther a bly I am cons. of a grash a show the These have be for the state of 1 1 88 88 CA CON STA LANGE 1.N-x2 2x1 to de sendental from the fort of the following the rober pay y and the round sall you alberton of the first and hit that weeden had with him mis soft 44 The had been regul by love the had been the Level & south drayh then when the part of the world he when had I then extended get a girl of 4 b a comed when the Commenter Justin B by stown indearly with many a war ordered & make a let weeky of the brown On ig det reting upon order of logal offen (Al Bern Br. P.E. dam Co. 18m. a. Store A um 278550 CO.M.S Waller, J.E. of 1. R.C will be Cal. Rist Level from you I have when

of the long the Harmer a. Thoughow with 6. It you know of an equefront which was more Grow Lx Net Record form D. R. P. 83 (8) conflict with We there a M.P.O. in the Long R. P. 83 (8) conflict outh besid form D. At affect guite of one I the fit was on the long or him on corried the star from that little or no study of withing the account that little or no study of the first outlines that the fort outlines the start of the sta Rich for Albert from the first the recent of the forther from to the of down the studen of the and & succession 4 A. A. All where it differential between water

Olfable neglect. The accusa docued adjut I in the admit that he took no foundary is his let. It is the contention of the Brougation the this assument & wilhold night on the sex for Kend form F 3. 5 tatunt by Defende It will be noted that accounts M.F.M. 6 is wit available. In of I amore the court the accused how only had merior crimer and never can F.G.C.M. the record of service has been long and be how sun action with fait regt. In author he had to stadely with other inore recently grined proceeded on trac. When he work wound be were some y forward be will know the meaning and not realizing the serioumen of the offence wanted a final fling before once more gringent action. I would ask the count & take int theulasting the fact that he is fattle experienced and much then in a detection camp. He write to retige to the rught and do the fet he enlisted for Soy there fact be taken sent consolvation on awarding sentence



summary or Evidence in the case of B78614 rrivate burns Resnelle of the Irish Regiment of Ganada, on Strength 4 Jdn RTt BR. A & LO (1) . By direction of the Commanding Officer, the evidence is taken upon oatn. LST WITHESS: F48784 Sgt Fortin L G or 4 cdn Rft Bn, 1 0 8 R G having Seen duly sworn states: I am F45784 Sgt Fortin L G, F E Sgt of B Coy 4 Bn LOBRG. on the 28th of August, 1944, at approx 1700 hrs I called the roll of an incoming draft of personnel of the Irish Regt of Canada. The accused, rte Queshelle, uid not enswer his name, nor was he present on parade. I reported him to the Company Orderly Room as being an absentee without leave. Lat Cortin 4.9 ZED WITEESS: ACESS Fite Knowles H, 4 Con Rft En, 1 C B R G, having been duly sworn states: I am A5585 rte knowles H, file clerk in the 4 Bm Orderly Room. I produce a certificate under 165 (1)(j) purporting to relate to the accused, and showing that rte Quesnelle surrendered nimself to the Ellitary Police at Maples at UVOU hrs W sept 1844. Produced shown to the accused, marked Exhibit "A" and attached hereto. (ASSS Fte Movies H) The accused declines to cross-examine this witness. DRD WITHESS: B78530 CQES Welker J E or "B" Coy, 4 Bn, 1 C B R G, maving Deen duly sworn states; of "B" coy. On the 1sth of sept 1944, acting on orders, 1 checked the kit of 878614 rte Quesnelle L and Found him deficient the articles enumerated in the attached list, to the amount of \$125.17. I am conversant with the 75% amount 100% values of the enumerated articles and have checked the attached list and totals. The accused declines to cross-examine this witness. Question to the Accused Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything or to give evidence unless you wish to do so, but whatever you say, or any evidence you give will be taken down in writing and will be given in evidence. Answer by the Accused I have nothing to say at this time.

I certify that R.F. 4 (c), (c), (e)& (f) have been complied with.

I certify that the above pages of the summary of evidence were taken down by me in the presence of the accused.

(R R Brown) Capt

Officer taking Summary

what with the want of a 9th of the 13th as a water or NEBB. A. J. MITTEL. IRISH REGI., OF CANADA QUESNELLE, L. or Meanth berebrigging MOGNODIUS IN \*(f) (1) (9) not boll told and

ARMY FORM B. 200.

Chale Justy my

# Statement as to Character and Particulars of Service of Accused.

Number. Rank,

37,5614	rte Que	angile L	rish R of G	x-4 L10t & Odn RI
1. The following	is a fair and true sum			
duct sheets? of the accu-	sed, exclusive of conv	mary of the entries in the regin	nental and squadron	battery or company con-
of the Army Act, and of	cases in which trial !	has been dispensed with ;	IVH COURT, of summar	y awards under section 47
North-At a trend by first general insuct to according to a congrided from the deal stop-day day also	* Within last 12 months.			*Since Enlishment.
The tondact sheet(s) mentioned about he	For	11/A		
with It's starrment but not amesed to	For		fimes	A/A times.
files para str. N.E.,	FOI		times	
* The gastern tends	For		times	
	For			
Ministration of guillanders of the state of guillanders o				
Issuerena - le ana	Number of inst	ances of gallantry or distinguish	hed conduct,	
Charge so for dramaken- time. The radgled for dramakenings must be		or .		
Maint separately and	There are no er	stries in the conduct sheets of th	he accused.	
		convicted, or B/A		
Previous convictio	ust of the accused b	y a court martial or a civil con	ert, summary awards	under section 47 of the
Army Act, and dispensatis	ons with trial under se	ction 73 of the Army Act, are set	out in the schedule w	moved to the organization
3. The accused is		t the present time, SECTA AND		Bricaco IV Città Scientificate,
W/A		The property state, MAZAKAAR	SET EXITE POSESTOD	MAN NATURAL AND
		beginning on the 11/A	day of	- 4
4. The accused has	been in oscilmenera.			00 ins No sep 44
in civil custody, and				
of which wil.	days were		176 4 975 44 55	17
5 The present age	of the accessed accom-	ding to his record of service is	24 vrs	
6. The date of his	attentation specified	in his moord of service is 1	1.6.40	
7. The service which	h the accused is allow	red to mekon towards discharge	or transfer to the res	erve is B/A
		ay or gratuity in respect of		
	MATRICE TO INCADE	8/a service to	or the purpose of dete	ranining his pension, etc.
10. The accused is	in pgasession of, or a	utitled to, no military decoration	m or military award	for is in possession of an
entitled to issue any mili	tury decoration or rea	nard) 1 21/A		
11. Of the accused	to a marrow office.	The second second		
rank of N/A		The scrused before he was und	OF A WALTHAM OFFICE	est held the registrational
" 17. (In the case of a	n officer.) The accused	I books in the army the rank of	W/A	4-14
and in his regiment for co				Garled
			dated	
CONT. BALANCE AND BLOOM	Heat with Ewine Go	.acety		

(A s Davidaon) Capt & Adjatable Signed this 2002 day of Sopression and being the regimental books in my costody. I HERREY CERTIEV that the foregeing schedule of convictors and dispensations with trial is a true extract from benefing with tellar where practs variations in amounts by the particular system in the particular system is an interest of the system and the system and the system in the syste Appending Summaking with to see to a price in product in an "population distinct easy." чэним ла запоз tolkreigh eight po Benevicip Argentation of Description of Passon with to appearance UNSTRUCTION A vertains extent from the region to the resident there considered and despendence with trial, must be ensented Man Bleet Rank nelli lo . L'allement sens. 'efi and your own out an tol maining!

Schedule of Convictions by a Court Martial or Givil Court, of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with of accused.

4 20 - doesn wit con sess Bit Group - C & F

175		Date of		Cases of	CONTRACTOR OF THE PROPERTY OF THE PARTY OF T		Company, e	Date of arrand or	-	-
	Place	offstor	Hank	drunken- ness	OFFENCE	Names of Witnessess	Punishment awarded	of order dispersion sing with treal	By whom awarded	Sem
					"GERTIFIED THAT MYM 6 IS NOT					
					AVAILABLE FROM REGI'L BOOKS					
					IN MY OUSTODY" A. & Danielen					

(873614 rte quesnelle L)

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

Arcused: B 78614 Pte Louis Quesnelle 4 Bn 1 CBRGp

Charge.	Plea.	Finding.	
(Insert " alternative " where applicable.)	(See Instru p Z.)	(See note below.)	(Space for use as required for further charges, accused charged joint special findings, etc.)
st Charge	Guilty	Guilty	
had Charge	Not Guil	ty Guilty	
ird			
Rh			

Uvota: As to findings for lesser offences are AA Sa. 50° 44; findings or alternative charges see MAML p.483 fn 4 point 2. 80° 44; special findings are RP 44 and MAML p.753, and in less of kit see RP 44 (n.6.)

At present under sentence for N11

(I. Insert sentence being served, or delete, if not applicable. See RF 46(A). Information should be found on MF B355 or AF B396.) Fime in confinement awaiting present trial—a total of 13 days, of which N11 days were spent in hospital (\*) (1. See RP 46(A) fo 2. Information should be found on MF B355 or AF B296 admitted in evidence under E2.)

Sentence Awarded by the Court: To undergo detention for a period of ten (10) months and to be put under stoppages of pay until he has made good the sum of \$104.66 in respect of loss of kit.

(Sgd) T.W. BIGELOW Ma jor 23 Sep 44 (See back of Convening Order as to assembly and dispusal of record after trial.)

PART II. MINUTE WHERE CONFIRMATION RESERVED. (AA 54(5), RF (201F), MINU & 76(1)

Date (8gd)

Commanding

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

(For duties and powers see AA 54, 57, RP 37(D) ft 6.46(A), 51-56, 120, MiNL pp 759-761, KR Can 567-577. Acquittate require no confirmation and cannot be revised: AA 54(3), Sending back finding as sentence for revision by Court: AA 54(3), RP 120(G), If not confirmed, accused may be tried again: AA 151, MiNL p 64. Minute of confirmation or non-confirmation may be ultramed before paramelegation: AP 53. Min p 65. Quantity of the promoting other promoting to the second powers of reviewing affine: AA 57, S7A, RP 52A, 54. The Confirming Offic must sign here personally. AA 172 ft 1.)

My decision on the finding(s) and sentence set forth in Part I is: I do not confirm the finding on the second charge. I confirm the finding on the first charge and the sentence of the court but remit stoppages of \$104.66.

ACRES RESERVANTES EXCLUSIVAÇÃO DE LA CONTRACTOR DE LA CON

Brigadier

Date 13 Oct 44

\$2.W. HALDENBY Commanding Commander 1 Cdn Base Rft Gonfirming Officer.

PART IV. PROMULGATED AND EXTRACTS TAKEN. (8º 53, KR Can 576, 577.)

Pte Quesnelle L. 16 Oct 44

Signature of Offic.

(J.A. DALCOM) Lieut. Adjutant

ALL DELETIONS AND ALTERATIONS WILL BE INITIALIED

Certified True Copy

B 78614

By Capt D M OWEN
Con Sec 2 Ech.FIELD GENERAL COURT-MARTIAL CHAPPEN TO THE SECOND

A.A.I.

Convened by Order of Brigadier E.A. McCusker Comd DDMS 1 Cdn Comps, 20 Sep 44

### 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) appint, Arank or Ajappent, if any, see AA 182, 183, fns, KR Can 308, 328, 330.)

Number. (a) Prmnt R. (b) Appmt, A/R or A/Appmt. Full Christian Names.

Louis

Surname. Cleanin.

4 Cdn Rft En

Quesnelle I RCM4 List

4 Rft Bn.

### PROCEEDINGS OF TRIAL

Held in the Fd in (country) Italy

on (date(s)) 23 Sep 44

### RECORD FORM A-OPENING PROCEEDINGS AND ARRAIGNMENT

(PRINTED MATTER, NOT IN ITALICS FOR GUIDANCE, WILL BE DELETED IF NOT USED OR APPLICABLE, AND INITIALLED of Personal IA. The Schoolse reserved to three-grove is to 9.4. Conclose an Proceedings when a variotion in this form origin, the form for GCAI to MAIL, by 741 to 155. In their forced of such variotion will be made and given a member become reference to appropriate or proceeding para number herein. See back of Convening Origin.

CF ASS, for both and instruction have to record addressess, avidence, etc., which instructs are beneather called "Notes". As to general previousing For conducting the truly law AS 35, MFS de. AST-0, 73, 14, 94, 402, 119, 141, 250.

A2. The President initials and lays before the Court the Convening Order and Charge Sheet(s) attached thereto.(4 The Court is satisfied that it is properly convened and constituted(2), accused is were amenable to military law, and to discloses an offence.(3) #17973 # (I. As to use of Summary of Evidence see RP I7 fo 6. 2. AR 49, 50, RP 105-107. 3. RP II-I3, 23, 24.) each charge discloses an offence (3)

A3. The Court is opened. The accused is THEO brought before the Court. At 1410 hours trial commences.

A4. The Prosecutor produces a Medical Certificate that accused is The Prosecutor produces a Medical Certificate that accused is The Prosecutor produces a Medical Certificate that accused is The Prosecutor produces a Medical Certificate that accused is The Prosecutor produces a Medical Certificate that accused is The Prosecutor produces a Medical Certificate that accused is The Prosecutor produces a Medical Certificate that accused is The Prosecutor produces a Medical Certificate that accused is The Prosecutor produces a Medical Certificate that accused is The Prosecutor produces a Medical Certificate that accused is The Prosecutor produces a Medical Certificate that accused is The Prosecutor produces a Medical Certificate that accused is The Prosecutor produces as Medical Certificate that accused is The Prosecutor produces as Medical Certificate that accused is The Prosecutor produces as Medical Certificate that accused is The Prosecutor produces as Medical Certificate that accused is The Prosecutor produces as Medical Certificate that accused is The Prosecutor produces as Medical Certificate that accused is The Prosecutor produces as Medical Certificate that accused is The Prosecutor produces as Medical Certificate that accused is the Prosecutor produces as Medical Certificate that accused is the Prosecutor produces as Medical Certificate that accused is the Prosecutor produces as Medical Certificate that accused is the Prosecutor produces as Medical Certificate that accused is the Prosecutor produces as Medical Certificate that accused is the Prosecutor produces as Medical Certificate that accused is the Prosecutor produces as Medical Certificate that accused is the Prosecutor produces as Medical Certificate that accused is the Prosecutor produces as Medical Certificate that accused is the Prosecutor produces as Medical Certificate that accused is the Prosecutor produces as Medical Certificate that accused is the Prosecutor produce that accused is the Prosecutor produces as Medical Certificate that accused is 

KR Can 557. 2. AA 46(8), RP 6G (n ). For effect see KR Can 563(c). Delete, if not opplicable.

# A5. January by annual a diversity of the discount of the same and the

PREMIURIE PERCENTE LA SERVICIO DE LA COMPANIO DEL COMPANIO DEL COMPANIO DE LA COMPANIO DEL COMPANIO DE LA COMPANIO DEL COMPANIO DE LA COMPANIO DEL COMPANIO DE LA COMPANIO DEL COMPANIO DEL COMPANIO DEL COMPANIO DE LA COMPANIO DE LA COMPANIO DE LA COMPANIO DE LA COMPANIO DEL COMPANIO DE LA COMPANIO DEL COM

(0. 89 72. Delete, if none employed.)

Water

A6. The Convening Order and names of the President and Members of the Court are read to the accused. P) President to accused: Do you object to be tried by me as President or by any of the Members of the Court #

President

Arm Try City (\*)
(I. AF 110. 2. If no objection, working member retires. AF ob(8). If objection, see procedure AA 51, RF 25, 71, 18, MBML p 742.)

RCASC

A7. The President, Members, JA, if any, and Offirs under instr, if any, are sworn.(1) The following are the ranks, names and units of the offes comprising the Court, etc.

Member	Capt.	O.F. McIntyre	CYR	4 Cdn Rft Ba
Member	Capt.	W.M.C. STUTT	FPCLT	4 Cdn. Rft Ba
Julia Advicates	rights in			
Prosecutor	Oapt.	R.B.BROWN		4 Cdn Rft Bu
Defending Offe	Wajor	R.N. MUMMERY	RCASC	4 Cdn Rft Ba

T.W. BIGELOW

Questions by President: Is the Prosecutor a lawyer † Ans. Yes Is the Defending Offr a lawyer † Ans. No. (\*)

(). RP 26, 27, 109, 111. List of offer under instr will be returned separately with proceedings for information of Conv (1891).

(2. If Prise is lowyer and Def Offer set, occused is entitled to an adjacement when RP 89 (5) and fin 2 were not followed. See 30 (5.3.)

AS. The accused 78614 Pte Louis Queselle before arraignment make(s) (no) at plea

(8) If a special pines is made for separate trial on one or more charges (RP 62(E), 10B), or as to the jurisdiction of the Court (RP 34, 35(A), 112), we in borr of trial (RP 36), or as to occurant's mental filmess to stand trial (AA 130, RP 57), or by one of several occurant charged justity to be timed separately (RP 16, 77), such pine, the addresses made in support or against, then evidence, if any, and finding our recorded per Netros. For forms of record see references in fins to RAP cited. Insert in AB rank and seems of the occursed making the pine.)

A9. The accused is two arraigned to be much to be much to the Charge Sheet. (1) The accused dose two most object to any charge (2) There is no amendment to be much to the Charge Sheet. (1) The President records the pleas in Part I of the Schedule.

89 31, 112. See paire 1 of leates p.2. Withou more than one Charge Street one 60 62; when several accused to be consequently see 80 71(C), and use separate capies of CF A96 to recent proceedings. 2. RP 32, RP 33. If otherwise, delete as make appropriate recent per Hates.)

m TWB sA10. The Court (xxxxxxx) and) considers the Instrs on Procedure after Arraignment at top of p 2. The proceedings are continued on Record Form . C.

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS

# INSTRUCTIONS ON PROCEDURE AFTER ARRAIGNMENT.

The accused may not plead or be found Guilly on more than one of two or more charges laid in the alternative (RP 37(A)). As to withdrawal of alternative charges by Prosecutor see RP 35(C). No other charges me be withdrawal for any reason without authy from Convening Offse. If Convening Offse cancurs, Court may accept pleas of twelfy to leave, etc., offense. (RP 44(H).) Accused may change a plea of Not Guilly to Guilly during trial. (RP 35) 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

1. 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,

Such mixed plans occur when there are no alternative charges in the Charge Sheet, was Porced Franc C below. (RP 37(A).)

(b) Such mixed pions occur in a set of two or more charges laid in the alternative, see RPNS (3) and fu 2 as to discretion of Court, (6) to try the accused on all such alternative charges as if he had y haded Not Curity thereto, or, (ii) in scand the pions as the findings of Court. After deciding between (1) and (ii), Court wild proceed under foregoing instrease may be appropriate to result of its decision. See MML y Tel Luxus (2).

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

B1. The President or JA, if any complex with RP 35(R) by explaining to the accused the nature and meaning of the charge(s)(!), and that on his plea of Guilky 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(f). call witnesses as to character and make an address in untigation of punishment.(\*)
(J. RP 35 fo J. 2. SAML p 54 per 47.3

B2. President to accoused: The Court will now receive any statement you desire to make in reference to the the charge(s), (!) If it appears from your statement that there are succumstances which indicate that you do not scuder-stand the effect of the pleas of Guility(\*), or which show provocation or extonuation in respect of which in your interest the witnesse for the Prosecurous should be examined(\*), we shall advise you to change your plea to Not-Guily. In making a statement you will not be saum as subject to cross-examination; and anything you say will not be used in evidence against you after you change your plea. If, however, it appears to the Court that your statement affects only the amount of panishment to which you are likely, you will not be advised to change your plea and you will be given an opportunity later to prove your statement by severn testimony, if you so desire it

President, to accused: Do you wish to make a statement 5. Ans. No.

(1. 89 37(8) 2. 98 37(0) fe 6. 3. 89 25(5) fe 5 perc 2. MML p 54 perc 47.

4. Set perc E3 of Record Form E.

5. Supercoast, if any, executed per Notes.)

BS. THE CHECKE AND THE RECEIPMENT AND THE TRANSPORMENT AND THE RECEIPMENT OF THE PROPERTY OF T ARRENDARIA SANTA S

B4. On the charge ( ) to which the plean of Guilty is mm) not changed the President records finding of "TWB ultry in Part I of the Schoolade (\*)

(1. RF 35(8). If any pinot() is (art) changed, use Record Form C or D as appropriate.)

B5. The Sommary of Evalence is marked Ex. G. initialled and read aloud by the Provident (1)

(i. if there is no Summary, or if it is confequent, comply with SP 19(8). If there is any midence inconsistent with my providence of Summary, or if it is confequent to the part of the confequence of Summary or in the part of the part of

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

Ci. As to the charges on which accessed pleaded NOT GUILTY the trial is continued by using parts D1 to DS inclusive of Record Form D on p 3 before proceeding with C 2.4') (i. 29  $\mathcal{D}(k)(E)$ .

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

(I. Mode B5 such parts safe of the formers of Evidence are could at relate to the charges dealt with under C3. If my plan is charged to the Cultive, discribing in thereon proceeds by the paras B7 to D8 includes in Recard Form D are p 3 and making an opposite record between a septents sheet.)

C5. The accured having been found Guilky on one or more of the charges, the proceedings are concluded by neing Record 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.

D1. President to accused: Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity to prepare your distance I. Ans. No. (1)

(I. H. Tyes', see NP 19(A) for procedure. Statement or evidence, if any, is reconstant per Notes.)

D2. The Prosecutor make yet (no) opening address.(1)

(I. RP 19(8), 60(A) (8), 90, 92(C) (0). Record oddress per Notes, subject to RP #5(C).)

D3. The evidence for the Prosecution is taken.(1)
(1. RP 39(C), 114, KR Can 555. Recomd evidence per Notes. As to Prosecutor giving evidence himself see RP 37(D) (E) 3

THEFT IN THE EXECUTE AND EXECU

(d. Delete remainder of this para, if automission not made. 2. Arguments on submission, onsert and reply are recording per Photos. 3. RP 40 fo 1. See MML p.72 paras 12-14 and p.81 para 42. 4. Delete part not used. If accurate dequations on all charges, use second alternative in para 0.63.

NB : If triel proceeds, occused must be allowed great failured in making his definion, and the Court should not stop his defining solely on ground of irrelevance. (RP 60(C), 114, 115.)

Aus Yes Are they witnesses as to character only ( Ans. No. 1). RP 155. 2. RP 40(A), see 80(C). 3. RP 40 fe 10. 4. RP 40 fes Z. S.) Yes

D6. Consequent on the answers recorded in para D5 the appropriate procedure for the defence is findianced.(1)
(i). RF 114, 115, 116. For procedure see Notes on back of Comming Ocean, CF Note For recurse on an day
character should, if in his interest, be given beginn the finding. See RF 46458 in 1, 2800CD. Note the further appointantly in para dis
closes of Record Form E. Recard for Notes addresses, integered, evidence and any automating up by the jA under RF 42, 103(e).)

D7. The Court is closed to consider the finding (\*) The finding of the Court is xxx recorded in Par of the Schedule.(\*) The Court is re-opened.
(\*\* RP 43, 117(8). See Notes in Park 1 of Schedule. 2. RP 44(A).)

D8. The President as nounces the finding(s), if any, of Not Guilty, and states to the accused that the finding X "Table" of the Court on the Second

THE STANDARD STANDARD STREET, STANDARD TAXABLES DE AND EDUCATES DE SENSON DE LA COMPANSION DE LA one piece of Guilty actionneling and dealt with under Record Form 5 or C.

D6. The accused having been found Guilty on one or more of the charges, the precord Form E below.

# RECORD FORM E-PROCEEDINGS ON CONVICTION BEFORE SENTENCE.

Et. President to accused: Do you wish to give evidence yourself or to call any witnesses as to your character [4] Ans No

(I. If evidence has already been given by accused or his witnesses as to his characters, desicts this part. RF 37(C) fn 4, 46 fb is. Accused and witnesses are sween. Evidence meanded per Notes.)

E2. The Prosecutor produces Statement's as to Character and Partienlars of Service(1), and exemisized true copy (organs) of Conduct Sheet(s)(7), purporting to refer to the accused, which he solumits to the Defending Offr for examination, and then to the Court for admission in cividence. The Court is satisfied that these documents refer to the accused, because (i) they purport to be signed in the manner required by AA 10M) (g) (h), and (ii) they purport to refer to (a) soldiers) having the same number, rank, name and corps as the accused. Admitted in scalamore and

marked Ex. H. and Ex. I. respectively (\*).

(f. NFD 355 or AFB 296. 2. sePat 4. 1. AP 46. ER Can 558. If above documents not produced, see AF 40 Str.

E3. President to accused: Do you wish to address the Court on the Statement and Conduct Sheerich and in

emitigations of punishments (i).) And Yes.
(i) RP 31(C), 46(D). 2. Address if are, recorded per Notes. Court atmost parent occured or by witnesses to passes are each anything here or previously stated which would effect the uncount of punishment. RP 31(f) (n.?.)

E4. The President states that the Coart is closed to consider the sentence, and that the sentence to be assured by the Coart, being subject to confirmation, will not be associated, but will be premnigated lates, and the proceedings in open court are accordingly terminated.(1)
(). As \$4(8), 88 (20(A).)

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

Melegalow"

### CHARGE SHEET

The ACCUSED, No. B 78614 Pte LOUIS QUESNELLE, of the Irish Regt of Canada, on strength 4 Cdn Rft Bn, 4 Cdn Base Rft Group, a soldier of the Canadian Army Overseas, Allied Armies in Italy, is charged with:

FIRST CHARGE A.A. Sec. 15 (1)

WHEN ON ACTIVE SERVICE ABSENTING HIMSELF WITHOUT LEAVE

in that he

In the Field, did absent himself without leave from 1700 hrs the 28th August 1944 until surrendering himself to the Military Police at 0930 hrs 9 Sept 1944. (Total time absent lldays, 16 hrs, 30 minutes).

SECOND CHARGE A.A. Sec 24(2)

WHEN ON ACTIVE SERVICE LOSING BY NEGLECT HIS EQUIPMENTS, CLOTHING AND REGIMENTAL NECESSARIES

in that he

In the Field, in Italy, on 19 Sep 44 was deficient equipment, clothing and Regtl. Mecessaries amounting to \$104.66 as set out hereunder:

ITEM	100%	75%
**************************************	0.99 5.25 5.39 5.46 0.43 11.31 11.79 0.65 0.37 0.37 1.02 0.28 0.26	\$0.75 3.94 4.04 4.10 0.32 8.45 1.34 0.28 0.28 0.28 0.28 0.28
Brushes Button Bress Brushes Clothes Brushes Hair Brushes Shoe Polishing Caps Comforter Dressing Field Holdalls Housewives Knives Clasp Razors Ssety w/bladex Vests Cotton Towels Hand	0.48 0.34 0.28 0.34 0.24 0.19 0.17 0.86 0.06 0.36 0.32	0.36 0.26 0.21 0.26 0.18 0.14 0.13 0.65 0.05 0.27
Towels Hand Overalls Blouses Demin Overalls Trousers Demin Hosetops Drab Belts Waist W.E. Patt '37 Small Bottle Water MK Vll Braces W.E. Patt '37 Left Braces W.E. Patt '37 Right Carriers Water Bottle W.E. Patt M32'37 Shirts Bush Shorts K D Shorts K D Frogs Bayongt W.E. Patt '37 FawWrsacks W.E. Patt '37	0.32 2.64 2.51 0.43 0.67 0.82 0.30 0.37 1.17 1.01 1.79 1.79	0.24 1.98 0.32 0.50 0.62 0.25 0.25 0.28 0.98 0.76 0.76

Helmets Steel MK 111  Facks W.E. Patt '37  Pouches Basic W.E. Patt '37 MK111  Fouches Basic W.E. Patt '37 MK111  Straps Shoulder Haversack  Straps Shoulder Haversack  Straps Web Supporting  Straps Web Supporting  Tins Mess Rectangular  Sheets Ground MK V111  Blankets Brown Single  Blankets Brown Single  Capes Anti-Gas No. 1 Camouflaged  Respirator Haversack MK V11  Rifle No. 4 MK 1  Seabards Bayonet No. 4 MK 1  Bayonets No. 4 MK 1  Bottle Cil Bakelight Mi	2.39 1.84 1.19 0.32 0.32 0.13 0.13 0.35 2.94 3.07 3.07 2.76 1.42 45.48 0.61 2.46 0.06	1.79 1.38 0.89 0.24 0.24 0.10 0.10 0.26 2.31 2.30 2.30 2.30 2.07 1.07 45.48 0.61
---	---	---

Total \$ 123.17 \$ 104.66

In the Field 20 Sep 44

(L.J. FLYNN) Lt-Col., Commanding, 4 Can Rft Bn, 1 Cdn Base Rft Group - CMF

TO BE TRIED BY FIELD GENERAL COURT MARTIAL

In the Field 20 Sept 44

Ea McCusker Bry

(E.A. MeGUSKER)Brigadier. D.D.M.S. 1 Cdn Corps.

"IN Some

# FIELD GENERAL COURT-MARTIAL

(Whether the accused to be tried is under his comd or not, a FGCM may on application to him be convened by any offir of Cdn Army Overseas, as of any other force if authentized in law, in immediate cand of troops on active service, subject to RP 103(C) and restrictions imposed by appropriate authentized in law, in immediate cand of troops on active service, subject to RP 103(C) and restrictions imposed by appropriate authentized in No. 30, RP 104-107, 114. As to the duties and privileges of the Convening Offir in ecaling with the application see MML Chap Y paras 20 and 23, RP 87(B).

There should be a separate Convening Order for each person to be tried separately by the same Court. RP 71(C), 109. As to separate charge sheets are RP 103, As to two or more occused charged jointly see RP 16, 109. As to reasons for showing (a) permanent or confirmed rank, and (b) appmt. Alrank or Ajappmt, if any, see AA 182, 183, fns. KR Can 308, 328, 330.

### ACCUSED.

Number. (a) Prmnt R. (b) Appmt, A/R or A/Appmt.

Full Christian Names. Surname. Unit

B78614

Private

Louis

Quesnelle IRC X4 List 4 Cdn Rft Bn

### CONVENING ORDER.

And whereas I am of opinion that it is not practicable that such offence(s) should be tried by an ordinary Ger Court-Martial; (Excitation Service ) And where we are a service of the service of

I hereby convene a Field General Court-Martial to try the said person (a), and to consist of the Offrs appointed "EM" or detailed hereunder.

4. KRANGRING BYNGERIK IN AMERYLING BYNGERK BYNGERE KRINGER YN DE BYNGER FOR BEN FRANKER FRANKE

(AA 49, RP 106(B), 107(A). Delete the whole or part, if not applicable.) XXXXX KXXXX 

PRESIDENT

T.W. BIGELOW

(Must be named RF 106) SC 4 Cdn Rft Bn

MEMBERS.

Captain

Major (Book)

O.E. MCINTYRE CYR 4 Cdn Rft Bn

Captain

W.H.J. STUTT

(Normed or detailed. RF (No.) PPCLI 4 Cdn Rft Bn

WAITING MEMBERREREXEREXERS

Saptain:

Z.POTTIN

REZER 4 Cdn Rft Bn (Names or detailed, if any. RF 106.)

Captain

F.Potwin

JUDGE-ADVOCATE.

Nil 1 stone 87 106.1 Black 3

(Chille)

On Active Service in the Fd

in Italy (Coursey)

(Rank.)

E.A. MCCUSKER

Brigadier

Date 20 Sept 44

Commanding D.D. M.S. 1 Cdn Corps

CONVENING OFFR WILL INITIAL ALL DELETIONS AND ALTERATIONS

4/38A CFASO CT BETTER ATAS

(See everies) for ooths and nates for use on trial.)

Exhibit "F"
"T.W. BIGELOW" Major.

MEDICAL OFFICER'S CERTIFICATE KR (CAN) Para 557

I certify that I have thismorning examined No. B78614

Pte QUESNELLE L. 4 Bn., 1 Cdn Base Reinf Depot,
and in my opinion he is fit to undergo trial by Court Mertial

In the Field 23-9-1944

"??????????" Capt.
Medical officer, 4 Bn, 1 C.B.R.D.

Record Form D3

FIRST WITNESS For Prosecution -

I am B78530 C.Q.M.S. Walker, J.E. of I.R.C. and attached 4 Cdn Rft Bn P.E. I am C.Q., B. Coy Q. Stores.

On 19 Sep acting upon order of Legal officer Capt Brown I was ordered to make a kit invetory of Pte Quesnelle. I searched B Coy Stores and could find none of his kit. I then contacted all C.Q's of 4 Bn and made the same search through their stores, searched R.Q. Stores. I could find no kit belonging to the accused. I listed the deficiencies from the accused's Pt lll Pay Book which had been signed by him. This kit does not include any kit that accused had with him on 19 Sep 44. Total kit deficiencies amount

### CROSS EX.

Question -Did the accused call your attention to the fact that he had a razork

I understood from the accused that the razor he had Answer was the property of the Regt'l Police.

Re EX. - Nil R.P. 83(c) Complied with

Record Form D

### FIRST WITNESS For Defence

I am 78530 C.Q.M.S. Walker J.E. of I.R.C. attached 4 Cdm I am C.Q.M.S. of B Coy 4 Bn Q Stores. Rft Bn, P.E.

Question -What is the policy of handling kit of absentees in B Coy 4 Bnk

B Goy 4 Bng

If a man goes A.W.I. whilst in 4 Bn it is brought to
my attention by the Goy. C.S. I then go with the Goy.
C.S. and gether together all the Wit that can be found
knowing it to belong to the said absentee.
What was done in Queenelles' case? Answer

Question -

I did not take over B Coy, Q. Stores until 9 Sep 44. When I was ordered by Capt. Brown to make a list of the kit deficiencies of the accused I made a search Answer

and could not find any of his kit. Who was in charge of the Lorry that brought the accused up from Awellino? Question -

I was in charge of the Lorry. 2 "T.W. Do you know if an equipment check was made. I don't Know. Answer "T.W. BIGELOW Maj." Question -

Answer

Corss Ex .-Nil.

Record Form D R.P. 83(b) Complied with.

For Defence FAccused) -

I em B78614 Pte Quesnelle L. 4 Bn. Was your kit on the Lorry when you left Avelliner Question -

Answer Yes Sir.

Question -Did you take it with you when you left the Lorry?

No Sir.

Question -Was there an N.C.O. in the Lorry?

Answer Yes Sir

### Corss Ex.

What happened to your kit after you left the Lorry? Ican't say Sir. I left it on the Lorry. Question -

When you went absent from the lorry did you make any arrangement for the safeguarding of your kit? Question -

Answer

R.P. 83(b) Complied with.

Record Form D

# Closing Address by Defence -

If the kit was on the lorry when it arrived here it is obvious that little or no checking was carried out and while neglect in the first instance is shown by the accused, in not ascertaining that his kit was looked after when he went A.W.L., nevertheless in his kit was still on the lorry when it arrived here neglect and lazness on the part of the receiving staff is shown.

Record Form D

# Closing Address, Prosecution -

I would like to draw the attention of the court to see 24(2)(6) A.A. MMI, where it differentiates between carelessess admits going absent without leave and further admits that he took no precautionary re safeguarding his kit. It is the contention of the prosecution that this amount to culpable neglect on the part of the accused and that he should so be found guilty. The accused

Record Form E.3

### Statement by Defence-

It will be noted that accused's M.F.M.6 is not available. Pay I assure the court the accused has only had minor orimes and never an F.G.C.M. His record of service has been long and he has seen action with his Regt. In Avellino he had to stand by while others more recently joined proceeded on leave. When he was warned he was coming forward he well knew the meaning and not realizing the seriousness of the offence wanted a fine fine. realizing the seriousness of the offence manted a before once wore going into action. I would ask the court to take into consideration the fact that he is battle experienced and much more of an asset to the army in a fighting role than in a detention camp. He wishes to return to his Regt. and do the job he enlisted for. May these facts be taken into consideration on



Summary of Evidence in the case of E78614 Private Louis Quesnelle of the Irish Regiment of Canada, on strength 4 Cdn Rft En, 1 C B R G who is charged with WOAS Absenting himself without leave A A 15 (1).

By direction of the Commanding Officer, the evidence is taken upon oath.

IST WITNESS: PA8784 Sgt Fortin L G of 4 Cdn Rft Bn, 1 C B R G having
been duly sworn states:

I am P48784 Sgt Fortin L G, P E Sgt of B Coy 4 Bn

On the 28th of August, 1944, at approx 1700 hrs I called the roll of an incoming draft of personnel of the Irish Regt of Canada. The accused, Pte Quesnelle, did not Irish Regt of Canada. The accused, Pte Quesnelle, did not Irish Regt of Canada. The accused, Pte Quesnelle, did not Irish Regt of Canada. The accused, Pterson on parade. I reported answer his name, nor was he present on parade. I reported thim to the Company Orderly Room as being an absentee without leave.

"Sgt Fortin L G" (Sgt Fortin L G)

The accused declined to cross examine this witness.

2ND WITNESS: A3885 Pte Knowles H, 4 Cdn Rft Bn, 1 C B R G, having been duly sworn states:

I am A3885 Pte Knowles H, file clerk in the 4 Em Orderly Room. I produce a certificate under 163(1)(1) purporting to relate to the accused, and showing that Pte NAM Quesnelle surrendered himself to the Military Police at Naples at 0930 hrs 9 Sept 1944. Produced shown to the accused, marked Exhibit "A" and attached hereto.

"H Knowles"
(A3885 Pte Knowles H)

The accused declines to cross-examine this witness.

3RD WITNESS: B78530 COMES Walker J E of "B" Coy, 4 Bn, 1 C B R G, having been duly sworn states:

of "B" Coy. On the 19th of Sept 1944, esting on orders, I checked the kit of B78614 Pte quesnelle L and found his deficient the articles enumerated in the attached list, to 100% values of the enumerated articles and have checked the attached list and totals.

"John E Walker" (B78530 CQMS Walker J E )

The accused declines to cross-examine this witness.

# question to the Accused

Do you wish to make any statement or to give evidence upon cath? You are not obliged to say anything or to give evidence unless you wish to do so, but wintever you say; or any efidence you give will be taken down in writing and will be given in evidence.

Answer by the Accused

I have nothing to say at this time.

"TWBigalow Major"

0...

I certify that R.P. 4 (C), (d),(e), & (f) have been complied with.

I certify that the above pages of the summary of evidence were taken down by me in the presence of the accused.

"RRBrown"
(R R Brown) Capt
Officer taking Summary

CERTIFICATE OF SURRENDER EXHIBIT "A" "T.W. BIGELOW" Major.
Army Act Section 163 (1)(11)

1, Lt J.W. Gordon certify that;

No. B-78614 Rank Pte Hame QUESNELLE L.

IRISH REGT., OF CANADA Unit L4 Goy, 3 Bm., No.1 CBRD surrendered himself to
No. 5569193 Rank L/Gpl. Hame WEBB A.J. at:= NAPLES.

at 0930 hours on the 9 th Sept 1944 as a deserter (or absentee without leave).

Commanding Officer of the person or protion of His Majesty's Forces to whom the surrender was made.

Exhibit "A" "R.R. Brown" Capt.

Commanding, 510 Provest Coy C.M. Police.

# Statement as to Character and Particulars of Service of Accused (For Use at Trials by Field General Courts-Martial only)

Number.	Rank.	Name.	Regiment (or as the cass may min-
в78614	Pte	QUESNELLE L	Irish R of C X -4 List
	1. The	following is a fair and true summed, exclusive of convictions by a	nary of the entries in the Field Condust Sheet court martial or a civil court :
Conduct Sheet is to be produced in Court with this statement but is not to be annexed to the proceedings. The numbers hereis stated should correspond with the number of the processing the number of the process of the process of the number of the process which the number of the process with the number of the process with the number of the process with the number of the process which the number of the process with the number of the process which the number of the process which the produced with		ForN/A	N/A times.
herein stated amount corres- pond with the number of livrating in the Field Con- dust Sheet, prominence being given to the most serious offeres in each entry. It she charge is for		For	
serious offence in each entry. It the charge is for drunksenness or absence without leave, the entries for drunkenness or absence,			
for drunkenness or absence, as the case may be, should be stated asparately. Any	Date of first	For	
for drunkenness or shience, as the case may be, should be stated apparately. Any recognized special acts of gallantry or discinguished conduct recorded in the Field Conduct Sheet should also be mastred here.		entry in Field Conduct Sheet.	
also be inserted here.	2. Pre		by a court martial or a civil court see set out
*Acrise put if not applicable	*3 TI	ne emassed at the present time is un	ider sentence for
			day of
	4. The	e accessed has been awaiting trial	on the present charges for Both
	days in cit	ril custody; and for 19	days in military custody, i.e.,
			14 days in close arrest; of
	which		
	5. Th	ne present age of the accused is	17.6.40
	6, Th	attestati	nicary service
	7. Th	ne service which the accused is alle	wad to reckon is N/A
	8. Th	ne accused is in possession of	
+State the railinary decembrons (# any) held by accused.	9, (1) without n	the accused is a surrant officer or education, to the present date—	N.C.O.). The accused has served countinuously, N/A
			Date of Premotion
		In the substantive rank of	
		In the war substantive rank	
		In the acting rank of	11/4
		INSTRUCTION.—If any matter the regimental h	in any of the above paragraphs cannot ine stated from socks the paragraph must be struck through.

# SCHEDULE OF CONVICTIONS BY A COURT-MARTIAL OR CIVIL COURT

Description of Court by which tried.	Date and Place of Trial.	Charges upon which convicted.	Sentence of the Court.	Punishment remitted ox sentence suspended.
		N/A		

I HEREBY CERTIFY that the foregoing particulars, which have been extracted from the regimental books in my custody, are correct to the best of my knowledge and belief.

Signed this 20th day of September 1944

"A.B. Davidson" (A.E. Davidson) Capt & Adjutant
4 Cdn Rft Bn, 1 Cdn Base Rft Group

CMP

B78614 N	ameQue	snelle L	Eqn. Battery   or Company	Exhibit "I" Corps C I C Period not reckoning towards freedom from extra fine	*T.W. Bigelow entistment	Major Badges Signature OC Company, etc			MFM & (AFB 155) (AFB 155) (AS, 106 15438
Date of last	entry in	Hank drusten	drank)	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispen- sing with brial	By whom awarded	Komurke
Place		5,000							
		AVATTABLE	D THAT MEM E FROM RECY	6 IS NOT					
In 1	the Fi Sep 44	eld MY CU	A. (A	E. Davidson E Davidson) Capt djutant, t Bn, 1 Cdn Bese Rft	Group - CMF				
									grs.

"T.W. BIGBLOW" Major

I request that the Commanding Officer of 4 Bm, 1 C.B.H.D. appoint an Officer to act in my behalf.

52-143 Spr. Quevillan R.

RECENT 1945 FIELD GENERAL COURT-MARTIAL COURT AS 100 5 I - 143. J.R.R. GOUGH BRIG COND A. The AREA dated 5 May 45 (Delth) FIRST CON ARMY 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) appint, Airank or Alappint, if any, see AA 182, 183, fns, KR Can 308, 326, 330.) Number. (a) Prmnt R. (b) Appmt, A/R or A/Appmt. Full Christian Names. Unit. KAYMOND QUEVILLON SPRIEWED SPR 1.22950 PROCEEDINGS RE REVIEWING OFFICER, JAG BRANCH C.M.H.Q. PROCEEDIA Held in the Fd in (country) HOLLAND PROCEEDINGS OF TRIAL. .... on (date(s)) 5 MAY 45 RECORD FORM A-OPENING PROCEEDINGS AND ARRAIGNMENT, 3-178 A1. The President, Members, waiting Member, JA, if any, end Offes un EPRINTED MATTER, NOT IN ITALICS FOR GUIDANCE, WILL BE DELETED, IF NOT USED OR APPLICABLE, AND INITIALLED R. NOT IN TRAINCE FOR COMMENT IS on p. 4. Critisions de NOT include del resevans plus most. The Schedule referred to chroughout is on p.4. Critisions de NOT include del resevans plus most. The Schedule referred of such varieties in a warseties in this form artists, see form for GCM in MMIL by 741 to 759. A brief record of such varieties is a warseties for the form of the such as a warseties for the such as the procedule of the such as the government of the such as th (1. As to use of Summary of Exidence see RP 17 fm 6. 2. AA 49, 50, RP 105-107. 3. RP 11-13, 73, 14.) The Court is opened. The accused is ( ) brought before the Court. At 430 hours trial com-A4. The Prosecutor produces a Medical Certificate that accused is (26) fit to undergo trial by court-martial. (i. KR Can 557. 2. AA 46(8), RP 60 fn 1. For effect see KR Can 563(c). Delete, if net opplicable.

A5. President to accused: Do you object to ARA, R.G. as interpreter! Ans The Interpreter is sworn.(1) Do you shiped to The chorthand writer is owns.(1) (I. RF 72. Delese, If none employed.) A6. The Convening Order and names of the President and Members of the Court are read to the accused.(8)
President to accused: Do you object to be tried by me as President or by any of the Members of the Court 1 No. (9) 2. If no objection, working member retires. A7 68(8). If objection, see proceeding AA 51, AF 25, 71, 18, MARL p.7423 (1. AP 110. A7. The President, Members, JA, if an to instr. if any, are evern.(1) The following are the C.I.C. 8 CA DET MATOR J.A. PRUDHOMME President CIC HQ ARMY THE AREA REGLOVER CAPT Momber DW. MEKINNEY LIEUT APMY TES AREA Member R.F. WILLSON CIC ARMY THE FREA Judge-Advocate 3 BH. R.C. E. CAPT N.J. WERMENLINGER Prosecutor Defending Offiz LIEUT. R. ROCHON JBN. R.OE. Questions by President: Is the Prosecutor a lawyer | Ans No. Is the Defending Offr a lawyer | Ana No. (9) AS. A9. The accused is (are) arraigned (separately) on all charges in the charge sheet. (\*) The accused does (are not object to any charge. (\*) There is no amendment to be made to the Charge Sheet. (\*) The President records that pleas in Part I of the Schedule RP 31, 1/2. See para I of Instrs p 2. When more than one Charge Sheet see RP 62; when several occused to be tried separately see RP 71(C), and use separate capies of CP AP0 to record proceedings.
 RP 32, 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 Forms D + E PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

# 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 withdrawal of alternative charges by Prosecutor see RP 35(C). No other charge can be withdrawan for any reason without authy from Consening Offir. If Convening Offir concurs, Court may accept plea of Guilty to lesser, etc, offence.
   (RP 44(H).) Accused may change a plea of Not Guilty to Guilty during trial.
   (RP 38.) As to refusing to plead or not pleading intelligibly see RP 35(A).
- The proceedings on each charge sheet (RP 62) after arraignment will be conducted as follows in the respective circumstances stated:
  - 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(A).)
    - (b) Such mixed pleas occur in a set of two or more charges laid in the alternative, see HP 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 Ned Guilty thereto, or, (ii) to retord 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 Instra (2).
- 3. As to responsibility of President to accused see RP 50, 60(C); powers and duties of JA see RP 105; duty of Presecutor see RP 60(A) (B), duly and privileges of accused and Defending Offr see RP 60(C), 87(C), 91, 92; successing and mildelmical of witnesses from Coart see RP 81, 82; questioning of accused see RP 80, 87(C), 92(B), and of witnesses see RP 83.85; calling or recalling of witnesses by Court, etc., see RP 75.79, 86, 116; use of Summary of Evidence at Trial see RP 17(E) for 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)(\*), 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 panishment.(\*)

(1. 89 35 fm 3, 2. 8880, 9 54 pere 47.)

B2. President to accused: The Court will now receive any statement you desire to make in reference to the charge(a),(!) If it appears from your statement that there are circumstances which indicate that you do not understand the effect of the piea of Guilty(!), or which show provocation as extenuation in respect of which is your interest the witnesses for the Prosecution should be examined(!), we shall advise you to change your plea to Not Guilty. In making a statement you will not be sworn or subject to cross-axamination, 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 punishment to which you are liable, you say not be advised to change your piea and you will be given an opportunity later to prove your statement by espain testimony, if you so desire.(\*)

President to accused: Do you wish to make a statement \( \begin{align\*} Ame. (1 & RP 27(E), 2. & RP 37(D) fo 6. & 3. & RP 25(\$1 fo 5 boys 3. MML \$2.56 pero 47. \) 4. See pero E1 of Record Form E.

5. Statement, if amy, recorded per hotes.)

B3. The Court considers the accused's standard (1) The Court decides (not) to advise accused to change his (their) plea(s) of Guilty to Not Guilty on charge(s). The accused is (are) so informed, and he (they) change(s) his (their) plea(s) on the charge(s). Fart I of the Schedule is amended accordingly.

(i. Court may be desed to consider the statement. Delete whole or part set used.)

B4. On the charge(s) to which the plea(s) of Guilty is (are) not changed the President records finding(s) of Guilty in Part I of the Scheduk (1)

(1. RF 13(k). If of pleats) is (are) charged, was Record form C or C as appropriate.)

B5. The Summary of Evidence is marked Ex., initialled and read aloud by the President. (1)

(1) If short is no Summers, or if it is indeequate, comply with RP INES. If there is any evidence inconsistent with any ples
stocking as faults. Court will give ecused to change such piec and. If changed to Not Guilty, try such charge(s) by use of
porest Differ D6 inclusive of Record form D on p 1. RP 37(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.

C1. As to the charges on which accused pleaded NOT GUILTY the Irial is continued by using parts D1 to D8 inclusive of Record Form D on p 3 before proceeding with C 2.(?)

(i. 87 17(6) (f.)

C2. The charges on which accused pleaded GUILTY are read to him (them) again, and the trial is contains by using paras Bt to B5 of Record Form B shows. If the latest parameter is the charges dealt with under C1. If one piece is thought be hard body, that thereps produced to her Guits, that thereps produced to her Guits, that thereps produced to her Guits, that thereps produced to her Guits are produced to her Guits.

C3. The accoused having been found Guilty on one or more of the charges, the proceedings are concluded by using Record Form E-on p 3.

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

### SCHEDULE.

# PLEA(S), FINDING(S) AND SENTENCE.

Accused: 622950 SPR RAYMOND QUEVILLON, SBN. R.C.E. Plea (Space for use as required for further charges, accused charges sun special findings, etc.) (See note below.) (See Instrs p 2.) (Insert " ofternative " where applicable.) AA 40. a total of 15 days, of which Nil Sentence Awarded by the Court: To undergo deteration for Mine months

PART II. MINUTE WHERE CONFIRMATION RESERVED. (24.54(5), 99 120(6), MML 9 78(7)

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

For duties and powers are AA 54, 57, RF 37(D) for 6,46(A), 51-56, 120, MML pp 750-761, KR Can 567-377, Acquitioù require me sonfirmettion and cannact be revised: AA 54(3). Sending bock finding or sentence for newsion by Casts. AA 54(3), RF 120(G), RF and and confirmed, occasion may be tried agoin. AA 151, MML p. 64. Mainute of confirmedians or one-confirmedian may be offered before permitting the PSIA, MML p. 63. Quanting ofter permitting that Paramilipation: RK Can 1512, Depose and powers of reviewing offs: AA 57, 174, RF 53A, 54. The Confirming Offs must sign here personally. AA 172 for 1.)

Gerision on the findings) and sentence set forth in Part I is: I confirm finding and sentence of the purt I but senit the

Epre letent AA 57A. Delete if not deed

COSED, ARMY PROPERTY OF STREET FIRST CON, ARMY

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

1. 22950 She Quantiti R. MAY 121945

Accused.

3 En K.C.

ALL DELETIONS AND ALTERATIONS WILL BE INITIALLED.

Jan.

# DEDICAL OFFICARIS LOCKT

Survillan, R s in RGE and in my opinion he is fit

Gd'2 chengre Capl

Date .. 5. Mays 45.

h 22950 Spor

Juevillon R

Pel Etcheverry Copt

Eneld 45

M. O. 3 BN. R. C. E.

# FIELD GENERAL COURT-MARTIAL

(Whether the accused to be tried is under his came or not, a FGCM may on application to him be convened by any affr of Cán Army Oversean, or any other force if authorized in law, in immediate come of troops on active service, subject to RP 105±C) and restrictions imposed by appropriate authorized any other force if authorized in law, in immediate come of troops on active service, subject to RP 105±C) and restrictions imposed by appropriate authorized AA 49, 50, RP 104±07, 114. As to the duces and privileges of the Convening Office in dealing with the application see MML Chep V paras 20 and 22 AP 871(D).

There should be a separate Convening Order for each person to be tried separately by the same Court. RP 71(C), 109. As to separate charges amend the same charges sheet see RP 108. As to two or more accused charges in only see RP 62, and as to separate triel on charges in the same charge sheet see RP 108. As to two or more accused charges involves as PP 10, 109.

As to reasons for showing (a) permanent or confirmed rank, and (b) appmt. A/rank or A/appmt. If any, see AA 182, 181, fin. KR Can 308, 328, 200.3

# ACCUSED.

(a) Prinnt B. (b) Appint, A/R or A/Appint Full Christian Names Surname, Unit. Spr. Spr. Spr. Raymond Quevillon 3 Bn RCE Number. L-22950 Spr

### CONVENING ORDER.

1. Whereas complaint has been made to me, the undersigned, that the personse named above as the access being subject to military law, has above committed the offence(s) set forth in the Charge Sheeter attached and (date) and the charge Sheeter attached and enderso by me, (or by an off of my staff for me). To be tried by Field General Committee of the charge Sheeter attached and the charge Sheeter attached att

And whereas I am of opinion that it is not practicable that such offence(a should be tried by an ordinary G Court-Martial; (and that it is an expressionable to delay the trial for reference to a superior qualities offen; (Delete part in brockets when not required for compliance with 82 105(C).)

3. I hereby convene a Field General Court-Martial to try the said personies, and to consist of the Offra appoint or detailed hereunder.

4. 4 am unable to appoint (a) time Office to form the Court, (b) a Fd Offic as President (As. 49, KP (O6(B), 107(A). Delete the whole or part, if not applicable.) assembled hereto

5. I also appoint as Judge-Advocate thereat the Offr mentioned hereunder.

(82 | Ge(E). Delete, if more appointed.)

### PRESIDENT.

Major	J.A. Prudhomme	CIC (Most be named RP 106			E CA Det
(Rank.)		Lotust be named. he rive			
		MEMBERS.			
Capt	R.G. Glover	9 CIC B	Q A Tps	Area, Fir	st Cdn AFRY
Lieut	D.W. McKinney	CIC I		Ares, Fir	st Can Army (Unit)
(Rank-)		WAITING MEMBI	ER		
		WOLLING-MEMBE			
		Named or detailed, if any.	RF 106.)		(Linit.)
(Rank.)		JUDGE-ADVOCA			
M.ft.J. (Nonk.)	R.F. Willson			Ares, Fir	st Cdn Army (Unit.)
On Active Service	in the Fd	11	- 1		
		1	MA		Brigadier
in HOLLAN!		(Signed pers	RR GOUGH	(2.)	(Ronk.)
		Commanding A	Tos Ares	a, First C	dn Army
Date 5 May	12	Companing		Convening Off	icer.

CONVENING OFFR WILL INITIAL ALL DELETIONS AND ALTERATIONS

4/38A CPA SS (In Day of APA B)

(See everled for ooths and notes for use on trief.):

## CHARGE SHEET The accused, L 22950 SPR HAYMOND QUEVILLON, A Coy 3 Bn RCE, a soldier of the Canadian Army Overseas is charge with :-AA Sec 40 WHEN ON ACTIVE SERVICE, CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE in that he In the Field, at about 1100 hrs on 12 Apr 45 was improperly is posse mion of a wallet containing 140 gldrs found on the dead body of F/D William Arthur Kalka, of 83 Gp 486 N.Z. Sqn, .A.F. Occupanting Officer, 3 Bn SCC. In The field. Ryongh

4 D- 3. Prosecution 3. Bu KCE, Dwore. Pt. G. H. Garregy 1st hitueso. Jan Oc. 1 po. A Cay 3 Bu R.CE. I produce a rough sketch of the area Which is in discussion in this case for purposes y desection and location. (The def. Off makes 10 objections) (The shotel is admitted as Exhibit "A.) Que 1x Cep. 45 between 1000 and 1100 hrs I went down to the Maas Avia, was Navewstein Village. a body had been recovered from the water and had been laid on a fore toon. (himes enduates Ajor where body was lying with red mark on Ex A) RIDgo Chartonneau proveded me the identity desce from the body . They Fore the name I/o. KALNA, NZ-RAF By reason y what I learned there I organized a search for a missen wallet. Wee poul on the portoon were searched. I don't know whether the accused was there or not. The decured was there at the time. He was searches alas. The search failed to locate the mesering walles . I then went to shore on the North Bank ythe sever and searched under boards, bailey panels, where I though the walles could have been hidden . I also men and in atrick there. By reason of what I learned I told the men to line up

) Jan

with their mess tens in from g thens. Two 1.00's and I watched while ope. Doison commenced to search the moss time from the left flacets. Most , he mess teris were in ration bays - and When he came to the accuses he got a Wallet from his ration bag, I happy this wallet, Showed it to hippy Charlowneau, and late turned it over to our adje. Our the protures I saw in the wallet was a fecture ; the come face which That Deen on identification There papers and waller have now been sout to RAD with 30. Kacha's personal belongings and body. When I handed the walks over to the 2407 the Cay I suggested that a lest should be made jets contents. When the walled was found in the accuracio rations hay he said to me " somebody must have gut it there" or words to that effect.

On Exam

I had Ir - 35 men at work that morning. 20 g hew were see see the Dome were one the postoon . After the Bearch on the postoon most ; the poul went on the bank . Everyone was not scarched because everyone dedict come one the postoon.

M. Ro. Exam.

The time between the seach on the prostoon and the Dearch on the show was 10-10 minutes. I don't know where the accused was during that time. I'm not sure that the "Searchers" were searched - that would enclude h/Dgs (thatomesan and two gplo, There may have been some who

3

left the fortoon by water begoe the scard our the postoon to go to the Morth bank. and the postoons had been green that no one was to leave the postoons pros to the Dearch.

R. P. 83 (B) Complied with.

2 themes.

E. 16013 Gol. Gosselin. R. , Bu D. C.E.

Ou 12 ags 45 Deles asking on our posts on the River Maas where a body was formed in the river. By reason of what hoppened and on order from he Sariety I made a search genery body on the postoons. The accured was there. I know him. I searches him myself. The search failed to produce the Wallet. after we came off the postoon we Started to Dearch the ground and the first sacks. Gol heurs and I were doing the Bearthing on the growns. Col house calling Movues are showed one wration bay. he took the mess tim over - and the wallet came afterwards. I saw the wallet . 24 was a the walles Doahing wet Tueses handled it after. To wern't sure who the bag belonged to. The write a till the men came back from the other whore where they had removed the body. Then he Galiepy Called a fande with sme packs and a search was made by Gol Doron and Dwar present when he found the wallet. It was found in Afri Quealler pack bag . his bag was no the graceres

Lo. Exaw. There was only one ration bag there on the growns. He others were small packer. I he of the bag. The Destroy was as fear, granded us on the positions. Ope have was fear opening the bag when I turned my head.

No Re Exam.

By the Court

After are facing the waller first we told her Survey about it. Since we dedict know who it belonged to we left it there - so that we could see who paked it up I can't say that I looked for dry marks on the bag. This was a regular army essue ration bag, thatic colour. The was no small pack. The waller was telsew but and then pushed back. This particular bag which he waller was found in was by street in was 8-to jeet form any other."

R.P. 83 B. Complete with.

30hitueso.

ROE. Dwow, Drates.

"On 17 leg, 45 as I was working on the pose took as 10 so 1100 hrs I found a cooper . I ashe for some keep. As soon as we get it no the pose took . he hegan a search to establish his identity. I found on the coper the election

J.

The accused at this time said something in English but I dedich understand it.

The same wallet which was jound in the ration bay was the one which I had find out the copies. The ration bay was very dirty, I don't know whether it was a ration bay or a mess tim cover.

In Exam. Nous

By the court - There I first saw the wallet was missing I deduct see the accused on the protocol. When the was the nake the Dearch the accused was there. Two or three minutes elapses to between the time I notice & that the wallet was missing and the time I he search was made.

By the Def Off three the Court

The compre was part on the pose toon and moved if I remember rightly. It was having to the posetoon. While it was haveled to the other Dido.

AP. 83 A Conglis with.

4thituess. Bright Agr. FONTHINE, M.J. 3 Bon RCE,

" On a day is agris sower wokeing on the Maas River, on a tay pulling out auchors, I was on the portoons. I saw you for Pacullow. gotting off the postoons

Sa

on the North side, the sive on the bank. I de dich see what he did there. He was alone when he got off the poxtoons. I didn't see him after that. I was searches on the portoons. He went one the bank on the North side before We were searches. I don't remembe whether the accuses was on the poxtoons where we were searches.

Cr. Exam.

The witness points to Each and status that "I war on the middle row of postoons who when
I saw the accessed leave the postoons was go to the
I dedict see anyone else on the North bank
there. He was just one the North Bank.

By the Court

When I saw the accused leave the proctorus the h/Dyt was stree searching the body. There was navy others around the corpor.

RP. 83 (B) Complied with.

5th himes

E 48443 CPL DOIRON, A. 3 Bn. R.CE,

On 12 ap. 45 between 1000 and 1100 hrs we found a body in the rive. The palled the body out and searched it for identifications. The founds a wallet with money in it They Charbonne and took the waller and put it alongwide the body and tegri on rearching. There were quite a few fellows a round.

Joseph Comments of the Comment

Ufter the body was searched. h/Dgs Charbonneau found that the walker was missing . Just as this time offer Queuellon was on the hole on the north Barete with his mess two a parado was called and the fellows Who searched on the postoons, Apr Quevellon hereams back on the por toons and was in the line up and was searched and nothing was found on any one. There I saw himou, the hell on the north Bank The ower he had his mess him in his Chards and was walking around With them. They were in a ration bag. Twas is to 30 yes away and could see well. Then hipsy Charbonne on and other took the coppe over to the other Dide the siver . Then when they came back they formed the fellows up with their meso time . I was searching and started at one ends. Their messters were on the ground in front , them . Then I got to the accused I found the wallet. It was a blue wallet it was wet - it was the Rame walket which by Charbonneau has found on the corpse.

C. Exam.

Touly Daw the assure a leave the pour toous from the time the copper was found autil the men were wander. I would have noticed anyone else of they las gone around where the most time were the was so the beach was more to the left. in the direction of the dump (marked on Ex A) I didn't see

(9). Agos. Cauthere or Ball there. Re-exam : I don't though that you Constrere or Bull came one the pontoons. By the Cours . Jothing . CRG 83 B. Complied with. 6th hitness. EHISHE SEPLATOINTE, A. 3Be RCE, AWORW, States. On morning of 12 ages 45 on the orders K/Ago Charbouneau, I Dearched The paster of the new working at the foretoons on the Mass. Kloer. On the beach, wiside a roses two cover I founds a wallet. It was a blue wallet That seen this wallet on the pretoon when Blogs Cla Louneau had dead body. I get it back in the same place because we were not sure who the mess time belonged to . hater on Twas in the line where we were parades with our mess two aus packs. The wallet was found in the same new ten cover I had found them in . They were in front of The accused on the parade. I found the wallet in the Mess liw covers Or Exam. in a brown bay. There was anothe man on the Lank at this time. he are arrived as the bank at the Dame time to start searching. There were Other searching

(0) By the Court After I facered the waller Got Gradies Came alongside ; mo. I was one the barge whom the first Dearch was made. Twas Dearched on the harge to . Eft Bosselin searched me. They searched all our fockets - weeds our Jackets · down our part lego . To questions arising out, examination by the Court. CS C. 83 B. Conglies with . E41546 SPR LAPOINTE, A., 3 B. RCE. 7th hitness sworu, Ntates. Du mag 45 I saw the accused, whom I know, standing in front me one The post toous. He was Dearching among Dome papers went to the corpse almost under his leg. He cercled around me there he went up on the hill . I saw him with his mess two in his hands on the hill - this was approx 25 or 30 feet away. I then saw him go back to the Jose to see. There were the others around where the accused went up one the bank . The remember who the this was before or after the weard I was searched myself and Oseallow was Dearched at the Dame time I saw him go to the banks before we were Dearched. Cn. Ex. I saw him look around among the fragers but I deke lim take

(10) augthing No re-exam. By the Court The accused was right next to the corpse The was no other kneeling there that dose. He left within above haef a minute after howas looking three' the papers alongside the corpse. ON 83 B Complied with. The Prosecution is Closed. The Def Officer Dubmits that " notrine 10010 Case has been established on the fallowing grands: (1) failure to proce "ingroper procession" (2) no eyo. WHERESES to removal gwaller (3) Nos jugo, Duarch - everyone hot Dearches (4) Couffict in evidence of prosecution The Prop. Off. Did Not hopy ! Cornesses. The Defence. The accused, swow, states: 1 or hitress by git On morning of 12 aprits I was detailed by Syr Chaplean topul up anchon with a hear. a body was facult and Taras in a boat in the water. I pulled the boat not shore. jumped off and goes up on the pose toon. Itaches to some y the boys, looked at the

body then I happened to turn around and barely moving. I gets of the portoon grabs a hold ging boat, took it to shore, pushed a fin in the graveres to had it area came back on the portoon and one of the coples was saying there's a waller missing and everyone's going the searches, Twas searched then after I heeped take the tody across the river, came lack and some; he boys a few minutes when I hagt Charbouneau said every body line of We're going to search the puchs. The wallet was found in my meso to covers. The officer came up to me and said he was placing a charge against me. I said Dir Donabooly put it in my mess tise. That's all Isaid. There were others detailed with me topile up auchors. I did kneel close to the body one the position because The Man dedict look as the he was drowned. I pushed him on the okest but no water came out. I went over word the for toon when we took the body to the Douth bank but I deduit take the body from the for toose to the South store.

ford were rearched on the post tooms.

By the But Those three men who said I went to the North Bank to my mess tens an not

(2)

telling the truth. I don't speake Ir. . There may be something in that. There's no reason that I know gexcept that which may make them say that. I have no particular evening in the fl. my mess two covers are not marked with my name. I don't know how the walks got in there. I believe someone wanted to get ris git and put it in the first place They forends. I don't know why this wallet wasn't thrown in to the water - or the long grass. I never had my mess teres in my hands were til the last Dearch. There was another pack right beside mine. I had were Deen the wallet before it was taken out of my pack. I were fumbled around work any grows alongside the coopse. I justed him on the chest - that's are I done . I didist heigh ally reach the corpse. Ided see emergency rations which had been taken from him. Talor seur some hind g a watergroof bag. There might have been stuff underweald These . I was kneeling down beside the copie. I deduit see what he took out or nothin! There were unmeraces others there, There were no others cranching that close that I knowny. By he Deg Mrough the Crewit

Thre were 25 or 30 men on the prectories. I can't way how many were on that same fontoon but there were 506 anyway. I can't name those who were there outsede y A/Ay) Charlomean and myself.

AG 83 B couglies with.

D15676. Apr Verville, R. 3Bu. R. CE. 2 -achitres Sworn, States. for Def Ou morning of 18 apr 45 I was lefting anchors with the accused and hips Chapleau. Dwas with the accused from the line the body was found until it was searched. Iwas on the pox toons. I was close to the body right behing the body on the jour town. I caris Day as he ther or not the accured trucked the bidy." The accused was talking mo for a while . I know he was drown . I can't say he was always with me. By the Cour I dedict see the accured go away or come back. The syr was astrode the body Twas behind him. The accused was in many positions - down and up. There were others there. A flys Charles and are Aplit the pockets and took out the money. Que took a button for a somerier Jean's remember who the others were. I got off the portoon we were using and jumped on The other for toons. I didn't see the accused again for 5 minutes. I saw the blue wallet after it was taken our, the pooker, the Confre and I saw the money in it I dedit see the accuses pick up the Walleton any other papers. The things titien from The body were put in a waterproof one towers by the sigh and placed between his legs. The accused when he crowched was on the opposite side where the trag and the propers were. CS 83B. Complied With.

M59352 SPR. BELL GN. , 3Bu. RCE. 300 hitues duore, States, for Dy. Outrap 45 Dwas wat on the you torns when the body of the air force officer was goined. I was around he Damp ( Bhawes on Ex 1.") I saw there was a group standing arrived and when Igo haves there I formed there was a walker morning. There were other milling around between the duning and the tank . I remained on the jourtoon after the search. I was on the bank when the body was taken across the river. " Cr. Exam Before Davas searched on the jou toon Idedies see the accured come on the whore. The Couls have come on the shore without me seeing him. I dois feet that there is any feeling here astereen In Agentung and Eng speaking poul. There were no obstructions to my view fro By the Court Where I was working Touches Dee my or down Atkan for 100 yes. I did not Dec any boat drefling in the sives R. S. 83 B. Complied with. SDR HOLMES WE 3 Ba, DCB. 4th hitres 1 18004 Awom States. for hel. On 12 age 45 Junes on the post tooks in the Muss Kiver . I did was stay there are the my tumo. They were wie searching the

body where I left. There were some standing mot a yer feer from the positions on the bank.

Just a few per from the joutrous on the banks. I dies not see the accused leave the position. I die not see the accused being or themene or take anything from the body.

Low Exam. I went upon the banks about 100 feet when Javens for my tunes. There was no one around the mens egapment that I could see.

By he laws I was only off the gove toom for a few seconds I saw A sys Charlement the a water our of the probes of the Corpse.

RP83 B Comples with

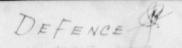
for Dy. Dworn, States.

Here were o'in ver de tailes. I was also on the hoat. Then the body was found we all west up to see. The accused, was with me are the time. Its got off the position to the tig boat. The fourtoon are were on was later hooked on the ground. I saw him on the parton. I have known the accused since founds.

The has always been with my pl. He was a good worker. I don't know mach about the question of honesty. He is known as a quiet fellow. I would entirest the accused with any hung a not the whole required an honest mans.

(10. Cross Exam or questions by Court)

- ROSS B. Complete with.



The object of the trial is to determine two classes of questions: Question of facts, question of laws.

By pleading not guilty the accused has raised two issues:

Pirst. Whether the facts charged against him happened?

Second What is there legal consequence?

The defence do not denied that someting happened, but sustained that the evid dence produced by the prosecution does not prove the guilt of the asscused

Facts: the first issue remains to be proved. Let's imagine for a moment 25 to 30 men standing on a standard bridge pontoonlooking at a dead man who has been taken out of the water. Ficture the movement of the crowd for a moment; the one's who saw the body taken out of the water looking at it for a while, then moving back to tell some other of the incedent, then these new one's arriving on the scene. Meanwhile search of the body went on,. Odds and ends where found including a wallet containing money. Few minutes later, without no body seeing it the same wallet dissapered. Strange it seem that a wallet seen by To persons would desappear ? At this moment order is given to search everybody, Lt. Carleny who gave the order state in his evidence: "I immediatly gave order that no one was to leave the pontoon, and had every one search, but without results. The men scattered and went back to work. The search went on without the knowledge of the sappers. It went on went on, averything was the roughly inspected, after a while somebody decided to seareverything was theroughly inspected, after a while somebody decided to sear-ch the packs that where lined up on the ground some distance away. There in a ration bag or a mees tin cover , was found the wallet they were looking Opp Levac who found the wallet state: "The wallet was in a ration bas which we could not identifye/. So we put it back where we found it. " Cross exhe Stabe " Allmost everybody was there at the time I found the wallet. We allwent to the bank together. Oters were searching too. He then left the wallet there and went to notified Lt Garlepy that he had found the wallet Everybody was then ordered to line up in front of there respective belonging A search was restarted, and the wallet was refound in Spr Quevillon ration ration bag. Does this prove improper possession ? I say No. I ex plain myself. A wallet containing money desappered in front of 30 person; a searched is ordered, Was everybody search ? No. L/sgt Charbonnesu state that he as not been search and as been with the body all the time. Lt. Gariepy state that 20 men only has been search, Where was the wallet when the search went on ? Facts. Why was just the wallet and the ration bag taken down to Lt Gariepy when it was found by Cpl Levac? Facts. What are the proves that the ration bag even belong to Spr Quevillam. ? What happened from the moment the wallet was found in the ration bag, notification of Lt Gariepy, the order of the line up and the carrying out of the order.? Facts. Spr Holmes state " After the body was taken out of the water I went off the contoon to get my coat, I want 100 yards on the bank ,I did not see any one near the macks bank but men where scatthered on the beach. Sor. Bell EXECUTATIVENEX BORKMON MEXICANEX EXECUTED When I reach the Funtoon a searched of everybody there was starting , there were some men graing to the pontoon with me at that time. Gentlemen of the court who put the wallet in Spr Quevillon 's bar" Was it himself Or was it sombody else? Considering the burden of proof, regard must be had to two rules. First .. That every me is presumed innocent until he is proved to be guilty

. Toward and the account the Caustin Second.. That who alleges facts must proved them. The defence declare that the prosecution as fail to prove the guilt of Sor Quevillin shall be found not guilty and acquitted I some record lated - tend of January and two end fair bentation and them and the control of the accuracy of the accuracy more autit de proposition of the state of D. R. Rock on his the and it is a series of the noted the modern and the reflect of the second state of the second were (some up 01 terms to make the even belong to per Quevillon, a contract of the property of the contract of the seller was bound to the return that, notice the contract of ati 770 John I tetus edi 70 dan mesat as vinte e incita" agair memi fi te encent en en gon til 2, di e edi do abrit cil as i mo vi 70 de encent e encontre e welve not of her od town budget name to debrud and attending exiting of at tevers of all lime to could be to at a grove further than the Summing up: PRO SECUTION.



When LSjt CHARBONNEAD found the wallet on the pontoon,

Sor QUEVILLON was there.

After that, and previous to the search. Sor QUEVILLOW was seen on the bank with mess tins in his hands; three witnesses saw him on the bank and two witnesses saw him with the mess tins in his hands, the same mess tins that the wallet was found in and which proved to belong to spr QUEVILLON.

Bor QUEVILION denies going to the bank at all before the search on the pontoon. Would three witnesses perjure themselves to have a man convicted ? They might if it was to discriminate themselves, but this is not the case here, as none of these three witnesses was ever involved with the wallet at all.

Some men actually were on the bank after the wallet had disappeared, but they were nowhere around the hill where the men's small packs were lying; they were at the small dump or on the BRIDGE WHICH WAS NOT DISMANTLED yet and which was west of the men's equipments. No one but 3pr QuEVILLON was seen on the hill and anyone on the hill could not have been missed by the personnel on the contoon.

The only man near the body who was not searched, is

Last CHARBONNEAU, but he did not go to the north bank before

the wallet disappeared.

The one man who could have put the wallet in Quevillom's ration bag is Opl LEVAC. Why should he do that? He had been searched and nothing was found on him. Why should he throw away a wallet which no one had found on him and by throwing it away, why should he incriminate an innocent man? Even if he had wanted to get rid of the wallet, he could have thrown it in the water; why go about it the long way and take a chance of being found out by Cpl Gosselin who was reght besides him when he found the wallet? Cpl Gosselin says that he gaw Cpl Levac pick up the mess tin cover, get the mess tine out and then get the wallet out; there was no funny business.

All the facts show that Spr QuEVILLON put the wallet in his mess time before he was searched on the pontoon, and a bit of reseconning only prove that the facts don't lie and that no one else put the wallet there. Therefore, spr QUEVILLOR

is guilty of improper possession as charged,

M/ Wernenling officer

It is my duty at this time to sum up in this matter. The accused in this case is charged under AA Sec 40 WHEN ON ACTIVE SERVICE CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE, in that he, in the field at about 1100 hrs on 12 Apr 45 was improperly in possession of a wallet containing 140 gldrs found on the dead body of F/O William Arthur KALKA, of 83 Gp 486 N.Z. Sqn, R.A.F.. My function here is to direct the court on all matters of law, who are the sole judges of all questions of fact. If I throughout the course of this trial have at any time said anything or in any way indicated what opinion I may hold regarding any of the facts which have been brought before you, you are to disregard it. The conclusion you come to must be your own conclusions based on the evidence. This consideration should be unbiased from any prejudices or any pre-conceived opinions which you may hold on this matter.

I feel it my duty first to say something regarding circumstantial evidence, because here that will be one of your chief considerations. From the circumstances in which crimes are ordinarily committed it follows that direct evidence of their commission is not always obtainable and that in very many cases reliance must be placed on circumstantial evidence, That 18 80 in this case because here the evidence is that no one actually saw accused person with the wallet in his hands, Such evidence is in no way inferior to direct evidence and in some respects superior to it, for it has become a proverb that "facts cannot lie" whilst witnesses may. On the other hand it must always be borne in mind that if facts cannot "lie", they may and often deceive. In other words that the interpretation which they appear to suggest is not that which ought to be placed upon them, before the court finds the accused person guilty on Therefore, circumstantial evidence it must be satisfied not only that the circumstances are consistent with the accused having committed the act but that they are inconsistent with any other rational conclusion than that the accused was the guilty person.

Another point which I feel I should cover with you is the question of onus of proof and reasonable doubt. The onus or burden of proof is on the prosecution. It is for the prosecution to prove the accused guilty of this offence. It is not for the accused to prove himself innocent. Throughout our whole system of justice, both civil and military, there is this one principle of British justice ever pesent and if you feel that the Prosecution have not satisfied that burden and have not made out a case against the accused, then the accused is entitled to an acquittal. The Prosecution must prove his case beyond all reasonable doubt. The expression "reasonable doubt" is one of difficult definition but it can be interpreted to mean that if in the mind of the court there is any doubt of sufficient circumstance that it would put the court on their guard against reaching a conclusion, then that is a reasonable doubt and the accused must be given the benefit of any such doubt. It must be such a doubt however, as upon a calm view of the whole evidence a rational understanding would suggest so an hone st heart.

As I have explained, the accused here is charged with an offence under AA Sec 40. In this case you must consider whether the acts slieged have been proved and if you find that those acts have been proved then you will consider whether the particulars proved constitute the offence. When making your decisions you may decide which of the witnesses who have been called here today you choose to believe. There is some conflict in the evidence and you may accept or reject any or all of the evidence given by any particular witness or witnesses. You have had an opportunity to hear the evidence given by the witnesses and see their manner, to hear the evidence given by the witnesses and see their manner, bearing and demeanour in the witness box. You likewise will decide what weight you choose to give to the evidence of the various witnesses. Some of the inconsistencies here might have been such as would tend to shake your belief in the credibility of this or that witness or witnesses. Such considerations are all matters which you must decide.

........

As I have explained in the beginning this charge is under AA Sec 40 and it is hardly necessary for me to say of course, that you must be satisfied that such an act if you believe it proved here, that of taking a wallet which had been removed from a dead flying officer, is an act contrary to the prejudice of both good order and military discipline.

The facts in this case are fairly simple and unless you wish it, Mr. President, I do not propose to review the evidence again unless you have something further. That is all I have to say.

J.A.: Mr. President, are there any further matters on which you wish me to advise the Court?

Pres: No sir.

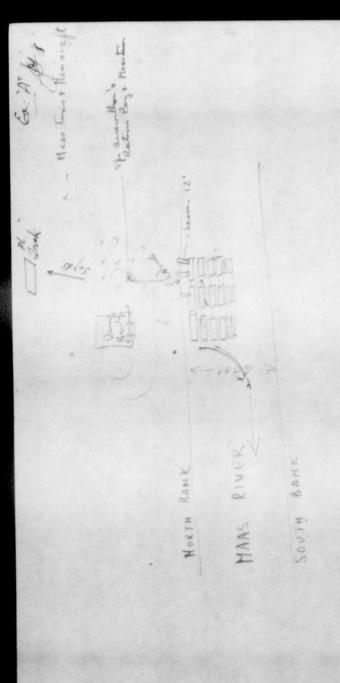
J.A.: Mr Prosecuting Officer, are there any further matters on which you wish me to advise the Court?

Pros: No sir.

J.A.: Mr. Defending Officer, are there any further matters on which you wish me to advise the Court?

Def.: No, sir,

R. Thirting



Ex A B3h

Ex. 'B' M.F.B. 203 1M. -44 (840-1 H.Q. 1579-85-42) A.F.B. 226

## STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
	Spr	Quevillon, Ray	mond 3Bn RCE
L-22950	The state of the s		
		mary of the entries in the	Service and General Regimental and Squadron, Battery
Conduct sheets Conduct she	ets of the accused,	exclusive of convictions by	a Court-Martial or a Civil Court,
of summary awards under with.	er Section 47 of th		in which trial has been dispensed
Within le	st 12 months	Since e	nlistment or appointment
For AA 15 (1) - on	c (1)	times AA AO -	TWICE (2)
		times AA 15 (3)	- twice (2) times
Number of instance			
		or,	
There are no entrie	e in the conduct of	rets of the second OFF	
Nore.—If the char	ge is for drunkenn	ess, the entries for drunker	mess must be stated separately.
		La moderal Olla	
2. The necused has	not been pressent	07.	
			ril court, of summary awards under F.A. 73
Section 47 of the Armannexed to this statement	orce Ass by Act. and disper- ent.	neations with trib under	FA 73 A 73 are set out in the Schedule
3. The accused is			
		or,	
The accused at th	e present time is u	miler sentence for	beginning on the
day of			
civil custody, and of which nil	24 days in days were s	military custody, making a pent in hospital.	esent charges, for hil days in total of 24 days in custody,
5. The present ag	ge of the avensed a	according to his record of se	osper is 22 years-11 mos-26 days
6. The date of h	is commission spec attestation	ified in his record of service attestation paper	25 Apr 41
7. The service w	hich the accused is	allowed to reckon towards	discharge is 4 years-0 mos- 3 day
8. The accused is	s entitled to reckor	days service for the p	surpose of determining his pension, etc.
9. The accused	is in possession of	or entitled to no air force	decoration, or air force reward for is military
			eward. CUSM and Chasp.
	and is a waveness of	Beer.) The accused before	he was made a warrant officer last held
Air Force		930	

		, and in his	regiment (or corps)	, the rank of
dated				
			construent and thought made	etion to the
12. The accused has servent date:—	red as a nonecome	niconed omeer continu		of promotion.
In the rank of		years.		
In the rank of		years.		
In the rank of Nore.—If any matter in a	any of the above pa	years. aragraphs cannot be stat	ed from the Regime	stal books, the
agraph must be struck three	ough.			
	S	CHEDULE		
				Air Force
		ourt, of summary aware		
Nove.—A verbatim extra al must be inserted.				
Observation of Chart by which tried	Unto and Place of Total	Charge aren wisinh assiricted	Sections of the Cost.	Purchases Randond
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I hereby certify that to transit the property of the property	the foregoing scheds in my custody.	tile of convictions and d	ispensations with tri	al is a traw extra
from the regimental books	the foregoing scheds in my custody 7	" WIND.	ispensations with tri	a) is a tree extra
from the regimental books Signed this	20 HANIW		L 45 W	Chlowden Last offen

Bummary of evidence in the case of L 22950 Spr Quevillan Raymond of "A" Coy 3 Bn ROE placed on Active Bervice. The Commanding Officer directs that the evidence be taken on oath :-E 48443 Opl Doiron, A , A Coy 3 Bn RGE having been duly sworn states :-M. ret Witness I was on the pontoon when L/Sjt Charbonneau found a body in the river. After searching the body, he found a wallet containing money, and body, he found a wallet containing money, and put it in a bag containing maps. After L Sjt Charbonneau was through with the search, he noticed that the vallet was missing. He searched the men on the pontoon and found nothing. Before the search, I had noticed 3pr Quevilian as up, and I saw Sor Quevilion with his mess time in his mands; he came tack to the pontoon, was a ched with the others; after the seach, he went with L Sjt Charbonneau to take the body on the south bank. Turing that time we ( Spi Gosselia, myself and many others; searched behind decking on the North shore, small packs etc., Some one found the wallet in a ration bag; I think it was found it as we did not know who the ration lag belonged to. When all the Pl men were back on the North Store, we searched again with the Pl On 12 Apr 45 at about 1045 brs prosecution the North Shore, we searched again with the Fil lined up, and I found it in Spr Quevillon's ration bag. It darlepy was present when I found it. Cross-exemined by the soonsed :-Did you touch it or not the first time it was round ? Did you or did you not tell L Sit Charbonness about some one finding it the first time ? I don't think I told L Sit Charbonness. because he was gone to the South bank at the time, but we told it Gariegy and A\_2 showed his where it had been found. The showe record was read back to the witzess. a Donn l'glably opl boiron, Ay

Second witness mm prosecution

D 15617 L Sjt Charbonneau , R.R. "A" Coy 3 Bn ROZ having been duly sworn states :-

On 12 Apr 45 at about 10 as hre

I wes working on the North Shore of the
MAAS dispantling the RAVENSTEIN br, when
I saw a body floating be tween two postcont
with Cpl Levec I fished the body out, put
it on the pontoon and started to search
it for identification papers. Amongst other
things, I found his wallet containing 100 glars
I put this wallet an a small bag containing
maps, and ket on rearching. I discovered that
the body had been F/O William Arthur Ealks
end that he belonged to the RAF. When I was
end that he belonged to the RAF. When I was
while through semsching, I gathered everything
together and motived that the wallet had
disappeared. I advised Lt Garie, y, my Pl
pucture. We organized a semsch of all the Tiver
present on the poncer, and found nothing;
we book the body to the south side of the river
uses back to the North side and searched the
massl packs of the Fl. These sell packs

small packs of the Pl. These small packs we lined up on the ground on the br site. Onl Coiron A found the wallet in Spr Quevillon's ration bag, in the presence of Lt Gariepy and

Trops-exemined by the accused.

Wes the wellet found while you and I were on the South shore of the river

No, it was found after we had come on the North shore.

After searching the Pl Ferson elon the postson. On Doiron was searching the small packs, found the wallet in one of them bruget it over to you; you then told him to bring it back where he found it, did you not? 200

it, did you not?
No, after semmething the Pl Personnel, Opl Doiron came to me and told me that when I talked about a search Spr Quevillon left the Pontson and went to the bank, where the Pl equipment was lined up and care back to the postoon.

The above record was read back to the witness.

BH he Ladoner 617 L Sit Charbon esa ME)

thing with acc prosecution

E 16013 Opl Gosselin, R "A" Coy 3 Bn HCE having been duly gworn states :-

On 12 Apr 45 at about 1200 hrs,
I was detailed by it Garlepy to search for
the wallet which had disappeared. While
L Sit Charbonneam and Spr Quevillon were
gone to the South bank of the river with the
body, I found the wallet with Opl Levec. The
wallet was in a ration, which we could not
identify. So we put it back where we had found
it, told it Garlepy spout finning it. When
the whole Fl was together, we had sverybody
nick their own adulpment, and Spr Quevillon pick their own equipment, and Spr Quevillon

Oross-examine by the scoused.

- through the packs.
- Was anyone near my pack when you round the money the first time ?
- Did you touch it or did Opl Doiron touch
- it or take it out of my sack ? I did not touch it and Opl Doiron was not there

The showe record was read back to the witness.

15013 Opl Gosselin A) Coy 3 Bn ACE

ro secution

L 36293 Spr Trembley J, A CD y 3 Bn HOE naving been duly sworn states:

On 12 Apr 45 in the morning

I can't remember what time it was. I was on the pontdon when L Sit Charbonneau found the body. I saw L Sit Charbonneau take the wallet out of the body's pockete, and count the money. After that I heard L Sit Charbonneau say that the wallet was mission. After that luck before After that I heard I Bit warronness say that the wallet was missing. After that, just before the search. I saw apr Quevillon leave the postcon so on the bank and come tack to the postcon do not know how far on the bank he went, and I cannot remember how long he was away.

Cross-exemined by the accused. Did you see me with the wallet ?

The above record was read back to the witness.

6293 SPR TREMBLAY JY Coy 3 Bn RCE.

fifth witness for pro secution

Lt GH Gariepy, A Goy 3 Bn RCE having been duly sworn states:

I am the offr in charge of No 1 pl "A" Coy 3 Bn RCE.

On 12 Apr 45 at about 1045 hrs we were dismantling a bridge on the North shore of the MAAS river. A body was found cought under a pontoon; it was pulled out end put on a pontoon, during that time all the men had gathered around the body while L Sit Charbonneau was proceeding with the L Sjt Charbonneau was proceeding with the search of the same body. Suddenly L Sjt Charbonneau told me that a wallet containing money he had pulled out of the body's pockets money he had pulled out of the body's pockets and laid aside, was missing, I immediate y gave order that so one was to leave the ponthone and had every one searched, but without results. Then the men scattered and went back to work, and myself and a rew others searched amongst the mass tine and in other places where the wallst could have been hidden. A few minutes later opinion, Opi Cosselin and Opi Levac came in me and seid they had found the wellet in one of the ration bags but it did not seem as if anyone was sure as whom the ration bag belonged to. On the return of L Sjt Cherbonneed who rad gone across the river to take the body to the Sou gone across the river to take the body to the South cone across the river to take the body to the South shore, I ordered him to have the men fall in in one rank with their mess time in front of them. I then told Opl Doiron to begin to search starting from the left flank while L Sit Charbonness., Opl Gosselin and myself were watching. Arriving to Sor Quevillon's turn, Opl Doiron found the wellet in his ration bag. Sor Quevillon said that some one must have put it there. I told him I would lay a charge against him.

Cross-examined by the accused. Q-1 Did I try to do away with the wallet as if I knew it was in there ? my

Q-2 The first time the Opis found it did they bring it up and show it to you?

The above record was read back to the witness.

Con Grany ( It of BARIERY ) It ROE A Coy 3 Bn HCE

Sixth wi thess for prosecution B 22966 Spr Fontaine, N.J. A Coy 3 Bn ROE having been duly sworn states:-

while we were on the pontoons after the body had been found, I saw Spr Quevillon leave the pontoon to go on the bank. \*LAs happened before we were searched in the pontoon. I don't know how far Spr Quevillon went in the bank or how long he was away, because I turned my head back to the corpse after I saw him leave the pontoon.

The accused declines to cross-examine the witness.

The above record was read back to the witness.

( B 22966 SPR FONTALPE MJ ) \*\*A\*\* Oo y 3 En R E.

Seventh witness for prosecution F 41546 Spr Lapointe A , A Coy 3 En RCE having been duly sw rn states:On 12 Apr 45 at about 1030 hrs ,

on 12 Apr = at about 1030 hrs,
after L Sit Charbonneau had found the body
I saw Spr Quevillon, who was in front of me,
bend over and take something near the body. a
beg or a wallet; he looked in it; that time
I turned my head; so I dont know exactly what
he had in his hand or what was in it. Less
than a minute after that, I saw him go around
me, leave the portion go on the bank, pick up
his ration bag put it bank on the ground and come
back to the pontoon, He was alone on the bank.
I do not remember if Spr Guevillon came back
before or afther the search on the pontoon.

The accused declines to cross-examine the witness

The above record was read back to the witness.

( E 41646 SPR LAPOINTE A ) A Coy 3 Bn RCE The accused was cautionned as follows :-

"To you wish to make a statement or to give evidence on oath ? You are not obliged to say enything or to give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence".

After the above caution the accused declines to give any evidence.

I certify that the foregoing Summary of Evidence consisting of 5 pages was taken down by me in the presence of the accused and that rules of procedure 4 (0), (D), (E) and (F) have been complied with.

WW. WENNENDINGEN COPT ROS A COP 3 BR ROE

in the field. 15 Apr 45. Officer Commanding 3 Bn RCE

I wish that an officer be assigned to act as defending officer

If Lt Rochen of 3 Bn RCE, is available I wish that he may be assigned for this purpose.

L 22950 SPR Q EVILLON, R A Coy 3 Bn RCE, To: L 22950 Spr QUEVILLON R A Coy 3 Bn RGE

Take notice that it is intended to call D 96326 Cpl LEVAC L, A oy 3 Bn RCE as a witness for the prosecution at your forthcoming trial by FGCM and that he will give the following evidence:

" On 12 Apr 45 at 1100 hrs, I was with Cpl GOSSELIN R searching for the wallet belonging to F/O W. A. KALKA, which wallet had disappeared while L/Sjt CHARBONNEAU was searching the body on the pontoon. Cpl GOSSELIN and I found the wallet in a ration bag which proved later to belong to Spr QUEVILLON. The wallet we found in that ration bag I recognized to be the same as the one which L Sjt CHARBONNEAU had found in F/O KALKA's pockets and which had disappeared from the pontoon."

(NJ WERMENLINGER) capt ROE

A Coy 3 Bn RGE

				and date N/A Period not reckoming towards N/A freedom from extra fine		CONTRACTOR DESCRIPTION OF THE PROPERTY OF THE	2	The second second	and the same of th
Place	Date of offence		Cases of drunken-		Names of Witnesses.	Punishment awarded	Date of award or of under dispen- sing with trial	He whom awarded	Benjarks
		Shee	t 2	Destroyed 1 Jun 43 date of last a	ntry (rebla	en to duty) 24	Dec 42		
Field. 2	3 Dec	Spr		AA sec 40 Conduct to the preju-	Sirtis .	14 days Dent	29 Dec	S Slater Major,	
Field. 2	5 Cat	Spr		AA Sec 40 Gond , was improperly dressed while at EDINBURGH	Doc	2 days pay FR&I 149(2)	2 Nov 44	MCS Brown Lt Co:	
eld. 4	Dec	lili sp		AA Sec 15a(a) AVL from 500 hrs tec 44 till 1405 hrs 5 Dec 44 ebsent : 1 day 6 hrs and 5 mins.		8 days summ forf of pay (&I 149(2).	5 Dec 1		forf 2 da pay f al 149(1

Place	Date of offence	Bank	Cases of drunken- ness	OPFENCE	Names of Witnesses	Punishment awarded	Date of award or of order daspen- sing with trial	Dy whom awarded	Remarks	
Field.	30 = 2 ···	15	6PR	AA Sec 15(1) ANL from 2330 hrs 20-2-45 to 0930 hrs 21-2-45 or ebsent: 10 hrs	Sjt Chaplesu ol Gosselin	15 days pay Far 149(2).	24-2-45	Haj JJW DO SHADLET.	1 days	forf of
			aura	add 815 Mand Clash 112	+4					211/10/-
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Form for Assembly and Proceedings of Field General Court Martial on Active Service.

# PROCEEDINGS.

On Active Service, this June

, 19 41.

Whereas it appears to me, the undersigned, an officer in Command of 3rd Canadian Infantry

Brigade , on active service, that the persons named in the angexed Schedule, being subject to Military

such offences should be tried by an ordinary General Court Martial; " and that it is not practicable to delay the trial for

unconto a superior qualified officers

I hereby convene a Field General Court Martial to try the said persons, and to consist of the Officers hereunder named.

\* Omit if not

for the following reasons, namely :-- ]

President

Name.

KTP. Harris

Regiment

WEST N S R

Members

Rank

Rank

Name

Regiment.

Treat Capt

C.H. Bellavance

Lieut

G.F. Johnston

Carlt & Tork R

\* Must be (Waiting) Capt

J.K. Hayden

Commanding

\*Signed

(a) Appointment acting Commanding 3et intentity Brigade to be stated in brackets after the substantive tank.

(b) Unless unavoidable, not more than three names are to be entered on one form and in serious

(c) Recommendation to mercy, it any, to be inserted in this column.

(d) It is not necessary that the Confirming Officer should sign his name in this column. Initials are sufficient. (c) Most be signed by the same Officer who signs on the first page, and all afterations in the first two columns of the Schedule to be initialled by form.

I certify that the above Court assembled on the Six /X day of June 1941 , and duly tried the persons named in Companies the Schedule, and that the plea, finding, and sentence in the case proceedings. of each such person were as stated in the third and fourth columns of that Schedule.

2. The witnesses

3/9. The interpreter)

\*(4. The officers under instruction)

\* Omit if not

Signed this SIXTE

day of JVHE

10.4/

XP Hairis may

\* See footnote I certify that the terms of \*A.C.I. 570 of 1918 have been M.M.L. 1920. complied with.

Signed this

sentences.

\*(I direct that the soldier named in the margin be not com-

mitted to prison until further orders.) Signed this

Commanding 3rd Infantry Brigad

Promulgated and extracts taken in the case of

Promulgated and extracts taken in the case of

(Dated)

(Signed)

Promulgated and extracts taken in the case of

utiless penal servitade or im-pesseement hav

(Signed)

(a) When several cases are promulgated in one unit on the same day the Officer need only sign once.

1227-201 381 40275-487 200 N 130 F. St. G. San

#### CHARGE SHEET

First Charge Sec. 18(4)A.A. The accused G17259 Pte. Quick, H.M. a member of the Carleton and York Regiment, a soldier of the Canadian Army (Overseas) is charged with stealing goods the property of a person subject to military law.

#### in that he

at Caterham on 19 May 41 stole a watch the property of G20032 Pte. Melley, E.J., Carleton and York Regiment, a person subject to military law.

End Charge (Alternative) Sec. 18(4)A.A. The accused G17259 Pte. Quick, H.M. a member of the Carleton and York Regiment, a soldier of the Canadian Army (Overseas) is charged with receiving, knowing them to be stolen, goods the property of a person subject to military law

#### In that he

at Gaterham on 19 May 41 did receive a watch the property of 020052 Pts. Malley, E.J., Carleton and York Regiment a person subject to military law, which he the accused knew to have been stolen.

Date my Many

W.C. Lewson, It.col.
Commanding Carlt & York Begt.

Cho michal my

All Muloury Brown

# KR. (CAN) PARA 557

I certify that I have exumined this morning not 17.257. Desich H.M. P.Te. of Condition + york. Page. ... and in my opinion ne is fit to undergo Trial by Court Martial.

Dute . G. Jarre . 4/...

Smaclian Capt.

Car gene 1945

GM259 PTE QUICK H.M.

Lr. K.E Mac Louch lon

Lr. DM. Dicksin

The crasicant, Venters, topen process, toping

nil

- 10

to be outh the moution.

	Questions by the Prosecutor sheet 1.
1st WITNESS	G 20032 Pte. Malley E.J. having been duly sworn states as follows; What is your name and regimental number?
Answer 1.	I am G 20032 Pte. Malley E.J. Hq.Coy. C.&.Y.Regt.
Question 2. Answer 2.	Do you know the accused? I know the accused.
Question 3. Answer 3.	What Coy. is he in ? Hq.Coy. sir.
Question 4. Answer 4.	His rank is? Private sir.
Question 5. Answer 5.	Do you remember the 19 May 412 Yes sir.
Question 6. Answer 6.	Where was the Regt.stationed at that time? Caterham.
Question 7.	Will you tell us anything unusual that happened on that day?
Answer 7.	On 19 May 41 between 1730 hrs. and 1800 hours I was having a wash in the billets. I took my watch off, laying it on the mantlepiecs. When I was through washing I went to get the watch, and found it gone. I then notified the CSM. of the Company that the watch had been stolen.
Question 8. Answer 8.	Was there anybody in the room at that time? Yes sir. The accused was.Pte. LeBlanc and about six or seven others.
Question 9. Answer 9.	Where abouts is the accused billeted? In the same room as me.
Question 10. Answer 10.	
Question 11. Answer 11.	
Question 12.	What did he say? He said he had seen it but had not taken it.
Question 13. Answer 13.	
Question 14.	
Question 15,	is the one you lost.
Answer 15	
Question 16, Answer 16	
Question 17 Answer 17	Yes sir. It is worth \$9.90. Questions by the Defending Officer
Questions 1	you were out of the room?
Answer 1	
Question 2	room?
Answer 2	Yes sir.

Question 3. Were there some among this group who were not billeted in the room?

Answer 3. Yes sir.

Question 4. Could you say the accused was alone in the room at any time?

No sir, I don't think he was. Answer

Question 5. Would it have been quite possible for anyone in that

room to take the watch while you were out? Yes sir, It could have been anybody. Answer 5.

Question K. By the Court

Question 1.

How can you identify the watch as yours? A short time ago I took the watch to the jeweler to get minor repairs. The hour hand was shortened some Answer and the strap was sewed at the back.

2nd, WITNESS Joseph Francis, 10 Godstone road, Caterham. Having been duly sworn states;

What is the nature of your business? Jeweller.

Would you look at this watch and tell me if you had seen it before?

Yes it was brought into my shop on Monday 19 May 41. Answer 2. The person who brought it in asked me to lend him some money on it. I mentioned that I wasn't in the habit of lending money as I wasn't a pawnbroker. He then asked me to buy it. I refused to buy the watch. He told me a good tale about not having any pay and being hard up as I lent him 10 shillings on condition that he would sail lent him 10 shillings on condition that he would call for it on pay day, which was in ten days time. I asked him if it was his watch and he told me it was.

Question 3. Did you keep the watch there? Answer

Question 4, When did you find out there was something wrong with the transaction?

About three days later when the Officer came in,

Question 5. Can you tell me who left the watch? Pte. Quick. (turning and identifying the accused) Answer

Question 6. You say this is the watch? 6. Yes. I offer this watch as evidence now. Answer

Was Pte, Quick alone? Question 1. Answer He had another private with him.

Question 1. Is the writing on the tag your own? Answer Yes sir.

You put that on as soon as you lent himthe money? Question 2. Yes thats right.

3rd WITNESS Lieut. Whitty G.J. Having been duly sworn states;

Question 1 Will you tell the court your Unit? I am Transport Officer C & Y Regt. Answer

Question 2. What is Walley's rank? Answer 2. Pte. Malley is a driver in my platoon.

Question 3. He was such on 19 May 417 He was. Answer 5.

Do you remember receiving reports concerning a missing Question 4. watch?

4. I do. Answer

About what date? Question 5.

Tuesday A.M. 20 May 41. Answer

Will you tell us what action you took?

Question 6. I investigated. called my platoon to-gether and quest-loned them. That was on Tuesday. Littled them all exactly Answer what had happened, and asked them to keep their eyes and ears open for anything concerning same.

Did you have some conversation with the accused about the Question 7. watch?

I did. 7. Answer

Will you tell the court what it was? question 8.

Acting on information I received from a mimber of no 5 Answer Flatoon, I went over to Pte. Quick during sports parade on Wednesday 21 may 41.I asked him what he knew about it and he said "nothing". I think I said it is very funny you told Private Pelletier you had pawned a watch. He said he hadn't pawned any watch. Lold him I was dermined to find the watch. softold him to get Pte. Felletier who was on the sports parade and bring him to face the accused. He said O.K. I took the watch. (defence objects)

When questioning him did you intend to arrest him. Question 9. No sir. Answer

Did you intend to lay a charge? Question 10 Answ er No sir.

(objection withdrawn)

Question 11. Will you continue with your narrative? I asked the accused what he did with the wat ch and he said "I pawned it, I asked him where and he told me at the lewellry store, two or three doors below the work shops, He said, I interedefintended to get it out in a day or so."

As the result of this conversation did you do anything? Tes I reported it to the Hq.Coy.Commander. Answer

Did you go to the jeweller?

Question 13 Yes next morning. Answer

Question 14. Did you take anybody with you?

14. Yes Pte. Malley the owner of the watch, Answer

Who had the watch? Question 15.

The jeweller Mr. Francis. 15. Answer

Did you identify the watch? Question 16. 16.

Answer Yes.

Questions by the defence Did you inquire into the circumstances regarding the loss Question 1. of the watch?

Yes I did. Answer 1.

You found there was quite a few in the room? Question 2.

Answer I did.

Your investigation showed that Pte, Quick was at no time Question 3.

alone in the room? Yes that would be correct. Answer

You at no time saw the watch in the possesion of the accussof Question 4. Answer A. No.

sheet 4. 4th WITNESS

Pte. Pelletier A. G 17342, Car't & York R Having been duly sworn states as follows; What Coy. are you in?

Question 1. Ho.Coy.sir. Answer

Do you know the accused? Question 2.

Yes sir. 2. Answer

Do you remember several days ago having a talk with Question 3.

him?about a watch?

Yes sir. Answer

Tell us as near as you remember. The first thing he told me was that he had pawned a watch. Question 4. Answer

His own watch.

Did he tell you anything else? Question 5.

Mo sir. Anewer

Did you see the watch? Question 6.

Pte. Quick told you he had pawned a watch in the cri-inary line of conversation?

You did not question him about it?

Question 2.

No sir. Answer 2. Pte. Quick, H.M. G-'7259, Car't & Fork R Having been duly sworn states;

the VITHESS Will you tell the court what you do? I am a driver in the transport. Question Answer

Tell the court about any events about the watch. Question 2.

I was in the room playing poker with the rest of them when Pte, Walley said he had lost his watch.

Tell us how many were in the room and what they were Question 3.

There were four or five playing cards and standing around,

Relate how you first saw the watch and any facts concerning Question 4. the pawning.

I went to town that evening and a fellow from my platoon came to me and asked me to pawn his watch for him. He said he had been to the jewellry shop and he could't pawn it. I told him I would try. He told me he wished to send a A . Answer telegram home to get some money. He said I could either sell it or pawn it. I went into the jewellry shop and asked about it but was told he didn't take 2nd hand stuff like that. I then asked him if he would buy it but he said "no". The jeweller said he would let me have 10 shillings on it until pay day.

When did you again see the watch or hear about it? I had a conversation with Mr. Witty about it. Question 5. Answer

Mr. Whitty came to me and asked me what I had dome with the watch. He told me Pte. Pelletier had said I had pawned a watch downtown. I told him I had and I would get it out Tell the court about it. Question 6. Answer 6. payday.

Why did you tell him that? Another fellow in the platcon took the watch and I wouldn't Question 7. Answer squeal on him.

Who was this other man quick? I won't tell his name sir. Question 8. Answer

Question 9. You knew Malley had lost a watch?

Answer I did that evening.

Question 10. Did you suspect that that was Malley's watch? No I did not. Answer 10.

What led you to believe you could get money on the watch Question 12. Answer 12.

if the other fellow couldn't? He said he couldn't but I thought I would try.

Question 13. What you do with the money? Answer 13. I gave him the money.

Did you have a few drinks that night? One of the fellows in the workshop gave me a few drinks Question 13. Answer

Question 14. When you heard Malley's watch was missing why didn't you report it? I didn't know that it was Malley's watch. Answer 14.

Did you admit to front of Lieut, Whitty that you took the Question 15.

After pawning the watch you told Ptc. Pelletier about pawning the watch? Question 1.

Answer

When Lieut, Whitty asked you if you had taken the watch you answered willingly? Question 1.

Answer 1. Yes.

Question 2. Did you make an answer and take the plame for that in order

to save your friend?
I said I would tell on the other fellow. Answer 2.

Did you realizethat you were exposed yourself to be charged wat Question 3. with taking the watch? I did not.

Is it true Quick that you have a conviction on Court Martial that he will share half the cost of court costs and half the Question 1.

Answer 1. Yes sir.

Lieut, T.S. Porter having been duly sworn states; 6th WITHESS

Question1.1. Your name and position please? I am Lieut, Thomas S. Porter assistant adjutant of the Answer C & Y. Regiment.

Is this the true copy certified correct of the said soldiers Question

Answer Yes it is.

Lieut.D.M. Dickson Defence Lieut. K.E. MacLauchlan. Pros.

You knew Malley had lost a watch? Question 9.

I did that evening. Answer

Did you suspect that that was Malley's watch? No I did not.

Question 10. Answer 10.

What led you to believe you could get money on the watch Question 12.

if the other fellow couldn't? He said he couldn't but I thought I would try. Answer 12.

What you do with the money? Question Pa. I gave him the money. Answer 12

Did you have a few drinks that night?

Question 13. One of the fellows in the workshop gave me a few drinks Answer 13. that night.

When you heard Malley's watch was missing why didn't you Question 14. report it?

I didn't know that it was Malley's watch. Answer 14.

Questions by court Did you admit in front of Lieut. Whitty that you took the

watch? I did.

Question by the defence After pawning the watch you told Pte, Pelletier about Question 1.

Answer 1.

When Liout, Whitty asked you if you had taken the watch you answered willingly? Question 1.

1. Answer

Did you make an answer and take the blame for that in order Question 2.

to save your friend?
I said I would tell on the other fellow. Answer

Did you realizethat you were exposed yourself to be charged wa question 3. with taling the watou?

I did not. Answer

Question by defence
Is it true Quick that you have a conviction on Court Martial
that he will share half the cost of court costs and half the Question 1.

pay? Yes sir. Answer 1.

Lieut. T.S. Porter having been duly sworn states; 6th WITNESS

Your name and position please? I am Lieut, Thomas S. Porter assistant adjutant of the question1.1. Answer C & Y. Regiment.

Is this the true copy certified correct of the said soldiers Question 2. M.F.M.69

Yes it is. Answer

Defence Lieut.D.M. Dickson Pros. Lieut. E.E. RacLauchlan. Pros.

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PURIS U

Mar Clather

Lr. T.S. Perferie secon and statute - MFM 6

I receive a continue true copy of the drawn to the

Do you wish to effrees the dourt, or to call evidence us to character?

yes.

The (Leaser:) (Indending Officer) raised the following whom in sittle-tion of participation of the Picus

Summary of Evidence in the case of G17259 Pte. Qucik, R. Carleton and York Regiment.

The summary of Evidence is taken by the direction of the Commanding Officer.

First Witness 020032 Pte. Malley, E.J., being duly sworn, states as follows:

I am a private in H.Q. Coy., Carleton and York Regiment on 19 May 41 at Caterham I lost a watch. I haid the watch on the mantel piece of my room in my billet in the evening oright after supper. I had a wash and when I went over to get the watch it was gone. I reported its loss to C.S.M. Reilly. There were quite a few people in the room at the time. Paul Lewis, Charlie Harrington, and Towny Foret, Miller and Sprague E.D., Pat LeBlanc, L/Cpl. Buck, Hazen Stillwell. Accused was there too. Most of them are billeted in that room. Accused there too. Most of them are billeted in that room. Accused is billeted there to. That night I asked accused if he had seen the watch and he said no. I did not see the watch again until this morning 22 May, when I went with Lt. G.J. Whitty to a jewellery shop. My watch was there and I identified it. This watch here is the one I lost. I bought it in Canada before coming overseas for \$9.95.

Accused deblines to cross-examine this witness.

E& Mally

Second Witness Joseph Francis, being duly sworn, states as follows:

I live in Caterham. I am a jeweller. I have seen this watch before. Accused and another man came to my shop, 10 godstone Road, Caterham, and accused asked me to lend some money on the match. I said I was not a pawnbroker and was not in the habit of lending money. He then asked me to buy not in the habit of lending money. He then asked me to buy the watch which I refused to do. Eventually I lent him 10 shillings until pay day, keeping the watch as security. He shillings until pay day, keeping the watch as security. He said it was his own watch and I had no doubt it belonged to him. The first indication I had that anything was wrong him. The first indication I had that anything was wrong the watch. It was monday or tuesday evening accused left the watch with me. I am not sure which.

Accused declines to cross-examine this witness.

- Joseph Foris

Third Witness Lieut, G.J. Whitty, being duly sworn states as follows:

I am Transport Office of the C.Y.R. Pte Malley is one of my drivers. Accused was in my platoon on May 19. As a result of seports made to me I investigated the steeling of a watch in my platoon. Yesterday afternoon I questioned the accused. As nearly as I can remamber the conversation was as accused. As nearly as I can remamber the conversation was as follows: I saked accused where did you get the watch you permed the other night and he replied I didn't pawn any watch. I said well you haven't a watch of your own have you'd and he replied, I haven't. I said one of the boys in H.Q. Cor. has told me that you told him on Monday night that you had pawned told me that you told him on Monday night that you had pawned told me that you told me this amd bring him over to face you get the chap who told me this amd bring him over to face you get the chap who told me this amd bring him over to face you get the chap who told me this amd bring him over to face you feel it would don't do anything about it. I asked quick where did you rawn this watch and he said at the jewellery store mear the unit workshap. I went down there with Pte. Malley this morning. We found the watch in the possession of Mr.

Lieut. G.J. Whitty - Cont'd. Francis , the proprietor, the previous witness. This watch here is the one. Accused declines to cross-examine this witness. G17342 Pte. Pelletier, A., being duly sworn, states as follows: Fourth Witness I am in No. 5 platoon of H.Q. Coy., bein Carleton and York Regt. I remember a few nights ago being near the station. I was talking to accused and he told me he pawned a watch. I did not see the watch myself. All I remember of the conversation is that accused told me he pawned the watch. Accused declines to cross-examine this witness, a Pelleties The accused having been duly cautioned in accordance with Hule of Procedure 4 E elected not to make a statement. Certified that rule of procedure 4(c) (d) (e) (f) have been complied with.
Taken down by me in the presence of the accused this 22 day of May 1941 at in the field. A & grantante 16

List of Witness in the case of G17529 Pte. Quick, H.M.

# Carleton and York Regiment

# For the Prosecution

Name	Unit	Place
Lieut. G.J. Whitty	C.Y.R.	Field.
Joseph Francis		11
G20032 Pte. Malley, E.J.	11	"

I, G17259 Pte. Quick, H.M., have no preference as to a defence officer and ask that one be appointed to defend me.

· Inich of m

			Н	Sqn_Battery- or Company Pariod not reckoning towards	Oace of enlistmen	Signature U	Prof	Character	(A. F B. 121) 30004 - 8-29 (170) 76-Q-1771-45-18
No. 1/73.59 Date of last en	ery in		No of	and date   Period not receive	Stames of Williams	Punishment swerded	Deck of award or or order depen- sing with trial	by whom swarded	Eamp/L1
Company Con	Date of offence		Cases of grunken- ness	OLEHCI	Marie Control of the	4 days CB		Waterson	Mager
Host Field	29-18-40	Pt. Pte	-	BWL at latte prejudice of good order Conduct to the prejudice of good order and Military discipline Sedo AR	Skytaugester	15 days FB. 15 days Pag	2-7-41	H. N. Garan	110/
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Caterhan	3-4-11	Pte		Conduct to the prejedice elections  Hat he exceeded the speed limit of 2TM Pitt ailand down for first  Soc 40 FIR				1	

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Maritim Maritim

Place	Date of offence	Rank	Cases of drunken- ness	OFFENCE	Names of Wonesses	Punishment awarded	Date of award or of order displan- sing with total	By whom aversies	Remarks
aterham	164-41	Pte		"Awk From 2230hrs 16 April to 1200hrs 23 April Sects 12 A Conduct to the prejudice etc	P SM Thornton	Fortests 7 dayspay		Wehawsen	11:00/
aterham	12-4-41	Ple		In possession of a MIL VERICIE	Pte CHOWell)	at days FP			
				without proper authority					
				Certif May Control	7				
				Str. All		XP Han		-	

. PTE QUICK.

# SHORT STATEMENT AS TO PARTIGULARS OF SERVICE OF THE ACQUEED

- (b) The present age of the accused according to his attestation paper is......
- (c) The date of his attestation specified in his attestation paper is. 25. See 39.
- (d) The accused is in possession of, or entitled to no military decoration or military reward, (or is in possession of or entitled to

I hereby certify that the bregoin particulars are true extracts from the Regimental Books in my custody.

J. S. Porter, Lent.

64 M Pt QUICK V.C.

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Army Form A.3.

## Form for Assembly and Proceedings of Field General Court Martial on Active Service.

# PROCEEDINGS.

On Active Service, this 20th

of July

. 1042.

Whereas it appears to me, the undersigned, an officer in Command of 4th Canadian Infantry Brigade

Martial : "work that the re nor practicable to delay - the tear total האפושהסב הסדם התפחותה התמוחותה החודתה.

I hereby convene a Field General Court Martial to try the said persons, and to consist of the Office BANAGETERANCE appointed or detailed The reunder.

\* Comit if not policable

ROCEEDINGS

\_ Three Discourates forms the Lensh

Sec. - - A displain 6 Williams - - Proceedings +

- Fig. - Three Officers -housing max

In my opinion military exigencies namely the dispersal of units and the difficulties of communication render it inexpedient to observe the provisions of the Rales of Procedure for the trials of persons named in the annexed schedule by Field General Court Martial.

Rank

President.

Name

Regiment

Major

T.E. Haylmarst

Essex Scot

Members

Rank

Name

Regime 72

a Lieutenant

to be named by 0.C.

R.H.L.I.

a Captain

to be named by O.C.

R. Regt. C.

Lieutenant to be named by O.C.

R.H.L.I.

\*Signer Alburran Kell Brigadier Commanding & Cdn. Inf. Bde.

Convening Officer.

#### SCHEDULE.

Number, Rank (a), Name and Unit of Accused (b)	Offence charged	*Plea	Finding, and if Convicted, Sentence (c)	How dealt with by Confirming Officer (d)
A.21995 Pte. Victor Corneliu Quick, 1st Bn., The Essex Scottish Reg- iment, a soldier of the Canadian Army (Active).	Second Charge Army Act Section 8(2) Striking his sup- erior officer.  Second Charge Army Act Section 40 Conduct to the pre- judice of good or- der and military discipline.	Net	Not Guilty of istriking with hisfist but Guilty of using Violence Assumbly	9 conferin
	(See charge sheet attached)		6 Months Defention 2 nd Aug Ha That They have	

\* Question to be asked of accused. If he pleads not guilty (R. of P. 39 (A)):—

Do you wish to apply for an adportment on the ground that any of the rules relating to procedure before trial have not been compiled with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your deferve?

Answer to be recorded on reperate short if accessary:—

N. Adjournment

Commanding 4th Can. Inf. Bde.

(a) Appointment acting rank or acting appointment, if any, to be stated in brackets after the substantive rank. (b) Unless smayordable, not more than three names are to be entered on one form, and in serious

 (c) Recommendation to mercy, if any, to be inserted in this column.
 (d) It is not necessary that the Confirming Officer should sign his name in this column. (e) Must be signed by the same Officer who signs or the first page, and all after ations in the first two columns of the Schedule to be initialled by him.

I certify that the above Court assembled on the day of Aug wa + 1942, and duly tried the persons named in Certificate the Schedule, and that the plea, finding, and sentence in the case proceedings of each such person were as stated in the third and fourth columns of that Schedule.

	IV 3	

1. The members of the Court

2. The witnesses

\*(3 The interpreter)

\*(4 The officers under instruction)

* See footnote (b) on page 752 M M L. turp	A Louristy that	the terms of *A.C.I. 570 of 1918 have been	C. Certificate in case of death soutences.
	Signed this	day of	MC STATE OF THE ST

President of the Court Martial.

stated in the last column of the Schedule, and, subject to what continuous

\* To be omitt unless percoi servitude or im-

day of aug Signed this

Promulgated and extracts taken in the case of

(a) (Dated) 6 king 1947 Promulgated and extracts taken in the case of (Signed) (Dated). Promulgated and extracts taken in the case of (Signed)

(a) When several cases are promulgated in one unit on the same day the Officer need only sign once.

00000 W1 40000-000 00000 NAP P. St. W. Sa.

The accused, No. A21995 Pte. Victor Cornelius Quick, 1st Bn., The Essex Scottish Regiment, a soldier of the Canadian Army Overseas, is charged with:-

Army Act Section 8(2)

Striking his superior officer,

in that he,

in the field on the 22nd day of June 1942 struck as with his fist C.Q.M.S. Munroe, F. 1967 was escorting fte, which out of the duty officers room.

SECOND CHARGE Army Act Section 40

in the field on 1 July 42, failed to arise at Reveille after having been duly warned to do so.

In the field,

/ / July 1942.

(P.K. Jasperson) Lt.-Col., Officer Commanding, 1st Bn., The Essex Scottish Regt. Canadian Army Overseas.

TO BE TRIED BY FIELD GENERAL COURT MARTIAL

In the field,

20 July 42.

Sherwood Lett,

Brig.,

Dommanding, 4th Cenadian Infantry Brigade.

1 Aug 42, 94

I CERTIFY THAT I HAVE THIS DAY EXAMINED 19 3/995

Pt Quick V.C.

and find him medically PIT to stand trial by Court Martial.

A. A. Fletater (medical orricar)

The accused, No. A21995 Pte. Victor Cornelius Quick, lst Bn., The Essex Scottish Regiment, a soldier of the Canadian Army Overseas, is charged with:-

FIRST CHARGE Army Act Section 8(2)

Striking his superior officer,

in that he,

in the field on the 22nd day of June 1942, struck as with his fist C.Q.M.S. Munroe, F., who was escorting the wick out of the duty officers room.

in the field on 1 July 42, failed to arise at Reveille after having been duly warned to do so.

In the field,

/7 July 1942.

(P.K. Jesperson) Lt.-Col., Offficer Commanding, 1st Bn., The Essex Scottish Pegt. Canadian Army Overseas.

TO BE TRIED BY FIELD GENERAL COURT MARTIAL

In the field,

20 July 42.

Sherwood Lett, Manual) Brig.,

Dommanding, 4th Canadian Infantry Brigade.

I derive to be represented by counsel of my proposed 7. G. C. M. S prefer Harlieton C. Quick

1 Aug 42.

A SA

I CERTIPY THAT I HAVE THIS DAY EXAMINED

A 21995

Pt 2 wich V. C.

and find him medically FTT to stand trial by Court Martial.

(medical orricer)

I CERTIFY that I have bhis day examined

ASISS Fte, Quick, V.C.

and find him FIT to stand trial by Court Martial.

(Medical Orsidar)

Eny Reothers.

### APPENDIX "A"

(C)

# RECORD OF PROCEEDINGS OF A FIELD GENERAL COURT-MARTIAL (To be completed in duplicate)

710 00 00	(a) TO BE USED IN PLEA OF NOT GUILTY TO ONE OR MORE CHARGES
7 Tetal of No ff	21995 Rank Pte Name Quick, Victor Cornelius
I. IFIEL OF ROW	ex Soottish
Unit	1 Q 1
Held at	The Fieldon , day of Aug 1942.
2. ACTUAL COURT	
	Major T.E. Hayhurst, Essex Scot. Capt. F.L. Nicholls, R. Regt. C. Lieut.D.M. McIlwain, R.H.L.I.
(In mages whe	re either prosecutor or defending officer is a qualified fact must be noted).
ii The accused	is arraigned and pleads "Not Guilty" to the following lat, 2nd, 3rd sta. Clarge
5. The accused and his answer	is asked the question at the foot of page 2 of A.F.A.] is "no" or otherwise is recorded by the President.
6. PROSECUTION	EVIDENCE:
A. 22294 FZ	In Smith O.D.
	I to that the week who
A. 2/290	States Quek offered resistance.
Lieut nm	Hation Seaffle between Carlo MAK
Defone Evide	
A 21995 P	
	It has cross examined ensured the
	he had offered resistance but had
	he had offered resistance but had not struck CO ms manroe.
71	
Plea in	metigation, 1 -1 . It
	The reference where the court to
	take into consideration the fact chat build was probably a but
	resentful toward PAMS. Munroe
	because of an argument some
	two weeks previous, in which
	moure had placed Emak

### ABSTRACT OF EVIDENCE

In the case of A21995 Pte. Quick, V.C., 1st Bn., EssexScottish Regiment, Canadian Army Overseas.

FIRST WITNESS

A21130 C.Q.M.S. Munroe, F., 1st Bn., The Essex Scottish Regiment, Canadian army Overseas, states:

"At approximately 2350 hrs on the 21st of June 1942 I was returning to my billets when I noticed two lights burning in "A" Coy lines. I entered one hut and found Pte. Quick talking to three occupants of the chalet. I ordered the light to be put out. I then proceeded to the second chalet. There I found on bed empty and the two occupants of the room aslesp. I then returned to the first chalet; the light was still on. I removed the bulb and then went to the other chalet and removed the bulb there also. Fte. Quick followed me out and said bulb there also. Pte. Quick followed me out and said he wanted to fight me. I went into Opl. Copeland's chalet and ordered him to have te. wick placed in close arrest. I then accompanied Opl. Copeland back to Pte. Quick's chalet. There were three beer bottles in the cabin and I ordered Cpl. Copeland to take them as evidence. Pte. wick pushed me against the bed in the chalet and tried to dispose of the three beer bottles. The demanded and was taken to sae the orderly officer. He became unruly and I was ordered by Lieut. N.M. Watson, the orderly officer, to help subdue him. He struck me in the eye with his fist. I held him until the guards arrived. He had been trinking but I would not say he was arrived.

SECOND WITNESS

A21290 Cpl. Copeland, T.J., 1st Pn., The Essex Scottish Regiment, Varadian Army Overseas, states:

"I am acting Platson Sergeant of No. 7 Platoon, "A" Coy. At appropriatele 2550 hrs on 21st of June, I was awakened by C.Q.M.S. Wintrop and ordered to Place Pte. Quick of my platoop in close strest. I went to te, quick's chalet and platop. B.B. Membe accompanied me. I ordered Quick into arrest and he got up and put on his doublet. There were three beer bottles in the chalet and I was ordered by three beer bottles in the chalet and I was ordered by C.Q.M.S. Munroe to take them along with me as evidence. C.Q.M.S. Munroe to take them slong with me as evidence. Pte. wick attempted to dispose of the bottles. Fte. Quick demanded to see the orderly officer. He was taken there and saw Lieut. Watson. He became unruly and force had to be used to subdue him. He was placed under close arrest. He had been drinking but I would not say he was arrest. drunk."

THIRD WITNESS

Walsh, P.G.A., lst Pn., The Essex Scottish an Army Overseas, states:

A21111 C.Q.M.S. Welsh, F.G.A., lst Pn., The Essex Scottis Hegricont, Consdian Army Overseas, states: 21 was Sgt of the Guard onglet of June 1942. Pte. Quick was in close arrest. I ordered him to get up at 0600 hr I ordered him to get up at 0600 hrs after having awakened him. At 0615 hrs I returned and the accused was still in bed. I again awakened him and warmed him to get up. At 0645 hrs Fte, quick was still in bed. I placed him on charge." FOURTH WITNESS

Lieut. N.M. Watson, 1st Bn., The Essex Scottish Regiment, Canadian Army Overseas, states:

"I was duty officer at Norton Camp on the night of 22 June 42. I was resting there when C.Q.M.S. Munroe came in and told me that he had placed Pre Quick under close arrest for drinking in his billets, and that Pte. Quick demanded to be paraded before an officer. I instructed for M.M.S. Munroe to bring Pte. Quick in to be and C.Q.M.S. Munroe and Cpl. Copeland paraded him in.

I asket the fulls what he wanted and he stated that he was being railtroaded; that he had not been drinking a billets and that the bar bottles in his quarters had contained, or had contained, oil. He then repeated his assertion that he was being rail-roaded and stated that C.Q.M.S. Munroe had been drinking.

At this point I ordered C.Q.M.S. Munroe to take him to the guard room. Pte. Quick resisted and C.Q.M.S. Munroe and Cpl. Copeland had to push him from the room.

In the next room I heard S.Q.M.S. Munroe instruct Cpl. Copeland to go for the military police and I also heard C.QM.S. Munroe and ite. Quick scuffling. Cpl. Copeland then arrived back with some men and Fte. Quick was taken away."

I certify that the above is a true and correct Abstract of Evidence as taken down by me in my own handwriting on the 10th day of July 1942.

(J.f. Turnbull) Capt., let Bn., Essex Scottish Regt., Officer taking the Abstract.

Date of last dr Company Con	duct Sheet	1	of	), and date: last drunk: freedom from extra fine	numer of Witnesses	Punishment awarded	Date of award or of order disper-	Es whom sworded	Langete
	Date of	Rank	Cases of drunken.	OFFENCE					- 199
Place	offence		1611		Sgt.MacLaner	Admonished	2-3-40	C. Turnbull	
Windsor	29-2-	Pte	I	Drunkenness	Cpl. Ritchia			Caper-and	Cal
	30				Cent. Brown	Assessed \$6.	00	I.t001.	171
- 0	30-4-	11	II	Drunkenness A.A. 19 Greating a disturbance and cau-	Bart Adams	bk. damages	A THE SEA OF SEA	Pearson L	G
	40			1 · · · · · · · · · · · · · · · · · · ·	Cpl. Lucas	an \$5.00 fine			
				tent of \$5.00. A.A. 69191	1			11 1 10 2	Forfs.
				AWI, 2200 hrs 2-5-40 to 0030 hrs	S CSM Waddell	7 days 0.5.	6=0=40	Wai. W.E. Hayhurst	days pa
- 11	2=5=	9	-						Forfs 5
				AWL 0200 hrs 3-6-40 to 2000 hr	s CSM Waddell	168 hrs detr	1.10-6-40	Paaraon	days ps
Camp	The second second	40 "		796-40. A.A. 15(1)				100000000000000000000000000000000000000	1

					Name of Workship	Purchased Switched	Date of years of planter displace of sing with this	dysesin registed	symm:	
Flace	Date of attence	Rank	Carps of propriate open	AWL from 0600 hrs 1-7-40 to 21300		14 days C.B.	4-7-40	Maj. T.E. Hayhurst	Porfs. 3 d PRI 149.	ays pay
amp Borden	-7-40	Pte		AWL from OBOO Mrs 15(1) hrs 3-7-40. A.A. 15(1) Neglecting to obey standing or- 5		5 days C.B.	14-10-40	Maj.		
ldershot	40	. "		ders in that he drove W.D. ve- hicle recklessly and at exces- sive speed.			3-2-41	Maj. F.A.		
MARITUAL OF SE	1-2-	u		prunkenness, third offence A.A.	Henderson	Fined \$10.00 3rd offense		yokes		
barracks		11		200m 9359 hrs 8+6-41 to 1145	Opl. Lucas	27 days F.P.	19-6-41	Pearson	pay.	
Aldershot	12-8			178 12-0-41 to	Cpl.	10 days F.P.	21-10-4	lit ol. Pearson	Forfs Wa	- days
Rye	15-1	d- "		0750 hrs 15-10-41, A.A. 15(1)	Onellette					

Date of last e Company Co	induct Shee	t )	-	last drunk) freedom from extra time	Names of Wichester	Punishment swarded	Date of sward or on order dispen- ang with trial	to whom swarded	Sens
Flace	Date of	Rank	Cases of drunkan- ness	OFFENCE	C-3	28 days detn	12-1-42	Maj. F.K.	Porf
"ield	42	Pte.		AWT. from 1500 hrs 1-1-42 to to 1815 hrs 6-1-42. A.A. 15(1) Held in close arrest (6 days)	McGowan Cpl.Wilson			Jasperson	Q# 97 B
Field	20-5-	11	TV	Drunkenness. A.A. 19 Wilful damage to gov't, propert AWL 1200 hrs 19-5-42 to 1400 hr 19-5-42, A.A. 15(1) AU-5-42, While 20-5-42 to 2340 hr 20-5-22 while 20-5-42 to 2340 hr	DesRoches			Lt ol. Jasperson	Stops - 43

Fig. 2010 10 10 10 10 10 10 10 10 10 10 10 10	-	1	-	Cares of	OFFICE	Name of Womenser.	Parishment Best Cell	Sale of swarf or of engar dispen- ants with trial	Symbol seried	Agenti /
eld 1-6- Pte. Reglect, etc. The Reglect Best Cond DesRoches  arise at reveille and was found DesRoches in bed at 0540 hrs and was stillegt.  in bed at 0710 hrs. A.A. 40.  CERTIFIED TRUE COFY:  (J.R. Turnbull) Capt.,	Place	Date of effects	Karik	7897		lm1	14 days C.B.	2-6-42	Lt ol.	
GERTIPLED TRUE COPY:  (J.R. Turnbull) Capt.,	eld	THE PERSON NAMED IN	Pte.	1	Neglect, etc. "he neglected to arise at reveille and was found	DesRoches				
(J.H. Turnbull) Capt.,			i,			Wilkinson				
		1			(J. R. Turnbull) Capt.,					

(Substitute for A.F.B. 296 or M.F.B. 355)

## STATEMENT OF CHARACTER AND PARTICULARS OF SERVICE OF THE ACCUSED

		NAME Pte.	Mictor Co	rnelius C	uick	ESSEX SCOTTISH REGT.
						DEPENDENTS 1- wife
		TATION _13	January 4			
DAT	TIL ni	MELI MOTIONS, AP	POINTMENTS	AND CONF	SPITAL_	OF RANK, IP ANY

A CERTIFIED TRUE COPY OF M.P.M. 6 MUST ACCOMPANY THIS FORM.

(J.R. nurnbuil) Capt. A/Adjutant, Essex Scottish Regiment.

Dated at 1 × THE FIGUD

This 2 day of Aug 19 42

(To be dated and signed as of date of smish)

41.69 GNR QUIN N

## SCHEDULE.

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

Accused: B88454	Gnr Ne	lson QUIN	, 8 Fd Regt (SP) RCA
Charge.	Plea.	Finding.	
(Insert " alternative " where applicable.)	(See Instrs p.2.)	(See note below.)	(Space for use as required for further charges, accused charged jointly, special findings, etc.)
Int	MOT	GUILTY	
			92.4
nd			/
rd			
5th			
Sels.			

(Mann ) As to Findings for leaser offences are AA 55, RP 64 ; Findings or elternative charges are IAME, p. 483 for 4 para 2, 8P 44 special Findings are RP 64 and IAME, p. 752; and on last of kit can AP 64 (n. 6.)

MEKKALASTAL

[]. Insert sentence being served, or delete, if not opplicable. Sue RP 46(A), information should be found on MF 8355 or AF 8256.)

Time in confinement awaiting present trial—a total of 42 days, of which N11 days were spent in hospital (1) (J. See RP 46(A) for 2. Information should be found on MF 8355 or AF 8296 admitted in evidence under E2.)

Sentence Awarded by the Court: To suffer penal servitude for a term of three years.

"WMWShaw Capt"

14 Nov 44.

(Soi) "George G R Harris Major"

President: (RF 45, SC.)

(See book of Convening Order on to assembly and disputed of rectifd ofter triple)

PART II. MINUTE WHERE CONFIRMATION RESERVED. (AA 54(5), RP 120(7), ANNL 19 74(5) I reserve confirmation of the finding and sentence for superior authority.

Date 17 Nov 44 (Egg) "H A Sparling Brig" Commanding RCA 5 Cdn Armd Div

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

(For duties and bawters see AA 54, 57, RF 37(D) fo 6,46(A), S1-36, 120, MAIL pp 759-761, KR Can Se7-577. Accounts to require the confirmation and comment to revised. AA 54(3), Strading back Finding or sentence for revision by Court. AA 54(3), RF 120(G). If not confirmed, occurred may be tried agree. AA 137, MAIL p 54. Minute of confirmation or non-confirmation may be alread before paramiligation. AR 53, MAIL p 55. Qualitying offer principlesian. IAR 53, Duties and powers of reviewing offer. AA 53, 37A, RF 53A, 54. The Confirming Offer must sign here personally. AA 172 (n 1.)

My decision on the finding(s) and sentence set forth in Part I is:

"I confirm the finding and sentance and I direct that a part of the sentence not exceeding two years shall be served in a military prison".

Indicated the entered in the entered by the property of the party of the property of the party o

(Ked) "M.G. Weeks" Maj-Gen, 1/c Adm,

Date 15 Dec 44

Commanding CANADIAN MILITARY PEADQUARTERS

Confirming Officer.

PART IV. PROMULGATED AND EXTRACTS TAKEN. (AP 52, KR Con 576, 577.)

Accused.

mos454 Gar Quin, W. B Fd Regt (SP) BGA

Signature of Offr. Bay dant o 2 Color Krelloutist Centre

ALL DELETIONS AND ALTERATIONS WILL BE INITIALLED.

CERTIFIED TRUE COPY 2 DEC 44 (D.M. Owen) Capt. FIELD GENERAL COURT-MARTIAL 4/38 (dn Sec 6H2 2 Ech AAI. Brig H A Sparling Commenced by Order of Brig H A Sparling Commenced by Order of Sec 80 A Diversity Order of Commenced by Order of Sec 80 A Diversity Order of Commenced by Order of Sec 80 A Diversity Order of Commenced by Order of Sec 80 A Diversity Order of Commenced by Order of Sec 80 A Diversity Order of Commenced by Order of Sec 80 A Diversity Order of Commenced by Order of Sec 80 A Diversity Order of Commenced by Order of Sec 80 A Diversity Order of Commenced by Order of Sec 80 A Diversity Order of Commenced by Order of Sec 80 A Diversity Order of Commenced by Order of Sec 80 A Diversity Order of Commenced by Order of Sec 80 A Diversity Order of Commenced by Order of Sec 80 A Diversity Order of Commenced by Order of Sec 80 A Diversity Order of Commenced by Order of Sec 80 A Diversity Order of Commenced by Order of Sec 80 A Diversity Order of Sec 80 A Diversity Order of Commenced by Order of Sec 80 A Diversity Order of Convened by Order of

ACCUSED.

(As to the trial of two or more charged jointly see RP. 16, 71, 109. As to reasons for showing (a) permorent or confirmed rank, and (b) appart, Arank or Appart, 1 any, see AA 182, 183, fis, KR Con 308, 128, 330.)

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

Nelson QUIN 8 F4 Regt (SP) RCA

PROCEEDINGS OF TRIAL.

Held in the Fd in (country) Italy

B-88454

on (date(s)) 14 Nov 44

## RECORD FORM A-OPENING PROCEEDINGS AND ARRAIGNMENT.

Al. The President, Members, waiting Member, JA, if any, and Offrs under instr. if any, assemble, and this

PRINTED MATTER, NOT IN ITALICS FOR GUIDANCE, WILL BE DELETED, IF NOT USED OR APPLICABLE, AND INITIALIZED

(i. As to use of Summery of Evidence are RP-17 for 6. 2. AA-49, SS, RP-105-107. 3. RP-11-13, 23, 24)

A3. The Court is opened. The accused is (are) brought before the Court. At 0930 hours trial commences.

XEXEXEXEXEXEX

(I. KR Can SSJ. 2. AA 4608), AP 60 fn I. For effect see KR Can St3(c). Delete, If not opplicable.

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

(I. RF 7Z. Delyte, if none employed.)

Ame No. Sir.

11. 89 110. 2. If so objection, working murcher ratines. At 18(8): If objection, one procedure AA 51, 19 25, 71, 18, MML p 742.)

AT. The President, Members, JA, if may, and Offes under instr. if any, are sworn (') The following are the

Provident	Major	G G R Harris	5 cdn Laa Regt
Member	Capt	R T Craddock	4 cdn A/Tk Regt
Nember	Lt	T K McNair	4 " A/Tk Regt
Judge-Advocate	Capt	W M W Shaw	HQ 5 Cdn Armd Div
Prosecutor	Capt	G W Myers	8 Odn Fd Regt
	**	P W Leacock	8 * * *

Quastions by President: Is the Prosecutor a lawyer | Ans. NO is the Defending Offr a lawyer | Ans. NO

before arraignment make(s) (no) 1) ples A8. The accused ...

(1. If a special pine is made the separate trial on one or more charges (RP 62(E), 108), or as to the jurislicities of the Court (RP 34, 101R), if it has of this (RP 36), or as to eccused; mental filmes to stand trial (IA 136, RP 57), or be one of someon accurate charged jumils to be tried separately (RP 16, 71), such pine, the addresses made in apport or against, the evidence, if are, and fooling are recorded for Notes. For forms of recurs are references in the ta RIP cond. Insert in AB rank and nome of the excused making the pine).

not object to any charge () There is no amendment to be made to the Charge Sheet. (\*) The President records the pleas in Part I of the Schedule.

(1. 8P 3t. 112. See pare 1 of matrix p.2. When more than one Charge Sheet see RP 62; when several accused to be cried appearably see RP 71(C), and was reference capies of CF AS6 to record precedings. 2. RF 22, RF 33. If sharwise, delete and make appropriate record per Natas.

Suppose A10. The Court makes and considers the Instra on Procedure after Arraignment at top of p 2. The prosessions are continued on Record Form D

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

## 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 withdrawal of alternative charges by Prosecutor see RF 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 Guslity to lesser, etc., offence. (RP 44(H).) Accused may change a plea of Not Guilty to Cuslity 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

- 1. 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(A).)
  - (b) Such visited pleas occur in a set of two or more charges laid in the alternative, see RP 37 (A) and fu 2 as to discretion of Court, (i) to try the accused on all such alternative charges as if he had pleaded New Guilty thereto, or, (ii) to record the pleas as the findings of Court. After deciding between (i) and (ix), Court will proceed under foregoing instre as may be appropriate to result of its decision. See MML p 144 Instre (2).

3. As to responsibility of President to accused see RP 50, 60(C); powers and duties of JA see RP 103; duty of Presecutor see RP 60(A) (B); duty and privileges of accused and Defending Offr see RP 80, 87(C), 91, 92; securing and withdrawal of witnesses from Court see RP 81, 82; guestioning of accused see RP 80, 87(C), 92(B), and of witnesses are RP 83.85; calling at a calling of witnesses by Court, ste, see RP 75.79, 86, 116; use of Symmary of Evidence at Trial see RP 17(E) for 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 BP 35(B) by explaining to the accused the nature and meaning the charge(s)(1), and that on his plea of Guilty there will be no regular trial but merely a consideration of the interior to be awarded after he has been given an opportunity to make a statement in reference to the charge(s), all witnesses as to character and make an address in mitigation of punishment.(4)

(1. RP 35 to 3. 2. MML p 34 pers 47.)

B2. Pt sident to accused: The Court will now receive any statement you desire to make in reference to the charge(s).(1) It appears from your statement that there are circumstances which indicate that you do not understand the effect of the place of cultility(\*), or which show provocation or extennation in respect of which my year interest the witnesses for the Presecution should be examined(\*), we shall advise you to change your plea to Not Guilty. In making a statement you will not be swearn or subject to cross-examination; and anything you say will not be used in evidence against ben after you change your plea. If, however, it appears to the Court that your statement affects only the amount of punishment to which you are liable, you will not be advised to change your gives and you will be given an opportunity later to prove your statement by sworn testimony, if you so desire.(\*)

President to accused : No you wish to make a statement ! Aus. (1, AF 31(8), 2, M 31(0) fin 8. 3. RF 35(8) fin 5 pars 3, MML p 34 pars 47. 4. Set pars £3 of Record Forms E. 5. Statement, if any, recorded yet Noose.)

B3. The Court considers the occused's statement [2] The Court decides (not) to advise accused to change his charge(s). The accused is (are) so informed, and he (they)

(their) plea(s) of Guilty to Not Guilty on charge(s). The accused is (are charge(s)) this (their) plea(s) on charge(s). Part I of the Schedule is amended accordingly change(s) his (their) plea(s) on charge(s). Part I of the Schedule is amended accordingly.

B4. On the charge(s) to which the plea(s) of Guilty is (are) not changed the President recueds finding(s) of Guilty in Part I of the Schodule.(1)
(1. AP 35(5) If any plea(s) is (are) changed, me Second form C or D as superspectat.)

B5. The Summary of Evidence is marked Ex-standing as Guille, Caser will drive accused to thongs as standing as Guille, Caser will drive accused to thongs as paras D1 to D8 includes of Recard Form D on p 3. RP ZID initialled and read aloud by the President.(9) may with RP 37(8). If there is any evidence incornaistent with one plan such Nies and, if changed to Nitt Guilty, try such charge(s) he use of

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

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

C1. As to the charges on which accused pleaded NOT GUILTY the inclusive of Record Form D on p 3 before proceeding with C 2.(1) rial is continued by using paras D1 to D8

C2. The charges on which accussed pleaded GULLTY are read to him (there) again, and the trial is continued by using paras B1 to B5 of Record Form 9, above (\*)

Luder 83 such ports say of the Summary of Entiretic are read as retinin to the charges deal with under C2. If any place is charged to bit Cally, tried therease processed by complying with paras D1 as D6 includive in Record form D on p 3 and making as appropriate means thereof on a separate wheen.

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

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS

Pin here Lope Sheets of Record.

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

President to accused: Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity to prepare your defence ? Ans. No, Sir. (1)

(1) If "res", see AP 39(A) fac procedure. Statement or evidence, if one, is recorded per Notes.)

#WAWS# D2. The Prosecutor makes (EA (no) opening address.(1)
(i. RP 39(b), 60(A) (b), 90, 92(C) (D). Record address per Notes, subject to RP 95(C).)

D3. The evidence for the Presecution is taken. (\*)
(1. RP 59(C), 114, KR Con 535. Record evidence per Notes. As to Presecutor giving evidence himself see RP 39(D) (E).)

D4. The Prosecution is closed.(3) The Defending Office and make the structure of make the Properties of the Companion of the ....charge(s).(2) The Court charge(s).(\*) The Court is re-opened, and the President announces that the submission.(\*) disallowed on the nyages rge(s), and that, accordingly, the trial will proceed on the former, but the second in past found. Not Guity, a charge(s), and allowed on the

(I. Delete remainder of this pone, if submission not made.

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

3. RP 40 fn 1. See MML p 72 paras 12-14 and p 81 para 42.

4. Delete part not used. If accused scaulitud an all charges, use second alternative in para DB.

NB. If trial proceeds, occusion must be allowed great letitude in making his defence, and the Court should not stop his defence askey an ground of irrelevance.

(RP 60(C), 1/4, 1/5.)

D5. President to accused: You will now proceed with your defence.(1) You may, if you wish, give evidence

President to accused: Do you wish to give evalence yourself as a witness, make a statement, or do neither ! Am Give evidence Do you intend to call witnesses on your behalf ! 2. NP 40(A), see \$6(0). 2. SP 40 fe 10. 4. SP 40 fes 2. 9.) Ans No Sir

DS. Consequent on the answers recorded in para D5 the appropriate procedure for the defence is followed.(\*):

(I. RF 114, 115, 116. For procedure see Nozes on bock of Convening Order, CF AFS. Evidence for occurse as to bis.

Character should, if in his interest, be given before the finding. See RF 46(A) in I. 86(C). Note the further opportunity in para E1 of Record Form E. Record per Nutses addresses, statement, evidence and any summing up by the JA under RF 42, Ic3(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.(8) The Court is re-opened.

(1. RF 43, 117(A). See Notice in Part I of Schedule. 2. RP 44(A).)

D8. The President announces the finding(s), if any, of Not Guilty, and states to the accused that the finding(s) RATES TO THE REPORT OF THE PROPERTY OF THE PRO

gre pleas of Guelly existending and depit with under Record Form B or G. D9. The acrossed having been found Guilty on one or more of the charges, the proceedings are concluded by using

## RECORD FORM E-PROCEEDINGS ON CONVICTION BEFORE SENTENCE.

El. President to accused: Do you wish to give evidence yourself or to call any witnesses as to your character 199 Yes, Sir.

If evidence has already linear given by accusing an hit witnesses as to his character, delete this pane. RP IJ (C) fin 4, 46 ft 1.
Accused and witnesses are sween. Evidence resarded per Notes.)

E2. The Prosecutor produces Statement(s) as to Character and Particulars of Service(1), and certified true copy (copies) of Conduct Sheet(suff), 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 165(f) (g) (h), and (ii) they purport to refor to (a) soldier(s) having the same number, rank, name and corps as the accused. Admitted in evidence and marked Ex. B. and Ex. C. /respectively (\*)

(f. MFS 35) or AFS 296. 2. MFM 6. 2. FF 46. KR. Can 158. If above documents are produced, see RF 46 fs 1

pore 13

Ext. President to accused; Ese you wish to address the Court on the Statement(s) and Conduct Sheet(s), and in

mittigration of panishiment ((1) Arise NO, SAT+

() AF 2F(C), 46(D). Z. Address if any, recented per Notes. Court should permit accused or his witnesses to prove on sets anything here or previously stated which would affect the amount of panishment. 8F 3F(F) for 7.)

E4. The President states that the Court is closed to consider 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 accountingly terminated (\*) (1. AA 54(6), RP 120(4).)

E3. The Court considers the sentence.(1) The President records the sentence in Part I of the Schedule, which

# PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

## CHARGE SHEET

The accused B.88454 Cunner Nelson QUIN 107 Fd Bty, 8 Fd Regt (SP) RCA a soldier of the Cdn Army is charged with:-

1st Charge AA Sec 12 (1) (a) WHEN ON ACTIVE SERVICE DESERTING HIS MAJESTY'S SERVICE

in that he,

in the filld on 25 Sep 44 when his regt 8 Fd
Regt (SP) RCA was in action against the enemy in
a forward area, absented himself without leave
from approx 0750 hrs 25 Sep 44 until surrendering
himself to CMP at FOGGIA at 2035 hrs 2 Oct 44
with intent to avoid service in such forward area,
(absent 7 days, 13 hrs, 5 mins)

4 Nov 44 In the Field ITALY "A H Birks"
(A H Birks) Lt-col RCA
Comd 8 Fd Regt (SP) R.C.A.

To be tried by Field General Court Martial.

9 Nov 44 In the Field ITALY "H A Sparling" (H A Sparling) Bris CRA 5 Odn Armd Div

"V&C775" "GGFEH"

# FIELD GENERAL COURT-MARTIAL

(Whether the accused to be tried is under his cornd or mat, a FGCM may an application to him be convened by any offs of Cdn Army Overseus, or all any other force if authorized in low, in ammediate cornd of trouble an active service, subject to RP 105(C) and restrictions imposed by appropriate authorized. A 49, 50, RP 104-107, 114. As to the duties and privileges of the Convening Offs in dealing with the application see MML Chap 9 paras 20 ansi: 23, RP 87(B).

RP 87(b).

There should be a separate Convening Order for each person to be tried separates by the same Court. RP 71(C), 109. As to separate charge timests see RP 6.0. As to two or more accused charged jointly see RP 16, 109.

As to reasons for showing (a) permanent or confirmed rank, and (b) appmt. Almank or Ajappmt. If any, see AA 182, 183, fms. KR Car 308, 328, 330.)

## ACCUSED.

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

B.88454 Gunner

Nelson

QUIN

8 Odn Fd Regt

## CONVENING ORDER.

- Court-Martial: (arXiv:Ent.) is recovery positive the arxiv(a) and arxiv: The arxiv:Economic and arxiv: (Colored part in brackets when not required for compliance with No. 105(C).)
- 3. I hereby convene a Field General Court-Martial to try the said personing, and to consist of the Offrs appointed or detailed hereunder.
- 4. KKO KONDIDKUNG PORU IN INKUUDE KUINE KENEREKE IN INDUKSIE ORING PROMORPHE IN KOKE IN KOKE IN INDUKSIE INDUKSIE INDUKSIE IN INDUKSIE INDUKSIA INDUKSIE (AA 49, RP 106(B), 107(A). Delets the whole or part, if not applicable.)
  - 5. I also appoint as Judge-Advocate thereat the Offr mentioned hereunder. (RP 106(E). Deiste. If name appointed.)
    - PRESIDENT.

G.G.R. Harris

(Must be named. RF 106.)

5 Cdn LAA Regt

MEMBERS.

Capt

To be detailed by

4 Cdn A Tk Begt

Lieut

To be detailed by RP (G6.)

4 Gdn A Tk Regt

(Rank.)

WAITING MEMBER.

Lieut

To be detailed by

(Named or detailed, if any. RP 106.)

8 Cdn Fd Reigt (Unit.)

(Rank.)

JUDGE-ADVOCATE.

Capt

W.M. Shaw flust be named, if any. AF (06.) HQ 5 Cdn Armid Div

On Active Service in the Fif.

(Country.)

"H A Sparling" (Signed personally. RP (QS % 2.) Brigadier (Rank.)

Date 9 Now 44

Commanding RCA 5 Cdm Armd Div Convening Officer. #GGIES#

CONVENING OFFR WILL INITIAL ALL DELETIONS AND ALTERATIONS

4/38A CFASS TO DAY OF APAIL

(See overland for eaths and natus for use on trial.)

"YOURIS"

## 107th Field Battery, RCA 8th Cdn Field Regiment (SP) RCA

14 Nov 44

This is to certify that the bearer: B-88454 Gnr. Quin, N. is fit \*\* to undergo a Field General Court-Martial.

14 NOV 44

"Undecipherable Capt" Capt. RCAMC

"VD#VIS"

1st Wit) M2010 BSM Herity J.D., 8 Fd Regt, duly sworn, states:-

on 24 Sep at 1600 hrs A Ech 107 Bty moved to a frwd area where came under shellfire - quite severe at intervals until 1730 hrs I saw Gnr Quin after shelling proceeding in direction of his veh. Did not see again that evening as was busy burying a cas & evacuating wounded. At approx 0730 hrs 25 Sep on my roll call Quin was absent. I searched bty area & where sleeping & made enquiries & could not locate. Also enquired at 61 & 71 Bty & 8 Fd Amb but no trace. I reported him absent. Quin was absent from all my parades after that until turned over to me under escort on 18 cet. Quin is the acsd.

XXM: Acsd was driver of 3 ton lorry. He had been in F Ech. When I moved A Ech it caught up to F Ech. He had been driver since we went in action. Previously was amb driver. He did not ask for change. He did speak to me re changed - he did not want to drive F Ech kitchen truck. Re-exam: nil

Court: Regt was on op duty just before MARRECHIA. 107 Bty was in action. Had been in action against enemy 4 to 6 wks at the time.

Not a rest or reserve area. Had been in reserve prior to this - this was second position after coming out of reserve.

R.P. 83 (B) complied with.

2nd Wit) Lt S.A. Kerr, 8 Pd Regt RCA duly sworn, states:-Prosn )

Am RSO of 8 Pd Regt. I produce cert of surrander (Exh A)
referring to acsd (pointing).
No Questions R.P. 83 (B) complied with.

# Prosn closed

lst Wit) The accused, duly sworn, states:-

Was amm driver in LIRI valley. Before coming to GOTHIC lime was changed to F Ech kitchen driver. Spoke to Sgt Maj & Capt Woodcroft & asked to be changed. Wanted change because had never been under shellfire & nervous about guns going off. Drove kitchen veh - 1st ome was on 4 dys when it was lost by shell fire, I was 30 x away at time - veh then replaced. Received letter from wife saying my bro killed, then received clipping that only wounded also received letter that my wifes father died. When ret'd to regt had letter from wife that had to call my daughter by another name.

TIM: Did go to guns when duri driving amm truck - Sgt i/c picked out reds for amm.

Re-eram: nil

Re-exam; - nil
Court: - nil
R.P. 83 (B) complied with.
pef closed.

Prose in closing:Submit evidence proves AWL for period stated with intent to avoid
service. Ascd has outlined anxieties but submitted that nothing to
disprove absence or to indicate that did not intend to avoid service
in fred area.

per offr in closing:Have not tried to disprove absence. But at time left have shown
that labouring under defect of reasoning thru worries that encapable
of appreciating nature or quality of act. When came to senses surrendered. These lotters from wife the acsd

discovers that his daughter is not his daughter. Aced not exam by MC on return: no proof that not mentally upset during absence. Recent MO exams re only physical fitness.

J.A. sums upl-Defines functions of court, credibility of witnesses, presumption of innocence, burden of proof, reasonable doubt, insanity, desertion & AWL, AA 56 & RP 44 (D)

Character)

Known acsd 2 yrs & have been his Tp offr & many dealings on duty & otherwise. Always good soldier & reliable.

XXXM:- nil

Court: - Have never heard any complaints from men re character a honesty.

R.P. 83 (B) complied with.

"WMWShaw Capt"

## CERTIFIEGATE UNDER ARMY ACT SECTION (1) (1)

I, Lieut J. Neal. certify that No B88454 Rank Gunner Name QUIN, N. Regt "R" Bty 8 army Field Regt. R.C.A. surrendered hi self to No 7690760 Rank L/C

Name RODEN, K.C. Detachment of 230 Provost Company, at FOGGIA on the 2 day of October 1944, 2035 hrs, as a deserter (or absentee without leave)

Exh "A"
"WMMS"
[S A Kerr] Lt ROA

2nd Oct 1944

"J Neal" Lieut Officer Commanding Detachment, 23C Provest Company of which L/Cpl Roden is a member.

Regiment (or as the case may be).

# Statement as to Character and Particulars of Service of Accused.

Name,

Number.

Ranh.

8.88454	Gunner	Nelson	UIN	107 Fd	Bty 8 Fd	Regt (S	P) RCA
1. The foll	owing is a fair an	i true summary of	the entries in	the regiment	al and squadro	a, battery or o	ompany com-
just sheets† of the	e accused, exclusi	ve of convictions	by a court ma	rtial or a civil	court, of summ	iry awards und	ier section #7
f the Army Act,	and of cases in w	bich trial has been	dispensed w	ith :			
nix. At a trial by field general court martial this summary may be compiled from the field con-			Within last I	2 months.		*Since I	Inlistment
duct sheet. he conduct sheet(s)	For	AWL AA Sec	15(1)		1 times	AWL	2 rimuss
graduous in court with this statement but not same sed to the governdings.	For	AA Sec			1times_	AA Sec	
Nes para 871, K.B.,							
The numbers beress	For				times		
					times		
utilizate to card sector and to any recognised appoint acts of gallan-					tjmes		
try or distingulabed conduct.	N/E	CHEKEKENS	NETSCHIE SLANDENSCOOL	er objective green set us of	rowders		
Inginerous, -1: the	Marie V.		(18				
there is for division nine the entries for drupkenness must be stated separately and	719	NORTH CONTRACTOR	ne oz herocho sydone r	colores and action	or word		
nated.		ALIA LALI ABREA	A GULLANDAN	CONTRACTOR ALC:			
2. The acc	used has not bee	previously conv	icted, &				
Woodn's 2	and was an action	KREWST BEKE	were an arrest ad on	NA NEW TOWN	*********	edy oroing says	cien Alt women
NAME AND STREET	RANK SALAKI	KKKKKKKKK	EXAMERINA		CONTRACTOR OF THE PARTY OF THE		AND ADDRESS OF THE PERSON NAMED IN
3. The acc	used is not under	sentence at the	present time,	night house	RESERVED TO	NEXT BE SELECTED	PERKER
		OK SE	KRAZEEL NO	Xo M	BX ZX		
4. The acc	used has been in	outinement, await	use trial on th	ie present char	ges for N	1	
in civil castody,	40			ustody, makin		42	
	Nil						
of which		days were spen	t m nospital.				
5. The pre	naemt age of the a	coused according (	to his record o	f service	27		
6. The da	te of his attestati	specified in his	attestation p	saper is 17	Jan 40		
		maed is allowed to			r transfer to the	reserve is . N.	11
8. The ac	cused is entitled	o deferred pay or	gratuity in r	espect of			
9. The ac	cused is entitled t	o reckon		service for	r the purpose of	determining h	is pension, esc.
10. The a	ccused is in poss	ession of, or entitle	ed to, no mili	tary decoratio	n or mulitary aw	and (or is in p	codestion of ar
entitled to (state	any mintary do	oracion or reward,	) CVSM	& Clasp			
11 (If th	e occuped is a we	runt officer.) The	accused being	re he was mar	le a warrant off	icer last bead I	the twenteeds!
rank of N							
12 (Inth	u case of an officer	The accused he	ids in the arm;	the rank of	N/A	dat	ed
		separtment) the r			dated		
		ARREST GRASS					
A COUNTY MILITARY	THE BELLEVI BASE						
					Bu		
				THE RESERVE OF THE PARTY OF THE	NOS II		

Schedule of Convictions by a Court Martial or Civil Court, of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with of accused.

Our Name Nelson QUIN o'Regt (SP)RCA Regiment for as the case may be).

No. B. 88454 Rank

(INSTRUCTION - A verbatism extract from the regimental books, stating these convictions and dispensations with trial, must be married to

Description of court by which tried, or status of officer disposing of the charge or dis- pensing with trial	Date and place of trial, or summary award under A.A. 47, or of order dispension with trial	Charges upon which convicted, or in respect of which trial was depended with.	Sentence of the court or authority disposing of the charge, or order of the dispensing authority	Funishment remitted.
N/A	N/A	N/A	N/A	N/A
				The second second
			The state of the s	

I HEREBY CERTIFY that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 14 day of Nov 44

"PWPeacock Lt" (P W Peacock) Lieut RCA A/Adjt 8 Fd Regt (SF) RCA

		Date of it Company			15 31		and date   Period not reckoning towards   ast drunk   freedom from extra line	Sheet No 1	Signature OC Company, etc		Character	*
		Place		Date of off-nee	Rank	Cases of drunken- ness	OFFENCE	Names of Witzenson	Possiment awarded	Date of award or of order dispen- sing with trial	By whom awarded.	Remarks
(n	the	Field	26	Sep 41	Onr	Mil	MOAS AWL in that he absented himself without leave from the parade at 0500 hrs 26 Sep 41, antil reporting at 0615 hrs, 25 Sep 41 (Sec 15(1) AA (Time absent 1 hr, 15 min)	BMS Oleson BJ FBSM Daroin H G	7 days C.B.	27 Sep41	Major R M Jones OC 107 Fd Bty	aça awws
n	the	Field	25	00t 41	Gnr		woas Disobeying a lawful cond given by his superior officer, in that he, at KINFIELD, BUSKEX on 29 get 41 did not return his wan to the wagon lines, after being ordered to do so by It J C Borrison (Sec 9(a) AA)	Lt J C Morrison Buss Cleson L/Sgt McLoss D,Mg		30 Oct 41	Major R M Jones 00 107 Hty	IPTO

Place	Date of offence	Rank	Cuses of drunks to new	OFFENCE	Numes of Witnesses	Punishment awarded	Date of award or of order discussioning with total	By whom awarded	Renarks
ield 30	-5-43	Car		MGAS A'L in that he absented himself without leave from 2359 hrs 30 May 43 until 0805 hrs 31 May 43 (absent 8 hrs, 6 min) Bec 15(1) AA	B:M Herity J D	2 days CB	31 May 43		Forf 1 days pay FREI 149(1)(a)
				CERTIFIED TRUE COPY OF REGIONS "W C Taylor" (W C Taylor) Capt RGA		MY CUSTODY.			

5-1-65 Pt Quindon, J. M.

		Name and Address of the Owner, where the Owner, which is the Owner, where the Owner, which is the Ow	EDULE.
	PART I.	PLEA(S), FIN	DING(S) AND SENTENCE.
consed: 2/3928	7 44	yozega	haurice Suindon CIC x4 list 13C
Charac	Plea.	Finding.	
Charge.	Pitta.	Finding	
(Insert " alternative " where applicable.)	(See Instrs p 2.)	(See note below.)	(Space for use as required for further charges, occused charged jointly, special findings, etc.)
m - 0 / x	Quilt.	Quitt	apecial flodings, etc.)
int H.A. Lee 1571).	1 min	July	
Ind	Annie (Annie	1	
5rd			
ith			
5th			
6th			
	F 44 and MML p 752	and in last of his see	; Fib-dings emfaltamative charges see MML p 482 [n 4 pace 2, RF 44 ; hRF 44 [n 6.]
At present under seutens	e for		boginning on (date)
			See 6.9 46(A) Information should be found on MF 5355 or AF 52963  19 days, of which . Mak. days were specific in hospital (*
(1. See RF 40(A)	fis 2. Information sho	cald be found on MF B.	1355 or AF B290 admitted in evidence under E2.)
Sentence Awarded by th	e Court :		
	200		age get to
	004	mourge y	o Days Detention
			1 11 ,00
10-31		97/9	at 10 ms Thremichael has
(Sgd) Judge-Advoc	ate, if any.	Date	awarded. President. (AF 45, 50.)
	(See back of Co.	nrening Order as to as	szembly and disposal of recorfiction trial.)
210211			
PART II.	INUIE WHI	HE CONFIRM	IATION RESERVED. (AA 54(5), RP (20(F), MOVE, p 760.)
Date0	Sgd)		Commanding
PART III.	DECISION OF	CONFIRMIN	G OFFR ON FINDING(S) AND SENTENCE.
confirmation and can	not be revised : AA	54(3), Sending back	-So. 120. IAMIL 80 759-761, KR Cas So7-577. Acquirests require to finding as sections for revision by Caset: AA SA(2), RP (2005), If A. Minute of confinention or non-confirmation may be altered before tion: KR Can ST3. Duties and powers af reviewing offer: AA ST,
promulgotion: RP 5.	I. MML p 65. Que a Confirming Offic m	shing ofter promulgat ust sign here porsonal	tion: KR Can ST3. Duties and powers of reviewing offers: AA ST,
My decision on the			
	17	, .	
	Show	himed	
	VVI	ymen	M
I direct that the a	coused be not a	ministed to prin	ness on detention barracks 2392 forther orders (1)
	1		(Set) / I Haggaine.
Date L	NO HS		COMPANY THOOPS AREA,
		Com	mending FIRST CON. ARMY
-			Confirming Officer.
PART IV	PROMUI	GATED AND	EXTRACTS TAKEN. (84 S3, KR(Com S76, S77.)
Accused.		Date.	Signature of Offic.
59217 Pt I	window f.	H. 7 N.	NAS SHIPPERSON
			132087

RECORDED AT CMHO IN AS 150 1 5 V- 6 P FIELD GENERAL COURT-MARTIAL TABLE AND -4. thynn Lt. Col. ACCUSED. Confirmed (As to the trial of two or more charged jointly see RP 16, 71, 109. As to reasons for showing (a) permitank, and (b) appint, Ajrank or Ajappint, if any, see AA 182, 183, fns, KR Can 306, 328, 330.) Number. (a) Prmnt R. (b) Appmt, A/R or A/Appmt. Full Christian Names Unit. Ege X4 list Joseph maurice & undon 4 088. Bn PROCEEDINGS OF TRIAL. Holland Held in the Fd in (country) .... RECORD FORM A-OPENING PROCEEDINGS AND ARRAIGNMENT. 88 08 . Al. The President, Members, waiting Member, JA, if any, and Offrs under instr, if any, assemble, and the PRINTED MATTER, NOT IN ITALICS FOR GUIDANCE, WILL BE DELETED, IF NOT USED OR APPLICABLE, AND INITIALLED OF PRES OR LA. The Schedule referred to throughout is on p.4. Citatains de NOT include all referrants. And introduce on procedure when a variation is this form arises, see form for CCM in MANL pp. 741 to 725. A brief record of such variation will be made and given a number having reference to appropriate or procedure procedure having. See book of Convening Order. CF ASS, for each and instruction the record addingses, evidence, site, which costs are horizontain and provisions for conducting the trial use AA S3, RF S6, 63-70, 73, 74, 94, vi3. 517, 132.) A2. The President initials and lays before the Court the Convening Order and Courge Sheet(Fattached thereto.(\*)
The Court is sentimed that it is properly convened and constituted(\*), accused is (\*\*) animable to military law, and
and observe disclose an office a set. (). As to us of Summery of Evidence see RF 17 to 2. 2. As 48, 30, 8F 105-107. 2. 8F 11-12, 23, 24.)

A3. The Court is opened. The accused is care; brought before the Court. At 10.00 hours trial commences.

A4. The Prosecutor produces a Medical Certificate that accused is (arc.) fit to undergo trial by court-martial.(\*) The Prosecutor informs the Court that accused elected to be tried by court-martial instead of being dealt with summarily by the CO.(\*) (). KR Can 557. 2. AA 46(8), RP 60 fn 1. For effect see KR Can 563(c). Delesse, if not opplicable.) A5. President to accused: Do you object to The Interpreter is sworn.(1) Do you object to (). AP 72. Delete, if none employed.) A6. The Convening Order and names of the President and Members of the Court are read to the accused (\*)
President to accused: Do you object to be tried by me as President or by any of the Members of the Court \* O. RP 110. 2. If no objection, writing marmber retires. NP LBURS: If objection, we procedure AA 51, RP 25, 71, 18, MANL 9 742.) A7. The President, Members, JA, if any, and Offre under instr. if any, are sworn.(1) The following are the 96 armichael 174461 X4 RCE. 13CBR Com. 3. R. Sanderson C. R. 13C B.R. an. Mounber Minerobuse Judge-Advocate Prosecutor Defending Offr Questions by President: Is the Prosecutor a lawyer ! Ans 10 Is the Defending Offr a lawyer ! Ans 10 (2) (i. NO 26, 27, 109, 111. List of offer under inter will be returned unparently with percendings for information of Care Offe.)

(i. If Print a lower and Self-Offe, set, organists are objected to go objections when NP 09 (3) and for 2 were not followed. See Gig & 2.)

AS. This accounts: (III followed for followed for the followed for good followed followed for good followed follo (1. If a special plac is made for supported trial on one or more charges (AP 62(E), 108), or on to the jurisdiction of the Court (AP 34, 35(A), 119), or in her of trial (AP 36), or as to occused a mental fitness to stand trial (AA 120, AP 57), or by one of social coursed charged pointly to be street separately (AP 16, 75), such place, the outstreads made in support or against, the engineers, if social engine our rescribed per Mass. For farms of recent see references in this to half cited, linear in AB name and the occused paging the place.) All. The accused is (are arraigned (superstely) on all charges in the charge sheet. (1) The accused does (in) and object to any charge. (1) There is no amendment to be made to the Charge Sheet. (2) The President records the place on Part I of the Schedule. (1. 8P 31. 1/2. See pure 1 of Sector p 2. William more than one Change Sheet see RP 62, when several occused to be bried exponenting see RP 11(C), and one supportion couples of CF ABS to record proceedings. 2. RP 32. RF 33. If otherwise, delete and make applyinghole record per Notes.)

Add. The Court is closed and; considers the Instrs on Procedure after Armignment at top of p 2. The pro-

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

tings are continued on Record Form D .

ALL DELETIONS AND ALTERATIONS WILL BE INITIALLED.

# INSTRUCTIONS ON PROCEDURE AFTER ARRAIGNMENT.

- 1. 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 withdrawal of alternative charges by Prosecutor see RP 35(C). No other charge can be withdrawal for any reason without authy from Convening Offir. If Convening Offir concurs, Court may accept plea of Guilty to lesser, for any reason without authy from Convening Offir. If Convening Offir concurs, Court may accept plea of Guilty to lesser, etc. offence. (RP 44(H).) Accused may change a plea of Not 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
  - 1. 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
    - (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 New Gastly to discretion or, (ii) to record the pleas as the findings of Court. After deciding between (i) and (ii), Court will proceed under foregoing insirs as may be appropriate to result of its decision. See MML p 744 Eastes (2).
- 2. As to responsibility of President to accused see RP 59, 66(C); powers and duties of JA see RP 103; duty of President see RP 90(A) (B); duty and privileges of accused see Defending Offr see RP 60(C), 87(C), 91, 92; sometring and withdrawood of witnesses from Court see RP 81, 82; questioning of accused see RP 80, 87(C), 92(B), and of seasons see RP 80, 87(C), 92(B), and of seasons are RP 81, 82; questioning of accused see RP 80, 87(C), 92(B), and of seasons at Trial see RP 31, 85; calling or re-calling of witnesses by Court, etc., see RP 75-79, 86, 116; see of Summoury of Evidence at Trial see RP 31, 85; and responsibility of L1 or Power RP 31, 80; and responsibility of L1 or Power RP 31, 80; and responsibility of L1 or Power RP 31, 80; and responsibility of L1 or Power RP 31, 80; and see RP 31, see RP 17(E) In 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 charged (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 charged call witnessess as to character and make an address in mitigation of punishment.(2)

  (2) RF 35 fc 3. 2. MML p 54 pare 47.)
- President to accused: The Court will now receive any statement you desire to make in reference to the B2. President to accused: The Court will now receive any statement you desire to make in reference to the charge(s).(4). If it appears from your statement that there are direumstances which indicate that you do nest understand the effect of the pice of Guilty(\*), or which show provocation or extenuation in respect of which in year enterest the witnesses for the Prosecution should be examined(\*), we shall advise you to change your pice at Not Geslity. 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 pice. If, however, it appears to the Court that your statement in evidence against you after you change your pice. If, however, it appears to the Court that your statement is evidence against you after you change your pice. If, however, it appears to the Court that your statement is evidence against you after you change your pice. If, however, it appears to the Court that your statement is a pice of the pice of the change your pice. If you are liable, you will not be advised to change your pice and you 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 t Ans. 20 11. RP 37(b). 2. RP 37(D) fn 6. 3. RP 35(B) fn 5 pers 3, MML p 54 pers 47. 4. See pers E3 of Record Form E.

5. Septembers, if any, recorded per Notes.)

- B3. The Court considers the accused a statement (\*). The Court decides (not) to advise accused to change his the (their) please) on charge(s). Past I of the Schedule is attended accordingly?.

  (F. Court may be closed to consider the statement. Delete whole or part not used.) plants) of Guilty to Not Guilty on ...
- B4. On the charges to which the please of Guilty is (20) not changed the President records findings of Guilty in Part I of the Schedule. (1)

  (1. 89 15(8) If any please) is (are) changed, use Recard Form C or D as appropriate.)
  - B5. The Summary of Evidence is marked Ex A., initialled and read aloud by the President (1) (1) If there is no Summary, or if it is inadequote, comply with 89 37(8). If there is no yes ideac; ascumintent with any piece standing of Guilty. Case will obvice accused to change such piec and, if changed to Not Guilty, try such therefore, because of percent D in D6 inclusive of Record form D on p 3. Re 37(Ch).
- 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.

- C1. As to the charges on which accused pleaded NOT GUILTY the trial is continued by using paras D1 to D8 inclusive of Record Form D on p 3 before proceeding with CP.(\*)
- by using paras B1 to B5 of Record Form B above. 19

  If the charges on which accused pleaded GLIFFT hare read to him (them) again, and the trial is continued,
  by using paras B1 to B5 of Record Form B above. 19

  If the base of the charge deal with under G2. If any plea is
  charged to bis Guilty, trial-interior proceed by complying with pares D1 to D6 inclinive in Record Form D on p 3 and making an
  operation regard white on a separate sheet.
- The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using

# PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

# RECORD FORM D-PROCEEDINGS ON PLEAS OF NOT GUILTY TO ALL CHARGES. Pin here Those Sheets of Record.

- D1. President to accused: Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been provided thereby, or on the ground that you have not had sufficient opportunity to prepare your defence ! Ans./

  - D2. The Prosecutor makes (an) (no) opening address (1) (t. RP 39(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. RF 39(C), 114, ER Con 555, Record evidence per Notes. As to Prosecutor giving evidence himself see RF 39(D) (E).)
- D4. The Prosecution is closed.(\*) 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 re-opened, and the President announces that the submission is closed, and considers the submission (\*)
- charge(s), and allowed on the charge(s), and that, accordingly, the trial will proceed on the former, but the accused is (are) found Not Guilty on
- ther chargoth).(\*)

  (1) Delete remainder of this boro, if submission not made.

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

  3) RP 40 fn 1. See MML 9/3 pares 12-14 and p.81 pares 42.

  4) Delete part not used. If accused acquiting on all charges use ascand distinction how D6.)

  NB. If that presents occurred must be olivered great instead on making his defence, and the Court should not stop his defence ester on ground of irrelevance.

  (RP 60(C), 1/4, 1/3.)
- D5. President to accused: You will now process with your defence. (!) You may, if you wish, give evidence recif on oath as to the facts or your character or does, in which case you will be subject to cross examination of may, however, make a statement without being second, and you will not be subject to cross examination of a statement which could have been made on on hard not carry with the Court the same weight as aworn testimony of a may call witnesses in your defence and as to character, whether you give evidence or make a statement or do

President to accused: Do you wish to give evidence yourself as a witness, make a statement, or do ...... Do you intend to call witnesses on your behalf !

- (I. AF IIS. 2. AF 40(4), see 80(3). 3. AF 40 (6 IO. 4. AF 40 (68 2.9.)
- D6. Consequent on the players recorded in para D5 the appropriate procedure for the defence is followed.(1)

  (1 RF 114, 185, 114, for procedure see Notes on back of Convening Corder, CF A55, Evidence for occused on to bit

  choracters should, if in his Atterest, be given before the (inding.

  of Record Form E. Registed per Notes addresses, statement, evidence and any summing up by the ja under RP 42, (03(a)).
- 1)7. 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.(1) The Court is re-opened.

  (1. 87-4) (17.8) See Notes in Part 1 of Schedule.

  2. 89-44(A).)
- DS. The Desident announces the finding(s), if say, of Not Guilty, and states to the accused that the finding(s) w Court of the
  Or. The President announces that the accused as found Not Guilty on all charges and is to be released forthwith.

  The President announces that the accused as found Not Guilty on all charges and is to be released forthwith.

  That the proceedings are accordingly terminated. Part I of the Schedule is dated and signed (F).

  As \$4(3) (S). \$7 45, 100(4).

  As \$4(3), \$8 45, 117, This alternative consumers is set opplicable when them

  The piece of Guilty sectioning and depth with under facing home B of C). of the Court on the
- Do. The accused having been found Guilty on one or more of the charges, the proceedings are out

# RECORD FORM E-PROCEEDINGS ON CONVICTION BEFORE SENTENCE.

- E1. Provident to accused: Do you wish to give evidence yourself or to call any witnesses as to your character 1(\*)
- (). If evidence has already been given by accused or his witnesses as to his character, delete this sore. RP 37 (C) fo 4, 46 fo 1.

  Accused and witnesses are own. Evidence recorded per Notes.)
- E2. The Prosecutor produces Statement(of as to Character and Particulars of Service(1), and certained true E2 The Prosecutor produces Statement(pf as to Character and Particulars of Service(1), and certified true copy (copies) of Conduct Sheet(sit), 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 to the accused, because (i) they purport to be signed in the manner required by AA 163(I) (g) (h), and (ii) they purport to refer to (a) subdier(s) having the same number, rank, mane and corps as the accused. Admitted in evidence and marked Ex. B. and Ex. C. respectively x?)

  marked Ex. B. and Ex. C. respectively x?)

  marked Ex. B. and Ex. C. respectively x?)

  pars 1:
- E2. President to accused: Do you wish to address the Court on the Statement and Cominct Sheet of and in quantum of punishment (1) Ans. miligation of punishment 1(1). Ann.

  (1. All 20(C), 46(O). 2. Asserts, if one, recarded per Notes. Court should permit occurred or an oath onething here or previously stored which would affect the amount of punishment. RF 20(F) to 7.)
- E4. The President states that the Court is closed to consider the sentence, and that the sentence to be awarded Court, being subject to confirmation, will not be announced, but will be promulgated later, and the flugs in open court are accordingly terminated. (\*)
- E.5. The Courst considers the sentence.(1) The President records the sentence in Part I of the Schedule, which is dated and signed by him and the JA. if any (2) and (3) are someoned only, comprised of the purishment or questionness to the sentence of the purishment of the control of the purishment of the purishment of the control of the con

# PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

# FIELD GENERAL COURT-MARTIAL

(Whether the occured to be tried is under his came or not, a FGCM may on application to him be convened by any offr of Cdn Army Dimerators, or any other force if authorized in low, in immediate came of troops on active service, subject to RF 105(C) and restrictions imposed by approximate outhy. As 49, 50, RF 104-107, 114. As to the duties and privileges of the Convening Offr in dealing with the applications see MML Chap V parson 20 and 23, RF 87(8).

There should be a separate Convening Order for each person to be tried separately by the same Court. RF 71(C), 109. As to separate changes sheets the RF 20 and a to separate train on charges in the same charge sheets the RF 20 and a to separate train on charges in the same charge sheets. As to treasons for showing (a) permanent or confirmed rank, and (b) appart, A/rank or A/appmt. If any, see AA 182, 183, fns, KR Can 308, 328, 330.)

### ACCUSED.

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

## CONVENING ORDER.

- 1. Whereas complaint has been made to me, the undersigned, that the person(s) named above as the accused, being subject to military law, has flame; committed the offence(s) set forth in the Charge Sheet(s) attached and on leading subject to military law, has flame; committed the offence(s) set forth in the Charge Sheet(s) attached and on leading subject to military law, has flames and on leading subject to military law, has flames and on leading subject to military law, has flames and on leading subject to military law. Martial"
- And whereas I am of opinion that it is not practicable that such offence(t) should be tried by an ordina-court-Martial; (and that it as not practicable to delay the trial for reference to a superior qualified offs.) (Delete part is brockets when not required for compliance with \$F [05(C).)
- 3. Thereby convene a Field General Court-Martial to try the said person(s), and to consist of the Offes appointed or detailed hereunder.
- 4. I am unable to appoint (a) three Offrs to form the Court, (b) a Fd Offr as President, for the reasons I have attachesi hareto. (AA 49, RF F06(B), 107(A). Delete the whole or part, if not applicable.)
  - 5. I also appoint as Judge-Advocate thereas the Offr mentioned homender. (A) 10c(E). Delete, if none appointed)

## PRESIDENT

Ma 10P (fank.)	J. H. CARMICHAEL (Must be somed. RP 106.)	14 9CE 13 CET 9
100	MEMBERS.	
		CIO PE. 13 UNE S
(Rook.)	(Named or detailed. AF 106.) WAFFING MEMBER.	(Line)
I_t (Aank.)	(Nomed or detailed, if any. AF IGE.)  JUDGE-ADVOCATE.	CIO RE. 15 CUOS
(Rack.) On Active Service in the I	102 (Must be named, if are. 10 (06)  P	4+ Park
in Holland (Country.)	(Signed personally, no rote 2)  T/G and - 2 can have T	(Renk.)
Date 25 0CT 45	Commanding Convening	AND DESCRIPTION OF THE PROPERTY OF THE PROPERT

CONVENING OFFR WILL INITIAL ALL DELETIONS AND ALTERATIONS

4/38ACFARS (In Hell of AFAS)

(See overleaf for ouths and notes for use an crist.)

HEADQUETT IS 13 CANADIAN BASE REINFORCEMENT BATTALION

2 C. B. R. Gp.

# MEDICAL CERTIFICATE

I certify that I have this	day examined Dogg Dogg Dogg
OUNGON OF St. Rft Bn., 2 C.B.R. Gp. and find him books.	to undergo trial by Court Martial.
36 00665 1948	М.О. 13 С.В.R. ВВ.

\*

Plea of Bridgation Ste Guinday Las ben in the server, for my two and one half years, arriving in U/11. May 44 and coming with the Chandlers, until hostileties had reased in heary this year I'm made is a good log lime to be spirit in a theater of operations like it was in N. W. F. during those months. It her Guinter direct at this Do. he asked if it was possible to be put a a P. E. Job The was told Wat

they would try and find him a fot but nothing ever care out of it they did not say yes a now but continually put him off. although pleating quilty to being 17. w. 1. for fore days, the reason he did 10 Ft. W. L. was because he had asked his Och Light for A 72 h. pass, and was refused to reason he was refused or pass, was because he tak finished F.P. but a short time ago, and his tel Agt refused to gue him on from on these grounds. Why should be be refused a pass, he had seved his actions and at the time of when for a party he hose a solder of any other

eality, he had served his sentence, why though it back in his face. In summing up, of would like the court to take ento consideration, that Guiston has already been under close arrest for 19 days, and he was H. W. L. but 5 days. This M. F.M. 6, is not too had, with only me fremon 1. 6. C. M. actioned he has not a great hear of points, he would like to get back home in order to assist his matter the las so factor will bet one brother at love to word in the family, and this is continuelly on his mind Clark Popl

SUMMARY OF EVIDENCE In the case of D 139287 Pte Joseph Maurice GUINDON, (X-4) List CIC on strength 13 Canadian Base Reinforcement Battalion, 2 C.B.R. Gp., a soldier of the Canadian Army Overseas By direction of the Commanding Officef the Summary of Evidence is taken under oath. H 45521 Sgt MORICE F.C., PE 1 Coy, 13 C.B.R.Bn having been duly sworn states as follows: First Witness Prosecution I am H 45521 Sgt MORICE F.C., PE 1 Coy, 13 CBR Bn. At 0830 hrs 2 Oct 45 I called the roll of 1 Platoon of which the accused, whom I now recognize, is a member. He did not answer his name. I checked the Coy lines but the accused could not be found. He did not answer his name on any roll call nor attend any parades from that time until 0830 hrs 7 oct 45. At that time and date, the accused reported to me from ASL. I placed him under close arrest and had him escorted to the unit guard room. The accused declines to cross examine the witness. # 6. 0/// ouce H 45521 Sgt MORICE F.O. 4175521 The accused was cautioned as follows: "Do you wish to make any statement or to give evidence upon oath? You are not obliged to evidence upon oath? You are not obliged to say snything or to give evidence unless you wish to do so, but wantever you say or any evidence you give will be taken down in writing and may be given in evidence. The accused declines to make a statement and reserves his defence. I certify that the foregoing Summary of Evidence consisting of one page, was taken down by me in the presence and hearing of the accused and that Rule of Procedure 4 (C) (D) (E) and (F) has been complied with. (W.I. LISCONDE) Capt. Officer detailed to take In the Field 10 Oct 45 the Summary of Evidence

# Statement as to Character and Particulars of Service of Accused.

Number D1 39287 Rank	Pte Nam	. GUINDON	J.M.	Regiment	(or as	the care ma	y hat
13 Canadian Base	Reinforcement	Battalion	, 2 C.E	R.Gp			

1. The following is a fair and true summary of the entries in the regimental and squadron, battery or company conduct sheets? of the accused, exclusive of convictions by a court martial or a civil court, of summary awards under section 43 of the Army Act, and of cases in which trial has been dispensed with :—

he Army Act, and of cases  SOTE.—As a trial by  Drid general court  martial this sum-		7ithin last 12 months.			Since Enlister	uent.
mary may be com-		min and an institution				
martial this sum- mary may be com- piled from the field conduct sheet.	For Sec	15 (1) AA	5	times	9	mimes
mentioned should be	For Dec	12 141 141				
produced in court with this atafement but not amounted to the proceedings.	For Sec	24 (2) AA		times	1	times
1 Sec para, 677, K.B.,		40 44	,		4	times
The manders herein stand should core- used with the	For Sec	40 AA		times		and a
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2. Whe speciment of	CHEKERS ARRESTED AN	emerical xx (u)			47 - 5 - 6	
numicus empriction	st of the accused by a c	court martial or a civil of	ourt, summary as	wards under M	ection 47 of 48	ic summy
Act, and dispensations wit		-Cab- Army A-2	et out in the sch	edule annexed	to this statem	pentut.
3. The accused in	not under sentence at	the present time, at the	E REMER BY THE	римилива	is runifer research	macatay <sup>et</sup>
						days
4. The accused h	us been in confinement,	awaiting trial on the pr	esent charges, so			
in civil custody, and	4	lays in military custody,	making a total of		*	days.
of schich	days were sper	ne in hospital.	il.			
		Zeloz d de sarvice	ps .			
			TO WHEE D	months		
5. The present a	ge of the accused accordi	ng to ms				
		attestation paper	Al.			
	TOTAL	Telen & or second	6 Feb 4			
6. The date of	I I - THE RESIDENCE OF THE PARTY OF THE PART	d in his	is 6 Feb 4			
C. THE SHIP SE	attestation	attestation paper				
					as	
The latest of the	Marine Laborat All	and to reck to the total de	diletyn of the	dens ha had	KAZ /O	
8. The accused i	s entitled to deferred pay	or gratuity in respect of	E AER T	MOHO	service.	
	4					
9. THEFTERES	EVERTER AS TOTAL		ансенове <b>р</b>	startery a reserve	面:::: (100 / 100 /	Bullett, ACRET
in. The accessed	is in possession of, or in	ercied to, no military des	Control of mount	Onner to	Ster OF	S86 # 03
entitled to (1909 any mo	lisary deconation or rewa	1939-45 Ste	r, France	Germani	3001, 41	
ST. CENTRAL SA	REAL PROPERTY AND A STREET	STEE EXPENSE AND AND ADDRESS.	REPRESENTATION OF THE PERSON NAMED IN COLUMN 1	O REFERENCE LONG	NEW YORK PARKET	MARIE BERES
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WLSDAN/159 20M. 5/66. P. Lad. TSt. 5.

lin the rank of In the rank of CONTRACTION—If any matter in this of the above prographs cannot be called from the first the case of a soul by finite general communical the information may appear or reserved amended accordance of the contraction of the c 60 days Schedule of Convictions by a Court Martial or Civil Court, of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with of accused. Regionent (or is the case may be). (INSTRICTION A serbation extract from the regimental bushs, stating these consections and dependations with total most be invested y. with trial is a true extract Sentence of the court or authority disposing of the charge. ader of the dapensing authority. for a period of 6 Nonths Detn of 15 U.B.R. Bg I BEREBY CERTIFY that the foregoing schedule of convictions and dispensations from the regimental books in my custody. that convicted, or in respect of which J. 16. (2) AVL (10 days 15 hrs] F.G.C.M. Field 20 Jan 45 (1) ANL (23 days 3 hrsj NOCHIDO Get 45 day of tried, or states of summary award units, or states of summary award under the charge on the charge or the charge or the charge with trial NoD 139287 Rank Pte 124 Signed this

Date of last er Company Con				or Company   and date   last drunk	Period not reckoning towards freedom from extra fine	enlistment Sheet No	Badges   Signature OC   Company, etc	Proficie	noy Pay	AFR 122) 10/1/85/188 (2428) OF
Place	Date of offence	Rank	Cases of drymken- ness		OFFENCE	Names of Witzensea	Punishment awarded	Date of award or of order dispen- sing with trial	By whom awarded	Remarks
Farnham Qu	s She	est No	1 d	estroyed on 6	Aug 43 completion	of six month	s service after	r dete of	enlistmen	t
Sorel Que	43 Mar	Pte		AA Sec 15 AWL to 2105 hrs 1 days 23 hrs	from 22 hrs 8-3-43 7-3-43 (absent 8 5 mins)	Pte Panel R Pte Verreaul	14 days detn	18-3-43	THE RESERVE OF THE PARTY OF THE	Forf 9 d
Fernham Qu	allau 43	Pte.		Losing by neg clothing and for the amoun	lect his equip ent regi ental necessar t of \$9.47 AA Sec 2	Clas Machieu 16s 4(2)	5 days sum forf	17-8-43	Gol A.T.	Pay the of charge
Farnham	23Aug 43	Pte		AWL from 0100 1400 hrs 23 A (Absent 13 hr	lrs 23 Aug 43 unti ug 43 AA Sec 15(1) s)	1 L/Cp1 Nolen	Adm	24 Aug (	ontbriand	Auto For days pay

Place	Date of officion	Rank	Cases of dronken- ness	OFFENCE	Sames of Witnesses	Punishmeni awarded	Date of award or of order discen- sing with trial	lty whom awarded	Remarks.	
Farnham	13Sep 43	Pte		Conduct to prejudice of Good Order of military Discipling held in open arrest AA Sec 40	Lt Dupras Egt Hibert	3 days C.B.	13 Sep 43	Najor C.E. Cousins		
ernhem ue	20Sep 43	Pte		Neglect to the prejudice of good order and Military Discipline held in open state arrest AA Sec   40		3 days C.B.	20 Sep 43	Major C.E. Cousins		
arnham	11,901	Pte		AWL from 0100 hrs 11 Oct 43 to 1400 hrs 11 Oct 43 Held in open a rest (Abs 13 hrs AA Sec 15(1)	Pte Gingres	5 days C.B.	12 <sub>4</sub> 90t	Capt J.C. Portbriand	Auth Ford pay FRAT 1 (A)	
Fernhem	25 Jan 44	Pte		Conduct to the prejudice of Goo Order and Military Discipline AA Sec 40	dSgt Dupuls A	5 days C.B	25 Jan 44	Capt P Pebert		

Flace	Date of offence	Bank	Cases of drunken- ness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order disper- sing with trial	ils: whom awarded	Remarks
Farnham	11Feb 44			AWL from PROC hrs 11 Feb 44 unti CO50 hrs 14 Feb 44 held in close arrest Absent 2 days 2 hrs 50 mi AA Sec 15 (1)	Doo Evidence	7 days C.B	14Feb44	Gapt 7.N.C Hebert	Auto For 3 days po FR&I 149
Field	26-6 45			AWL from 1330 hrs 26 June 45 til 1515 hrs 26 June 45(1 hr 45 min abs)	helor Ray	Represented	27June45		-

Place	Date of offence	Bank Cases of drunken-	OFFENCE	Names of Witnessee	Punishment awarded	Date of award or of order disputa- sing with trial	lty whom awarded	Memarka
ield	Bahov	Pto	on the 20 jan 45 tried by FGGM.  AA Sec 15 (1)  WOAS AWL from 0900 hrs 8 Nov 44  till 1200 hrs 1 Dec 44 Absence		Certified tr		em Dagt 11	
ield	21 De 44	p Pte	23 days 3 hrs AA Sec 15(1) WOAS AWL from 0700 hrs 21 Dec 44 till 2200 hrs 31 Dec 44 Absence 10 days 15 hrs		Book in my o	ustody	Capt Adjt	
		The same and the same on the	Find. Sentence conf by Comd 8CLB					
			Released Detn 26-5-45 60 days remission of sentence					

	Date of last Company Co				and date Period not reckoning towards set drunk freedom from extra fine	Sheet No	Signature OC Company, etc		Character	
	Place	Date of offence	Rank	Coars of drunken- mes	OFFENCE	Names of Witnessee	Punishment awarded	Date of award or of order disper- sing with topal	By whom awarded   He	emarks
	Field	21Aug 45	Pte		Absent from quarters from 2330 1 16 Aug 45 to 2230 hrs 20 Aug 45 (absent 3 days 23 hrs) AASec 150	Cpl Rioux	4 days Aut Forfeit 7 days pay	22 Aug 45	Lt Col CFL Roy	
lease	Field  from L C  Sep Sen	6-8 45 dn Det	Pte n & F	T Bks	1st charge Absent from quarter from 2359 hrs 25/8/45 to 2230hrs 27/8/45 Total Absence 1 day 22hr 29 mins AA Sec 15(1) 2nd Charge Improply dressed	E106706	Dont ahmant and		Major Mousseau	
xpir	ed Remiss	ion ea	rned	under	2nd Charge Improply dressed while on leave in Uk					
	y Prisons" ANTS initi		ys				Certified true		the original	

Pto Quinlan, 2.9.

# SCHEDULE.

Charge.	Plea.	Finding.	
(Insert " alternative " where applicable.)	(See Instrs p 2.)	(See note below.)	(Space for use as required for further charges, accused charged jointly, special findings, etc.)
AA Sec 8(1)	801Li4	TUILTY	
ad AA Sec 2(2)	+ VILLTY	fruit?"	
d AA (1063)	FULLTY	TUILTY	
	a Budhadanaran		
th			
th			
th			
(Pinte : As to l'is	udings for lesser offero	ces see AA 56, RP 44 , and in less of kit see	findings as alternative charges see MML p 483 in 4 para Z. 82° 44; 82° 44 in 63
			beginning on (date) (1
At present under senten  (1. insert sentence	Desing served, or delet	ne. If not applicable.	See RF 40(A). Information should be found on MF 8355 or AF 8299.3
N	willing removat t	rial-a total of	/ / days, of which /// L days were spent in hospital (*
(1. See RF 46(A Sentence Awarded by t		owed Sit Leveled on Wit D	1355 or AF 8296 admitted in evidence under £2.)
sentence Awarded by t	To col	2011	man hu per a
10 tonto			71070
hive of	tour	y (40)	Augo.
			VIAAA
		SNO	U145- Low Mean
(8gd) Judge-Advo	cate, if any.		awarded. President. (8F 45. 3E.)
Judge-Advo	(See book of Co	powening Order as to s	awarded. President. (RF45.3C.)
Judge-Advo	(See book of Co	powening Order as to s	awarded. President. (8F 45. 3E.)
Judge-Advo	(See book of Co	ervening Order as to s	awarded. President. (AF 45. 30.) usembly and disposal of record after trial.)  MATION RESERVED. (AA 54(5), RP 120(F), MAL p 780.)  Commanding
Judge-Advo PART II.  Date PART III.	(Sgd)  DECISION O  wers use AA 34, 57, R  monet be revised: AA  31, AM  32, AM  33, AM  34, 55, Co  10, Co  11, AM  34, 55, Co  11, Co  11, Co  11, Co  11, Co  12, Co  13, Co  14, Co  15, Co  16, Co  17, Co  18, Co	F CONFIRMING PROPERTY OF A 46(A), 5 54(B), Sending best on A 157 AMA 5 incoming after personaling distributions of the personaling after personaling after personaling after personaling after personaling after personaling	AVAIDED. (RF 45. 30.)  AVAIDED. (RF 45. 30.)  President. (RF 45. 30.)  AATION RESERVED. (AA 54(5), RF 120(F), MAL 3 780.)  Commanding  NG OFFR ON FINDING(S) AND SENTENCE.  11.56, 120, MAL 30 758-761, KR Can 567-577. Acquittels require no R finding or sensescent for residence by Court: AA 54(5), RF 120(6). If M. Ministel of Court : AA 54(5), RF 120(6). If M. Ministel of court : AA 54(5), RF 120(6). If M. Ministel of court : AA 54(5), RF 120(6). If M. Ministel of court indicates the non-confirmation may be oftened before toom: KR Can 571. Duties and powers of reviewing offrs: AA 57. min AA 172 fg 1.)
PART II.  Date  PART III.  (For duties and por confirmation and a not confirmed, con promongation : AP 37A, AF 53A 54.	(Sgd)  DECISION O  wers use AA 34, 57, R  monet be revised: AA  31, AM  32, AM  33, AM  34, 55, Co  10, Co  11, AM  34, 55, Co  11, Co  11, Co  11, Co  12, Co  13, Co  14, Co  15, Co  16, Co  17, Co  18, Co	F CONFIRMING PROPERTY OF A 46(A), 5 54(B), Sending best on A 157 AMA 5 incoming after personaling distributions of the personaling after personaling after personaling after personaling after personaling after personaling	AVAIDED. (AP 45. 30.)  AVAIDED. (AP 45. 30.)  AATION RESERVED. (AA 54(5), RP 120(F), MAL p 780.)  Commanding  NG OFFR ON FINDING(5) AND SENTENCE.  11.36. 120, MAL po 752-761. KR. Can 567-577. Acquittels require an a foliation sensors for resistance by Court: AS 45(1), RP 120(6). If 14. Minutes of confirmation are non-confirmation may be obtained before time: KR Can 571. Duties and powers of reviewing offs: AB 57. ally. AB 172 fol. 1.)  In Part I is:
PART II.  Date  PART III.  (For duties and por confirmation and a not confirmed, con promongation : AP 37A, AF 53A 54.	(Sgd)  DECISION O  wers use AA 34, 57, R  monet be revised: AA  31, AM  32, AM  33, AM  34, 55, Co  10, Co  11, AM  34, 55, Co  11, Co  11, Co  11, Co  12, Co  13, Co  14, Co  15, Co  16, Co  17, Co  18, Co	F CONFIRMING PROPERTY OF A 46(A), 5 54(B), Sending best on A 157 AMA 5 incoming after personaling distributions of the personaling after personaling after personaling after personaling after personaling after personaling	AVAIDED. (AP 45. 30.)  AVAIDED. (AP 45. 30.)  AATION RESERVED. (AA 54(5), RP 120(F), MAL p 780.)  Commanding  NG OFFR ON FINDING(5) AND SENTENCE.  11.36. 120, MAL po 752-761. KR. Can 567-577. Acquittels require an a foliation sensors for resistance by Court: AS 45(1), RP 120(6). If 14. Minutes of confirmation are non-confirmation may be obtained before time: KR Can 571. Duties and powers of reviewing offs: AB 57. ally. AB 172 fol. 1.)  In Part I is:
PART II.  Date  PART III.  (For duties and por confirmation and a not confirmed, con promongation : AP 37A, AF 53A 54.	(Sgd)  DECISION O  wers use AA 34, 57, R  monet be revised: AA  31, AM  32, AM  33, AM  34, 55, Co  10, Co  11, AM  34, 55, Co  11, Co  11, Co  11, Co  12, Co  13, Co  14, Co  15, Co  16, Co  17, Co  18, Co	F CONFIRMING PROPERTY OF A 46(A), 5 54(B), Sending best on A 157 AMA 5 incoming after personaling distributions of the personaling after personaling after personaling after personaling after personaling after personaling	AVAILED. (AF 45. 30.)  AATION RESERVED. (AA 54(5), RF 120(F), MAL p 780.)  Commanding  NG OFFR ON FINDING(5) AND SENTENCE.  11.36. 120, MAL po 755-781. KR Con 567-577. Acquitates require may be interested for revision by Court: AA 54(5), RF 120(5). RF 140(6) or sentence for revision by Court: AA 54(5), RF 120(6). RF 140(6) or sentence for revision by Court: AA 54(5), RF 120(6). RF 140(6) or sentence for revision by Court: AA 54(5), RF 120(6). RF 140(6) or sentence for for formation are non-confirmation may be cleared before tools (AC 60 F). Duties and powers of reviewing offs: AA 57, also part 1 is:
PART II.  Date  PART III.  (For duties and por confirmation and a not confirmed, con promongation : AP 37A, AF 53A 54.	(See back of Co	F CONFIRMING PERIOD (S. 46/A). 5 54(3). Sending bed on A 157 MML p touching after personal garden personal garden personal confidence are fortil	AVAIDED AND SENTENCE.  AND OFFR ON FINDING(S) AND SENTENCE.  AND OFFR ON FINDING OF COMPANY AND SENTENCE.  AND OFFR ON FINDING OF CO
PART II.  PART III.  PART III.  For duties and porcent confirmation and a not confirmation and a not confirmation on the street of the street that the street that the	(See back of Co	F CONFIRMING PERIOD (S. 46/A). 5 54(3). Sending bed on A 157 MML p touching after personal garden personal garden personal confidence are fortil	AVAILAND RESERVED. (AN SA(S), RP 12007), MAL R 780.)  Commanding  Commanding  NG OFFR ON FINDING(S) AND SENTENCE.  Str. Sc. 122, MAM. po 759-761. KR Can 567-577. Acquittata require in R Indiag or sentence for revision by Court: AN 54(3), RP 12002. R M. Manuta of confirmation are non-confirmation may be cliented before cross: KR Can STA. Duties and powers of reviewing offs: AA 57. ulip. AN 172 fs 1.)  In Part I is:
PART II.  PART III.  PART III.  For duties and portion and an and confirmation and a not confirmation on the street state.  Aircraft that the	(See back of Co	F CONFIRMIN  F CONFIRMIN  F ZIJO) fo 6.46(A), 5  Selija, Sending beci  an AA 157, Male 24  and a glar paramig glar paramig  glar paramig  glar paramig  (A)  (A)  (Co	AVAILED. (AF 45. 30.)  AATION RESERVED. (AF 54.5), RP 120(P), MAL 9 780.)  Commanding  NG OFFR ON FINDING(S) AND SENTENCE.  11.36. 120, MAL 90 755-761. KR Can 567-577. Acquitois require me is former sensors for resistant by Court: AF 540, NF 12000. If the Minute of confirmation or non-confirmation may be obtained before cancer. RR Can 571. Duties and powers of reviewing offin: AF 57. also 1.)  In Part I is:  A January Confirmation of the Conf
PART II.  PART III.  PART III.  For duties and porcent confirmation and a not confirmation and a not confirmation on the street of the street that the street that the	(See back of Co	F CONFIRMIN  F CONFIRMIN  F ZIJO) fo 6.46(A), 5  Selija, Sending beci  an AA 157, Male 24  and a glar paramig glar paramig  glar paramig  glar paramig  (A)  (A)  (Co	AVAILED. (AV 52. SE)  AATION RESERVED. (AV 54(5), RP 120(7), MAL p 780.)  Commanding  NG OFFR ON FINDING(5) AND SENTENCE.  11.36.120, MAL pp 755-761, KR Con 567-577. Acquitates require may be fined as sentence for revision by Court: AV 54(5), RP 120(5), RP 120(6),

ALL DELETIONS AND ALTERATIONS WILL BE INITIALLED.

Cond. Offic

A" Wing 9 Cdn. Report Dirnor

Control Mc Order of Brig TJ Ratherford, CBE, TComd Be Gp CRU dated 3 Nov 45 (OG DENVE A As to the trial of two or more charged jointly see RP 16, 71, 109. As to recisions for showing (a) permanent or confirmed a second (b) appare. A ronk or Alaphin, if any, see AA 182, 183, fns, KR Can 308, 326, 330.) Surname, Unit, Number. (a) Primit R. (b) Appint, A/R or A/Appint. Full Christian Names. W INLAW 9 Can Henst PROCEEDINGS REVIEW REVIEW NO DEFICER, JAG ER PROCEEDINGS OF TRIAL. on (date(N) 5 Hov. 45 RECORD FORM A-OPENING PROCEEDINGS AND ARRAIGNMENT. Al. The President, Members, seeiing 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 INITIALLED BY PRES OR IA. The Schedule referred to thingshout is on p.d. Crustions do NOT include all independs from ROs. For guidance on procedure when a selection in this firm arranal see from for GCM to MML pp. 741 to 757. A brief record of such vicinition will be mode and given a number having reference to depresents on procedure paid sumber having. See back of Convening Order, will be mode and given a number having reference to depresents on procedure paid sumber having. See back of Convening Order, will be mode and post on the mode of Convening Order, with the procedure and the mode of Convening Order, with the procedure and the mode of Convening Order. A2. The President initials and lays before the Court the Convening Order and Charge Sheet[s] attached thereto (6) The Cours is satisfied that it is properly convened and constituted(1), accused is (are amenable to military law, and each sharge discloses an offence.(2 (i. As to use of Summary of Evidence see RP 17 fm b. 2. AA 45, 50, RP 105-107. 3. RP 11-13, 23, 24.) A3. The Court is opened. The accused is (are) brought before the Court. At 19.30 hours trial commences. The Prosecutor produces a Medical Certificate that accused is (arter fit to undergo trial by court-martial. (\*)

The Prosecutor informs the Court that accused elected to be tried by court-martial instead of being dealt with / summarily by the CO (4) (I. KR Cam 557. 2. AA 46/F). RP 60 fn I. For offect see KR Can 563(c). Delete, if not applicable.

A5. President to accused: Do you object to as interpreter! Ans ...... The intermediate is assess.(1) Do you object tony ARSA RIS RINSED AREAs showthand writer F KES NATSAR.\*
The shorthand writer is sworn,(1) (). RP 72. Delete, if nane employed.)

A8. The Convening Order and names of the Fresident and Members of the Court are read to the accused. President to accused: Do you object to be tried by me as President or by any of the Members of the Court t

(ii. NP 110). 2. If no objection, waiting member retires. RP 60(8). If objection, see procedure AA 51, RP 25, 71, 18, MML g 7623 A7. The President, Members, 5th if any, and Office under instr, if any, are sworn.(1) The following are the ranks, mannes and units of the office comprising the Court, etc.

President	42-686	Links II f K 1927 CO V Section	Ly had beller
Maniber	MAJOR	F.M. DANIEL	9.C. REP DEP
Member	LIENT.	A.S. CHAPMAN	9. P. HEP DEP
Julige-Adventa-			
Prosecution	LIEUT	d. F. HIART.	9 C. REP. D
Defending Offr	- LIEUT	N.D. HOLMES	9. C. BEP O.
Owner, by Deni	Sout - Is the Prosperutor	a lawyer ! Ans A Q Is the Defending Offr	a lawyer ! Ans ACTL (9)

BP 26, 27, 1091, 111. List of affin under instr will be returned separately with praceedings for information of Cano Offic.)

# From a lowwer and Def Offic roat, accused is excision to an adjournment when RP BF (8) and in 2 were not followed. Set DI (§ 2.) before arraignment make(s) (no) [s] pies AS. The accused.

(1) If a special plac is made for supervise tried on one or more charges (RP 52)(2), 1009, or as to the jurisdiction of the Court (RP 34, 35)(A), 717), or in to not of their (RP 36), or as to an accused's mental finance to stand tried (AA 120, RP 57), or to so or of several occurred charged juestity as be untel separating (RP 16, 71), such plan, the addressors made to support or against, the evidence, if any, and finding the recorded per Notes. For finance of record one refinences in fine to RuP cited. Insert in AB rank and name of the accused moking the plan.)

All. The accused is tarel arrangeed (separately) on all charges in the charge sheet.(1) The accused does redorn not object to any sharps (1) There as no amendment to be made to the Charge Sheet.(2) The President records the piece in Part I of the Schedule.

RF 30, 112. See para I of linears p 2. When more than one Charge Sheet are RF 62; when several occused to be tried supportedly see RF 71(C), and use assumpts copies of CF AB6 to record proceedings.
 RF 33, RF 33, R atherwise, delete and matter appropriates record per Notes.)

Alti. The Court is closed their considers the linears on Procedure after Arrangement at top of p 2. The proceedings are continued on Record Form

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

### 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. 1. The accused may now plead or or joined vinity on more than one of two or more charges that in the ascernative, (RP 37(A)). As to withdrawn of alternative charges by Prosecutor see RP 35(C). No other charge can be seithdrawn for any reason without authly 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 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
    - (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 Outly thereto, or, (ii) to record the pleas as the findings of Court. After deciding between (i) and (ii), Court will proceed under foregoing instrs 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; oscaring and withdrawal of witnesses from Court see RP 81, 82; questioning of accused see RP 80, 87(C), 92(B), and of witnesses see RP 83.85; calling or re-ralling of witnesses by Court, stc, 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 unitigation of punishment.(\*)
  (1. RP 35 fn 3. 2. MML p 54 pers 47.)
- B2. President to accused: The Court will now receive any statement you desire to make in reference to the B2. President to accurate in low 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 plea of Guilty(b), or which show provocation or extension in respect of which in your interest the witnesses for the Prosecution should be examined(b), we shall advise you to change your plea 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 plea. If, however, it appears to the Court that your statement affects only the amount of parallelment 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.(\*)

President to accused: Do you wish to make a statement ? Ans. NO: 31R. 37(8). 2. RP 37(D) fn s. 2. RP 35(B) fn 3 pars 3, MML p 54 pars 47. 4. See pars E3 of Record Form E.

If any, recorded per Notes:)

- B3. The Court congriders the accused's stetement (1) The Court decisies (not) to advise accused to change his (their) please) of Guilty to Not Guilty on charge(s). The accord is (are) so informed, and be (they) ychange(s) his (their) pica(s) on charge(s). Part I of the Schedule is amended accordingly.
- (I. Court may be closed to consider the statement. Delete whole or part not used.) B4. On the charge(s) to which the plea(s) of Guilty is (see) not changed the President records finding(s) of Guilty in Part I of the Schedule (2)
  - (I. RP 35(B). If any piec(s) is (are) changed, use Record Form C or D as appropriate.)

Record Form E on p.3:

- BS. The Summary of Evidence is marked Ex/7. initialled and read aloud by the President.(1)
  (1. If there is no Summary, or if it is indequote, compally with AF 37(8). If there is any evidence inconsistent with any piece standing as Guilty. Cause will advise account to change such piece and. If changed to Not Guilty, my such charge(s) by use of parts 01 to 08 inclusive of Record form 0 on p 1. AF 37(0).)
- 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 accused pleaded NOT GUILTY the trial is continued by using paras Dl to D8 inclusive of Record Form D on p 3 before proceeding with C 2.(1)
- C2. The charges on which accused pleaded GUILTY are road to him (them) again, and the trial is continued by using paras Bi to B5 of Record Form B above.(1)

  (1. Under B5 such sects only of the Summerry of Exidence one shad on relate to the charges decit with under C2. If any size is charged to Not Californ, used thereon proceeds by goarding with bodgs DI to D8 inclusive in Record Form D on p 3 and making an appropriate record thereof on a separate signal.
- (3). The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using
  - PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

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

- D1. President to accused; Do you wish to apply for an adjournment on the ground that any of the rules. relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or an

  - D2. The Prosecutor makes (an) (no) opening address.(1)
    (1. RP 39(8), 60(A) (8), 90, 92(C) (D). Record address per Notes, subject as 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 is disallowed on the charge(s), and allowed on the charge(s), and that, accordingly, the trial will proceed on the former, but the agreed is (are) found Not Guilty on the latter charge(s).(4)

Arguments on symmetric pare, if submission not made.

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

2. RP 40 fn 1, See MML p 72 para 12-14 and p 81 para 42.

4. Delete part not used. If occused acquitted at all charges, use second alternative in para 06).

NB: If trail proceeds, occused must be allowed great latitude in making him defence, and the Court should not stop his defence salely on ground of irrelevance.

(RP 60(C), 114, 115.)

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 swdro, 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 yourself as a witness, make a statement, or do neither ! Ans. ..... Do you intend to call witnesses on your behalf ! Are they witnesses as to character only 1 Ams.
(I. RF 115. 2. RF 40(A), see 60(D). 3. RF 40 fn 10. 4. RF 40 fm 2.9.)

- D6. Consequent on the answers recorded in para D5 the appropriate procedure for the defence is followed.(1) (1, RF 114, 115, 116, Fog-bracedure see Notes on back of Convening Order, CF A95. Evidence for occused as to his character should, if in his interest, be given before the finding. See RF 464(8) in 1. Be(C). Note the further opportunity in para E1 of Record form E. Record per Notes addresses, statement, evidence and any aummining up the js. 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 Schodule.(\*) The Court is re-opened. (i. RP 42. iFT(A). See Notes in Part I of Schedule. 2. RP 44(A).)
- DS. The Prosident announces the finding(s), if any, of Not Guilley, and states to the accused that the finding(s)

D0. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using Record Form E below.

## RECORD FORM E-PROCEEDINGS ON CONVICTION BEFORE SENTENCE.

- E1. President to accused: Do you wish to give evidence yourself or to call any witnesses as to your character !(1) (I. If evidence has already been given by accused or his witnesses as to his character, delets this pare. RF 37(C) fn 4, 46 fn 1.
  Accused and witnesses are sworn. Evidence recorded per Niges.)

E2. The Prosecutor produces Statement(s) as to Character and Particulars of Service(), and certified true to copy (see its) of Conduct Shect(s)(?), 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(f) (g) (h), and (ii) they purport M to refer to (a) soldier(s) having the same number, rank, name and corps as the accused. Admitted in evidence and

marked Ex S and Ex C respectively.(\*)

(1. MFB 255 or AFB 296. 2. MFM 6. 1. RP 46, KR Can SSE. E above documents not produced, see AF 46 fo 1 pere 1.)

E3. President to accused: Do you wish to address the Court on the Statement(s) and Conduct Sheet(s), and in mitigation of punishments 1(1) Ann. Parky A. C. P. S. N. O. I. E. A. T.

(1. NP 2010). 44(D). 2. Asterns. If pay, recorded per Nobe. Court should permit occused or his witnesses to prove an each enything here or previously stated which would affect the amount of punishment. NP 20(5) fo 7.)

E4. The President states that the Court is closed to consider 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. As 5400, RF 120(A).)

E5. The Court considers the sentence.(1) The President recomfs the sentence in Part I of the Schedule, which is dated and signed by him and the JA, if any.(1)

(1) When several accused tried separately so RP 71 (D). One sentence only, comprised of the parishment or punishments included down in As 41, 44 and its powers, at the overrided to cover all charges in all charge sheets to which occure found guilty.

RP 43, as to sentence see A4 44, 126, 181, RP 45-30, 89, 118, 119/A9, 828 (2se 206, 230, 135-56). Overson RO 209, 2223, 2886, p. 63, 723-729. As to sentence accused for crist effects by the internet by an England as A4 4(1)5, 4841, p. 120. When accused annealy under sentence of imprisonment or denotion see A4 44(18), 48(1), 481, Car 254.

Carforning Office as KR 6cm 357. As to accumulate of accurate filter trial are internet as back of Convening Office as KR 6cm 357. As to accumulate of accurate filter trial are internet as back of Convening Office see KR 6cm 357. As to accumulate of accurate filter trial are internet as back of Convening Office.

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

The a coused, A-66228 Private Harry James SUINIAN, Canadian intentry Corps, on the strength of No. 9 Canadian Repairlation Depot, a soldier of the Canadian Army Overseas, is charged with:--

SEC 10 C) ARMY SET

When on Active Service, Resisting an escort whose duty it was to have him in charge,

in that he,

at London, on the 26th day of October 1945, when placed under errest by A-117894 L/Opt. Rehell D.J., resisted the escort by violence.

SEC 863

When on Active Service, Striking his Superior Officer, being in the execution of his Office,

in that he,

are London, on the Both day of October 1948, of the med in the groun A-117894 L/Upl Hoffell U-7. of the Bradish Proyest Gorps, who was estential in custody.

SEC 9(3)

When on Active Service, dischering a lawful command given by his superior officer,

in that he,

at London, on the 2cth day of Ostober 1985, did not take his proper place is a queue when an example ordered to do so by G-20669 I/Opl Robinson E.T. Canadian Frovest Corps.

(o. A. Wilson) Connember Con. Mapet. Deport.

In the Field,

First day of November 1945.

TO BE INTED BY PLEID SENERAL COURT MARTINI

In the Po

Mandely 1

3

# FIELD GENERAL COURT-MARTIAL

(Whether the accused to be tried is under his comd or not, a FGCM may an application to him be convened by any offr of Cdn Army Commence of any other force if authorized in law, in immediate comd of troops on active service, subject to RP 105(C) and restrictions imposed by appropriate author, and 49, 50, RP 104-107, 114. As to the duties and privileges of the Commening Offr in dealing with the application see MML Chop V paras 25 and 23, RP 87(8).

There should be a separate Convening Order for each person to be tried separately by the same Court. RP 71(C), 109. As to separate change sheets are RP 108. As to two or more accused charges jointly see RP 16, 109. As to reasons for showing (a) permanent or confirmed rank, and (b) appmt, A/rank or A/appmt, if any, see AA 102, 103, fm; KR Can 208. 238. 330.)

## ACCUSED.

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

## CONVENING ORDER.

1. Whereas complaint has been made to me, the undersigned, that the person(8) named above as the accessed, being subject to unitary law, has (have) committed the offence(s) set forth in the Charge Sheet(s) attached and on being subject to unitary law, has (have) committed the offence(s) set for me, "To be tried by Field General Court (date) at 200 March 100 March 200 March

And whereas I am of opinion that it is not practicable that such offence(s) should be tried by an ordinary Court-Martial; [and that it is not practicable to dries the trief for templance with RP 105(C).]
 Court-Martial; [and that it is not practicable to dries the trief for compliance with RP 105(C).]

3. I hereby convene a Field General Court-Martial to try the said person(s), and to consist of the Offrs appointed or detailed hereunder.

4. A sam unable to appoint (a) three Offra to form the Court, (b) a Fd Offr as President, for the reasons I have My attached hereto. (AA 49, RP IDE(B), IOT(A). Delete the whole or part, If not applicable.)

5. I also appoint as Judge-Advocate there at the Offe mentioned becomeder.

(89 (56(£), Delete, f core oppointed.)

## PRESIDENT.

	D L Redman, VD	
(Rank.)	(Must be named. RP 106-) MEMBERS.	
Lieus (Renk)	To be detailed by GO 9 Can Repair Dep. (Named or detailed. 8F 104)	. 9 Recet Dep
(ran-)	WAITING MEMBER.	
(Resk.)	(Named or detailed, if any. RP 106.)	(Sinc.)
, , , , , , , , , , , , , , , , , , , ,	JUDGE-ADVOCATE.	
(Roth.)	(Must be named, if any. RP 106.)	(ant.)
On Active Service is	a the Fd	6
in England (Country.)	Continue to 105 to 21	(Rank.)
Date S Nov 45	1 - t - t - t - t - t - t - t - t - t -	Officer.

CONVENING OFFR WILL INITIAL ALL DELETIONS AND ALTERATIONS

(See overloof for eachs and notes for the un friest.) 4/38ACPARS In lieu of AFAR

## MEDICAL OFFICER'S CERTIFICATE

M.R. (CAN) PARA 557

Date 5. Mov. 4.5 .... As isodical orrison

. AGORD PER QUIPLAN HJ --- 9 CDM REPAT DEFCT

### WITHHERE FOR THE DEPENDE

### FIRST LITTLES

The accused, No.A.68228 Pte quinlan, NJ, 9 Can herat Depot,

On the 26 Oct 45, just marrily after the pubs graned at 1800 hrs I went into the pub and I met one of the fellows from the Continent and we trank outil 3136 hrs. e drank or started to drink rints of biters and changed over to light class I believe I had a little bit of mirits, some pla. I left there are no ment down to the Stage Door Centess. I reme ber that I couldn't get into the centess and I tried to est he ame as a togged by the forman and he take me that I had to greate up. I asked him if I sould speak to the provocts and asked again if I could we he for a minutes. They maked me for a pass. I have then my years and the Tirat think I know one of the Francat attention to these me out, just outside on the walk I remained a blass on the side of the ear francate of the ground and after that I fon't remember beating and worked in a factory as a machine operator. I am unmarried with a category S-4 which I received from ocming out of the lines in 100 44. I had been S-1 before.

PLEA OF PITTORTION

E-MY

# PLEA FOR MITIGATION FOR A-682 28 Pte. Quinia n Har.

Harry Mames Quin lin joined the Canadian Active Army on the 19 of Feb. 1942. He arrived in England in June 1944 and disembarked on the shores of France on the 18 of July of the same year. Nine days later he joined the Highland Light Infantry regiment of Canada at the front lines. He served with the Regiment until 20 Jan 45, a period of seven months of continuous action, at which time he finally broke under the strain and was sent to the hospital. On the 30 Jan 45 his medical category was changed to that of S 4. He was held at base unit as unfit for reinforceme nt until 6 Oct 45, at which time he was sent back to England to 9 Cdn. Repat Depot.

During Pte Quinlan's military service of three years and nine months his crime sheat was clean except for one crime. That crime was being A.W.L.for 13 days during the Christmas and New Year season of 1944. There are very few soldiers, that, having the same length of service, can boast of such a good record.

For his service in the Canadian Army Pte Quinlin recieved the 1939-45 Star and the France and Germany Star and an S4.category.

Pte. Quinlin is single but at the same time he has his family troubles. His father, who is a carpenter works in a box factory, has a very considerable handicap in that he suffers from a double rupture. But despite that handicap he must keep working because Mrs. Quinlin (Pte. Quinlin's mother) has variouse veins and must have daily treatments which cost money. So it is only natural that this unforunate state of affairs at home has an delatorious effect on their son who is so far away from home in the pursuit of his duty to his country.

On the night of the 26 Oct. 1945 Pte. Harry Quinlin entered the Poplar House Bar (a public house in London) where he spent approximately three hours from 1820 till 2130 hrs, during which time he had several drinks. At 2130 hrs,he left the bar and went to the Stage Door Canteen in order to see an old friend of his. As he only wanted to see his friend for about five minutes he reasoned that he would not have to "cue Up". The doorman stopped him, so Quillin asked to speak to the provests on duty. The two provests did come and it was at this point that the unfortunate trouble arose. They attempted to remove him by force and he reacted in like manner. And it was out of the innocent desire to see a freind for a few moments that Pte. Harry James Quinlin came to the unfortunate position of being charged with three very serious crimes under military law.

It amy be noted here that there are some disrepiencies in the written statements of the witnesses. According to L/Cpl Mcneil's statement-"L/Cpl. Robinson started towards the door, and the accused walked over to the doorman and grabbed the doorman". And also in reply to crossens mination--" I was standing right beside you----the other Cpl was going for the truck". In L/Cpl'Robinson's statement he xxyx states"At the door I turned around and sat this soldier had hold of the door-man by the shouldzers." And in the Statement by the doorman, Sgt. Barber "They made a move to take him from the building and when he was passing me he made a lunge at me." Pte. Quillin only turned on the doorman after bodily force had been used, and the movement towards the doorman was in all likelyhood merely reflex action as the provosts were trying to force him out of the xxiiixg.building. From then on due to the effect of alcohol, worry concerning his parents, and his unstable mind(due to strain of modern warfare), Pte Quinlin was no longer responsible for

his actions. Physica I violence arouses the worst even in the most normal of human beings, so the effect must be even greater on one who in combination of alcohol, worry, xxx possesses a medical rating of Stability 4. Surely all one has to do is to read the statements of the witnesses to realize that Pte Harry Quinlin was not at that time a rational human being. How many of us would, in a normal state try to fight against such odds, as four presumably husky provosts? I am not censuring the Provost Corps when I say that at times they are a little rough, or perhaps undiplomatic might be a better word. But in dealing with a man in the condition of Pte Quinlin, more care must be ixxxx than with one who is entirely norma 1.

I am not condoning Pte Quinlin in his use of alcohol when he realized himself that he is not asstable as he was before he went into action with the H.L.I. But he did consume alcohol for a period of three hours.

The effect of alcohol varies greatly with different individuals as we all know. So consider what effect alcohol would have on a man with an S4. If he were stable under normal conditions, it would not have been so bad, but to start off with a case of battle nerves, add a limit quantity of alcohol, and the result would be almost a complete lack of self control.

Pte. Harry James Quinlin has served longand honourably in the Canadia n Army. He has almost a perfect crame sheet. He has recieved the 39-45 Star, and the France and Germany Star. And through no fault of his own his mental stability has been greatly lowered because of the very great strain undergone in the face of direct fire of the enemy. There are a great number of men who will never recover completely from the shock of comba t. Therefore it is our duty as Canadians to make allowance and help them as much as possible to become once again the normal citizens that they were before they answered the call of duty.

Pte. Harry Ja mes Quinlin pleads guilty to the three charges laid against him. He has committed crimes aginst the law governing all military personell. But I feel, and am certain that you feel the same, that he deserves the utmost leneincy in the punishments for his crimes. Military law must be upheld at all costs, but this is one case in which justice must surely be tarr to empered with mercy. This man has been mentally scarred while upholding the cause of freedom. Surely we will remember with gratitude his sacrifice and make allowances while he adjusts himself to a normal way of life. I maintain that Pte. Harry James Quinlin committed these crimes while temporarily under the influence of alcohol and in a condition of mental xxxxii instablility, thus rendering himself not responsible for his actions, and as such deserves the utmost mercy of the court.

(N.D. HOLMES)

Defending officer for 4-68228 Pte. Harry James Quinlin.

and

In the case of A-68228 Pte. Quinlan H.J., Canadian Infantry Corps, on the strength of No.9 Canadian Repatriation Depot, a soldier of the Canadian Army Overseas.

By direction of the Commander, this Summary of Evidence is taken on oath:

FIRST WITNESS FOR THE PROSECUTION A-117894 L/Cpl McNeil D.J., of the Canadian Provost Corps, having been duly sworn, states: "I am A-117894 L/Cpl McNeil D.J., a member of No. 6 Company of the Canadian Provost Corps, stationed in London. On the evening of 26 Oct 45, about 2115 hrs, I was at the Stage Door Canteen with L/Opl Robinson. The doorman asked us to help him to remove the accused whom I now recognize, because he had entered illegally instead of taking his rightful place in the queue. The accused was in the lobby when we approached him and told him he would have to take his proper place He refused and was given an order in L/Cpl Robinson. He would not go out. in the queue. my presence by L/Cpl Robinson. He would not go o L/Cpl Robinson started towards the door, and the accused walked over to the doorman and grabbed the doorman. L/Cpl Robinson took him out of the door and I helped him from the door. The accused began to fight and resist, kicking and biting. Two other Provests came to our assistance. The four of us kept pushing and pulling until we got him to the truck. He stood in the truck facing the street and told us to come in and get him, saying "Come on in and get me you dirty Provosts." As I was getting into the truck the accused kicked me in the groin. We got in the truck and had to hold him down until we got to our headquarters in Store Street, as he was fighting all the way. We took him in and upstairs was fighting all the way. We took him in and upstate a cell. When we asked him for his pervice book he said "Come on in and get it" and we had to open the door by force and go in after it.

The accused cross-examines this witness:
Q.1 What were you doing while L/Opl Robinson went out for the truck?

A.1 I was standing right beside you. I told you that you were under close arrest and that the other Cpl was going for the truck. You turned towards a group of American soldiers and said. "They are a bunch of chicken-shit bastards."

3/Cpl P | M-Mul A-117894 L/Cpl McNeil D.J.

My

In the case of A-68228 Pte Quinlan H.J., Canadian Infantry Corps, cm the strength of No. 9 Canadian Repatriation Depot, a soldier of the Canadian Army Overseas.

By direction of the Commander, this Summary of Evidence is taken on oath;

SECOND WITNESS FOR THE PROSECUTION

C-30669 L/Cpl Robinson H.J., of the Canadian Provest Corps, having been duly sworn, states: "I am C-30669 L/Cpl Robinson H.J., a member of No. 5 Company of the Canadian Provost Corps, stationed in On the evening of 26 Oct 45 about 2115 hrs I London. was with L/Cpl McNeil at the Stage Door Canteen. was coming up from downstairs when the doorman asked me if I would remove the accused, whom I now recognize from the doorway and tell him to queue up with the rest of those waiting. I told him it would be better if he of those waiting. I told him it would be better if he went outside and queued up as the doorman said, and then he could get in. The accused replied "In Canada we don't queue up; fuck them here, I'm going in." I asked don't queue up; ruck them here, I m garde up. He refused and I gave him an order to do so. He would not go so I I gave him an order to do so. He would not go so I asked him for his pass which he gave me. I put it im my pocket, telling him he was under close arrest, and that I was going for the vehicle. At the door I burned around and saw this soldier had hold of the doorman the shoulders. I ran for him and grabbed him by the shoulders. When we got outside on the curb he started to fight with me and we both fell on the curb. Logil McNeil came over and grabbed him by the left hand. accused began to kick, scream and bite. I saw him bite my partner on the shoulder. Half way to the truck L/Cpl Crozier and L/Cpl Dobson came to our assistance. We got the accused into the truck and he defied us to come in and get him, saying "Come on in you Provosts bastards". L/Cpl McNeil started to climb in and I saw the accused kick him in the grein. I got up on the left side of the truck and backed in so I would not get kicked. We all got in and held him down till we got to our Beadquarters at Store Street, where we handed him over to our Opl in charge of the detention block there. He still resisted while going upstairs. We got the soldier in the cell and someone asked us to get his paybook. He refused to give it to us, and propped his foot against the door and held it shut. L/Cpl McNeil started to open the door and I helped him. L/Cpl McNeil went in and got the paybook.

The accused declines to cross-examine this witness.

C-30569 L/Cpl Rebinson E.J.

MY

In the case of A-68228 Pte Quinlan E.J., Canadian Infantry Corps, on the strength of No. 9 Canadian Repatriation Depot, a soldier of the Canddian Army Overseas.

By direction of the Commander, this Summary of Evidence is taken on oath:

THIRD WITNESS FOR THE PROSECUTION

C-124340 L/Cpl Crozier R.K., of the Canadian Provost Corps, having been duly sworn, states:
"I am C-124340 L/Cpl Crozier R.K., a member of No. Company of the Canadian Provost Corps, stationed at London. On the evening of 25 Oct 45 about 2120 hrs I wasin the Stage Door Canteen with L/Cpl Debson. An airforce servicemen informed us that the Canadian alriorce serviceman informed us that the Canadian Provosts were having a struggle on Picadilly Street about half way between Stage Door Canten and Ficadilly Circus. We immediately rushed out of the Canten and gave assistance to L/Cpl McNeil and L/Cpl Robinson. With a continual struggle from that point to the vehicle parked on Picadilly Circus we finally pushed and shoved the acqueed to the vehicle parket. the accused to the vehicle and put him in the back. stood up in the back of the truck, facing the street, and said "Come in now you Provosts bastards and get me." L/Cpl McNeil climbed up on a small foot step on the back of the truck and received a kick from the accused approximately in the groin. Ly Cpl Robinson climbed up on the rear of the truck, turned around and shoved the accused to the front of the truck. The other three Provists entered the back of the truck and by a continual struggle we held the accused down until arriving at our Store Street Headquarters. We removed the accused from the truck and he was taken to the detention rooms. L/Opl Dobson and I returned to Picadilly Circus immediately.

The accused declines to cross-examine this witness.

C-124340 L/Cpl Crosier R.K.

FOURTH WITNESS L-55251 E/Opl Dobson W., of the Canadian Provost FOR THE Corps, having been duly sworn, states:
PROSECUTION "I am L-55251 L/Opl Dobson W., a member of No. 6 Company of the Canadian Provost Corps, stationed in Lendon. On the evening of 26 Oct 45 about 2120 hrs I was in the Stage Door Canteen with L/Opl Grozier. Upon being informed by an airman in the R.A.F. that the Canadian Frovosts were engaged in a struggle with a Canadian soldier, we rushed outside. I held the the Canadian Provests were engaged in a I held the a Canadian soldier, we rushed outside. I held the accused's hat which someone handed to me, and picked up his wallet from the street. I helped put him in the his wallet from the street, I helped put him in the truck. When he got in I heard him say "Come on im, you provosts bastards." I got in and helped the other provosts to hold him down until we got to our headquarters in Store Street, where he was turned over to the Opl in charge of the detention block. I then returned to Picadilly Circus with E/Cpl Orosier.

The accused declines to cross-examine this witness.

-5-55251 L/Cpl Dobson W.

In the case of A-68228 Pte Quinlan H.J., Canadian Infantry Corps, on the strength of No. 9 Canadian Repatriation Depot, a soldier of the Canadian Army Overseas.

By direction of the Commander, this Summary of Evidence is taken on oa thi

FIFTH WITNESS FOR THE PROSECUTION

No. 117, Sgt. Stanley Edward Barber, of 68 Kemnington Park Road, S.E.11, having been duly swarn, states: "I am Sgt Stanley Edward Earber of 68 Kennington" Park Road, SEll. On the evening of 26 Oct 45 I was doorman at the Stage Door Canteen, 201 Picadilly. About 2115 hrs I had orders that the Canteen was full and we were to admit no more. The ones that could not get in were queued up outside. The accused, whom I now recognize, walked in and I told him the house was full and we could accommodate no more. There was a bit of an argument and two Provost L/Cpls went up to the accused and were talking to him. They made a move to take him from the building and when he was passing me he made a lunge at me, of your provosts grabbed him by the arm and they took him out.

The accused cross-examines this witness:

- Did I ask you if I could speak to the Provests? No, you did not. A. 2
- Does the queue go in one door only? Yes, there are swing doors. They go in one door and out the other if both doors are open. Sometimes we only use one of them. Q.3. A.3
- Would there be anything to stop a person going in before he got to you?
  No, we don't patrol outside. 044
- A.4
- After I was talking to the Provosts did you 0.5 see the Provosts waiting around the corridor?
- They were waiting for some minutes, one or two of them, I'm not sure which. One of the Provosts asked me if it were all right for you to go in and I said no. A.5

5. 6 Barber

No. 117 Sgt Barber, S.E.

The accused was cautioned as follows: "Doyou wish to make any statement or to give evidence on Oath? Tou are not obliged to say anything or to give evidence, unless, you wish to do o, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence."

The Accused declines to make a statement and reserves his defence.

I certify that the foregoing summary of svi ence consisting of four pages was taken down by me in the presence and hearing of the accused, and that rules of procedure 4 (c) (d) (e) and (f) have been couplied with.

> 87. delisant (S.E. de Hart) Offr detail-

In the Field lat day of Movemeber 1945.

Regiment (or as the case may he)

# Statement as to Character and Particulars of Service of Accused.

Name

Number.

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entry in aduct Shert	Paste of offsines R	6-1-6		
Dave of last entry in Company Conduct Sheet	Place	Halifax 4-1-4		

I hereby acknowledge that I have been served with a true copy of the Summary of Evidence taken at I JHR, In the Field, preliminary to my trial by Court Martial. I further acknowledge that I have been served with a true copy of the charge under which I am being brought to Court Martial.

Signed at 1 off Repat Depot
In the Field
th: lat day
of Mov. 1948

24 1. Juin for

I hereby request that the convening Officer appoint an Officer to represent me at my trial.

L-desire the services of

- if he is available.

LIST OF EXHIBITS IN THE CASE

THE L

LIST OF WITNESSES IN THE CASE OF Quinlan H.J.

First Witness: A-117894 L/Opl McMeil D.J. # 8 Frow Coy Second Witness: C-30669 L/Opl Robinson RJ = 6 Frow Coy Third Witness: C-124540 L/Opl Crosier R.K. - 6 Frow Coy Fourth Witness: L-58251 L/Opl Robson W. - 5 Frow Coy Fifth Witness: No 117 Sgt Barber S.E. - 68 Kensington Pk Rd. S.E. 11 TTT-212

Rts. Dunn, a.R.

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

Charge.	Plea.	Finding.	
(Insert " alternative " where applicable.)	(See Instrs p 2.)	(See note below.)	(Space for use as required for further charges, accused charged jointly, special findings, etc.)
A. A. SEC ISO	GULTY	GUILTY	
nd			
rd			
ith			
56h			
	ndings for lesser offer	nces see AA 56, RP 44	; findings on alternative charges see MNL p 483 fn 4 para 2. NF 44 ; see RF 44 fn 6.)
special findings see I	RP 44 and MML p 75	3, and in lass of Ait a	
At present under senter	nce for	is not applicable.	beginning on (40te)  See RF 46(A). Information should be found on MF 8355 or AF 8296.)  Along of which M/A days were spent in hospital.(4)
(), insert sentence	being served, or der	trial a total of	36 days, of which M/4 days were spent in hospital.(1) 8355 or AF 8296 admitted in evidence under E2.)
Time in confinement a	waiting present	hould be found on MF	B355 or AF B296 admitted in evidence under E2.)
Sentence Awarded by t	the Court :		1-1- an addition to
Sentence Annual Co	serve 2	& days de	dention in addition to time
		Africa .	
2 Deal	Lan Co	estedy.	Tarfestorn of
spend	en le	z. with	Tarfestary of
1640	ap pay	Z. Mrs.	- Labora hour
164 2	ay pay	The second secon	June 44 collect Delana hejo
(Sort)		Dat	June 14 (Sgi) Little Delanan Major
(Sort)		Dat	June 44 conties Pacianan haya
(Sort)	ocate, if any. (See back of	Dat Convening Order at t	Jan 194 (Sgs.) Little Deleman Major or awarders. President 190 45. 50.)
Judge-Adv	ocate, if any. (See back of	Dat Convening Order at t	Jan 194 (Sgs) Little Delcaman Major assembly and disposal of record after trials
(Sayl)	ocate, if any. (See back of	Dat Convening Order at t	June 14 (Sgi) Little Delanan Major
Judge-Adv	ocate, if any. (See back of	Dat Convening Order at t	Jan 194 (Sgs) Little Delcaman Major assembly and disposal of record after trials
Judge-Adv	ocate, if any. (See back of	Dat Convening Order at t	MATION RESERVED. (AA S4(5), AP 120(7), MARC 9 760.)
Judge Adv.  PART II.	ocate, if any. (See back of	Dat Convening Order at t	Jan 194 (Sgs.) Little Deleman Major or awarders. President 190 45. 50.)
Judge-Adv	ocate, if any. (See bock of MINUTE WI	Dut Convening Order as to HERE CONFIR	Sen 194 (Sgs.) Little Deleman. Phopse of awarded.  President (90 45. 50.)  President (90 45. 50.)  WATION RESERVED. (AA 54(5), AP 120(F), MARC 9 750.)  Commanding
Judge Adv.  PART II.	ocate, if any. (See bock of MINUTE WI	Dut Convening Order at the	Commanding  Comman
Judge Adv.  PART II.	ocate, if any. (See bock of MINUTE WI	Dut Convening Order at the	Commanding  Comman
Judge Adv.  PART II.	ocate, if any. (See bock of MINUTE WI	Dut Convening Order at the	Commanding  Comman
Judge Adv.  PART II.	ocate, if any. (See bock of MINUTE WI	Dut Convening Order at the	Commanding  Comman
PART II.  Date  PART III.  For duties and p confirmed an approximation and not confirmed. as promulgation: 1	(Sgd)  DECISION  OWERS LEE AS 58, 57 connect be revised in partial sizes and	Dat Convening Order as in HERE CONFIRM OF CONFIRM , RF 37(D) fn 6,464A AA 54(3). Sending in gain: AA 137, MAR. Queeting ofter paras	Communiting  HING OFFR ON FINDING(S) AND SENTENCE.  Sister Finding or tenance for revision by Court: As 54(2), RP (2006),
PART II.  Date  PART III.  For duties and p confirmed an approximation and not confirmed. as promulgation: 1	(Sgd)  DECISION  OWERS LEE AS 58, 57 connect be revised in partial sizes and	Dat Convening Order as to HERE CONFIRM OF CONFIRM , RF 37(D) fo 6,464,4 AS 44(3). Sending to guestion of all 37, MML Queeting ofter promote for must sign here been dissectance set for	Commanding  Comman
PART II.  Date  PART III.  (For duties and p confirmed: as promulgation: 1 STA #F STA F	(Sgd)  DECISION  OWERS LEE AS 58, 57 connect be revised in partial sizes and	Dat Convening Order at the HERE CONFIRM OF CONFIRM AR 37(D) for 6.464A AA 54(3). Sending to gother of the pattern for must sign here ben id sentence get for	Community  Community  Construction  Construc
PART II.  Date  PART III.  (For duties and p confirmed: as promulgation: 1 STA #F STA F	(Sgd)  DECISION  OWERS LEE AS 58, 57 connect be revised in partial sizes and	Dat Convening Order as to HERE CONFIRM OF CONFIRM , RF 37(D) fo 6,464,4 AS 44(3). Sending to guestion of all 37, MML Queeting ofter promote for must sign here been dissectance set for	Commanding  Comman
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PART II.  Date  PART III.  Ifer dates and a confirmation and not confirmed a promulgation. I STA AF SIA.  My decision on the confirmed and	(Sgd)  DECISION Overs see AS 54, 57 transet be revised in Section 19 53, AMAL 9 65. The Confirming Of the finding (s) and the	OF CONFIRM  OF CONFIRM  OF S7(D) in 6,464A  AA 54(3). Sending it  guesting ofter pross  discrete per bare pen  discrete pen  disc	Commanding  Comman
PART II.  Date  PART III.  Ifer dates and a confirmation and not confirmed a promulgation. I STA AF SIA.  My decision on the confirmed and	(Sgd)  DECISION  OWERS LEE AS 58, 57 connect be revised in partial set as 58, 53, 53, 56, 57 connect be revised in partial set as 53, AMAL 9 65. The Confirming Off	OF CONFIRM  OF CONFIRM  OF S7(D) in 6,464A  AA 54(3). Sending it  guesting ofter pross  discrete per bare pen  discrete pen  disc	Commanding  Comman

Held in the RECORD FORM A-OPENING PROCEEDINGS AND ARRAIGNMENT. Al. The President, Members, waiting Member, JA, if any, and Offrs under instr. if any, assemble, and the PRINTED MATTER, NOT IN ITALICS FOR GUIDANCE WILL BE DELETED IF NOT USED OR APPLICABLE, AND INITIALLED PRINTED MATIER, NOT IN ITALICS FOR GUIDANCE WILL BE DELETED. IF NOT USED OR APPLICABLE, AND INITIALICS
BY PRES OR LA. The Schedule referred to throughout is on p.4. Citotions do NOT include all relevant from ROs. For guidance
in procedure when a seriation in this form arises, use form for GCM in AMM, pp. 741 to 759. A brief record of such variation
will be made and given a number having reference to appropriate a proceeding para number having. See bock of Convening Order,
CF A95, for oaths and losts on how to recard addresses, evidence, etc., which instra are herseflate collect "Notes". As to general
CF A95, for oaths and losts on how to recard addresses, evidence, etc., which instra are herseflate collect "Notes". As to general
CF A95, for oaths and losts on how to recard addresses, evidence, etc., which instra are herseflate collect "Notes". As to general
CF A95, for oaths and losts on how to A2. The President initials and lays before the Court the Convening Order and Charge Sheet A attached thereto. (1)
The Court is satisfied that it is properly convened and constituted (2), accused is (are) amenable to military law, and (1. As to use of Summary of Evidence see RP 17 (n. 6. 2. AA 49, 50, RP 105-107. 3. RP 11-13, 23, 24.) each charge discloses an offence (\*) A3. The Court is opened. The accused is except brought before the Court. At C915 hours trial commences. A4. The Prosecutor produces a Medical Certificate that accused is (resc) fit to undergo trial by court-martial.(3)

The Prosecutor informs the Court that accused elected to be tried by court-martial instead of being dealt with

The Prosecutor informs the Court that accused elected to be tried by court-martial instead of being dealt with (I. KR Can 557. 2. AA 46(8), AF 60 fn I. For affect see KR Can 563(c). Delete, if not applicable.) A5 President to sented. Do you object to ' as interpreter t him / 147/20 the Interpreter is exactn(1). De-uon object to The shortened writes is amorning (and (i. 89.72. Delete, if note employed) A6. The Convening Order and names of the President and Members of the Court are read to the accused. President to accused: Do you object to be tried by me as President or by any of the Members of the Court to (1. RP 110. 2. If no objection, working member retires. AF OR(S). If objection, see procedure AA 51, RF 25, 71, 18, MML p 742.3 Ans 110 - (4) A7. The President, Members, JA, if any, and Offrs under instr. if any, are sworm.(1) The following are the ranks, names and units of the offrs comprising the Court, etc.: SEPTEMENTH GAR W. H. BUCHANAN President J.R. WASHBURN CAPT Member LIEUT J.J. LAUDROM Member Judge-Advocate LIEUT H.E. DAMESUIST Prosecutor J.R. & KLENSGEN LIEUT Defending Offr Questions by President : Is the Presecutor a lawyer ! Ans No . Is the Defending Offr a lawyer ! Ans No . (\*) (). AF 25, 25, 109, 111. List of office under insize will be returned deparately with precedings for information of Core Offic.)
(2. If Proc. a lowyer and Def Officials, accused in amorbied to an adjournment when RF 69 (8) and to 2 were not followed. See DY § 3.1). AS. The accessed HIC989 FIX GRENNE AR. before arraignment make(s) (0) 1650 (1) If a special plot is made for substrate and on one or more charges (RF 62(E), 1080, or as to the jurisdiction of the Court (RF 14, 25(R, 172), or in ther of trial (RF 26), or as to administ's mental (torses to stand trial (AA 120, RF 57), or by one of several accused charged jointy to be tried substrately (RF 16, 71), such plot, the additioners made in support or against, the evidence, if one, and finding one recorded per Prisons. For forms of record one references in fint to RaF cited. Invert in AB rank and name of the accused making the plet.) A9. The accused is (are) arraigned (separately) on all charges in the charge sheet.<sup>(1)</sup> The accused doss (size not object to any charge [2] There is no amendment to be made to the Charge Sheet.<sup>(2)</sup> The President records the pleas in Part I of the Schedule. AF 31, 112. See parts 1 of insters p.2. Without more than one Charge Short are RP R2; when neveral accused to be tried apparently are RF 71(C), and one supervise cupies of CF RR6 to record proceedings.
 AP 32, RF 32. If attravium, delete and notice apparent excited per Notes. A10. The Court (is closed and) considers the Instra on Procedure after Arraignment at top of p 2. The pro-

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS

ceedings are continued on Record Form ... . . . .

FIELD GENERAL COURT MARTIAL

Surname.

LEOR.

1 10. R.

Convened by Order of Drig. T. G. Gibson Cond 2 C. B. dated 4 June 44

ACCUSED. (As to the trial of two or more charged jointly see RP 16, 71, 109. As so reasons for showing (a) permanent or confirmed rank, and (b) appart, A/rank or A/appant, I/ any, see AA 182, 183, (ns. KR Con 308, 328, 330.)

PROCEEDINGS OF TRIAL.

Number. (a) Prinit B. (b) Appint, A/R or A/Appint. Full Christian Names.

40 /6 aug 44 min

5,24

H16999 Pre Arthur Robles Quinn STulyen

### 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 withdrawal 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 during trial. (RP 38.) As to refusing
 to plead or not pleading intelligibly set 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

1. If pleas to all charges are GUILTY, use Record Form B below.

11. 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 ( below. (RP 37(A).)

(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 (iii), Court will proceed under foregoing insteads as may be appropriate to result of its decision. See MML p 754 Instea (2).

3. As to responsibility of President to necessed see RP 50, 60(0); powers and duties of JA eee RP 105; duty of Prosecutor see RP 60(A) (R); duty and privileges of accused and Defending Offr see RP 60(C), 87(C), 91, 92; successing and selfdenium of principles from Court see RP 81, 82; questioning of accused see RP 80, 87(C), 92(B), and of indexesses RP 83.86; calling or re-calling of visionses by Court etc are RP 75.79, 86, 110; use of Summary of Endance at Trial see RP 17(E) for 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.

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 fs 2. 2. MML p 54 pers 47.) B1. The President or JA, if any, complies with RP 35(B) by explaining to the accused the nature and meaning

B2. President to accused: The Court will now receive any statement you desire to make in reference to the B2. President to accused. The Court will now receive any statement you desire to make in reference to the charge(s). [4] If it appears from your statement that there are circumstances which indicate that you do not understand the effect of the plea of Guilty(\*), or which show provocation or extengation in respect of which in your interest the witnesses for the Prosecution should be examined(\*), we shall advise you to change your plea 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 plea. If, however, it appears to the Court that your statement affects only the amount of punishment to which you are mable, 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 (\*)

President to accused: Do you wish to make a statement ! Ans No (). RP 37(E). 2. RP 37(D) fo s. 3. RP 35(B) fo 5 perc 3. MML p 54 perc 47. 4. See perc E3 of Record Farm E. 5. September, if pay, recorded per Notes ).

B3. The Court considers the accused's statement.(?) The Court decides (not) to advise accused to change his (their) plea(s) of Guilty to Not Guilty on \_\_\_\_\_\_ charge(s). The accused is (are) so informed, and he (they)

B4. On the charge(s) to which the plea(s) of Guilty is (are) not changed the President records finding(s) of Guilty in Part I of the Schedule (1)
(1. RP 25(8). If any plea(s) is (are) changed, use Recard Form C or D as oppropriets.)

B5. The Summary of Evidence is marked Ex. initialled and read aloud by the President (1) if there is no Summary, or if it is inodequate, comply with RP 21(B). If there is any evidence incancestent with any piece standing as Guilty, Cast will obtain occurred to change and piece and. If changed to Not Guilty, try such charge(s) by one of parts 21 to 20 inclusives of Record Form D on Pt 21(D).

B6. The accused baving been found Guilty on one or more of the charges, the processings 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 accused pleaded NOT GUILTY the trial is continued by using paras D1 to D8 inclusive of Record Form D on p 3 before proceeding with C 2.(1) (i. 89 37(8) (E.)

C2. The charges on which accused pleaded GUILTY are read to him (them) again, and the trial is continued by using paras B1 to B3 of Record Form B about 11.

[4] Under B3 such parts only of the Summary of Evidence are read at relate to the charges dealt with under C2. If any place is charged to Not Galley, Intel thereon parentles by complying with pares D1 to D8 inclusive in Record Form D on p 3 and making an appropriate record thereof as a supplying with pares D1 to D8 inclusive in Record Form D on p 3 and making an appropriate record thereof as a supplying with pares D1.

C3. The accuract having been found Guilty on one or more of the charges, the proceedings are concluded by using Record Found 5 on p 2.

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

Pin hore Loose Sheets of Record.

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

D1. President to accused: Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity to propare your defence ! Ans
(). If "yes", see RP 39(A) for powerdure. Statement or evidence, if any, is recorded per Notes.)

D2. The Prosecutor makes (an) (no) opening address.(1)
(1. RP 39(8), 60(A) (B), 90, 92(C) (D). Record address per Notes, subject to RP 95(C).)

D3. The evidence for the Prosecution is taken.(\*)
(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.(\*) The Defending Offr submits that the evidence for the Prosecution does not ... charge(s).(2) The Court charge(s), and allowed on the 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), (\*)

(I) Delete manifolder of this pane, if submission not mode.

(I) Delete manifolder of this pane, if submission not mode.

2. Arguments on submission, answer and reply are recorded to the per Note.

3. Per Note:

3. Per Note:

4. Delete part not used. If accused acquirted in all thorages use second distribution of the per Note:

5. No. If find proceeds, accused must be allowed great sectude in modeling his defence, and the Court should not stop his defence solely on ground of irrelevance.

(RF SO(C), 114, 115.)

DG. President to accused: You will now proceed with your defence P). You may, if you wish, give evidence most on oath as to the facts or your character or both, in which case you will be subject to cross-examination (\*) or only however, make a statement without being sworn, and you will not be subject to cross-examination (\*) a statement which could have been made on ooth will not carry with the Court the same weight as sworn testimony (\*) may call witnesses in your defence and of to character, whether year give evidence or make a statement or do

	er. President to accused: Do you wigh to give evidence yourself as a witness, make a statement, or do neither
	. Do you intend to call witnesses on your behalf
Azus	Are they witnesses as to character only † Ans (1. RP 155. 2. RP 40(A), see 80(D). 2. RP 40 fn 10. 4. RP 40 fm 2.9.)

D8. Consequent on the answers recorded in para D5 the appropriate procedure for the defence is followed.(?)

(1. RF 114. 115' 116. For procedure set Notes on back of Convening Order, CF A85. Evidence for accused as to his
character should, if a his interest, be given before the finding. See RF 46(A) in 1.86(C). Note the further opportunity in pere E1
of Record Form E/ Record per Notes addresses, statemens, evidence and any summing up by the JA under RF 42. (03(e).)

D7. The Court is closed to consider the finding(s) (?) The finding(s) of the Court is (are) recorded in Part I And the Schodule #) The Court is re-opened.

(1. AP 43, 177(A). See Notes in Part I of Schedule. 2. AP 44(A).)

18. The President announces the finding(s), if any, of Not Guilry, and states to the accused that the finding(s).

Og. The President announces that the accused is found Not Guilly on all charges and is to be released forthwith, and that the proceedings are accordingly terminated. Part I of the Schedule is dated and signed [2],

(1. As 543, 16, 89 45, 12048. 2. As 34(), 89 45, (17. The absention amountment is not applicable when there are pleas of Guilty sustanding and cleant with under factors. Force 8 or C.)

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

# RECORD FORM E-PROCEEDINGS ON CONVICTION BEFORE SENTENCE.

E1.	President to accused : Do yo	a wish to give evidence yourself or to call any witnesses as	to your character 10
Ans	II. If midware has already been as	rs by accused or his witnesses as to his cherocter, delete this porc. RP 31	(C) for 4, 46 for 1.

Accused and witnesses are sworn. Exidence recorded per Nates.) E2. The Prosecutor produces Statement(s) as to Character and Particulars of Service(1), and certained true copy (copies) of Conduct Sheet(s)(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 F F and Ex (\* respectively (\*)
MPS 355 or MPS 296. Z MFM 6. 2 RP 46, KR Can 558. E above documents not produced, see RP 46 ft (

ES. Prosident to accessed: Do you wish to address the fourt on the Spatement(s) and Conduct Sheet(s), and in mitigation of punishment ((1) Ann. (2) (1. RP 20/C), 46(0). 2. Address of few, recovered per Notes. Count should print accused or his witnesses to prove on outs snything here or previously stated soft would effect the amount of dissistances. (RP 20/0) (n 7)

E4. The President states that the Court is closed to consider 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. AA 348), RF (20(A),)

\$\text{R5}\$. The Court considers the sentrance (1) The President recurs the sentence in Part 1 of the Schedule, which is disted and signed by him and the JA, if any (2) (1) When several occurs tried approach; see \$\text{R}^2\$ \$\text{RD}\$, One sentence only, comprised of the punishment or quantification in the extended to caver of charges in all charge sheets on which occused found guilty-lock down in \$A\$ 41, 44 and its possion, is to be oversided to caver of charges in all charge sheets on which occused found guilty-lock \$\text{R}\$ & in \$\text{R}\$ & \$\text{R

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

# CHARGE SHEET The accused, H16989 Private Arthur Roland QUINN, Frincess Fatricia's Canadian Light Infantry, a soldier of the Canadian Army Active Morce, CMF;

151 CHARLE AA SEC 15 () is charged with: -WHEN ON ACTIVE SERVICE, ABSERTING HIS DELF WITHOUT LEAVE

in that he

In the Field, absented himself without leave from 1830 hrs 21 May 44, until 0900 hrs 22 May 44, (absent 14 hrs 30 mins).

> 6 15 have (C.B. WARE) It Col

21 Jun 44

To be tried by F C C M

(H.P. Bell Irving) Lt-Col

T/Comd 2 Cdn Inf Bde

2+ Jun +4

by Air

# FIELD GENERAL COURT-MARTIAL

CFA95 (he ben of AFAB)

(Whether the accused to be tried is under his cound or not, a FGCM may an application so him be convened by any offr of Cdn Army Oversias, or of any other force if authorized in low. In immediate cannol of troops on active tervice, subject to RP 105(C) and restrictions imposed by appropriate authy, and 49, 50, RP 104-107, 114. As to the duties and privileges of the Convening Offr in dealing with the application see MML Chap Y paras 20 and 23, RP 87(B).

There should be a separate Convening Order for each person to be tried separately by the same Court. RP 71(C), 109. As to separate charge sheets on RP 61, and as to separate trial on charges in the same charge sheet see RP 108. As to two or more accused charged jointly see RP 16, 109. As to reasons for showing (a) permanent or confirmed rank, and (b) appint, A/rank or A/appoint, if any, see AA 182, 183, fns, RR Can 208, 320, 330.)

#### ACCUSED.

(a) Prmnt R. (b) Appmt, A/R or A/Appmt. Full Christian Names. Number.

Surname. Unit

H16989

Arthur Roland

QUINN

PECLI

#### CONVENING ORDER.

Whereas complaint has been made to me, the undersigned, that the person panied above as the assumed, ubject to military law, has (REES) committed the offence(g set forth in the Charge Sheet(g) attached and on 24 Jame 44 endored by me, (or by an offr of my staff for me), "To be treed by Field General Court-

am of opinion that it is not practicable that such offence ( should be fried by an ordin 

3. I hereby convene a Field General Court-Martial to try the said personia), and to consist of the Offes appointed or detailed hereunder

XXXXXXXXXXXX (AA 47, RF 106(B), 107(A). Delete the whole or part, if not applicable.)

PRESIDENT.

Major

W.H. BUCHANAY RP 1056.3

Seaforth of C

L Edwar R

Capt Lieut J.R. Washburn

J.J. Laudrum (Nomed or detailed. RP (Gb.) L Edmn R

WAITING MEMBER.

Lieut

S. Dickinson

(Harned or despited, if any. RF (IDE.)

Seaforth of C (Cinit.)

JUDGE-ADVOCATE.

(Rank.)

(Linit.)

On Active Service in the Fd

Italy (Country.)

A/Comd 2

Lt-col

24 June 44 Date...

Convening Officer.

CONVENING OFFR WILL INITIAL ALL DELETIONS AND ALTERATIONS

(See overleef for seths and notes for use on trial.)

# MEDICAL OFFICER'S CERTIFICATE (KR (Can) para 557)

I certify that I have t	his morning examined No H16989
Pte QUINN A.R. of	p poll an in my opinion
he is fit/wast to undergo tris	
Station In the Ed	Ledical Officer
Date 26 Jun 44	Medical Officer

back.

40 ms Ben for meligation of Do. T. court in mitigationing rentince for the accured, the owen realized his metals and is milliony to accept the examples However at the time of his going attent. be was under a server mental stesser as now shown in the hummany of evidence of report of turning to the account to Comment has been a good solder throughout the Ciclian and States Congression to hid been wounded Dec. 15. 1964.

His Prince His 345 Lance Corporat Walsa, A James Company, F. F. C. L. S. Landing Officer directe that the low live enrice in taken on oath.

The Company, F. F. C. L. Landing beam duty errore, state.

Le approximately 1800 his on the May 44 N38423 hop Franchism on the May 44 N38423 hop Franchism, I who was seen acting as C. S. M. Associated to me the top Care, the ten graning, was acting as C. S. M. Associated to me the top Care, the ten graning, was acting to the first own the flattern area and also that the

recognize, was accent from his Platone area and also tend the accused had reported such in the afternoon to the R.a. P. The Pattalion had been ordered yourself the more had been vouceled, and were ducy and the fact of actions of to me sarlie. I vower. not wrought inguire about the accused . To. fainting, & &, the samuet were at the R. a. f. amounted the phone and took me that he would inquier of the M. S. A. Bunting phoned back about 1825 how land said that the accused had been given a thoraugh examination my the M. G. and think the M. S. . had sent how back no the company for dity . I phoned the Bu wherey him and reposited the absence of the accurace as 1820 was 21 may 44.

The accured declines to

My

D.J. Walsh Light

40 ms Ber of HI6989 Por Cum As court in miligation of sentence of the . accused. He amen't reclines his mustake and is milling to accept the consequences Homener at the time of theo going attent was observed in the Summary of every of agent of the court to Francisco Pto Origina. has been a good solder throughest the Sicilian and Italian Campaigns The had her wounded her 15-19014.

Quinn would not here gove, alient for the many transles that were

100. Summary of Evidence in the case of 416989 #1004 Pte. Quinn a. R., P. P.C. J.S. the Commanding Officer directs that the evidence be taken on outh. H16345 Lance Corporal Waren, B. J. First Wilness C' Company, F. F. B. L. W. having been for Prosecution very worse, state. 21 May 44 1835 423 xgs Stringham, 32 who was even acting as to be M reported to me, the vay . Clark, there recognize, was absent from his the accused, whom Platone area and also that the accused had reported with in the afternoon to the Ra. P. "ite Battalion had been ordered forward

recognize, was absent from his platone area and asso two the secured had reported with in the afternoon to the hat. I the pattalion had even ordered with in the battalion had even ordered with invarial to a forward position, and though the more was usen conceined, we were every and the good of the owners of absence was not arraged to me earlier. However, I as made to me the hat a wout the accused with an area to the the accused to the first and proved to the the the the the same and the total me to the the accused was to the first the the the same and the that the the same and the the the the confidence of the the dear and think the the the same and the the the the confidence of the the accused and the the the the same was the for which the same work to the same the for which the same was the for which the same was the for which the accused at

who accured declines to ever - examine the netween.

1830 was, 21 may 44.

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D.J. Walsh Light

Second Himese A. E. M. E. a. Drewery, 200. 14 for Prosecution Odn the Hospital, N. E. G.M. C. the attendance of the wetters is not hoolity procurate, and a written statement of his evidence signed an him, has been read to the accused and is attached as Exhibit " of" Signature of accused the accused dale untresses for the depence. Bn. H.G., P. P. E. L. . , Maving heer for depense duly swom, states In the evening of 21 May 44 at whom & now recognized in front of lan anderly him. I noticed that something seemed traditally wrong with the accused; so I asked line what was wrong the accused said that he was "best" as a result of his experience that morning in wouse he was near to some every shalling in which some men of his own Miloon were build and mounded. He also told me about just having been to the R.a. P for an inspection that the M.O. had pronounced him all night and sout him back to his coy, for duty 12 My year West

Just after, the accused walked awa Hazal Hatnasi I remarked to 12239 & gt. have Nonald HE for Reporce. that "that chap's in pretty back Continued. shope" Sgt. Mac Danald replied " yes, he seems to be." The accused declines to crossexamine this witness An an tel. 122239 Sql Mc Donald, N.E. Second Witness Bu N.Q., P. P. C. L. S. having been for Algence duly suron, seales : at about 1330 hrs on 21 may 77 I noticed the accused, whom I wow recognize, in front of the in my opinion, seemed to be a poor payment condition He seemed to be very nervous I / Cal agres, A. M. Comarded to me that the accusal was beat" and I want I triangle wo loom, the accused declines to cross - syamine the witness Hilly mary sy. the accused was cautioned as follows: -"No you wish to make any on oath? you are not obliged to say anything or give interne unless you wish to do so, but whatever you say or

be taken down in writing and may be given in sordence (.R. P. 4 (E). the accused declines to make any statement or give Summary of Brideric consisting of four pages was taken four by me in the presence of the accuracy and that Auto of Procedure 4(0), (0) (E) and (F) have been complied with officer taking Gunnary In the Field 20 June 44

Exhibit "A"

# NO. 14 CANADIAN GENERAL HOSPITAL, R.C.A.M.C., C.A., C.M.P.

23 May 44

H 16989 Pte. QUINN, A.R.

# STATEMENT OF EVIDENCE

The a/m reported to Major A.E. Moll at about 0900 hrs 22 May 44. Apparantly he is A.W.L. to his unit.

He was a patient in this hospital from 29 Peb 44 to 8 Mar 44.

I ordered this soldier placed in the guard room at 1230 hrs 22 May 44 and advised the Canadian Provost Corps at Avelling.

the Done way

(E.A. Drewery) R.S.M.

COPY

Odn Neuropsychiatric Base, att 14 Cdn Gen Hosp. RCAMC

AAD # 501

#### NEUROPSHCHIATRIC REPORT

QUINN R PTE

H-16989

PPCLI

AGE 21 Cat S Enlist 5 March 40- England Aug 40 - Med July 43.

COMPLAINTS

(1) Stomach trouble (2) Nervousness.

PAST HISTORY

V.D.G. 1940.

Pamily History: Mother and sister very nervous.

Personal History: Born Manitoba, Youngest in family, Shy & timid as a child, Nightmarss and afraid of the dark, School: Finished grade 10 at age of 17, could not afford further education. Home: Not particularly happy, Father drunkard and a "hell-raiser." Work: First job in grocery store, Left in 12 yrs for better job with hydro company, where he stayed until enlistment. Marital: Unparried, but has normal hetero-sexual interests. Social: Good mixer. Enjoys sports and other common amusements. Army: Claims patriotts reasons for enlistment. Joined up with present unit. Got along well with all training. Completed all route marches. Is class I rifle shot. Was Brigade runner for 14 months and batman-clerk for B months. Remainder of time was general duties in rifle company. Hever in trouble with officers or other ranks. No crime. Wont into action, and last of July 43, and completed the Sicilian campaign and went on to Italy. Ewacuated 15 Dec with wound rt forcerm.

M.P.I: Always nervous, and during excitament he would tramble, heart would poind and became confused. Startled badly by sudden noises. Somethat afraid of the dark, nervous of heights. All through his battle experiences he was very nervous & shaky, but at Mo time was he unable to perform hus duties. States that his chum was very stoady and he stuck close to him all the time, but the day before patient was wounded he saw his chum killed by sniper's bullet.

States than on 14 Feb 44 while it North Africa (and was getting ready to come to Italy,) he commenced to womit about 5 minutes after each meal. No nauses and appetite stayed good. Symptom has persisted. If he eats a very light meal he is not so liable to womit. Admits he is quite perturbed about returning to front line.

Punctional enquiry and habits, Bowels regular. Frequent frontal & occipital headaches.

Dight dry cough 1 week, So urinary symptoms, Employes 2-25 cigarettes per day, Alcouel in moderation.

Examination: Mutrition a and development good, Not acutely ill. Is restless and looks quite unhappy, average intelligence and well-oriented, No speech defect, Answers questions adequately. Slight tramor of outstretched hands which are cold, clammy. Deep reflexes exaggerated. Otherwise general physical & neurological examinations are essentially decative.

Diagnosis: Psychoneurosis, Anxiety State, Chronic, Mild.

Conclusion: Family history of nervousness, patient has been relatively unstable during entire life. Consider present symptoms entirely of psychogeric origin. Feel that there would not be much use sending him to front line duties sgain. Should have a medical reboard.

signed J.A.Muir (Wajor)

6 Mar 44: Man is nervous but has compensated it successfully in action so far, (evanuated as a surgical case), has a reasonably stable civilian and army record. Given explanation to re-assurance, which he comprehends, and should be returned to duty.

C.E.G.Gould (Major)

22 May 44. This man appeared this morning asking to see Major Gould or Major Monir. Seen by me at 1200 hrs. Stated he left his unit last night around 1900 hrs, hitch-himsed to this hospital. States he couldn't stand up to the shellfire. That he paraded to the M.O. on three occasions and was given some pills. Tetes he tried very hard to stand up to the shelling but that he couldn't take it any longer. "I tried and tried and now I am a diagrace to my unit. I took off my patches."

O.E. Depressed, tearful, tense. Non-Psychotic.

Placed in guard room, and provest at Avelline notified. Left the surpital 35 Kay 14,

helips

An inadequate psychopath, non-Psychotic, and as such is fit to stand trial and punishment, However, after completion of sentence he should be referred to Medical Board (Pulhems M-1, S-3) as unsuitable for full combataht duties.

"A.E. Moll " Major.

CERTIFIED TRUE COPY.

Registrar, 14 Cdn. Gen. Hosp. RCAMC.,

25 Jun 44.

# STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank		Name	Regiment (or unit)
H16989	Pte	9	UIND, A.R.	FICLI
1. The following is a	lair and true sun	amary of the entr	ies in the Regiment	Santa and Chencal
londuct sheets r:Company Conduct/sheet	s of the notised.	exclusive of con-	yictions by a Court	-Martial or a Civil Court,
				h trial has been dispensed
Within last 12 s			Since enlistment or	appointment
For AA Sec 15(1)		times	two	times
For AA Sec 40	111		two	times
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Yor		times		times
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		20.00		
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Nore If the charge	is for drunkennes	ss, the entries for	drunkenness must	be stated separately.
2. The accused has n	lot been previous	Ey convicted		
		or,		of sommary meants smaler ]
S. The accused is no		at the present tir		
		XM.		
/Discussional at the p	mesoni zimenis 12	ndry sastema in	KKKKKKKK LOGG	many and the AMARKA MARKET
May at HEREE As gale				
				rges for NIL days in
4. The accused has civil custody, and3				36 days in custody.
	days were spe			
			(6)	1 7/2 1
5. The present age	of the accused a	eccording to his me	next appendix to testation paper is	24 yrs 323days
6. The date of his a	exemision specif	fied in his recurs	deximals 7 M	ar 40.
7. The service which	b the accused is	allowed to reckun	icwards discharge	u 4 yrs // 3 4698
8 XX 14 Kan Kan Kan Kan	Mittell tolfection	X X metrics	ser the gurpline of	descripted his genden, esc.
9. The accused is i	n pussession of I	e sories as par	nicofence nierospuziena	THE REAL PROPERTY AND A PARTY OF THE PARTY O
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support by the president, and annexed to the The above statement (with the schedule of convictions and of cases in which trial has been disp beatsam ,bast si (dire 100 1944 (C.S. SAME) LE I hereby occurry that the foregoing schedule of convictions and dispensations with trial is a trace struction the regimental books in my case, by the second dispensations with trial is a trace of the second dispensations and many trials of the second dispensations and the second dispensations are second dispensations. lo veb falls INITE persistance of won't ton state Note: A Voltage that the teginnental books stating these convictions and dispenditured by inserted. Act, and of cases in which trial has been dispensed with of accused. Number H16969 Rank Of convictions by a court-marial or savil court, of sommary awards under Section 47 of the Arms TTWITE SCHEDELE Nove -- It any matter in any of the above paragraphs cannot be stated from the Regumental books, the paragraph must be struck through. MANYAKKKKKKKKKKKKKKKKKKKAN NAM NAM NAKAIK TELEGRAN STRUCK 发展 美国人民共和的政治人民共和国政治人民共和共和的法的人的政治人民共和共和的政治的政治,在这种政治的政治,是不由人民共和的政治,是是是,(2.1) X DOTHOR DESCRIPTION OF THE

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(Insert " alternative " where applicable.)	(See Instrs p 2.)	(See note below.)	(Space for use as required for further charges, accused charged jointly special findings, etc.)
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(I. See AF 46(A)	Waiting present to fn 2. Information sho	rial—a total of wid be found on MF B	// days, of which @ days were spent in hospital
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PART III.	DECISION OF	CONFIRMING	G OFFR ON FINDING(5) AND SENTENCE.
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PART IV	. PROMUL	GATED AND	EXTRACTS TAKEN. (RP S3, KR Can S76, S77.)
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G. 240390	Pla Quinn	C. J. 8 Aug	44. PlBergow -6

ALL DELETIONS AND ALTERATIONS WILL BE INITIALLED.

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medings are continued on Record Form.

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

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uso) self (4) (e) surads against a delidates	
D4. The Prosecution is closed.(1) The Defending Offr submits that the evidence for the Prosecution closes no	
D3. The evidence for the Prosecution is taken (1)  (c. 88 39(C), 114, 82 Con 555. Accord widoner per Notes. As to Prosecutor guing evidence himself see Ap 39(D) (E).	
D2. The Prosecutor makes (am) (no) opening address, (s) (c) As 19(8), 60(A) (8), 90, 92(C) (0), Second oddress, per Seces, subject to AP 92(C),)	
the ground that you have not had sufficient opportunity to prepare your defence I Ans  ii. if "yes", see 88 39(A) for procedure, fundement or sendence, if ony, is recorded per Motes.)	
int. President to accessed: Do you wish to apply for an adjournment on the ground that any of the relating to procedure before trial bave not seen complied with, and that you have been prejudied thereby, at	
RECORD FORM D-PROCEEDINGS ON PLEAS OF NOT GUILTY TO ALL CHARGES	

charge(s), and that, accordingly, the trial will proceed formor, but the accordingly the trial will proceed formor, but the accordingly of the party offit me bewells bus, (singrails, adt no bawollesib si

is closed, and considers the submission,(\*) The Court is re-opened, and the President announces that the sub-

(4) on the south as to the tacks or your character of both, as which case you will be subject to tross-examination by your desired to the subject to cross-examination of you may, begwerr, make a statement without being every may and you will not be subject to cross-examination of the subject to cross-examination of t D5. President to accused: You will mer proceed with your defence, \$2 You may, if you wish, give swidence

President to account. Do you wish to gove reinforce yourself as a witness, make a statement, or do needlest !

Dis Consequent on the ensement-recorded in para 156 the appropriate procedure for the defence is inclusived. (1)

194 (14, 115, 10e. 7er persons on twee to be set for the received or the content of the and I the the witnesses as to character code as a set of it is a

nule (\*) The Chart is re-opened.

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1. At each) I Tar Court is closed to consider the finding(s). The finding(s) of the Court is lete) recorded in Frat I

DS. The President amounces the incling(s), if any, of Not Gully, and states to the accused that the incling(s)

Or, The Products amountment that the contrasted is found Not Furth on the charges and is no be released Simulative in that the foreign and a second of the foreign of the following the foreign of the following the foreign of the following th

Recent Form E below

## RECORD FORM E-PROCEEDINGS ON CONVICTION BEFORE SENTENCE.

Account and withstates are cweins. Environce recounted or his witnesses as to his character, stelling that place. All 2010 for 4, 46 for 2. President to accused. Do you wish to give evidence yourself or to call any witnesses as to your classicant I(\*)

copy (copies) of Conduct Sheet(s)(s), purporting to refer to the accused, which he submits to the Defending Offic for examination, and then to the Court for admission in evidence. The Court is satisfied that these documents refer VER The Prosecutor produces Statements, as to Character and Particulars of Service!, and correspond true

age day to the age of the same of to the accessed, because (i) they purport to be signed in the manner required by AA 163(1) (g) [2], and (ii) there purport to be signed in the manner are as any conseq. Administed in originate and to refer to (a) soldiers) having the same number, rank, name, and copys as also soldiers. In the Ex. (a) the Ex. (b) and Ex. (c) and Ex. (c) and Ex. (c) and Ex. (c) and Ex. (d) and Ex. (d) and Ex. (e) and

ES Frombers to accused: Lie you wish to address the Court on the Stankenmunts) and Construct Slowstein and in the Stankenmunts at the Court size of the stankenmunt of promote the stankenmunt of the stank

proceedings in open court are acconductly terminated (\*) by the Court, being subject to confirmation, will not be accounteed, but will be promutgated later, and the The Freedont states that the Cours is closed to consider the sentence, and the sentence to be assended

E.C. The Court considers the scatternes. (\*) The President records the sumbernes in Part I of the Schodmin, while is dated and surprised by this considers with a successful and the surprise of the position of the formation of the formation of the successful accused the surprise of the position of the position of the successful accused the surprise of the surprise

PRESIDENT OR IN WILL MITTEL DELETIONS AND ALTERATIONS.

(RP 37(A)), As to sublatured of alternative charges by Prosecutors see RP 35(C). No other charge can be withshown and any access and another boar of charges, the convening CMF concerning CMF concerning trad. (RP 38, As to refuseen to price of the see, the see, the see, the see the see the see the see the see. (RP 38, As to refuseen to price of protein and trade in the see the 35(A). The accused may not plead or be found the more than or got of the or more charges been the alternative

2. The proceedings on each charge shed (RP 62) ofter orrasgument will be conducted as follows in the respective

I. If pleas to all charges are GULLY, use Record Form B below,

II. If pleas to all charges are NOT GULL'T', use Record Form D on p 3.

III. If pleas to some charges are GULLT'Y and to other charges are NOT GULLT'Y and,

(a) Such mixed pleas occur when there are no alternative charges in the Charge Sheet, use Record Porm C

proceed under foregoing leadrs as may be appropriate to result of its decision. See M.M. p 744 frairs (2) thereto, or, (is) to record the pieds as the findings of Court. After deciding believen (i) and (is), Court will (b) Such missed please occurs 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 Grazing

3. As to responsibility of President to accused see RP 50, 60(C); pourrs and dates of J.A see RP 103; duty of

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

of the charges)(1), and that on his pies of Guilty there will be no regular trial but mercity a connectention of the sentience to be assured affect he has been given an opportunity to make a statement in reference to the charge s), and make an address in miligation of punishment.(\*)

(1. 19.15 p. 2. Asset p. 5\* pore 47.)

charge(s). It is appears from your statement that there are circumstances which indicate that you do not under President to accused: The Court will now receive any statement you desire to make in reference to the

will be given an opportunity laster to prove your eledement by secon testinony, if you so desire. [\*]
President to accorded: Do you with to make a sentement ? Any

Line Figh. L. 89 17(2) [6. 4. 59 15(5) [6. 5 per J. MML p 54 page 47. 4. 5es peru El el Sacon

5. Summer d'eny, recorded per feines. making a statement you will not be sworn or subject to cross-examination; and anything you say will not be cased in scridence against you after your plan, if, however, it appears to the Court that your statement in strenger your plan, if, however, it appears to the Court that your statement after your plan is not be advised to change your plan and you stand the effect of the piet of Gentry(\*), or which show provocation or extenuation in respect of which in your interest the witnesses for the Prosecution should be examined(\*), we shall advise you to change your plea to Mos Guilly In

of the Court constants at the accuracy will. (1) the Court decides to the solution and the form

Completely the accused is (size) so independent on the ton Asserts you on Junes to takend (many)

Court may be chased to complete the sunteness. Doints whole or part not used.)

as 15(8). If any piece(s) is (are) changed, are Recard form C or D as appropriate.) By On the chargest to which the please of Guilty is the changed the President records findingle of Guilty in Part I of the Schedule (!)

bosts () is go unclaired by the state of secured to transport could be could be could be could be used to the could be could be used to be could be (f.) The Summary of Evidence is marked Ex 💰 initialled and read along by the President (f.)

BC. The accessed having been found (suit; on one or more of the charges, the proceedings are concluded by

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RECORD FORM C-PROCEEDINGS ON MIXED PLEAS OF CUILTY AND

NOT GUILTY.

inclusive of Record Form D on p.5 before proceeding with C 2.(?) (). As  $\mathfrak{M}(s, \mathfrak{U}_1)$ OI. As to the charges on which accoused pleaded NOT GUILITY the stral is emitting by meing paras DI to Dis

C2. The charges on which accused pleaded GUILT are read to him (them) again, and the first first is combinised by using paras left to B5 of Record Form B alcorated by Reference are read as reside to the charges dealt with under CL. I was the next next next one paraset if the Surgery of Evidence are read as reside to the charges dealt with order CL in the charges dealt from D as p 3 and menors as appropriate exact during an augment to the surgery of the paraset from the propriate accord formed for a suggest the first constitution of a surgery of the first constitution of a surgery of the first constitution of a surgery of the first constitution of the first con

ships are confidenced on though Form geoord torn, and b (3. The accusal-fishing been found Gully on one or more of the charges, the proceedings are concluded by using

PRESIDENT OR JA WILL INITIAL ALE DELETIONS AND ALTERATIONS

#### CHARGE SHEET

The accused, G 24039 Private Clement John Quinn, 5 Canadian Casualty Clearing Station presently a convalescent at 1 vanedian Convalescent Depot, a soldier of the Canadian Army Overseas is charged with: -

FIRST CHARGE ARMY ACT SEC 15(1)

WHEN ON ACTIVE SERVICE, ARSENTING HIMSELF WITHOUT LEAVE

in that he

In the Field, in Italy, absented himself without leave from 2230 hours 6 July 44 until apprehended by the Military Police at 1630 hours 24 July 44

In the Field 2 Aug 44.

(F.F. NORTHUP) Officer Commanding

1 cdn Convalescent Depot.

TO BE TRIED BY FIELD GENERAL COURT MARTIAL

In the Field 3 Aug 44

7/Comd 1 Cdn Base Rft Gp Cdn Army - CMF

## FIELD GENERAL COURT-MARTIAL

(Whether the accused to be tried is under his comd or not, a PGCM may an application to him be convened by any off of Cda Army Overseas, are of any other force if authorized in tay, in immediate comd of troops an active service, subject to RP 105(C) and restrictions imposed by appropriate outhy, of any other force if authorized in tay, in immediate comd of troops an active service, subject to RP 105(C) and restrictions are MML Chap V pares 20 and 23. AA 49, 30, RP 104-107, 114. As to the duties, and privileges of the Convening Off, in admitting with the application see MML Chap V pares 20 and 23. AR 97(8).

There should be a separate Convening Order for each person to be tried separately by the same Court. RP 71(C), 109. As to separate charge sheets see RP 108. As to two or more accused charged jointly see SP 16, 109.

As to reasons for showing (a) permanent or confirmed rank, and (b) appoint, A/rank or A/appoint, if any, see AA 182, 183, fis. KR Can 306, 328, 330.)

#### ACCUSED.

(a) Prmnt R. (b) Appmt, A/R or A/Appmt. Number

Full Christian Names.

Unit Surname.

094039

Pte

Clement John

QUINN

1 Cdn Conv

Depot

#### CONVENING ORDER.

1. Whereas complaint has been made to me, the undersigned, that the person(s) named above as the accessed, being subject to military law, has thaves committed the officeoc(s) set forth in the Charge Sheet(s) attached and on endorsed by more by an offr of my staff for me), "To be tried by Field General Court-(date)."

Martial" And whereas I am of opinion that it is not practicable that such offence(s) should be tried by an ordinary Ger Court-Martial; tend that it is not practicable to delay the trial for reference to a set (Delete part in brackets when not required for compliance with RF 105(C)-1

I hereby convene a Field General Court-Martial to try the said person(s), and to consist of the Offrs appointed or detailed hereunder.

4. I am unable to appoint (a) three Offre to form the Court, (b) a Fd Offre as President, for the reasons I have (b) (AA 49, RF 106(B), 107(A). Delete the whole or part, if not applicable.) wh horeton

thereat the Offe mentioned here (RP | Go(E). Delete, if none appointed.)

#### PRESIDENT.

NO SPRING

(Rank.)

(Must be named. RF (06.)

1 Sn 1 0000

MEMBERS.

Copt or Lieut to be detailed by CC 1 Gdn Convelement Depot

(Named or detailed. RF 106.) (Rank.)

WAITING MEMBER

Capt or Lieut to be detailed by CO 1 can Convalement Repot (Named or detailed, if any. ## 106.) (Rank.)

(Must be somed, if any. RF 10c.)

On Active Service in the Fd

5 AND 44

(Country.)

(Signed personally. -40 105 for 23 (S. As Litt)

colonel

1 Gán Base Hift Op - Calf W Commanding Convening Officer

CONVENING OFFR WILL INITIAL ALL DELETIONS AND ALTERATIONS

4/38A PASS (IN SPENSE APAS)

(See averled) for suchs and notes for use on trial.)

hereby certify that I have this morning examined IIE QUINA C. S. A. 4. 0.38.

Church functions to be attended to at a later and find him fit to undergo trial by court narrows.

Date 4. 8. 4.4.

#### SUMMARY OF EVIDENCE

16 A.

Summary of Evidence in the case of G-24059 Private Clement John Quinn of the 5 Canadian Casualty Caering Station, presently a patient of 1 Canadian Convalescent Depot, a soldier of the Canadian Army Overseas.

The Commanding Officer directs that the swidence be taken on oath.

First Witness: For the Prosecution K-52475 Sgt Smith, I. of the Seaforth Highlanders of Canada, presently a patient of 1 Canadian Convelescent Depot, a soldier of the Canadian Army Overseas having been duly sworn states:

While acting as company Orderly Sgt of "E" Company, "B" Division, 1 canadian convalescent Depot, I called the tattoo roll at 2230 hrs 6 July 44 and found Private Quinn, whom I now recognize, absent.

The accused declines to cross examine this witness.

Second and Third
Witnesses
For the
Prosecution

6979367 L/Opl Murphy and 5336428 L/Opl Harman of the Selerno Rest Camp, owing to the exigencies of the service cannot be called to give evidence, therefore a written statement purporting to be signed by them is attached hereto and marked Exhibit "A".

The accused was asked, "Do you wish to make any statement or give evidence on oath? You are not obliged to say anything or to give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in syidence."

The accused declines to make a statement and reserves his defence.

Taken down before me in the presence of the accused this 28th day of July 1944. I hereby certify that R.P. 4 (c)(d)(e)(f) and (s) have been complied with.

Lieut

W.B. Langston Officer detailed to take Summary of Evidence. Maple "I'm

#### EVIDENCE

Stillet on duty in the Rampares at 1630 hro 24. 7. 144 & stopped PTE. GUINH. R. J. G. RH 039. und asked for his pass which he failed to produce. Of placed him under close arrest.

7/92 Marmon 5338428.

REMARKS

Regiment Battery Squadron Troop or

CHARGE against No G-24039 Rank PTE.

Name GUINN. C. J.

Place SALERNO REST CAM? Date of Offence 24-7-44

OFFENCE A. W. L. FROM

POHEE AT 1630 has 24-7-44

Names of Witnesses

7/cpl Marphy 6979307.

Signature of O.C. Battery, Squadren, Troop or Company

Punishment / Awarded

By whom (

Adjutant



Regiment (or a) the case may be).

# Statement as to Character and Particulars of Service of Accused.

24039	The Quest C. S.				
1. The following	s a fair and true summary of the entries	in the regimental an	d squadron, b	attery or comp	any sweet
et sheets† of the accus	ed, exclusive of convictions by a court of	nartial or a civil court	, of summary	awards under s	ection 45
the Army Act, and of	cases in which trial has been dispersed	with:-			
er at a real liv					
head principl court married this automasty married the coupyled	* Within last	12 months.		Since Unio	st ment.
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	For AA 19	Nel .	times		1000
	Vor. A.A. 40	4		+	
	Var AA 10(4)				
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charge Ministration pres the cutton 5/2 Granauspins mention acated penasality and	There are no entries in the cond-	uct sheets of the acm	used.		
Males.					
248 I	has not been previously consected, or tions; of the assessed by a scort martia				
2413	is not under sentence at the present tin begoning on has been in communication, awaiting trial of Alays in militar	n the present charges	for		-
of which No.	days were spent in hospit				
NAS The present	age of the accused according to his atte-	n <del>d of service</del> is 30 station paper	4/42 16	3 8041	
716 6. The date of	his committees on specified in his accord of attestation	on paper is 30 v	hy 42.		
2/16 The same		wards discharge or to		CHARLE	
268 8. The word				- ACAPTER	
72 All Terrore			e miletary aw	and for is in oo	socialism of
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exciption of out by which d, or status of or disposing of charge or dis- sing with trial	Date and place of trial, or summary award under A.A. 47, or of order dispensing with trial.	Chaiges who which convicted, or in sespect of which trial was dispensed with:	or authority disposing of the charge, or her of the disposing authority.	Punishment remitted	Control of the Contro	rank of	s cunik of
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	Sqn. Battery, or Company Corps RCABC Period not reckening towards	Date of enlistment Sheet No 1	31.701.42 GC Signature OC 1 Company, etc.	Service or Proficiency		100 (1420)
No. 24039 ULLING C.J. No. Date of fast entry in Company Conduct Sheet M1.1 of h	and date ast drunk freedom from extra fine	Names of Witnesses		Date of award or of order distan- sing with unal	By whom awarded	Remarks
place Date of Rank drumbro man drumbro part dostroyed: 31 ottown 10-2-43 Ptc /	Charged with drunkenness of she brown under influence of alcoholic stimulants to provide a close to provide and moder influence of alcoholic stimulants was socious of alcoholic stimulants and was socious and the provide indulgance of alcoholic stimulants and was socious and statements.	ont Lord Go	de Shayo F.P. and Formasays of under Fox 14 25 days Forms 21 days pay under 149(1) (b)	23-11-43 9(1)(b) 16-2-44	CA Callur CA Callur Injor 3.1 Chaetler Injor 3.1 Incertion	nai th

100		Date of		Cases of drunken-	OFFENCE	Names of Witnesses	Funishment awarded	Date of award of of order dispen- sing with trial			
09	c manino	Date of offence	Bank	trunken				02 For 15	litary Det	entions	
-					a days remission of sent	ence under R	ales 120 and 1	F. 101			
	Field 9	3-44	Fte		Earned 4 days remission of sent and Military Prisons	S1U	ature:				
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No 0-23035 Date of las	alt: entra	5 P S 3 T S			or Company i and date   last drunk	Period not reckoning towards freedom from extra fices	Sheet No I	Signature OC Company, etc		Characte	
Company C	Cond	Emite of		Cases of		OFFESCE	Numes of Witnesses	Punjahment awarded	Date of amound of of order-Discom- sing with Stial	By whom awarded	Remarks
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						Lutyland	The copy	wen boot			

# List of Witnesses for the Prosecution

K 58475 Sgt Smith J. 1 Cdn Cenw Depot 6979367 L/Cpl Murphy Salerne Rest Camp 5338428 L/Cpl Harmon Salerne Rest Camp

List of Witnesses for the Defence

MIL

## List of Exhibits

Exhibit "A" - Statement of 6979367 L/Cpl Murphy and 5336428 L/Cpl Harmon

244-63 Sgr. Quinn, 473

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

Charge.	Plea.	Finding.	
(Insert " alternative " where	(See Instra p 2.)	(See note below.)	(Space for use as required for further charges, accused charged joint aspecial findings, etc.)
applicable.)	NOT	NOT	
at A.A.40	GUILTY	FUILTY	
hd	washington		
ld.			
h			
th			
<b>†</b> h			MMI a 593 for 4 horro 2, 8P 44 :
(Note: At to f	adings for leaser offe	nces too AA 56, RP 44	, findings on alternative charges see MML p 483 fn 4 pare 2, RP 44 ; see RP 44 fn 5.)
At present under sente	nce for	If we applicable	See RP 46(A). Information should be found on MF 8355 or AF 8296.)
(). Insert sentence	being served, or do	trial a total of	days, of which All days were spent in hospit 8355 or AF 8296 admitted in evidence under E2)
Time in confirmment of (1. See RP 46)	A) fn 2. Information s	hould be found on MF	B355 or AF B296 admitted in evidence under E2.)
Sentence Awarded by	the Court:		
Pari	1. 1.11	1-12	us Keleused:
ucc	~~		
			WILL BUNNING
		18 au	P.P V Considered (80 45, 50.)
(Sgd) Judge-Adv	rocate, if any.	Dat	to awardiski.  o ossentity and disposal of record after trial.)
	MINITE W	HERE CONFIR	RMATION RESERVED. (AA SA(S), RP (201F), MAIL 9 760.)
PART II.	Philamir 11		
			Commanding
	(Sg4)		
Date			
HARTON STREET,	DECISION	OF CONFIRM	IING OFFR ON FINDING(5) AND SENTENCE
HARTON STREET,	DECISION	OF CONFIRM	IING OFFR ON FINDING(5) AND SENTENCE  1. St St 120, MML pp 759-761, 88 (Lee St 5) - Acquitates require in  1. St St 120, MML pp 759-761, 88 (Lee St 5) - Acquitates require in  1. St St 120, MML pp 759-761, 88 (Lee St 5) - Acquitates require in
HARTON STREET,	DECISION  Downers see AA 54, 51  Connect be revised :	OF CONFIRM 7, RF 37(D) for 6.46(A AA 54(2). Seeding I agoin: AA 137, MAM	ING OFFR ON FINDING(5) AND SENTENCE  1, 51-56, 120, MML pp 759-761, 82 (as 56/-5) s. Acquittals require in lock finding as sentence for revision by Court : AS 54(2), 89 (20(G))  9 64. Minute of confirmation are non-confirmation may be altered before p 64. Minute of any finding sentences or non-confirmation may be altered before p 64. Minute of confirmation are non-confirmation may be altered before p 64. Minute of confirmation are non-confirmation may be altered before p 64. Minute of confirmation and beautiful for the first position of the fir
HARTON STREET,	DECISION  powers see AA 54, 57  I connot be revised:  course may be tried a  F 53, MML p 65.  The Confirming Of	OF CONFIRM  7, RF 275(0) fin £.46(A  AA 54(2). Sending I  apoin: AA 137, MAML  Queshing ofter proon  for must ugn here per	ING OFFR ON FINDING(5) AND SENTENCE  1, 51-56, 120, MAL pp 759-761, KR (as 56/-5) s. Acquitals require in bock finding at sentence for revision by Court: As 54(2), 89 (20(G))  9 64. Minute of confirmation or non-confirmation may be altered before ulgetion: KR Can 572. Duties and powers of reviewing offrs: AS 50 annuly: As 772 ft 1-1)
PART III.  (For duties and confirmed, of promalgation or promalgation or CA & SAS 54	powers see AA 54, 51 d convoid be revised: eccused may be tried: NP 53, MSML p 65. 4. The Confirming Of	7, RF 37(GI) fin 6.46(A AA 54(3). Sending I again: AA 137, MML Quashing after gram (fr must sign here per	), 51-56, 120, MML pp ) 59-161, 8K Let 26-19.  Shock finding us extenses for remission by Court 1: AA SN(2), RP (20(G) book finding us sentence for remission by court 1: AA SN(2), RP (20(G) book finds to great sentence of continuation may be ultimated before p. 64. Minute of confirmation or non-confirmation may be ultimated before ultimated and statement of the sentence of the se
PART III.  (For duties and confirmed, of promalgation or promalgation or CA & SAS 54	powers see AA 54, 51 d convoid be revised: eccused may be tried: NP 53, MSML p 65. 4. The Confirming Of	OF CONFIRM  1, PF 11/01; fn 6.46/A  AA 54/3. Sending I  Quaching after prom  (Tr must sign here per  ad setztenice set fo	), 51-56, 120, MML pp ) 59-161, 8K Let 26-19.  Shock finding us extenses for remission by Court 1: AA SN(2), RP (20(G) book finding us sentence for remission by court 1: AA SN(2), RP (20(G) book finds to great sentence of continuation may be ultimated before p. 64. Minute of confirmation or non-confirmation may be ultimated before ultimated and statement of the sentence of the se
PART III.  (For duties and confirmed, of promalgation or promalgation or CA & SAS 54	powers see AA 54, 51 d convoid be revised: eccused may be tried: NP 53, MSML p 65. 4. The Confirming Of	7, RF 37(GI) fin 6.46(A AA 54(3). Sending I again: AA 137, MML Quashing after gram (fr must sign here per	), 51-56, 120, MML pp ) 59-161, 8K Let 26-19.  Shock finding us extenses for remission by Court 1: AA SN(2), RP (20(G) book finding us sentence for remission by court 1: AA SN(2), RP (20(G) book finds to great sentence of continuation may be ultimated before p. 64. Minute of confirmation or non-confirmation may be ultimated before ultimated and statement of the sentence of the se
PART III.  (For duties and confirmation on not confirmed, o promaignton of 57A, R 53A, 54  My decision on	powers see AA \$4, 5) d connot be revised: coursed may be tried; aP \$3, MME, p 65.  The Confirming Of the finding(s) as	7, RP 2750) fm 6.46(A AA 54(7). Sending I agoin: AA 137, MAM. Questing offer prom fir must aign here per rd seritemore set fo	b. 51-58. 120. MAM. pp 153-761, St. Lett 26:-03.  bock finding as sentence for remains by Court 1: AA 54(2), 89 (20(G) beck finding as sentence for remains by Court 1: AA 54(2), 89 (20(G) beck finding as sentence for remains on one-confirmation may be altered before upletion: SR Can 512. Duties and powers of remaining offs: AA 55 smally. AA 172 (n i.) by AA 172 (n i.) by The first I is:
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PART III.  (For duties and confirmation on not cardinated, a promalystion: 57A, RF 53A, 54  My decision on	powers see AA 54, 51 d consol be revited: AF 53, MSML p 65. The Confirming Of the finding(s) as	7, RP 2750) fm 6.46(A AA 54(7). Sending I agoin: AA 137, MAM. Questing offer prom fir must aign here per rd seritemore set fo	h. Si-Sa. 120, MMM, pp 153-761, Sc. Let 26:-03  bock finding as sentence for remains by Court ! AA Se(2), SP (20)(G)  bock finding as sentence for remains by Court ! AA Se(2), SP (20)(G)  bock finding as sentence for remains on anon-confirmation may be altered before algebraic sentences of the
PART III.  (For duties and confirmation on not confirmed, o promaignton of 57A, R 53A, 54  My decision on	powers see AA 54, 51 d consol be revited: AF 53, MSML p 65. The Confirming Of the finding(s) as	7, RP 2750) fm 6.46(A AA 54(7). Sending I agoin: AA 137, MAM. Questing offer prom fir must aign here per rd seritemore set fo	h. 51-58. 120. MAM. pp 153-761, K. 422 54-75.  bock finding as sentence for remains by Court 1 AA Se(2), 89 (20(G) beck finding as sentence for remains by Court 1 AA Se(2), 89 (20(G) be 10 for 10 fo
PART III.  (For duties and confirmation on not cardinated, a promalystion: 57A, RF 53A, 54  My decision on	powers see AA 54, 51 d conside revited: AF 53, MAML p 65. The Canfirming Of the finding(s) as	7. 99 37(0); fn 6.46(A); AA 54(E); Sending I; Gooding AA 137, MAM, Quashing offer gram rd serxbenuce set fo aut oursmitted to (S. AA 57A.	), 51-58, 120, MML pp 153-761, 82 (2011 1 AA Se(2), 82 (20(G) bock finding as sentence for remission by Court 1 AA Se(2), 82 (20(G) bock finding as sentence for remission for some confirmation may be altered before significant sets of the sentence of the
PART III.  (For duties and confirmation on not confirmed a parameter of the confirmation of the conf	powers see AA 54, 51 d conside revited: AF 53, MAML p 65. The Canfirming Of the finding(s) as	7. 99 37(0); fn 6.46(A); AA 54(E); Sending I; Gooding AA 137, MAM, Quashing offer gram rd serxbenuce set fo aut oursmitted to (S. AA 57A.	h. 51-58. 120. MAM. pp 153-761, K. 422 54-75.  b. 51-58. 120. MAM. pp 153-761, K. 422 54-75.  b. 64. Minusto of confirmation or non-confirmation may be altered before algebrain s. R. Can 512. Duties and powers of resimulating affirs: AA 52 smally. AA 172 fn 1.)  brith in Part I is:  purisons or sietention barracks until further orders. (1)  belief of mst used.)  (Sgd).

ALL DELETIONS AND ALTERATIONS WILL BE INITIALLED.

RECORDED AT CMHO IN AB 160, 21 21 26-63

FIELD GENERAL COURT-MARTIAL PART AND AND REPORT AND ADDRESS OF THE PART AND AD

Convened of Order of Prigadier PR Shields Comd B Sp CRU dated 16 aug 44

ACCUSED.

(As to the trial of two ar more charged jamsely see RP 16, 71, 109. As to reasons for showing (a) permanent or confirmed rank, and (b) appmt, Alrank se Ajappmt, if any, see AA 182, 183, fins, KR Can 206, 328, 330.)

Number. (a) Prmnt R. (b) Appmt,  $\Lambda/\mathbb{R}$  or  $\Lambda/\mathrm{Appmt}$ . Full Christian Names. Gordon Bell QUINN 1 CERU P-10198 Sgt

PROCEEDINGS REVIEWED 30 aug 44

REVIEWING OFFICER, SAG BRANCH CM.H.Q. on ineg 18 lang 44

# RECORD FORM A-OPENING PROCEEDINGS AND ARRAIGNMENT.

Al. The President, Members, waiting Kember, JA, if any, and Offer under instr. if any, assemble, and the

(PRINTED MATTER, NOT IN ITALICS FOR SUIDANCE WILL BE DELETED, IF NOT USED OF APPLICABLE, AND INITIALIED O'RINTED MATTER, NOT IN TRAILES FOR the GARCE, WILL be DELETED IT MAY DEED ON APPLICABLE, AND INITIALISES
BY PRES OR JA. The Schedule referred to throughout is on p. 4. Citations do NOT include all relevant films ROs. For guidance
on procedure when a sociation in this form arrises, see farm for GCM in MML pp 741 to 739. A brief record of such variation
will be made and given a number having reference to copyraptives or preceding paint number herein. See book of Convening Design,
will be made and given a number having reference to copyraptives or preceding paint number herein. See book of Convening Design.
CF APS, for outhit and inserts an have to record codinesses, exidence, etc., which instra one horseffer called "Notes". As to general
possistions for conducting the trial see AA 51, 29 Se. 63.70, 73, 74, 94, 103, 119, 122.3.

A2. The President initials and lays before the Court the Convening Order and Charge Sheet attached therein. (4) The Court is satisfied that it is properly convened and constituted(\*), accused is (aso) amenable to military law, and each charge discloses an offence.(\*)

(7. As to use of Summarry of Evidence see RP 17 fn 6. 2. AA 49, 50, RP (05-107. ). RP (1-13, 23, 24.)

A3. The Court is opened. The accused is (are) brought before the Court. At 140 D hours trial commences.

A4. The Prosecutor produces a Medical Certificate that accused is sere; fit to undergo trial by court-martial. (1)

The Prosecutor informs the Court that accused elected to be tried by combinarial instead of being deals with summarily by the CO(2)

	A 46(8), 89 00 fn 1. for eff	fect see KR Can Solic	Delete, if not applicable.)	Ans
President to access?	Do you object to	lat.	A Hornard writer	Ans N

The Interpreter is sworm to Do you object to 20126 of Spile Sant shorthand writer ! Ann NO The shoethand writer is sworm.(1)

(I. RP 72. Delette, if none employed.)

A6. The Convening Order and names of the President and Members of the Court are read to the accused. President to accused a Do you object to be tried by me as President or by any of the Members of the Court 1

Ans NO, 2518

10. 2. We as objection, wasting member retires. SP 68(8), If objection, one precedure AA 51, NP 25, 71, 18, MARL p.742.)

A7. The President, Members, LA, if any, and Office under instr. if any, are sworm.(\*) The following are the ranks, names and units of the office comprising the Court, etc. LT-GOL D.L. AEDMAN H.Q., CAU. GAPT W.F. SWINTON ICASCAU.

LT AC. BROOKS 166.A.M.

LT. D. PARÉ 1 C.E.M.U. NEWMAN I G.E.A.U. Prosecutor W.A. LT Defending Offr

Questions by President: Is the Prosecutor a lawyer ! Ans NO Is the Defending Offir a lawyer ! Ans. (\*) E. RP 26, 27, 109. 101. List of offer under lestr will be returned separately with proceedings for information of Come (2011).

(2. If Pres a lowyer and Def Offer not, accusated to entitled to an adjournment when RP 89 (8) and the 2 were not followed. See 201 p 3.)

before arra-grament make(s) (no) plea

AS. The accused (I. If a special plea is made for superrain trial of one or more charges (NP n2(E), 108), or as in the jurisdiction of the Court (NP 24, 25(A), 112), or in bur of trial (NP 26), or as in accused's mental Phreas to stand trial (AA 12), NP 25), or by one of several accusant charged (only to the trial separately (NP 1A, 7F), such pies, the addresses made in support or against, the evidence, if only, and finding are recorded per Notes. For forms of record use references in fin to high closed, leasert in NB manipulation of the occused making the piech).

All. The accused is the parameters on all charges in the charge sheet. (\*) The accused does (the pleas in Part I of the Schedule.

(I. RF 31, 1/12. See pairs I of learns 9.2. When more than one Charge States are RF 62; when several occused to be great asparately see RF 70/(C), and use exportant capture of CF A56 to record proceedings. 2. RF 32, RF 32, RF 32, RF asparate assists objectly-provide record per Notes.

A 10. The Court is closed and compiders the lister on Procedure after Arraignment at top of p 2. The procedure are continued on Record Form

PRESIDENT OR JA WELL INITIAL ALL DELETIONS AND ALTERATIONS.

#### 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 32(A)). As to withdrawal of alternative charges by Prosecutor see RP 35(C). No other charge can be withdrawn for any reduct without mathy 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 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(I).

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(A).)
  - (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 Such mixed pleas occur in a set of their or more charges said in the difference, see RT or (3) and pt 2 dis-to dissertion of Court, (i) to try the accussed 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 decising between (i) and (ii), Court will proceed under foregoing instrs 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 50, 00(C); powers and duties of JA see RP 103; duty of President are RP 60(A) (B); duty and privileges of accused and Defending Offr see RP 60(C), 87(C), 91, 92; surearing and withdrawal of witnesses from Court see RP 81, 82; guestioning of accused see RP 80, 87(C), 92(B), and of witnesses see RP 83-85; calling or re-calling of extracases by Court etc see RP 76-79, 80, 116; use of Summary of Evolution at Trial see RP 17(E) In 0; and responsibility of JA or Pres to record proceedings see RP 94, 96.

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

BI. The President or JA, if any, complies with RP 35(B) by explaining to the accused the nature and meaning of the charge(s)(\*), 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.(\*)
(1. RP 35 fs 3. 2. AMM p 54 pers 47.)

B2. President to accused: The Court will now receive any statement you down to make in reference to the B2. President to accused: The Court will now receive any statement you doone to make in reference to the charge(s).(!) If it appears from your statement that there are circumstances which adicate that you do not understand the effect of the plea of Guilty(%), or which show provocation or extension in respect of which be your interest the witnesses for the Prosecution should be examined(\*), we shall advise you to change your plea to Not Guilty. In making a statement you will not be swarn or subject to cross-examination; and anything you asy will not be used in cridence against you after you change your plea. If, however, it appears to the Court that your statement affects only the amount of punishment 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. A swarn testimony, if you so desire [\*]

President to accused : Do you wish to make a statement ! Ans. (I. RF 37(8); 2. RF 37(D) fo 6. 1. RF 35(8) fo 5 pare 3, MML p 54 pare 47. 4. See pare E3 of Accura Form E. Natement, If any, recorded per Nates: 1

B3. The Court considers the accused a statement (1) The Court decides (not) to advise accused to change his charge(s). The accused is (are) so informed, and he (they) (their) plen(s) of Guilty to Not Guilty on 

B4. On the charge's) to which the plea(s) of Guilty is (are) not changed the President records finding(s) of Guilty in Part I of the Schedule. (1)

(I. RF 356). If any plea(s) is (are) changed, use Record form C or O as appropriate.)

B5. The Summary of Evidence is marked Ex initialled and read aloud by the President. (5)

If there is no Summary, or if it is inedequete, camply with 89 II(8). If there is one evidence inconsistent with any pine standing or Guiley. Court will define occured to change much pine and. If changed to Not Guilly, try such charge(s) by use of force I to D8 inclusive of Record Form D on p 1. IF II(D1).

B8. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by mining Record Form E on p 3.

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

C1. As to the charges on which accused pleuded NOT GUILTY the trial is continued by using paras D1 to D8 inclusive of Record Form D on p 3 before proceeding with C 2.(1)

C3. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using Record Form E our 5 3.

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

Pix here Loose Sheets of Record.

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

D1. President to accused: Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been compiled with, and that you have been projudied thereby, or an the ground that you have not had sufficient opportunity to pressare your defence? Ans NO, SIR.

D2. The Presecutor makes (ass) (no) opening address.(1)
(1. 82 29(2), 50(A) (B), 90, \$2(C) (D). Record address per Notes, subject to 8P 95(Q-)

D3. The evidence for the Presecution is taken. (1) No 12 AT (1. RP 39(C), 114, KR Can 555. Record evidence per Notes. As an Presecutor 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 prime facie case against the accused on the  $i \not = 0$  charge(s). (i) The Court is closed, and considers the submission. (ii) The Court is re-opped, and the President announces that the submission is disallowed on the charge(s), and that, accordingly, the trial will preceed on the former, but the assessed is (are) found Not Guilty on the inster charge(s).

(1) Delete remainder of this pane, if submission not mode.

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

3. RP 40 fn 1. See MML p.72 pares 12-14 and p.81 pane 42.

4. Delete part not used. If accused acquitted on all charges, use second alternative in para 06.)

NB: If trial proceeds, accused must be allowed great letitude in making his defence, and the Court should not stop his defence solely on ground of irrelevance.

(RP 60(C), 114, 115.)

D5. President to accused: You will now proceed with your defence.(1) You may, if you wish, give evidence surself on eath as to the facts or your character or both, in which case you will be subject to cross-examination [18] You may, however, make a statement without being sworn, and you will not be subject to cross-examination. (2) But a statement which could have been made on each will not carry with the Court the same weight as sworn testimony. (3) You may call witnesses in your defence and as to character, whether you give avadence or make a statement or do

President to accused: Do you wish to give evidence yourself as a witness, make a statement, or do neither it To Twe widered ... Do you intend to call witnesses on your behalf? Ans Y ... Are they witnesses as to character only 3 Ans. NO - 51 V. (1. RP 455. 2. RP 40(R) see 80(D). 2. RP 40 fn 10. 4. RP 40 fn 2.9.)

D6. Consequent on the answers recorded in para D6 the appropriate procedure for the defence is followed:

(I. RP 114, 115, 116. For procedure see Notes on back of Consening Order, CF RES. Evidence for accused as to his N of I L character should. If is his interest, be given before the finding. See RP 40(A) for I, 86(C). Note the further opportunity in part E1 of Record Per Notice addresses, supposeed, evidence and my submitting up by the J8 under RP 42, 103(e).

D7. The Court is closed to consider the finding(f).(1) The finding(f) of the Court is (fc) recorded in Part I of the Schedule (\*) The Court is re-opened.
(1. 22-43, 117(4). See Names in Part I of Schedule. 2. RP 44(4).)

DS. The President announces the findings, if any, of Not County, and states to the accused that the findings, charge(s), being subject to confirmation, will be promulgated later

Any The President announces that the accused is found Not Gustry on all charges and is to be released forthwith, and that the proceedings are accossdingly terminated. Part I of the Schedule is dated and signed. (\*)

(1. AS 56(1) (c), AP 55, 120,81. 2. AS 56(3), AP 45, 117. This observative announcement is not applicable when there are pleas in Gully autitanding and dealt with under Record Form B or C.)

Do. The second having been found Guilty on one or more of the charges, the proceedings are concluded by using Barowi Form K balow

#### RECORD FORM E-PROCEEDINGS ON CONVICTION BEFORE SENTENCE.

Prevalent to accused: The you wish to give evidence yourself or to call any witnesses as to your character 1(5)

(i). If enidence hebalroods lesen given by occused or his witnesses as to his character, delete this pane. RP 37(C) fn 4, 46 fn 1, Accused and witnesses are began. Evidence recorded per Notes.)

E2. The Prosecutor produces Statement(s) as to Character and Particulars of Service(1), and certified true copy (copies) of Conduct Sheet(s). Statement(s) as to Character and Variationlars of Service(\*), and outlined unaccopy (copies) of Conduct Sheet(s). Surporting to refer to the accused, which he submits to the Defending Offr fixen enamerication, and then to the Court for dimission in evidence. The Court is satisfied that these documents enfor to the accused, because (i) they purport to refer to (a) soldier(s) having the same number, rank, name and corps as the accused. Admitted in evidence and

ectively N KR Con SSR. If obere documents not produced, see RP 46 fo ! marked Ex and Ex respecti

E3. Pressient to accused : Do you wish to address the Count on the Statement(s) and Conduct Sheet(s), and in minimpation of purplehensent 1(1). Same.

(1. NP 33)(C), 46(D). Z. Address, if any, reconsted per Notes. Court should permit occused or his witnesses to prove on actif anything here or previously stated which would affect the amount of purplement. NP 33(F) for 7.)

E4. The President states that the Court is closed to consider 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. At 548, R? 126(8).)

E5. The Court considers the sentence (\*) The President records the sentence in Part I of the Schedule, which is dated and signed by him and time JA, if any (\*)

(1. When every occured must appropriate as \$2.70). One termines only, comprises of the positionest or pagintness in the sentence in As 41, 44 and its precision, is to be seemed to over all therpe them to which occured form \$2.70, as 48 ft. in the instruction of the sentence in As 48, 181, 182, 87 80-35, 45, 118, 1190, 183 cm 308, 120, 565-566, Overson 8D 309, 7321.

MAIL 2 do, 757-759. As to sentence of improvement or defection are As 46(18), 807, 182 Cm 564.

Self-Con 567, As to release from arrest by Carlinning Offo one SR Can 567. As to assembly and dispense of record office trial see instrumes as back of Consening Order.)

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

# The accused P 10198 agt will, Gordon, Bell, Poyal Canadian Engineers, Ed. I Canadian Engineer Peinforcement Unit, a soldier of the Canadian Army (Overseas) is charged with: FIRST CHARGE MEDICOT TO THE PTATUDICE OF GOOD CROSS AND MILITARY A.A. SEC. 40 DISCIPLINE, in the field on 5 and 44., Gailed to entry out the duties of day Orderly Surgment, after having team letailed for such duty in "S" day No. I denedled Engineer Reinforcement Unit Part I Order No. 192,193, 194, dated 3, 4 and 5 ang 44. TO BE TRIED BY PIELD GENERAL COMET MARTIAL. 16 Aug 44 (P.R. Shields) Brig Comd "B" Gp Cdm -ft Units

# FIELD GENERAL COURT-MARTIAL

CFA95 (In New of AFAS)

(Whether the accused to be tried is under his comd or not, a FGCM may an application to him be convened by any offr of Cdn Army Overseat, or of any other force if authorized in law, in immediate cored of troops on active service, subject to RP 105(C) and restrictions imposed by appropriate authorized in law, in immediate cored of troops on active service, subject to RP 105(C) and restrictions imposed by appropriate authorized in 4A 49, 30, RP 104-107, 114. As to the duties and privileges of the Convening Offr in dealing with the application see MML Chap V parts 30 and 23, AR 97 (C), 109. As to separate charge sheets are RP 31(B). There should be a separate trial on charges in the same charge sheet see RP 10B. As to two or more accused that ged jointly see RP 16, 105.

As to reasons for showing (a) permanent or confirmed rank, and (b) appint, A/rank or A/appint, If any, see AA 182, 183, fns. KR Can 308, 328, 330.)

#### ACCUSED.

Number. (a) Prmnt R. (b) Appint, A/R or A/Appint.

Full Christian Names.

Surname.

P-10198 5#t

Gordon Bell

QUINN

1 CERU

### CONVENING ORDER.

Whereas complaint has been made to me, the undersigned, that the person(s) named above as the accused, being subject to military law, has there committed the offence(s) set forth in the Charge Sheet(s) attached and on (date) AS AMS AZ endorsed by me, (or by an offence my staff for me), "To be tried by Field General Court-Martial".

And whereas I am of opinion that it is not practicable that such offence(s) should be tried by an ordinary Gen Court-Martial; (and that it is not practicable to delay the trial for reference to a superior qualified offr.) (Delete part is brockets when not required for compliance with RP 105(C))

I hereby convene a Field General Court-Martial to try the said person(s), and to consist of the Offrs appointed or detailed hereunder.

4. I am unable to appoint. (a) three Office to form the Court, (b) a Fd Offices President, for the reasons I have

(AA 49, RP (O6(E), 107(A). Delete the whole or port, if not applicable.) attached berete.

5. I also appoint as dudge-Advocate thereat the Offermentioned hereunder (SP 10c(£). Delets. # none oppointed.)

#### PRESIDENT.

HQ CRN D.I. Redman (Must be named. RF 106.) MEMBERS. to be detailed by Captain 1 CGRU to be detailed by Lieutenant (Named or described. RP 106.) (Rank.) WAITING MEMBER. (Links) (Named or detailed, if any. RF 106.) JUDGE-ADVOCATE. (Must be named, if any. AP 1063) (Runk.) On Active Service in the Fit in England (Digned personally. RP 105 fo 2.)

(Country.) Date 16 Aug 44

CONVENING OFFR WILL INITIAL ALL DELETIONS AND ALTERATIONS

## MEDICAL OFFICER'S REPORT

	I certify that No.	P10198.	Sgl. Quinn	38
of ICER	4 is in a	fil	state of health,	
	to undergo			
			ad outs.	
		Medi	cal Officer	

Station #1. CFR. U.
Date 18 aug. 44

M. F. B. 246

W

F.10198

Sit

OUTEN

G.B., 1 CERU

-PROSECUTION-

#### FIRST WITNESS

B.26412 Sjt MARSH, G.J., 1 CERU, having been duly sworn, states:

On 3 Aug 44 while acting as CSM of "E" Coy 1 CERU it was my duty to detail through Pt 1 Orders the accused to be Orderly Sjt for Sat 5 Aug 44. I again repeated in Pt 1 Orders the same detail on the dates of 4-5 August. On the 5 August I was called to the Orderly Room and I made inquiries for the Orderly Sjt, the accused.

- What were the hours for the tour of duty for the Orderly Sjt? 0600 hrs each morning to 0600 hrs next morning.
  The Orderly Cpl said he had not seen him, so I sent him to Spider 5 to locate the accused. He returned 20 mins afterwards and said that Sjt quinn could not be found. I then myself proceeded to the Mess to try and locate him but he could not be found. I carried on with the business I had in hand and at 1800 hrs I contacted Lt Kline who reported to me that he had not seen the Orderly Sjt, all through the day. I sent the Cpl the second time to locate him but he could not find him I saw no more of the accused until Mon morning at 0850 hrs.
- Did you continue on duty the whole of the 5th?
  Yes, I carried on myself doing the duties of the Orderly Sjt
  for the remainder of the 5th August. I saw him on Sunday
  for the remainder of the 5th August. I saw him on Sunday
  at a meal, and officialy I saw him on Mon at 0830 hrs. The
  accused belongs to "P" Coy. Whe he came to the Orderly Sjt
  I told him he was on a charge for failing to do his duties as
  Orderly Sjt and he just said "oh".

- What exactly were the duties of the accused?
- He was attending school as a student on a survey course.
- Is it customary when anyone is attending a course to put them on company duties and is it made clear to them as soon as they
- Yes, there are orders to that effect. The come are posted to the company, are taken on strength and it is automatic more or less that they will do regimental duties. ome to the company?
- Can you remember the date he joined your company? Not the date, but I can remember a specific instance. A .
- Was he posted the same day as he came to your company?
- Yes, Sir.
- Was he given much notice of his actual duties?
- A. Mo. Sir.
- What is the function of E Coy?
- To carry on edmin and the majority of the personnel 90% of the men which men are either attending courses or men A. waiting for courses.
- are these orders posted in any particular spot?
  One in Spider 5 which are the living quarters of the presonnel.
  They are posted in the Main Hall also in the OCs room. A.
- In the Sjts' Mess? 0.
- No. Sir.



IN THE OPINION OF THE COURT IT IS UNNECESSARY TO COMPLY WITH RF 83(B).

#### SECOND WITNESS

Lt. R.L. BIGG, 1 CERU, having been duly sworn, states:

I am the admin officer of "E" Coy 1 CERU and I present herewith in evidence:

- A certified extract from Pt 1 Order of "E" Coy No. 192 dated 3 Aug.
  - Pt 1 Order No. 192 dated 3 Aug 44 marked Exhibit 1.
- Pt 1 Order of "E" Coy No. 193 dated 4 Aug.
  - Pt 1 Order No. 193 dated 4 Aug 44 marked Exhibit 2.
- Pt 1 Order No. 194 of "E" Coy dated 5 Aug.
  - Pt 1 Order No. 194 dated 5 Aug 44 marked Exhibit 3.

Each of these orders contain an entry relating to the accused whom I now recognize, and I tender surther in evidence:

- A certified copy of Standing Orders of "E" Coy, setting forth the duties of Company Orderly Sits.
  - Certified copy of "E" Coy Standing Orders marked Exhibit 4.
- Are these true copies?
- These are certified true copies of the originals, the original are in my possession.
- Are the dutes of the Orderly Sjt posted in view? They are posted in the Orderly Sjts Duty Roster Book.

- When Sit winn joined your Company was he told of his duties as Orderly Sit while on course? I couldn't say.

- Does anyone that comes to your Company are they aware that they are subject to these duties? It is understood that an NCO or Officer is subject to duty at any time.
- Any attempt made to get in contact with Sjt Juinn before 1400 hrs on Set the 5th?
- We we have men who are on course they carry on their course just the same on Sat morning and report in the afternoon. The Sit-Maj warns them as to their duties, but I can't say what in this particular case.
- Was the accused attending classes on Sat morning the 5th? He wasn't reported absent from classes.

- What date was the accused posted to this Company, "E" Company? On 29 Jul 44, but I think he actually came to the Company on 28 Jul ha
- When did he start this course?
- According to my records, on the 28th

IN THE OPINION OF THE COURT IT IS UNNECESSARY TO COMPLY WITH RP 83(B).



#### THIRD WITNESS

B.26126 L/Cpl BERTRAM, RN. 1 CERU, having been duly sworn, states:

I was Orderly Cpl on the weekend of 5 Aug and 6 Aug 44. While on this duty Aug 5, Sat afternoon the 5th at 1430 hours the Sjt came Sjt Marsh, to the Orderly Room and asked if I had seen the accused. replied that I had not and he asked me to go and look for him in Spider 5. I done this but could not find him and returned to the Orderly Room and told the Sit I couldn't find him. I looked in Spider 5 because that is where "E" Coy personnel are. Sit Marsh carried on the remainder of the day.

During your whole term of duty did you see Sjt quinn at all?

Mo. Sir.

#### CROSS-EXALTIMED

At what time were you first aware that the accused was way from

At 12 o clock on 5 Aug I did not see the accused there them. I saw on orders that it was Sjt winn who was to be Orderly

Not at 12 o'clock, the first attempt was made at 1430 hrs.

IN THE OPINION OF THE COURT IT IS UNNECESSARY TO COMPLY WITH RP 83(B).

#### FOURTH WITNESS

Lt D.R. KLINE, 1 CERU, having been duly sworn, states:

I was Orderly Officer of "E" Coy on 5 Aug 44. The accused whom I now recognize did not appear at any time during my tour of duty 5 Aug 44. Most of the time between lunch and the evening meal I was Aug 44. Most of the time between lunch and the evening meal I was in the Orderly Room and as I had not seen the accused at the norm meal parade I asked 2 or 3 people around the 'riderly Room if they had seen him around. They said they hadn't. I attended supper parade and he didn't appear. Somewhere around 2000 hrs I visited the hut in which the accused slept, and visited every room in that hut and he was nowhere to be found. I asked the hut pricerly who was on duty in the large room where the Survey Fin slept, but I couldn't locate him.

#### CROSS-EXAMINED

- When was the accused first required to report to you? Mormally he would report to me on the moon meal parade.
- What would his duties be from 0600 hrs?
- To go around with me to inspect the quarters and air raid shelters in the morning.
- Thy was there no attempt made to locate him earlier in the day? I forget what I was doing that morning.
- I did not locate him then but I went back in the Orderly Room in the afternoon and I asked the Orderly Cpl if he had seem him and he said he had not seen him around at all. There was no occasion to need Sit winn for any specific duty at the time other than parades.
- Could you not have got him at the Survey School? I didn't think they were under instruction at the time in the afternoon.

- You knew he was on course?
- A. Yes.
- As pln officer did you tell him he might be subject to regtl duty while on course?
- Apparently I didn't, that comes from higher authority that personnel on course will be subjec to duty on weekends.
- Ever use them during the week?
- Not to my knowledge.
- DO you remember when Sit Quinn reported to the Company? Before I came to the Company I believe.

IN THE OFINION OF THE COURT IT IS UNNECESSARY TO COMPLY WITH RP 63(B).

#### THE PROSECUTION IS CLOSED

I submit Sir that the Prosecution has failed to make a prima facie case and the only evidence of neglicot is the neglect on the part of the Company in not informing the personnel of the Company when coming into the Company, of their duties.

## PROSECUTOR'S REPLY TO THIS SUBMISSION

As Orderly Sit, Sir, it is his duty to go and see what he has got to do, and the accused should have gone and seen what was his duty.

THE COURT IS CLOSED TO CONSIDER THE SUBMISSION

THE COURT IS REOFENED AND THE PRESIDENT ANNOUNCES THAT

-DEPENCE-

#### FIRST WITHESS

The accused, P.10198 Sjt QUINN G.B., 1 CERU, having been duly sworn, states:

I was sent here on 28 Jul from "G" Coy 1 CGRU at LUDSHOTT. I arrived here about 4 o'clock in the afternoon and reporting to the Holding Wing and they took me around to "E" Coy and I was turned over to the CSM. He had me paraded before the OC who gave me a slip of paper to take down to the Survey Trg School to have filled out.

Ouring the conversation I had with him I was not informed as to ouring the conversation I had with him I was not informed as to any Company duties. The only information I reed from him was to report to the CSM - CSM Simpson, to arrange for quarters - sleeping accn. I arrange these sleeping quarters first and was billeted in accn. I arrange these sleeping quarters first and was billeted in accn. I arrange these sleeping quarters first and was billeted in accn. I arrange these sleeping quarters first and was billeted in accn. I arrange the sleeping quarters for the following morning I reported to Capt Webber at the Survey School, this was Eat morning, 28 Fal. to Capt Webber at the Survey School, this was Eat morning, 28 Fal. The hours of lectures are from 7.30 in the morning until 11.45, and from 1 is until 4.45. There are courses carried on at rights are from 1.15 un il 4,45. There are courses carried on at nights and we have certain courses through the Legion which we do on our own we have certain courses through the Legion which we do on our can spare time, study courses. I was carrying on with my duties, working pretty hard at them, studied nights, and at any time I had occasion to so to my quarters it was after dark. For the first 5 days I was in this Camp I was quartered in the Sjts quarters which are apart from Spider 5, consequently I had no occasion to go to Spider 5. The Coy orders I have learned since, are posted in one of the hallways of Spider 5. I had not been told that and I did not WY

of it during the first week I was on the course. About the 2 Aug I was billeted in one of the NCOs rooms in Spider 5. This room is I was billeted in one of the NCOs rooms in Spider 5. This room is Just about as far away from the Order Board as it could possibly just about as far away from the Order Board as it could possibly be, and I had no occasion to go near it. There are numerous doors be, and I had no occasion to go near it. Mon morning the 7 Aug was leading outside before coming to it. Mon morning the 7 Aug was leading outside before coming to it. Mon morning the I was at class at the tirst thing I knew of anything wrong and I was at class at the time. They called me up to the Orderly Room and told me I was om time. They called me up to the Orderly Room and told me I was om time. They called me up to the morning and from 11 to 12 was the a course from 7.30 to 11 in the morning and from 11 to 12 was the a course from 7.30 to 11 in the morning and from 11 to 12 was the a course from 7.30 to 11 in the morning and from 11 to 12 was the a course from 7.30 to 11 in the morning and from 11 to 12 was the a course from 7.30 to 11 in the morning and from 11 to 12 was the a course from 7.30 to 11 in the morning and from 11 to 12 was the a course from 7.30 to 11 in the morning and from 12 was working a course from 7.30 to 11 in the morning and from 12 was the charge from 7.30 to 11 in the morning and from 12 was the charge from 7.30 to 11 in the morning and from 12 was the charge from 7.30 to 11 in the morning and from 12 was the charge from 7.30 to 11 in the morning and from 12 was the charge from 7.30 to 11 in the morning and from 12 was the charge from 7.30 to 11 in the morning and from 12 was the charge from 7.30 to 11 in the morning and from 12 was the first from 7.30 to 11 in the morning and from 12 was the first from 7.30 to 11 in the firs CROSS-EXAMINED Did you know you were on duty 5 Aug 449 No, I didn't, Bir.

Did you know where the orders were posted? No. Sir, I had not been informed - I thought they were all posted in the Sits Mess. I looked for them in the

Sits Mess. IN THE OPINION OF THE COURT IT IS UNNECESSARY TO COUTLY WITH RE 83(B).

M.15956, Sit ROGERS, J.W., 1 CERU, having been duly sworn, states:

I recognize the accused. While under my charge he was taking a refresher in topographical drafting and a refresher in mathematics.

Has he got any ability?

I didn't know him very long, Sir. These courses involved quite I didn't know him very long, Sir. These course quite a bit of a bit of work, and towards the end of the course quite a bit of night work. The accused started the course on the morn may of the 5th and he was with me for a week previously on mathematics,

Was there a runner sent up from the Orderly Room on this particular morning for the accused?

Not to my knowledge.

What time was the accused broken off

Did you see him during the balance of the day?

No. How long have you been an instructor on this course? h.

Are you acquainted with the practice of "E" Coy of using students

on duties on weekends?
It isn't very often we have an NCO on course, Sir, but sometimes
Lence Corporals who have been on course have been used for duty. A.

In the past have there been occasions when you warned the men for duties?

Yes, towards the first of the year Survey was a separate institution and if there were any duties we would have to warn them ourselves for the duty.

NO CROSS-EXAMINATION

IN THE OPINION OF THE COURT IT IS UNNECESSARY TO COMPLY WITE BY 83(B).

You have heard the evidence presented by the Prosecution and certain evidence presented by the Defence of this charge under Sec 40 which reads (Defending Officer reads Charge Shest in full) The main evidence that the Prosecutor put forth is a Pt 1 Order 192, dated 3, 4, & 5 Aug in which the accused was detailed as Orderly Sjt. The Defence has brought forth evidence to show that the manner in which "E" Coy instructed any new personnel about their duties was quite slip shod to say the least. In this particular case the accused just arrived from "G" Company stationed at LUDSHOTT, was told to report to Holding Wing, then to "E" Goy and at "E" Goy was simply told to go over to the Survey School to start his course the following day. From there there were no instructions whatsoever given to him what his additional duties might be, and he was just left on his own. The accused has stated that to the best of his knowledge he carried out his duties faithfully, reported to the Survey School and proceeded on classes. These classes involved considerable work outside of class hours during the night and over the weekend, in fact during this period Sit winn's time was fully occupied on these courses. The first thing he knew about his failure to carry out orders was when he was told to report at the Orderly Room on 7 Aug 44 and was placed on this particular charge. Now the Perence would like to point out that under AA 40 neglect is defined where it is wilfully carried out and if there has been no intention on the part of the accused the Court cannot find him guilty of any neglect, that is, neglect to avoid any duty. The Defence is convinced that the accused is not guilty of this charge and begs the Court to find him Mot Guilty.

#### PROSECUTOR ON THE FINDING

(MOTTE APPACIES IN

THE COURT IS CLOSED TO CONSTIRE THE PINISTER

Wis

FINAL ADDRESS TO THE COURT, BY THE PROSECUTOR, IN THE CASE OF F-10198, SOT QUIEN, GORDON-BELL, NO 1-C.E.R.U.

# GENTLEIGH OF THE COURT:

You have heard the Evidences of the witnesses for the Prosecution, It is very evident that the accused, P-10198, Sgt Quinn, G.D., is guilty. The accused knows that he must read Orders every day and therefore he knew that he was Coy Orderly Sgt for "E" Coy, No 1- C.E.R.U., was Coy Orderly Sgt for "E" Coy No 1- C.E.R.U., the 5th Aug. 44. He was listed on Part 1 Orders No 192 dated 3 Aug. 44. "E" Coy No 1-C.B.R.U., as Coy Orderly Sgt. The Orders was repeated in Coy Orders 193-194, dated 4-5 Aug. 44. The accused, never report at the Orderly-Room to perform his duties the 5 Aug. 44.

I despit the Court to give

a Vardict of Guilty.

Stare-At.

M

#### Nol CANADIAN ENGINEER REINFORCEMENT UNIT

"E" COY PARTI 1 ORDERS

Capt J.D. Bryce O.C.

Orders No 192 3 Aug 44

#### 1. DUTTES

ORDERLY OFFICER: 3 Aug 44- Lt F.A. Hanington.
4 Aug 44- Lt J.A. Chirers
5 Ayg 44- Lt A.S Vance
6 Aug 44- Lt D.R. Kline

ORGERLY SERREART:

3 Aug44- H-20324n Sgt Hart. A 4 Aug44- D-10698 " McKenzie. L.W. 5 Aug44- D-10698 " Quinn.G.B. 6 Aug44- E-34909 " Simard.R.

> (J.D. Bryce)Capt O.G. "E" Coy No 1 CERU

Certified true extract

(R.L. Bigs) It officer having custody Adjutant of company books.

Et my

No 7 Ganadian Engineer Rein present Unit. "E" COY FARE 1 ORDERS

Date: # Aug.44

CAPI J.D. BRYCE O.C.

I. DUFTES

ORDERTY OFFICER: 4 Aug 44- Lt JA. CHITERS 5 Auh 44- Lt A.S. Vance 6 Aug 44- It D.R. ATINE

ORDEMIN SERGEANT: 4 Aug 44- D-10598 Sgt McLensie, T.W. 5 Aug 44- P-10598 Sgt Quinn, G.B. 6 Aug 44- E-34909 Sgt Simerd, K.

(J.D.HRYCE)-Capt O.G. "E" COY NO I C.E.R.U.

(E.f. Bido, Att Adjudent "E" COY

officer having sustody of company books.
14 Aug. 44

NO 1 CANADIAN ERDINGER REIN OROMASHY UNIT

CAPI J.D. BRYCE U.C.

Date: 5 Aug 44

T. DUTIES:

ORDERTY OFFICER: 5 Aug 44 TIBUT D.R. MINA

ORDERTY SERGEART: 5 Aug 44 F-10198 Sgt Quinn, G.B.

OBJETATED MANE ENGAGE. Adjudent, "E" COY.No 1 C.E.R.U.

officer having custody of company books, 14 Aug. 44

EX3

#### DUTIES OF COY ORDERTY SUT

"B" COY 18 Jul 44

#### 1. TOUR OF DUTY

The tour of duty for Coy Orderly Sit will be from 0600 hrs daily, during which time he will remain in camp.

#### 2. REPORT TO GROERLY OFFICER

He will report to Coy Orderly Officer as soon as possible during his tour of duty.

#### 5. MEALD

He will Fall in, and parade Coy personnel to Mess Hall at times as laid on by Unit Messing Officer. He will report to Coy Orderly Officer as to conduct of parade.

#### 4. LOCATION

He will leave word in Coy Orderly Room as to where he can be found curing his tour of duty. The Orderly Officer to be especially notified.

#### 5. GRIERTY ROCK

He will be responsible that the Coy Orderly Room is not left unattended during the hours of 1700 and 2500 hrs daily and from 1800 to 2500 hrs each Saturday and from 0800 to 2500 hrs each Sunday during his tour of daty.

#### S. GUARDS AND PICQUETS

He will be responsible Wast all Guards and Picquets supplied by Coy are mounted and thoroughly conversant with the duties and orders. Guards and Picquets will be detailed through Coy Part I Orders.

#### 7. BTACKOUTS

He will be responsible that Blackouts in buildings occupied by Coy personnel are checked and correct.

#### 8. TATTOO REPORTS

He will be responsible that Tattoo Reports are checked and handed into Unit Guard Room.

#### 9. CHAROLING OF DUTY

At no time will tours of duty be changed unless sanctioned by CSM.

#### 10. HOLDING WING OFFERTY SIT

He will report to REM Holding Wing on days "E" Coy supplies this detail

#### 11. SIGNATURE

He will sign Orderly Sits "Completion of Duty Roll" at Coy Orderly Roam on completion of each tour of duty.

wamadam.

(W & McAdam) Captain Officer Commanding "E" Coy No 1 CERU

Certified true copy of Original "Duties of Coy Orderly Serjeant"

EXM

(J D Bryce) Capt
Officer Commanding
"E" Coy No 1 CERU

SUMMARY OF EVIDENCE

Summary of evidence in the case of No P-10198 Sgt Quinn, Gordon, Bell, No 1 CERU, on strength of No 1 Cana-dian Engineer Reinforcement Unit, a soldier of the Canadian Army overseas:-By direction og the Commanding Officer, the summary of evidence is taken on oath.

RST WITNESS r the prosecution

Lt D.R. Kline, no 1 CERU, on strenght of No 1 Canadian Engineer Reinforcement Unit, an officer of the dian Engineer Reinforcement Unit, an officer of the Canadian Army, having been duly sworn states:I Lt D.R. Kline of No 1 CERU, was Orderly Officer of "E" Coy on Saturday 5 August 44.
P-10198 Sgt Quinn, Gordon, Bell whom I now recognize was listed on Company orders as Orderly Sgt for 5 Aug 44. Sgt Quinn did not report to me on the non man parada 414. the noon meal parade, did not appear during the af-ternoon around the Orderly room, on the evening meal parade. In the evening I went through spider 5, the hut assigned to "E" Coy, to look for Sgt Quinn. He was not theremand the hut orderly said he had not been around during the whole evening. Sgt Quinn. bear around during the whole evening. Sgt Quinn did not report to me during my whole turn of duty, nor did I seen him around the Orderly room at any time

Cross#1-examined by the accused.

Question 1- Did you visited my room on Saturday 5 Aug 44?

I was around the whole spider 5 around Answer 2000 hrs.

Was my hat in my room? Question 2-

I do not remember if it was or not. Answer 3- Did you visit the class room? 3- I did not visit the class-room. Question

Answer 4- Was any runner sent during the day to

locate me?
I myself did not order any runner to be sent to look for you.

Answer 5- Are regular meals parades held on Saturday, and the do not have to parade by Coy, but my instructions were that the Coy Orderly Sgt in company with the orderly Officer must attend the meal parades, to see that there are no complaints regarding the meals ...

(D.R. Kline) Lt., RCE

WITNESS prosecution

B-28412, Sgt Marchid, J. No 1 CERU, on strength of No 1 Canadian Engineer Reinforcement Unit, a soldier of the Canadian Army overseas having been duly sworn the Canadien Army overseas having been duly sworn states as follows:
1 B-28412 Sgt March G.J. of No 1 CERU acting CSM

"E" Coy No 1 CERU detailed T-10198 Sgt Quinn, Gordon

Bell, whom I now recognize, through the medium of Coy
part 1 orders, No 192, dated 3 Aug 44 to be Coy Or
derly Sgt for Saturday 5 Aug 44. The order was repeared

ted in Coy orders, 195-194, dated 4-5-Aug 44 repec
tively.At approximitely 1430 hrs on Saturday 5 Aug

44, I was called to "I" Coy, No 1 CERU orderly room

to investigate a missing pass. It was necessary for

me to inouire the whereabouts of the Coy orderly me to inquire the whereabouts of the Coy orderly

Sgt, and was informed by Goy orderly Cp1,1/Cp1 Bertrom, that he had not seen him, meaning Sgt Quinn. I immediately dispatched the crierly Cp1,1/Cp1 Bertrom to Sgt Quinns Bertrom to Sgt Quinns Quarters at spider 5, Guillemont Berracks, with instructions to Sgt Quinn to report to me at Coy orderly romm at once. 1/Cp1 Bertrom reported back to me,20 minutes later, that Sgt Quinn could not be found. I pergonally visited the Sgt Suinn, but he was not there. At approximitely 1600 hrs, after completion of my detail, repass investigation. I contacted 1t Kline, the orderly Officer, for "E" Coy No 1 CERU, whom reported to me he had not seen Sgt Quinn, or had Sgt Quinn attended noon parade. I instructed 1/Cp1 Bertrom to report to me, should Sgt Quinn show up on duty.1/Cp1 Bertrom on Sunday at 1000 hrs, on my inquiries stated he had not seen or heard anything of Sgt Quinn. During meal time of 1230 hrs to 1300 hrs in Sgt's mess, on Sunday the 6th Aug 44,1 noticed Sgt Quinn at one of the meal tables, but upon finishing my meal, I tried to locate Sgt Quinn in the anti-room of Sgt's room, but did not seen him. On Monday morning 7th Aug 44, at 0730 hrs I sent word to Sgt Hart, platoon Sgt, Survey platoon of "E" Goy No 1 CERU that Sgt Quinn was so report to "E" Goy orderly room. Sgt Quinn was so peoper to "E" Goy orderly room. Sgt Quinn meat of the meat of 515 hrs and informed him that charge would be laid against him for failing to carry out his duties as orderly Sgt for Saturday 5 Aug 44.

Cross-examined by the accused

Question 1- Did you send the runner to the classroom where I attend class? Answer 1- No

> (G.J. March)Sgt B-28412

THIRD WITHESS For the prosecution

B-26126, L/Cpl Bertrom, R.N. Mo 1 CERU, on strength of Mo 1 Canadian Engineer Reinforcement Unit, a soldier of the Cahadian Army overseas having been duly sworn states as follows:

I B-26126, L/Cpl Bertrom, R.N., being orderly Cpl for the 5th Aug 44 Saturday afternoon, Sgt March inquired at 1450 hra regarding the orderly Sgt, I told him that I had not seen Sgt Quinn, whom I now recognize and he told me to dee Sgt March, when he comes in. Sgt March left the orderly room and returneat 1550 hrs and inquired again regarding the orderly Sgt. I told Sgt March that I had not seen the orderly Sgt. Cn Sunday 6 Aug 44, at approximitely 1000 hrs, Sgt March inquired at orderly room, if I had seen Sgt Quinn, which I reply no.

Cross-examined by the accused.

In

Answer 5- No. Question 6- Do you know where Coy Orders are pasted? Question 7- Where are the Coy Orders pasted? Answer 7- Spider 5, last hall-way Question 8- Were instructed to look for me on Sunday morning? Answor (Bertram E.H.)1/Cpl B-26126 of Ho l-Canadian Engineer-Reinforcement Unit, an officer of the Canadian Army Co, having been duly soorn, states as 1, Lieut R.L. Bigg, a/Adjt of "E'Coy, No1-C.E.E.U., certify that the following exhibits mark "A"B"G" are true extrac from Part 1 Orders 198-5-4, dated 5-4 and 5 Aug. 44, E Coy (R.J.BIGG)I t-R.C.E. The accused declines to cross examine the witness.
The accused was caution as follows:
Do you wish to make any statement or give evidence on eath? You are not obliged to my anything or give evidence, unless you wish to do so, but what you may say, or any evidence you give, will be taken down in writing and may be given in evidence. The accused declines to make a statement or to give swid-once. The accused reserves his defense. I certify that the foregoing of evidence, consisting of 5 pages, was taken down by me in the presence and hearing of the account and that Rules of Procedures 4(c) (d) (s) and (f) have been compiled with. (D. PARE) TH-R.C.E. Officer detailed to take Summary of Evidence. IN THE FIELD, Certified true copy of original, Summary of Bridence. For the Prosecution.

Dieut R.I. Bigg, on being recalled, given the additional Evidence under oath:

I present a certified True Copy of the original "DUFIES OF COY ORDERLY SENDRANT". The original copy is available for perusal in the Orderly Room at "E" Coy, No 1-C.E.R.U.

(R.T.BIGG)LIEVE A/ADJT "E" COY, No 1-0.3.R.

Certified true copy of original.

Stare-Linit

Summary of Evidence Summary of busines in the case of no.
P10198, Sqr grossedann, Pol-CE. K.U., on strongs,
of no!- 60 meson Engine, Renjarement muit, a soldier of the boundince army By Direction of the Commonding Officer, the Jummary of 6 nouse is taken on oath. opersent -Einst Witness ht D. R. Kline, NOI-C. E. R. N., on strength of no 1 for the proseconsain Engener, Renjunement Amil, on cution officer of the 6 modernterny, 05; horis been dely severn, states as follows; D, let D. R. Kland of not-C. E. R. N., was arderly P10198, Iglacion, & Bylind listed on com. long orders as Orderly soft for 5 and 44. Let arise did not report to me on the moon meat parale, sid not oppear during the afternoon around the andry room, on the evering med parole - In the evering I went though spider 5, The feet assigned to E. Com. pany, to look for togt amount 740 was not think, and the best drawing sout he had not been around during the whole every by whole tons of healty, nor regard to be see out ong time owing 5 any 44 .-6 ross - examined by the general, a motion 1 .- Did you went't my room Duras around the d the restracte Africa Question 2 - was my hat in my room? answer 2 - do not rember if it was a not Question 3 - Bid your winter the class - room, Question A - Wast ong runner during the day ( answer A - Domyself, sid not ander comy runder to be sent to look for you.

(2) Question 5 - are regular meals parodes held on saturday? but my instructions were that the dancey Lot in company with the orderly officer must attend the meat paradia, to see that and no complaints regarding the meals-Signed D. R. Kline LT DL KLINE RICE Phe amount dealous to work a represent of eras storing the metice of Second Witness B 28412, Sqt march, J. J. - 201-C.E.R. X., one for the prosession strength of 201 6 anssean & ngener, Reinforconsist next soring of an soldier of the consist on army of boring been any one follows: D, B 18412. 8gt march, J. O. of NoI-C. E. R.X P10190, Sgt & B. Quinn't through the medi.
P10190, Sgt & B. Quinn't through the medi.
3 and 44, to be any arding toft for estimacy
5 and 44. The arder was reported in Gag. anders, 143-144, Latest 4-5 aug. 44. respect. tively at approx 1420 prs, on sales say, 66.67, arduly - room, to investigate a mes. ving pass. It was necessary for me to inquire the wherestouts of the cary and was informed by laif not seen him, meaning sqt a cinn Demonstratly disputched the long arduly upt, 4/cpt Buttons to tot the sing and the barries at spide 5, Similarest barrooss, with militaretions to light amon to report to me at Con andling room at once, Hope Bertrom reported back to me, so minutes later, that byt bring sould not be found of per-somally minted the top mese, Fields. sgt buinn, but he was not there. at approx 1600 bis, after completion of m detail rigars inhertigation. I contacted

frient Klene, the arderly officer, for 6- to ay, Hol- 6 & lo Xo., who regarted to me he had not seen soft drivers, or had soft driver attended noon parade of instructed a/apl show up on deity. A/Cpl Bertrom on son. Loy at 1000 hrs, on my my my will stated of the had not been at bland ongthing of the last areas of 2200 to 1300 hrs in Set mile, on sunday the last dug 44, I noticed byt Quinn at one of the med tables, but sport sight of my the med I trust to state sight of the most of the most of the most to the most of the sight furning of sations, of the thirt, Glatons sight, that sight original to the sight of the control of th Soft Quink reported to the at 0815 and he laid against him far forling to carry out this duties as Orkerly light par satisfacy 5 aug 44 Cross- stommed by the account Question 1 - Did your sent the run to the class norm I attend class } burner 1 - no. 4 March B 28412 Sept march 5 9

Thindwitness for prosecution

on strongth of not constince Engineer Rent and the Con-Renterment thirt, a section of the Con-Renterment thirt, a section of the Con-

D. B 26, 26, L/cpl Button, R.N. bung anderly ept for ong the 5th - 44. Saturday oftenoons byt much inquired at 1430 hos regarding seen tot amend he told me to tell the andrey bgt, to see bgt march, when he comes in Sat march left the arderly I talk byt worch that I had not seen the room, if I had seen told a com, webech a riplied No. le rash examined by the vacced Question 1 - Did bot much wither you Untur 1 - He asked me to look though the spider, I went to spider of a sidet find him . -Question 2- what time was that? answer 2 - appear between 1430 to 1500 hrs. Question 3. Was that the only time that you looked for med answer 3 - yes. austron 4 - Did your ong time look in class - noon where datherd the course ? answer 4- no. -Question 5- Were you instructed what enliel & slipt in? ansur 5no . -Do youknow where company austion 6 arders are poster ? Consum le -Question 7 - tuber one the company anders onour 7- Spider 5- Jast hall-way M Question 8 - were you enstructed to look for me on bongand mound ; Ousun 4- No. -5 qualoy Nacrtian Lourth Witness For the Prosecution but l.L. Bigg, Al asit of & Goy, 201-6 & L. H., on strength of 201. Canadian. Engineer Comparisonent- Hout, on officer of the sousian army s., howing been duly suron, states as follows: A, Lieut L.L. Bigy, Alast of E. Loy, 201-66 lx certify that the following extents much "A" B" "6" are true extracts from part 3 Orders, 192-3-4 dated 3-4 and soung 44" E" Goys Ligned Alass. "E" Coy -The accused declines to cross experient the witness The seemed was control as follows: so you wish to make any statement or give endance on oath? you are not abliged to say ongthing and give so dence, where you wish to so so, that what you may Table law of winding on paying will be The occured dictions to make a statement or to give undince. The occupied reserves had alfered. I certify that the followings foregoing of existence consisting of 5 pages have taken sown by me into the present of the occurrent bout that Call of proceeding 400 (0) (8) and (F) home been compiled with. (D. Bre) - Lt. R.C.E. In the field, Office detailed to take Summary of Extense

Fourth Witness ( Lecalled) For the Grasiention. hunt his Bigg on being wealled, given the additional evidence under out :-& present a certified True Copy of the original " Duties of Cay arduly Surgeoft: ? he original copy is ordicable for perusal in leter art "8" Goy, 101-CETX" R.L. Bigg LT. AJAdir . TE COY 401-CER.71.

EXXXX REFER

# OFFICERS UNDER INSTRUCTION

Lt	G.H.	CLAWSON	1 CERU
Lt	E.H.	CAPSTICK	1 GERU
Et	R.P.	ZIMOER	1 CASCRU
IA .	Y.R.	REA	2 CARU
Lt	AsAs	MacARTHUR	1 OHEO

### MIST OF EXHIBITS

Tist of exhibits in the case of P-10198 Sgt Quinn, Gordon Bell, R. C. E. , No 1 Canadian Engineer Reinforcement Unit, a soldier of the Canadian Army OS.

Exhibit "A" - "E" Coy Part 1 Orders No 193, dated 3 Aug 44
Exhibit "B" - "E" Coy Part 1 Orders No 195, dated 4 Aug 44
Exhibit "O" - "E" Coy Part 1 Orders No 194, dated 5 Aug 44
Exhibit "D" - Certified true copy of THE DUTIES OF A COY
ORDERLY SEARGEMENT.

### APPLICATION FOR DEP NOTES AFFICER

P-10198 Sgt Quinn,Gordon Bell, No 1 G.E.R.U., desire to have an officer assigned, to represent me at my trial by FGCM. I desire the services of Capt S.J.MacDonald, G.R.E., Stat Army Gp, if he is available.

2nd choice

TIEUT I.A. BAY, C.R.E.

3rd Choise:

DAFT M. FARQUHER,

SIGNAD. SPECIAL QUINN, G. D.

## LIGT OF WITHGREES:

List of witnesses in the case of P- 10198 Sgt Quinn,G.P., R.C.E., No 1-Canadian Engineer Reinforcement Unit, a soldier of the Canadian Army OB.

FOR THE PROSECUTION:

1. Lieut D.R. MINE 8. B.28418 Sgt March G.J.

5. B.26136 1/Cpl Bertram, R. H. 4. Lieut R.L. Bigg

Pte. QUINN, HA

# Andread to the Printers of the Control of the Contr Form for Assembly and Proceedings of Field General Court Martial on Active Service.

# PROCEEDINGS.

On Active Service, this July

, ro 42

Whereas it appears to me, the undersigned, an officer in Command of R.C.A.S.C. 1 Canadian Corps

on active service, that the

such offences should be tried by an ordinary General Court Martial; "sauck shaw in is not quant mides to adolay a theatmak sha мяниемих миля жиринов цияниях хайвек.

I hereby convene a Field General Court Martial to try the said persons, and to consist of the Officers hereunder named.

\* Omit if not applicable

\*ik zan zmahka az appoint :-

\*(I. Three Officers to form the Court.)

\*(2. A Field Officer as President.)

Three Officers having more than one year's service.)

for the following reasons, namely :-- 1

President.

Name.

FH.

Chisola Members

Regiment

Cdn. Corps

Rank.

Rank

Major

Name

Regiment.

Captain

L.H. Armstrong

82 Can A.A. Bde Coy

Lieutenant

R G Frase

#2 Cdn A.A. Bde Coy

Shields) Colonel Convening Officer

• Question to be asked of accused, if he pleads not guilty (R. of P. 30 (a)):—
Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defeuce?"

Answer to be recorded on repetral substity if necessary:— No...

Siemed)

(P.R. Shields), Colonel

(Signed) 800 Call Mings

Commanding R.C.A.S.C. 1 Can. Corps

Convening Officer (c)

Dunnida

(a) Appointment acting rank or acting appointment, if any, to be stated in brackets after the substantive rank.

(b) Unless unavoidable, not more than three names are to be entered on one form, and in serious cases one only.

(c) Recommendation to mercy, if any, to be inserted in this column.

(d) It is not necessary that the Confirming Officer should sign his name in this column. Imitials are sufficient. (e) Must be signed by the same Officer who signs on the first page, and all alterations in the first two columns of the Schedule to be initialled by him. day of July 1942, and duly tried the persons named in the Schedule, and that the plea, finding, and sentence in the case proceedings of each such person were as stated in the third and fourth columns of that Schedule.

I also certify that:

I The members of the Court

The witnesses

\*(3. The interpreter)

\*(4. The officers under instructson)

Signed this 315 day of July, 19+2

President of the Court Martial

\*See Assets of a Cortify that the terms of \*A.C.I. 570 of 1918 have been C. Cortificate a case of death sentences.

Signed this day of 10

President of the Court Martial

I have dealt with the findings and sentences in the manner D. stated in the last commun of the Schedule, and, subject to what Confermators I have there stated. I hereby confirm the above findings and sentences.

\* To be omitted utiless penals arrivated or amprisonment having been awarded, the Conferning Officer states has no authority to commit to prison, ee, having such authority,

\*(i-direct that the soldier named in the energin be not committed to prison until further orders.)

Signed this 3 mol day of Cluga

P. S. SHIELDS, C. Confirming Officer.

Promulgated and extracts taken in the case of 276998 Ate Percurpt

Promisigated and extracts taken in the case of Consider Linking (Dated)

(Signed)

Promulgated and extracts taken in the case of

(Dated) (Signed)

(a) When several cases are promulgated in one unit on the same day the Officer

meed only sign once.

1812535 Will person days seen on high St. St. Co. Com-

were duly sworn.

Appendia (A

Application for Field General Court Mential D76998, Fte. Quinn, H.A. Royal Montreal Regt (MG)

### CHARGE SHEET

D76998, Pte. Quinn, Henry Alaster, a soldier of The Royal Montreal Regiment (MG) C.A. (A.F.) is charged with while on active service,

First Charge

Absenting himself without leave,

in that he,

absenced himself wi thout leave at Petworth, Sussex at approx 1100 hrs, 4 Jul 42 until he was arrested at Petworth, Sussex at approx 2310 hrs, 28 Jul 42.

Second Charge

Losing by neglect his clothing, equipment and regimental necessaries,

in that he,

appelys A

at Petworth, Sussex, was deficient of the following items of equipment valued at 75% of Ordnance Vocabulary Prices.

Bottles, Water 1	£
Carriers waterbottle 1	
Froge, bayonet,	
Sheets, Ground,	
Shirts, Angola, Dreb 2	
Brushes, shoes blacking 1	
Housewife, filled 1	
Shorts, P.T. 2 Vests, P.T. Cotton 1	
,	E.

In the field, 29 Jul 42 (J.A. Calder) Lt. Col. Commanding R.M.R. (MG)

8 13

To be tried by Court Martial.

J. H. C. Clarry EXPTAIN ADE

Field. 30 July 42. (P.R. Shields), Colonel, D.D.S.T. 1 Cdn. Corps. PHOCREDINGS OF A FIELD GENERAL COURT MARTIAL, held at Petworth, Sussex on the Slat day of July 1942, by order of Colonel P.R. Shields, D.D.S.T. 1 Cdn Corps dated 30 Jul 42.

PRESIDENT

Najor F.H. Chisolm

1 Cdn Corps Protective Coy

MEMBERS

Capt. L.H. Armstrong

82 Cdn A.A. Bde Coy

At 1000 hrs the Court opens. The order convening the Court is read to all present. The accused after having the names of the president and members of the court read to him states that he has no objections to being tried by them. The accused also states he has no objections to the shorthand writer.

Presecuting Officer - Capt. B.W. Stevens - R.M.R. (MG)
Defending Officer - Lieut. E.W. Waud - R.M.R. (MG)

The secured D76998, Fte. Quinn, H.A. of The Royal Montreal Regiment (MO) O.A. (A.F.) is called and identified.

The charge sheet is read by the President and the accused pleads Guilty on the first charge and Not Guilty on the second charge. The charge sheet is signed by the President and attached to the Proceedings.

The court proceeds to try the accused on the second charge,

The accused is asked whether he wishes to apply for an adjournment on grounds that any of the rules relating to procedure before trial have not been complied with, and that he have been prejudiced thereby, or on the ground that he has not hed sufficient opportunity for preparing his defence. The accused andwered "Ho".

The first witness for the Prosecution, D76340, C.S.M. (W.Q.II) Hayden, W.G. M.M. is called, identified and sworn.

Prosecutor: Did you check the kit of the secused on 29 Jul 42. Prosecutor: Did you check the kit of the secused on 20 Jul 32.

C.S.M. Hayden: Yes, Sir.

Prosecutor: Will you present a list of the deficiencies to the Court.

Witness present Cert ficate of Deficiencies of Kit (B 118) to Court.

Prosecutor: Are the prices 75% of Ord. Vocabulary Prices.

Litness: Yes, Sir.

Defending Officer: (scaressing secused) What do you take objection of on this list.

Accused: I loaned the ground sheet to one of the Datmen who lost it.

I was only issued one pair of shorts P.T. and one vest P.T. at the reinforcement unit. Otherwise the list is correct.

President: Cen you prove the secused was issued with two pair of

President: Can you prove the accused was issued with two pair of P.T. west and shorts. Witness: No, sir. But when the accused was transferred to this company the C.Q.M.S. of the former company reported he had his

full scale equipment. President: (addressing accused) When C.S.M. Hayden checked this equipment did you object then.
Accused: When he came to the F.T. shorts and vests I said I had

only been issued with one pair.

(sheet two follows)

The Court then proceeds with the first charge.

The accused was asked if he understood the full nature of a plea of Guilty on this charge. He answered in the affirmative. (R.P. 35 (b) complied with)

Ples of Mitigation:-Lt. Waud. "Allthough the summary of evidence states he was arrested, the accused had come back to give himself up.

Accused. "When I first came our here in 1940 I was at the reinforcement unit for about two weeks and they put me on and 0.0.T.U." I was merried just before coming overseas. My wife was expecting a baby when I left, and I received letters while at the 0.C.T.U. regarding this. A few months later I received a letter saying there would be no baby. This has made me depressed as I have written to my wife several times and have not received a reason for this happen ing.

Lt. Woud: During the time the accused has been with the regiment hat has been in my Platoon and I know he has had a great deal of trouble with his wife and his wife's family, and it has played on his mind. About a year sgo his wife wishe to get an annulment. She is about 19 years old and his age is 21. The accused has had a lot of difficulties from home in letters atc. At one time it was cleared up by the Paire but it has again broken out and I wish to bring the state of mind of the socused to the court's attention. I am not denying the guilt of the accused but wish to point out that he is unhappy over here.

President: Why did you go A.W.L. this time.

Accused: A little while ago I got in trouble with the civil authorities and when I came back after getting out of prison the Colonel asked me about the trouble back home. I saked him for a transfer to the R.C.C.C. as I was unhappy here. He gave me 21 days detention and when I came back I was sent to H.Q. coy as a batmen. The Colonel's batman lost 220 and one of the boy's suggested that it was I sho had taken it. I thought it was no use staying there when they thought I took it.

President : Thy did you come back.

Secused: I would have some back somer but didn't have the fare from Glasgow. I finally got it by telling the M.F.'s I was on leave and they gave me the fare.

President: What charge were you on the last time you were up before the Colonel.

secused: A.W.L. - the time I was in trouble with the Civil Folice,

Certified copy of the accused's conduct sheet and also Statement as to Charac ter of the Accused (AFD 296) are presented to the Court by the Prosecuting Officer. These are signed by the President and attached to the Proceedings.

The courst is closed for consideration of sentence,

soon ship

Pa DUNN, HA of The Royal montreal Regt. (M. 4) CA(A.F.) By direction of the Commanding Officer The summary of Evidence is taken on Earl. D76817 1/cpl LAVERY, F.E 17 the R.M.R. (M.S) C.A. (A.F.) having been duly revorm states: "I am N.C.O. 10 Witness for The hit in which the Quinn sleeps. at 1100 her the Mosecution on of July 42 I looked for the Quinn but was humble to find him. I reported this to cay, office. The accused declines to cross-exament the witness DIDENT KIERL LAVER EX DAL 128 Sqt. WHITE, C.C. 17th R:M.R. (M.S.) EA (M.E.)
Living hem duly swown status: I am
Revision to the contract of the Revision of the contract of the contr 2 - Witness for Regimental Provoct Sqt. On the night of 28 The Prosecution July 1942 at 2310 has I saw the accused enter Comp. I knew he was A. W. L. so davrested The accused declines to cross . Having The instruction D7612E Sqt. 178 Sqt. WHITE CE D16340 C.S.M. (W.O. I) HAYDEN, W.C. Jth. R.M.R. (M.S.) C. A (AF.) Laving been duly evor states; 3 to Witness for "I checked the kit of the accused on 29 July +2 the Brosecution and found difficiencies in elothing and equipment as per attached lest valued at 75 % of Ordnere Vocabulary Prices: The total amount being \$1-13-8 DTENOCS M. HAYDEN W.C.

The accused declines to closs examine The lostness D16998 Pt QUINN, H.A. 87 The Royal Montred Regt. Statement of. (M.4) C.A.(A.F.) The accordance with R. P. 4(E) declines to make any statement. I certify that the foregoing summary of windenes was taken down by me in winting in the presence of the accused and rules of procedure 4(c)(0)(E) and (F) have here complied with Them Pape. J.L. BLUE CAPT. R.M.R. (M.S.) Plen . In the Field

Append, \* B

SUSTANY OF MVIDENCE in the Case of D70000 Fte. QUIE, H A
of the ROYAL MOSTREAL EXCEPTION (NO) C.A.(A.P.)

By direction of the Commanding Officer this Summary of
Evidence is taken ON OATH.

D76817 [#Opl. LAVERY, E.R. of the Royal Montreal Regiment
(NO) CA(AF), having been duly sworn states: "I am
N.C.O i/c of the hut in which Pte QUIN sleeps. At
1100 hrs on the 4th July, 42 I looked for Fte union,
but was unable to find him. I reported this to the
Coy. Office "

The accused declines to cross-examine the witness.

D76817 (E.E. LAVERY) 1/Cpl.

D76188 Sit. WENTE, C.G. of the Royal Montreal Regiment
(NE) CA(AF), having been duly sworn, states: "I am
the Regiment of the night of the Exth
July, 42, at 8310 hrs I saw the accused micr Carp. I
know he was A.V.L. so I arrested him."

The accused declines to cross-extening the witness.

### -576128 (8.C. WITTEN BIE.

5rd Witness for the Prosecution

1st Witness for the

for the Prosecution

D76540 CSM (WOII) NATION, W.C. of the Boyal Montreal Regit (NG) CA(AF), having been duly sworn, states; " I checked the kit of the accused on the 20th July, 42 and found deficiencies in clothing and equipment as per attached list, valued at 75% of the Ordnance Vocabulary Prices. The total amount being, 11-12-87."

The accused declines to cross-warm no the tritness.

Dysisio (w.c. mymm) car (vori)

Statement of

D76086 PFE. CUDRY, M.A. of the Royal Montreal Regiment (NG) C.A.(A.F.)

The accessed, having been cautioned in accordance with Rules of Procedure 4 (e) declines to make any statement.

I certify that the foregoing Surmary of Evidence was taken down by me, in writing, in the presence and hearing of the accused and Rules of Procedure 4 (c), (d), (e) & (f) have been complied with.

DATE: 29 July, 1948 Flace; In the field. E.M. BIJGE Capt. R.M.R. (M) CALARY.

9

true of his official of hit, in the Case of D70000 Pto.

Bottles, outer,				
Carriors, outercottes	2			
Figure, barenet,	2	4	1	20
Shoote, caesand.	1	100	. 0	
Shirte, Angolo, desb,	23	-	2.5	
Tamphon, Doobs,				
Polistiine.			- Miles	
Improvisos, Filled.		- 80	1	
Monto, P.T.		49		
Vooto, P Cotton,		*		201
		200000	a see a	SHIP WA

DVESSO ON THE TELL PROPERTY.

The accused, D76988 Ptc. CUDE, H.A. requests that Lieut.

(J.T. DIME) Capt., R.m.R(m.4)

winds on the property of the

Prosecution

ist Witness D76817 L/Cpl. LAUERY, E.E. The Royal Mentreal Regiment (NO) In the Field Prosecution

and Witness D78128 Sjt. WITE, C.C. The Royal Montreal Regiment (17) In the Field Prosecution

3rd Witness D76340 CSM (WO II) HAYDMI, W.C. MM The Royal Montreal for the Regiment (MM) C.A. (A.F.) In the Field.

Commanding " Capt., Commanding " Captany. R.M.R. (M) G.A. (A.F.) append,, c

LIST OF DEFICIENCIES of kit, in the Case of D78988 Pte. QUINN, H.A. The Royal Montreal Regiment. (MG) CA(AF).

Bottles, water, Carriers, waterbottle Frogs, bayonet, Sheets, ground, Shirts, Angola, drab,	1 1 1 2	£	2 2 1 8 13	d 14 5 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	
Brushes, Boots, Polishing, Housewifes, filled, Shorts, P.T. Vests, P.T. Cotton,	1 2 1	:	1 2 1	6 81 10 11	
		AND DESCRIPTION OF		and the second	

D76340 CSM (WOLI) HAYDEN, ....

	No.D7699	B Name	QUIN	N, Her			(MG)	Date of enlistment k	27 Jan	40 G.C. Badges gnature 0.0 empany, et	2. } o. }	ice or iciency Pay	M.F.M. 6 A V 2 177 2M 7 4 1751-361 1(4) 1775-35-163
	-	Drate of		Caren of drunken-	Cectific	Terens larget	Names	of Witnessen	Punishment a	warded	Dealer of assured or of order disast- sing with trial	By wiene awarded	Houseks
In the f	ield 30	Dec 41			15(1) AWL 2200 H	10 Jame 19ah	rat /Cpl				31 Mar	12 Lt.Col.	A.F. of Pay
	7				15(1) AWL 1600,7 4 dys 20 hrs.	Jan=1200 12 J	Sgt.	Meredi th	128 dys			J.A. GRIGER	5 dys 21 dys
"	" 12 " 25				20 dya, 20 hrs.	" 26 Mey =2030	Sit.	Kowalski		e 0,8.	1 Jun	42 Capt. J.L. Blue	A.P. 1 dys pay
. "	"30	May 42	19.	and the same	hrs 27 May - 1 d (2) 15 (1) 1400 1930 hrs, 30 May	40 whilst und	arrte.	Proulx	E dy	s 0.8.	1 Jun	42 " "	
,	n 25.	Jun 42			open arrest 15 (1) AWL (24		- No. 2 100 W	layden Loewar	14 dy	s C.B.	30 Jun	42 Oup t. J.	d. F. one
91											1/34/F0431/G	to our findest	

Place	Date of officers	Rank	Course of strenkiss- tone	W.O.A.S. OFFENCE	Names of Witnesser	Patislanent avarded	Date of award or of order dispas- sing with trial	By whom awarded	Remarks
TEAU BKS	20-5 1940	Pte	-	to 1230 hrs 23 May 40	SjtMelrille	ADMONISHED		Major WATSON	4 Days Pay
ALCARTIER	294-6 1940	Pte		A.W.L. 0600 hrs 24/6/40 to 2150 hrs 2/7/40-8 dys, 15 hrs, 50 mir	Cpl Lathem Mayhew	9 Days CB	3/7/40.	Lt TEMPLET	ON AF 9 Days
ORDEN	2-1- 1940	Pte		A.A. Sect 15 (1) ABSENTING HIME		AWARDED FORF	3-1-41	LT COL. CARPENTER	ar a parts
ORDEN	21-2	Pte	-		SJT MUSHET	21 Dys Detn	8-3-41		PORF 15 D
ORDEN	14-5 1940	Pte	*	ABSENTING HIMSELF FROM A PLACE OP PARADE Sec 15 (2) ABSENT FROM DEFAULTERS AT 1750 hrs and 1900		7 dys P P	16-5-41	Lt Col	Pay. Pay. Pay.
ORDEN	20-5	Pte	7	A.A. Sect 15 (1) AWL 17hrs 50 mi A.A. 15(1) BROKE BARRACKS AS A		27 dys Detn	4 Jun 41	Lt Col	Forf 14 d

Cases of	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispen- sing with trial	By whom awarded	Remarks
Place Date of Rank devalues	220	O L/Opl Rands	11 14 days	11-12-41	Mejor J.M.	Laing
in the tree h	irsi + 30 mins	Sgt. Meredith				
A STATE OF THE PARTY OF THE PAR	Traw water out of truch	SM McIntosh	7 dys F.P.	13 Dec	1 Lt.Col.J	.A. Calder
	loaded on billet inspection	Sat. Page	7 days F.P. 7 days pay	27 Dec 4	L Maj. D.	MacRee Forfiet dys pay close
651.46.77	of camp without written and and			shows Re		nummet.
At the end of two years	pass service a new conduct sheet was	made out. The	i) J.M. Laing Commanding	Major	.M.E. (MG)	
old sheet.	The last from 15 Green Wrythe Li	ane 2	mos. impriso	ur an	myn ADMitche	Div. A.F. 56 m, Sy.dy = pay
CEPEDELECTION	property value LLV Ty to defrau	d to	E W. Prison	Hr (	ar well born	1 dy A.F. clos
	Containing with interest of the from H.M. Postmaster General the sum of 23 by virtue of forged Preceipt form knowing it to have	Fe	Linem, Modis	4./		

Regiment (or as the case may be).

RMR(46)

# Statement as to Character and Particulars of Service of Accused.

QUINN HA

Rank

Number

276998	Fre.	QUINN	H.A.	K	MK (46)		
1 / /							
1. The follow	wing is a fai	r and true summary	of the entries in the	regimental and	squadron, batte	ry or compa	ny con-
luct sheets† of the	accused, ex	clusive of convictions	by a court martial	or a civil court,	of summary awa	irds under se	Calon #1
	nd of cases	in which trial has be-	en dispensed with :				
Mark At a trial by field gracess court			* Within last 12 m			Since Enlist	ment.
North.—At a trial by field general court marrial thosaumary may be compiled from the field son							
The conduct sheet(s) invationed should be		For AW L AA	150).	3	times	13	_times.
with the statement. But not approximat.		For CONDUCTOR	11.40	2	times	2	_times-
† hes para 675, B.R., 1940		FORAN L AA	1501		times	1	
* The votation for its		Ver BROWN BE					
		Pot Okran All St	18/				
prince to the prince of the pr		For			times		
and to any recognized appears of distributed are or distringuished.							
avaduct.		Number of instance	s of gallantry or di	stinguished cond	uct. A.~		
Isarace rect It the sharpe is for drumero- pera the entries for drumkenness must be attached separately und			**				
drunkenness must be attend separately said dated.		There are no entries	s in the conduct she	eets of the accus	**		
		e been previously cor	vacted or				
2. The ace	escal into the	of the accused by a	court martial or a	civil court, sum	mary awards un	der section	47 of the
Previous o	onvictionst	of the accused by a	- 72 of the Army A.	t are set out in t	he schodule anno	oxed to this s	tatement
Army Act, and dis	pensations t	with trial under section	n 13 of the Actiny Av	a, are ser out as a	192 St. HOGUN ALLIN		
3. The acc	used is not	under sentence as th	ginning on the	day of	ne present tans		
. 70		n m confinement, sw	alting trial on the p	resent charges, f	OLE See	NL	days
		dealer is	sys in military cust	ody, making a to	tal of	me	days.
in civil custody, a			ent in hospital.				
of which							
5. The pre	sent age of	the accused according	g to his attestation	paper is 2/	years.		
			record of service	2. 17.70	N HO		
6. The da	te of his at	estation specified in	his attestation pap	er IS	7.77		
5. The ort	wice which	the accused is allowed	i to recken towards	discharge or tra	asier to the reser	ve is	
		utied to deferred pay				service.	
					purpose of deter	minima his m	ension etc
		isled to reckon					
10. The n	secunod is is	generation of, or ea	titled to, no militar	y decoration or	military award (	or is in poss	CSCHOOL OF M
antitled to inter-	e any milita	es decoration or row	<del>-11</del> )-				
41.111.11	or occused in	e Eurrant officers	The accused before	he was made s	warrant officer-i	ust held the	Engineering.
rank of							
		officer) The accused	holds in the army t	he rank of		dated	
					dated		
rand to his augus	ment (ex cos	ps or department) th					
	r.org 73.000	12140 A.S.H.W.I.M. Gp-4					
01							
0/							

mak of rank of rank of		Sentence of the court or authority disposing of the charge.	Name AUN HA of KANK (Ma)	STRUCTION A seriotim	Nob76998.
/ 1	rematted.	order of the dispensing authority.	Charges upon which convicted, or in respect of which trial was dispensed with	Date and place of trial, or summary award under A.A. 47, or of order dispensing with trial.	description of ourt by which and or status of heer disposing of the charge or dis-
	CON CURRENTS CAR	ANOWER WHEN STRABES LOS WE WONTH THE STRABES WHEN THE WITH THES LABOUR A. H. JESON FOLTH AND MASS.	Steps in Property CALLED AT & 10.00 CO COMMING WIRE INTEREST TO DEFERDED FROM IN M. POSTURE OF FORCES	17 \$15 1942	CRAM
			FORGES		
a Pro			hat the foregoing schedule of convictions and disp		

2 y-20 Pte Luin y 6.

### SCHEDULE.

	PART I.	PLEA(S), FINI	DINO(3) AND SERVENCE.
Accused: 0-24039	Pte John	Clement Q	UINN 2 Cdn NETD
Charge.	Plea.	Finding.	
(Insert " alternative " where applicable.)	(See Instrs p 2.)	(See note below.)	(Space for use as required for further charges, accused charged jointly, special findings, etc.)
lst	GUILTY	GUILTY	
2nd	NOT GUILTY	NOT GUILT	Y
3rd Alternative	NOT GUILT	Y GUILTY	
4th	NOT GUILT	Y NOT GUIL	TY
5th Alternative	NOT GUILT	TY GUILTY	
(Note : As to fin special findings see R	dings for lesser of fan P 44 and MML p 753	ces see AA 54, RF 44 , and in loss of kit see	: findings on alternative charges see M.M.L. b. 483 fn. 4 plans 2. RP 44 ; RP 44 (n. 6.)
ning a street with a street wi	being served, or dele	te, if not applicable.	Lagrance & XALES AND AND THE SECOND S
Time in confinement as	raiting present t	rial a total of	6 days, of which Dil days were spent in bospital 4
Sentence Awarded by th	ne Court :		

"A.F. CANNON" "AFC" 4 Apr 45 Date awarded. President (RP 45, 50.) Judge-Advocate, if any (See back of Convening Order as to assembly and disposal of record after trial.)

PART II. MINUTE WHERE CONFIRMATION RESERVED. (ALSHS), Nº (2007), MINUTE WHERE & 760.)

Commanding

To undergo detention for one year

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

(For duties and powers see AA 54, 51, RP 27(D) fo 6.46(A), 51-56, 120, MANL se 759-761, KR Can 561-577. Acquisitate require no confirmation and cannot be revised: AA 54(2), RP (200G). RP (a) finding or sentence for revision by Court: AA 54(2), RP (200G). RP not confirmed, occused may be timed again: AA 157, MNL p 64. Minute of confirmation and non-cartirimation may be altered before personalization. RP 53, MNL p 65. Quoting of the primarilyston: KR 51, MNL p 65. Quoting of the primarilyston: RP 53A, SP 53A, 54. The Confirming Offic moust sign here personally. AA 172 fo (.)

My decision on the finding(s) and sentence set forth in Part I is I confirm the finding of The Court, on the first and fifth charges, I do not confirm the finding on the third charge. I confirm the sentence.

I direct that the accused be not committed to prison or detention barracks until further caches (\*) ") C S

(I. M. S.R. Deter (f not used.)

(Sgd) "J.C. STEWART" Brigadier

Date 9 Apr 45

Commanding OIC Cdn Sec 1 Ech aFHQ

"AFC"

Confirming Officer.

### PART IV. PROMULGATED AND EXTRACTS TAKEN. (8º 53. KR Can 576, 577.)

Date.

Signature of Offr.

G-24039 Pte QUINN, J.C.

11 Apr 45

"D.J. BURGOYNE" Me jor O.C. No.2 Cdn NETD

2 Cdn NETD

ALL DELETIONS AND ALTERATIONS WILL BE INITIALLED.

PECONOTO AT THE IN AND IN AND I Pre Record 99 5 J- 2 0 (JBD 3more) Capt Con Sec 1 Ech AFHFIELD GENERAL COURT-MARTIAL CFARE IN BELL OF A PARTIES OF A PARTIE Convened by order of Col S.A. LEE Comd 1 CBRGp dated 3 Apr 45

ACCUSED.

(As to the trial of two or more charged jointly see RF 16, 71, 109. As to reasons for showing (a) permanent or confirmed rank, and (b) opport, Alrank or Alapport, If any, see AA 182, 183, fns, KR Con 308, 328, 330 s.

Number. (a) Print R. (b) Appint, A/R or A/Appint. Full Christian Names. Surname. Unit John Clement QUINN 2 Cdn NETD G-24039

### PROCEEDINGS OF TRIAL

on (date(s)) 4 Apr 1945 ITALY Held in the Fd in (country)

### RECORD FORM A-OPENING PROCEEDINGS AND ARRAIGNMENT.

Al. The President, Members, waiting Member, JA, if any, and Offrs under instr. if any, assemble, and the

BY PRES OR IA. The Schedule referred to throughout it on 0.4. Citostones do NOT include at relevant from RQs. For guidance on procedure when a variation on this form arison, see from for GCMs in MML to 739. A brief record of such variation will be made and given a dombies having reference to appropriate or procedure pain aumain Research. See back of Conventing Order, CT ASS, for action and instants on how to exceed addresses, selection, of min, which lastes are lowestern colled "Noises" As to general previous for conducting the total use AA 53, RR 56, 63-70, 73, 74, 94, 303, 179, 132.) (PRINTED MATTER NOT IN ITALICS FOR GUIDANCE, WILL BE DELETED, IF NOT USED OR APPLICABLE, AND INITIALLED

A2. The President initials and lays before the Court the Convening Order and Charge Short 36 attached therein (#APC) The Court is satisfied that it is properly convened and constituted("), accused is large amenable to military law, and APC" each charge discloses an offence (

(i. As to use of Summary of Exidence see RE 17 fn 6. 2. AA 49, 50, RF 105-107. 3. RP 11-13, 23, 24.)

A3. The Court is opened. The accused in KRAKOrought before the Court. At 1555 hours trial commenced AFC"

A4. The Prosecutor produces a Medical Certificate that accused is first fit to undergo trial by court-martial. #AFC First President Control of the Action of the (1) 成果 **动脉** 电床 对极高限等级

2. AA 46(8), RP 60 In 1. For effect see KR Can 563(c). Delete, if not applicable.)

an adverse and alam "AFC" A5. XIAMBERMONTEN MONTHER NUMBER NORTH NORTH NORTH NAME OF THE NAM

The date process recently Do your object to H36757 Pte Bond HW as shorthand APC# writer? Ans Now AFC" AFC" The shorthand writer is sworn (1)

(). RP 72. Delete, if mone 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 ? PARCE

(I. AP IIO. 2. If no objection, waiting member retires. AP 68(B). If objection, one procedure AA 51, RP 25, 71, (&'MANL 0.742.)

A7. The President, Members, JA, if any, and Offrs under instr. if any, are sworn.(). The following are the ranks, names and units of the offire comprising the Court

President	Najor	A.F. CANNON	12 Cdn Town Major
Member	Capt	J.L. WALLACE	2 Cdn NETD "APC"
Member	Capt	W.J.M. MOGAN	HQ 1 CBRISP "AFC"
Judge-Advocate			"AFC"
Prosecutor	Lieut	D.M. NICOL	2 Cdn NETD "AFC"
Defending Offir	Lieut	S.G. MULLIN	S Cdn NETD "APC"

Questions by President: Is the Prosecutor a lawyer! Ans. No. Is the Defending Offr a lawyer! Ans. Mo. (PAPC)

AP 26, 27, 109, 111. List of offir under instr will be returned separately with proceedings for information of Core (2015).
 If Pres a lowyer and Def (2017 not, occused in excited to an adjacement when RP 88 (2) and In 2 were not followed. See (30 § 2.)

AS. The account "AFG" hediore arraigument make(s) (no) 26) plea

(I. If a special piec in mode for injective titud on one or more changes (RP 62(E), 1085, or as to the jurisdiction of the Court. (RP 34, 1536, 113), or in bor of trial (RP 36), or as to accurate's mental fitness to stand trial (AA 130, RF 57), or by one of preend occurred changed juncts to be used apparently (RP 16, 77), such piec, the addresses made in uniport or opposet, the evidence, if any, and finding our rescribed per hieras. For forms of messed use information fits to RP class. Instert in AB rank and name of the occused making the piec.)

A9. The accused is next arraigned (neparately) on all sharges in the charge sheet. (\*) The accused done (dof AFC\*) object to any charge. (\*) There is no amendment to be made to the Charge Sheet. (\*) The President records the not object to any charge (t) The pleas in Part I of the Schedule.

RF 31, 112. See pane 1 of finite p.2. When more than use Charge Sheet see RF &2; when several accused to be tried separate capies of CF A95 to record proceedings.
 RF 32, RF 32, BF 32, BF seben-vise, delete and make appropriate record per Polisses.)

A10. The Court (is closed and) considers the Instrs on Procedure after Arraignment at top of p 2. The proreedings are continued on Record Form

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

"AFC"

### INSTRUCTIONS ON PROCEDURE AFTER ARRAIGNMENT.

1. The accused may not plead or be found Guilty on more than one of two or more charges laid in the alternative CRP 37(A).) As to withdrawal of alternative charges by Prosecutor see RP 35(C). No other charge can be withdrawan for any reason without authy from Convening Offr. If Convening Offr concurs, Cours may accept plea of Guilty to lesser, etc. offence. (RP 44(H).) Accused may change a plea of Not builty to Guilty during trial. (RP 38.) As to refuseing 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(A).)

(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 instrs 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 50, 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 successing and withdrawal of witnesses from Cover see RP 81, 82; questioning of accused see RP 80, 87(C), 92(B), and of witnesses see RP 83, 85; miling or recalling of witnesses by Court de see RP 75-79, 86, 116; use of humany of Evidence at Trial

### 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 "APG" of the charges (1), and that on his plea of Guilty there will be no regular trial but merely a consideration of the "AFC" sentence to be awarded after he has been given an opportunity to make a statement in reference to the charges, "AFC" call witnesses as to character and make an address in mitigation of punishment.(2) (1. RP 35 fn 3. 2. MINL b 54 para 47.)

B2. President to accused: The Court will now receive any statement you desire to make in reference to the charge(p.(i)) If it appears from your statement that there are circumstances which indicate that you do not under APC<sup>0</sup> stand the effect of the plea of Guilty(t), or which show provocation or extenuation in respect of which in your interest the witnesses for the Prosention should be examined(b), we shall advise you to change your plea to Not Guilty. In making a statement you will not be used in evidence against you after you change your plea. If, however, it appears to the Court that your statement affects only the amount of punishment to which you are liable, you will not be advised to change your plea and you will be given an apportunity later to ravie your plea then the punishment of the court of the court

No "AFC"

(J. RF 27(E), 2. RF 27(D) (n.e. 3. RF 36(E) (n.5 pare 3, MML p. 54 pare 47. 4. See para E3 of Record Form E. 5. Statement, if any recorded per Notes.)

B3. The Court considers the accused's statement (1). The Court decides (not) to advise accused to change his Weighpleage; of Guilty to Not Guilty on the first charges. The assured in (XX) so informed and he MAX. "AFC" AND MADE TO A STATE OF THE ADDRESS O Causet may be closed to consider the statement. Delet, whole or part not used.)

B4. On the charge's to which the pleats of Guilty is XRE not changed the President records finding a of "APC" Guilty in Part 1 of the Schedule. [4] (I. RP 35(B). If any plea(a) is (are) changed, use Record Form C or D as appropriate.)

B5. The Summary of Evidence is marked Ex P1, initialled and read aloud by the President.(1) If there is no Summary, or if it is inadequate, comply with RP 37(B). If there is any evidence inconsistent with any place standing as Gally, Court will advise accused as change such plea and, if changed to New Golfe, try such charge(s) by use of pairs 01 in 26 inclusive of Recard Form D on p 3. RP 37(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.

CI. As to the charges on which accused pleaded NOT GUILTY the trial is continued by using paras D1 to D8 inclusive of Record Form D on p 3 before proceeding with C 2.(2) (f. RP 37(A) (E).)

C2. The charges on which accuraed pleaded GUILTY are read to him (them) again, and the trial is continued by using paras 81 to 85 of Record Form B above. (1)

(1) Under 85 such parts and of the Sammery of Evidence are read as resists to the charges dead with under C2. If any pine is charged to Not Sailty, true therean proceeds by catagings with parts D1 to D6 inclusive in Secard form D on b 2 and making an appropriate meant thereof are apparent sheet.)

C3. The expectable arrangle conformal desilvation respects so more date relative parameters are respected to a some beautiful and a PC. The expectable are point of the PC.

### PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

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

D1. President to accused: Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity to prepare your defence ! Ans NO (1. If "yes", see RP 29(A) for procedure. Statement or evidence, if any, is recorded per Notes.) ""AFC"

D2. The Prosecutor makes (and (no) opening address.(1)\*\*APC\*\*\*
(I. RF 39(B), 60(A) (S), 90, 92(C) (D). \*\*\*second address per Notes, subject to RF 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) Thursday and water short of the environment of the Research and the Company of the Company o A PC . A Pure Court is the commentation of the commentation of the commentation of the commentation of the court is the commentation of the commen

жэ жээжэ жэрэгрэдэг жинжийнийн байлахионын дуулжин наах жэг гэргин олимпин байлахиж байлахийн б

#HIX INVITED AND ADDRESS OF STATE ADDRESS OF STATE ADDRESS OF STATE ADDRESS OF ADD

D5. President to accused: You will new proceed with your defence.(1) You may, if you wish, give swidence

President to accused: Do you wish to give evidence yourself as a witness, make a statement, or do neather I Do you intend to call witnesses on your behalf ? "AFC Ans. 350 (1. RF 153. 2. RF 40(A), see 80(D). 3. RF 40 fn 10. 4. RF 40 fn 2. R.

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 895. Evidence for occused at the schoolcase whould, if in his interest, be given before the finding. See RP 46(A) for 1, 86(C). Note the further opportunity in para E1 of Record Form E. Record per Notes addresses, interest, evidence and any summing up by the jA under 87 42, 103(s).

D7. The Court is closed to consider the finding(s).(1) The finding(s) of the Courting (are) recorded in Part I "APC" eduie (\*) The Court is re-opened.

(2. RF 42, 117(A). See Notes in Port I of Schedule. 2. RF 44(A).)

D8. The President announces the finding(s), if any, of Not Guity, and states to the accused that the finding(s) of the Court on the 3rd and 5th charge(s), being subject to confirmation, will be promulgated laster. (\*A PC#

and that the proceedings are accordingly terminated. Part I of the Schedule is dated and signed (I) (i) A5 543) (i) B7 45, (2008). Z. A6 5403, b7 45, (ii) This alternative ambiuncement is not applicable when there are piece of four outstanding and deal with sandar Record from B a C.).

Reservations Eriston.

### RECORD FORM E-PROCEEDINGS ON CONVICTION BEFORE SENTENCE.

E1. President to accused: Do you wish to give evidence yourself or to call any witnesses as to your character t(2) If evidence has already been given by accussed or his witnesses as to his character, delete this para. RP 37(C) fo 4, 46 fo 1.
Accused and witnesses are swape. Evidence restanded per Notes.)

E2. The Prosecutor produces Statementing as to Character and Particulars of Service<sup>(1)</sup>, and certified true "APC" copy angular of Conduct Sheeting "), purporting to refer to the accused, which he submits to the Defending Confir for "APC" 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 sagned in the manner required by AA 183(l) (2) (b), 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. P4. and Ex. P5. respectively (2) "APC" (1. ANS 355 or AS 256. 2. AFM s. 2. AFM s. 2. AF 46. KS Con 558. If above documents not produced, see AF 46 for 8 pers (.)

E3. President to accused . Do you wish to address the Court on the Statement's and Conduct Shoet(a) and in mitigation of punishment (\*) Aux Yes, Through my defending Officer "AFC" (1. 89 D)(). 46(b). 2. Address if any, ecorded per house. Court should permit accused or his witnesses to prove on orth continue for the permit which would office the amount of punishment. SP 37(p) for 1).

E4. The President states that the Court is closed to consider the sentence, and that the sentence to be assurded 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)
(2. AA 54(6), RP 120(4).)

E5. The Court considers the sentence (\*) The President records the sentence in Part I of the Schedule, which

the dated sind segreed by him and the JA, if any (\*)

(t. When several accuracy tried separately are RF 7(D). One sentence only, compensed of the punishment or punishment for down in AA 41.44 and in promote, is to in resemble to cover all thought in all things gheets an which accused found guilty.

RF 48. As in sentences are AA 44.128, 182, 182, 184, 50, 41.116, 195, 60, 82. Con 305, 325, 525, 52-566, Decrease NO 809-2222.

Model ptd. 75-7597 As in membraness compended for cole difference by the law of Engineer and A4 4(1), MHz yill.

For a compensation of the sentence of the sentence of the cole of the sentence of the sentence of the cole of the sentence of the sen

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

The accused, 6.24039, Private John Clement QUINN, No. 2 Canadian Non Effective Transit Depot, 1 Canadian mass Reinforcement Group, a soldier of the Canadian Army Overseas, is charged with:-

FIRST CHARGE Sec 15(1) Army Act

WHEN OH ACTIV SERVICE, ABSENTING RISSELF WITHOUT LEAVE

in that he,

in the field in Italy, at approx 2200 hrs 6 Mar 45 absented himself without leave until about 1845 hrs 25 Her 45. (Total absences 21 days, 20 hrs, 45 mins).

WHER OR ACTIVE SERVICE, STEALING PROFESTY BELONGING TO A PERSON SUBJECT TO EXILITARY LAW

in that he.

in the field in Itely, on or about 28 Mar 45, did steal a greatcoat the property of B.73788 Pte CARF, S., a person subject to Military Law.

THIRD CHARGE Sec 40 act ernative) WHEN ON ACTIVE SERVICE, COMDUCT TO THE PREJUDICE OF GOOD OFFICE AND MILITARY DISCIPLINE

in that he,

in the field in Itely, at about 1900 hrs 28 Mar 45 was improperly in possession of a greatcost, the page being public property.

Aray Act

THEM ON ACTIVE SERVICE, ST ALING PROPERTY HELDHOISE TO A PERSON SURJECT TO BILITARY LAW

in that he,

in the field in Italy, on or about 28 Har 45, did steel a greatcoat the property of M.1454 Pte FELLOWS, R.M., a person subject to Military Law.

FIFTH CHARGE Alternative) WEAR ON ACTIVE SERVICE, COMPUCY TO THE PREJUDICE OF

in that he,

in the field in Italy, at about 1900 hrs 28 mar 45 was improperly in possession of a greatcoat, the property of M.1454 Fts FELLOWS, R.L.

Experied on behalf of the J. A.G. Can devery Onessa persuant to the Field KR (can) 540 & Orusca - Le A. O. Green, TO BE TRIED BY SIMIL GENERAL GOODS MARTIAL RQ 4756

Mougajne (D.J.Burgowee) hajor Commanding Officer No 2 don W.E.T.D. 1 Con Base Rft Group

(Sak. Lee) Colonel Cond 1 Cdm Buse Rft Co

AddAin the Field In Ituly 30 Jan 45 5 Apr 45

## FIELD GENERAL COURT-MARTIAL

CFA95 (In lies of AFAS) 40/PAS(1897 (2863)

(Whether the accused to be tried is under his comd as not, a FGCM may on application to him be convened by any offr of Cdn Army Overseaux, or of any other farce if authorized in law, in immediate comd of troops on active service, subject to RP 105(C) and restrictions imposed by oppropriate muchy. AA 47, 50, RP 104-107, 114. At to the duties and privileges of the Convening Offr in dealing with the application see MML Chefy V paris 20 and 21, RP 87(B).

There should be a separate Convening Order for each person to be tried separately by the some Court. RP 71(C), 109. At to separate charges sheets are RP 108. At to two or more accused charged jointly see RP 16, 109.

As to reasons for showing (a) permonent or confirmed rank, and (b) appmt, Afrank or Ajapmt, If any, see AA 182, 183, fnt, KR Can 308, 328, 330.)

### ACCUSED.

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

G-24039 Pte

John Glement QUINN 2 Cdn NETD

### CONVENING ORDER.

- 1. Whereas complaint has been made to me, the undersigned, that the person's named above as the accused, being subject to military law, has 455.8 committed the offence(e) set forth in the Charge Sheet(s) attached and del FC (date) 2.5 SPF 4.5 endorsed by me, (or by un off of my staff for me), "To be tried by Field General Court-
- And whereas I am of opinion that it is not practicable that such offences should be tried by an ordinary General<sup>®</sup>AFC<sup>®</sup> Court-Martial; Rand tabus Anix mast, pray tio soles to see log. A hardrank for references is track magnitude reposition between the part in brackets when not required for compliance with RF 103(C).
- I hereby convene a Field General Court-Martial to try the said person(#), and to consist of the Offra appointed AFC\* or detailed hereunder.
- 4. M. and projectly by appropriate the state of the state mrakackerk hexatem "APC" (AA 49, RP 106(E), 107(A). Delete the whole or port, if not applicable.)
  - Institution appoints are during the Attraction of the Conference of the

### PRESIDENT.

Major (Konk.)	A.F. CANNON (Must be named. RP 106.) MEMBERS.	(CIC)	12 Cd	(Unit.)	Majo
Cupt	J.L. WALLACE	(RCA)	2 Cdn	NETD	
Capt	W.J.M. MOGA'N  (Hismed or detailed. AP 106.)	(CAC)	HQ 1	CBRGP (Unit.)	
(Rank.)	WAITING MEMBER.				
Capt or Lieut to	be detailed by 00 2 Cdn	NETD		(Unit.)	
(Rank.)	(Named or detailed, if any. RP 106.)  JUDGE-ADVOCATE.				
(Rank.)	(Must be named, if any. RP 106.)			(Unit.)	
On Active Service in the Fd					
		"S.A. LI	22"	colon	el
in Italy (Country)	(Signed personally.			(Rank.)	
Date 3 "or 45	Commanding 1 Cdr	Base Rft			
		Conveni	og Officer.		

CONVENING OFFR WILL INITIAL ALL DELETIONS AND ALTERATIONS

(See secrited for eaths and notes for use an total.)

"AFC"

MEDICAL OFFICER'S CERTIFICATE

I hereby certify that I have this day examined No G-24039 Rank Pte Name QUINN CJ and in my opinion is rit to undergo trial by Court Mertial.

Date 4 Apr 45

"J W McMartin Capt" Medical Officer

D-62197 BQMS DAWSON, F.R. 1/c Bordon Barracks being duly sworn states:

# QUESTIONS BY THE PROSECUTING OFFICER

- Q. Do you recognize the accused in this court?
- A. Yes, I do.
- Q. Will you describe the circumstances surrounding the placing of the
- I was standing talking to the picquet on the Bordon Barracks, with Sgt Ironside, when the accused came down the stairs carrying what I thought was one greatcoat. The picquet questioned him to the effect that it was too warm a night to go out with a greatcoat and then asked him to take it back upstairs. I then told the picquet togo upstairs with him. On the way upstairs, in full view of me, one greatcoat fell from outside. I then noticed that he had two. one greatcoat fell from outside. I then noticed that he had two. The picquet told him to go downstairs again. I looked at both greatcoats and immediately had the man placed under arrest. After placing him under arrest I checked, through my office, and found the man did not belong to Bordon Barracks. That is all I know about the case.
  - Q. Was the loss of greatcoats of personnel reported to you?
  - A. Yes, there was.

  - By one Pte Carr and one Pte Fellows at 0900 hrs the following d. Who? morning.
  - A. Yes, Sir, I can describe one as having Loyal Edmonton Flashes on bot shoulders and having a man's number inside on the pocket, I believe on the right-hand pocket.
  - d. Is this the greatcoat? A. Yes, Sir.

# QUESTIONS BY THE COURT

- Q. How do you identify the greatcoat? A. By the Loyal Edmonton Patch on the shoulder.

- Is that the same number you saw at the time you had the accused placed under custody. (Exhibit 92 one overcost)
- Yes Sir.
- The other greatcoat was an American one and had no markings or distinguishing flashes on it except that it was new and size 8. Q, And the other greatcoat?
- Q. Can you say if this is the greatcoat? (Exhibit 73 one greatcoat) A. To the best of my knowledge, yes Sir.

### Cross-Examined: -

- ". Where did you see the accused in the Bordon Barracks?
  A. I seen him going down the stairs, Sir, as I was passing that way.

No Re-examination.

Not necessary to comply with R.F. 83(b) .

SECOND WITNESS D-81848 Sgt IRONSIDE, G.A., X-4 List Gen List, employed as clerk in the orderly room of X-8, at the time, being duly sworn, states:

> Q. Do you recognize the accused in this Court? A. Yes, Sir.

Q. Will you tell the Court what you know about the accused and what occurred on the night of 28 March 1945?

A. At approximately 1900 hrs on the 28 March 1945 I was proceeding out of camp, accompanied by S/Sgt Dawson. I stepped to converse with the guard on duty at the bottom of the stairs, leading out of Bordon Barracks. It was at this time I saw the accused carrying down the stairs what I thought was one greatcoat. The guard, on my instruc-tions stopped him and enquired where he was going to take the greatcoat, and the reply was that he was taking it to his friend in the latrine. There being no reasonable answer, he was ordered to take the great coat back up-stairs His action seemed somewhat hesitent so on suspicion I then His action seemed womewhat hesitent so on suspicion I then with the guard, decided to accompany the accused upstairs, on the half-way landing the accused laid the greatcoat on the floor - saying he can come and get it himself. He then started to run down the stairs and the guard at the actum of the stairs, on my warning, stopped him. CQMS Dawson ordered the accused to bring the greatcoat, which I thought at the time was only one, to him. On bringing up this greatcoat another one fell from outside the first. It was then that COMS Dawson ordered the accused into custody. Picking up bath greatcoats, for means of future identification, I looked at one of them which had the Loyal Edmonton Regiment flashes, and the First Dividional Patches on the shoulders and sleeves. In one pocket was a small quantity of sugar. The other greatcoat was a new greatcact of a very recent pattern, with non-metal buttons. The other had no other means of identification. That is all I know,

Q. Can you identify the two greatcoats? A. I can identify that as the greatcoat I took up from the accused. This greatcoat looks very much like the one that dropped out but cannot say that it is the same one.

### Cross-examined:

4. Sgt Ironside, can you say that the accused had been drinking that night? I could not say that he had been drinking, he was not under the influence of alcohol. No Re-examination.

### QUESTIONS BY THE COURT

You quoted the accused as saying when the accused left the greatcoat on the floor - he can come and get it himself? A. Yes, Sir.

Q. Do you know from the conversation whom he referreddto ! A. No Milesan to Complywid R.P. 83(6) 813701 Pte HARDING, R.W., X-6 List No.2 Cdn METD, Cdn Army C.M.F., being duly sworn, states:

Q. Can you recognize the accused person in this court? A. Yes, there he is.

4. Will you tell the Court what you know about the accused, which occurred the night of 25 Mar 45?

### THIRD WITNESS

A. At approximately 1845 hrs on the 28 Mar 45 the accused a. At approximately 1845 hrs on the 25 Mar 45 the accused camewith the greatcoat under his arms. I stopped him and asked him where he was going with the greatcoat, he said he was taking it to a friend in the latrine. He was told to take the greatcoat postairs. While I, 3gt Ironside and the accused was going up-staires, he dropped the greatcoat on the floor. Sgt Ironside picked up the two greatcoats, it was the first time I saw two greatcoats. S/Sgt Dawson ordered him to take him over to the guard room, that's all.

Q. What was your duty at this time? A. Night picquet on the Bordon block.

Q. Stationed where?

A. at the bottom of the stairs.

Q. Can you describe this greatcoat? A. One of them had 49 Edmonton Flashes on. The farst one looked like a Canadian greatcast and the red patches on the other was a Yank made greatcoat and the only way I can identify it is that it had dust on it.

Q. Is that the greatcoat?

A. Yes, brothering

The prosecuting Officer shows the witness the greatcoat. (Exhibit 9-2). The prosecuting officer shows the witness the greatcoat. (Exhibit 9-3).

Q. Is this the same greatcoats?

### QUESTIONS BY THE COURT

Q. The second greatooat you were shown, by what means can you identify it?

A. It was a Yank greatcoat and it had dust on it. Q. Did you sheek to see if the accused had a friend in t he latrine?

A. No, Sir. Q. Did you see anyone else checking?

A. No, "ir,

Q. Would the accused normally go down these stairs to the latrine?

A. Yes, he would, sir, if he was going to the latrine.

Q. Was it cold enough on the night of 28 Mar 45 to wear a greatcast?

No, it was not orld enough.

No R .- examination. Not necessary to comply with R.P. B3(b).

### FOURTH WITNESS

B73788 PTE CARP, S. - 16 Spec Employment Coy, - quartered in Bordon Block, being duly sworn, states:

Q. have you recently lost a greate at? A. Yes, Dir, the first time I missed it was on the 29 Mar 1945, at approximately 0620 hrs.

Q. To whom did you report the loss? A. First to the Guard Room and them to our X-8 Orderly Room S/Sgt Dawson. Q. Has this greatcost since been returned to you? A. No Sir.

Q. Will you describe this greatcoat? A. It is an American greatcoat, size S.

at The prosecuting officer shows the witness the greatecat (Exhibit P3).

Q. Is this your greatcoat?

Q. Do you recognize the accused in this Court?

### QUESTIONS BY THE COURT

- Q. You have been using that greatcoat as a pillow at night, is that right?
- A. Yes Sir.
- Q. Did you use it as a pillow on the 28 Mar 45?
- A. I did not miss it until morning.
- Q. Did you know before you reported your loss that a greatcoat or greatcoats had been found?
  A. No Sir.
- No Cross-examination.

### FIFTH WITNESS:

- M1454 PTH FELLOWS, R.E. Loyal Edmonton Regiment, mow on X-B List., Quartered in Bordon Block, on third floor, being sworn, states:-
- Q. Have you recently been short a greatcoat? A. Yes Sir.
- G. When?
- 4. On or about the 28 Mur 1945, between 5.00 and 9.00 in the evening.
- Q. Did you report the loss to anyone?
  A. I reported the loss to the pisquet on the floor immediately I noticed it was gone. I also report it to the Orderly Room, to S/Sgt Dawson.
- Q. How did you describe the greatcoat to S/Sgt Dawson?
  A. I told him it was a Canadian greatcoat with Loyal Edmonton Flashes on. There was one button missing from the greatcoat and there was a buckle missing from the back of the web belt, which was in one of the pockets. There was some sugar wrapped up in some paper, and also one pair of gloves.

The Prosecuting Officer shows Exhibit P2 to the Witness.

- Q. Is this your greatcoat?
  A. Yes, the button is missing, there is the Loyal Bamonton Plashes, the sugar is in the pocket, ad there is the buckle from the web belt.
- Q. Have you since had your greatcost returned to you? A. No Sir.
- Q. If you recognize the accused in this Court, will you point him out?
  A. Yes, that is him there.
- Q. Did you know the accused prior to the events which develop from the loss of your greatcost? A. No Sir.

# DEPENDING

Ny purpose is to give you a brief outline of the events which occurred on the night of the 28 Mar 1845. The accused, Pte Quinn, returned from an absence without leave. He reported to his original barracks, Cliffside Canadian barracks, and found that it was 2 Cdn NETD. During the evening the accused had been drinking considerably, reasons for that I shall present later. However, the accused had been drinking. His intention was to report on the morning of 29 Mar 1945, He was went into Bordon Block and on the second floor he met another soldier, and he asked him if he would be able to get him two blankets for a bed. This occurred on the landing of the second floor, not actually in the billeting quarters on the second floor. The soldier told him it was possible and went

mention of the lovening of the 28 Mar 45.

HARCH PHARMACH

into the billeting quarters and returned with two greatcoats which he said were in lieu of two blankets. Unfortunately the accused, being new to these quarters, did not know the Unfortunately, the accused, being new to these quarters, did not know the soldier's name, nor could be recognize him if he saw him again. You will note, gentlemen, that the statement that the accused made when he said, He could come up and get it himself, was not referring to anyone on the top floor, or any person in the basement, but to a person on the second floor of the building. The accused, at the time, could not have

NoT known where the greatcoats came from. After receiving the greatcoats the accused started to go down the stairs to find an empty bed on the first floor. On the way down he was stopped by certain people who the court have already seen. I submit gentlemen that there is no proof before the court that the accused stole the greatcoats nor is there any proof that the accused was leaving the building with the said greatcoats. Therefore, I would ask you gentlemen, with such evidence, the charges against Fte Quinn be dismissed.

TO THE COURT: - Mr. President and members of the Court:

From the evidence produced we have the following facts:-The accused did not live in the Bordon Block. He was found coming down the steirs, from the second floor, with two greatcoats, identified previously in one case and closely enough in the second case and there is no doubt that it was the greatcoats belonging to the two people, whom he did not kNow. The statement made by the accused about taking a greatcoat to a friend in the latrine, on an night which was too warm to require a greatcoat, would have been possibly but oddly emough there were two. A second statement made by the defence to the effect that he could come and get it himself, referring to some other soldier. The accused was found leaving the Bordon building, to which he did not belong, and with two greatcoats which did not belong to him, and without the consent of the owners. The purpose for which they were intended to be put, is not known. But view of the facts and evidence produced I respectfully sub-mit that the accused be found guilty on the second and fourth charges, and be patently guilty on the third and fifth.

## DEPENDING OFFICER'S STATEMENT AS TO CHARACTER

Mr. President and Members of the Court:-

The best character reference I can offer and which I feel must be offered on behalf of the accused, is in civilian life. During 1927 to 1934 the accused was employed in the Provincial Bank, and from 1934 to 1942 he was employed as Purchasing Agent of the "ew Brunswick Power Company, which is a very responsible job. In his whole civilian life no crime ever tinged his record whatsoever. That is my character statement. acter statement.

EXHIBIT P2 - Returned to M1454 PTE FEILOWS, R.E.

Canadian Army Greatcost, with Loyal Edmonton Flashes, 1st

Divisional Fatches, top right button missing, pair of glowes
in the pocket, small quantity of sugar in the pocket, one

metal belt tab. The number M1454 was pencilled on the liming of the left hand pocket.

EXHIBIT PE - Returned to B73758 PTE CART, S.

DESCRIPTION One greatcoat, American manufacture, with bone buttons, no special means of identification.

HESE EXHIBITS WERE RETURNED TO THEIR OWNERS BECAUSE HEY WERE PROCEEDING ON DRAFT.

"A.F. CANHON" Major

#### SUMMARY OF EVIDENCE

In the case of G.04039, Private Join Glement UNES, No. 2 Camedian Non Affective Transit Depot, 1 Camedian Base Seinforcement Group, a soldier of the Camedian Array Overnoos.

by direction of the Commanding Officer, this Survey of byidence is taken on oath.

For the

A.104046 Cpl. Wells, H.K. Iswing been duly moors, states:-

"I se a locate Cul. Walls, R.W., employed as elect in the Legal Office, No.2 Cdv. 1. 1. T.D. and as such, I have custody of hertl. Sommand: I present a cartification copy of an extract of "X" list A.C.A.M.O. Fart II bride le. "Y cated 3 Nor 45 (Appended hereto as Emilia "A") pertaining to 0.24009 Pto. (Main. 1.6.)

The dells

THE ADDRESS OF CHARACTER THIS SITES.

For the

D.5.197 HUS Desson, F.R., having boan duly awars, states;-

"I am D. Selyy Mill Dayson, F.R., No. H Can. 1. ... I.D. bog i/e bonden bullets. Set sportstately 1900 hrs. 20 Jan 35, in contrary with Set. Francisco, I see standing at the opin outrappe to Dorden bill de emerging to the piques when the necessia, when I was recognise, came down the scairs with most I thought et the tile, to be one prestocat over his are. the ploquet stopped the secreted in my presence and asked his where he was coins with the grantcost, since it was a warm night. To cathafactary emover being liven, he was ordered to return unstains with the greatcost and on my orders, the vicquest accompanied him. at this time a accord greatened fall from Inside the first and or suspicious being eromed, I ordered the anomed to be pireed in custody. The great costs were this one with Layel Memorate Mart. Plantes and the Mr. M.1654 on the pocket forestenes, produced and sucked Exhibit "B") also this grantmost, an american style new pattern greetoost, sime 8, (prestcout produced and courses Kahibat "O"). On the morning of the 29th New 455 At one reported to me by N.1454 Pte. Follow, .... and 3.40700 its. Carp. 5. that their greatdests were staning from their respondent tits. Them I instructed The Millows and Carp by amount to the Sward Most where the restoucts, dish the sections had been empring, were being held. After ordering the accused into century, I cheeted and found that he (the accused) men not among those questored in Roylan Stillets. That to all I know of the mitter.". TR Towner.

THE ACCUMENT OFFICE THE PERSON AND PARTY THE STREET,

DESTRUCTION

0.61048 Sgt. Ironaide, G.A., having been duly aworn, statem !-

"I am D. BIBME Bgt. Ironside, C.A., K-4 Can. List, No. 2 Cdn. N. M.T. D., exployed as Bergoant Clark. At approximately 1900 hrs 58 Mar 45, I as speaking to the piequet at the main entrance to Borden Billets in company with Bolts Dancon, F.R. The accused, whos I new recognize, cars down the stairs with what I thought, at the time, was one erestoot over his arm. One of the picquets, Ito-larding, stopped the accused and saked him what he was doing with a greateent since it was a warm might. He satisfactory explanation being given, the accused was ordered upstairs and was followed by Pue. Harding and ryself. The acquied leid the createnat on the railing and community running down the stairs and it was then he, the necessed, who placed in custody. In the beaution I had mented by the recent stan a second are teent full out of the first. One embarcont had Layah Minuton begt. Fleshes on the shoulder and I dda, Div. ratches (Achibit "2" identified by 150 situacia; the other prestoct was a new type of cost with non-cotal butters but no maintage, but with some article of clothing in one of the pocksts. It was a grantcoat year minimar to that one (Erhibit "O" produced), but I cannob say one it was that was or not. I then proceeded on my way and know mothing my a of the ratter."

(C. A. Frenciae)

THE ANTONIO DELLIES TO COME-PLATE THE STREET

PERSONALISM.

D.139018 Pto. Marding, B.V., buving been cally n orn, states 1-

"I om B.150018 Ptc. Harding, "." Tablet No. I Cdn. H.1.72D. At about 1865 her 28 Mar 46 I was on duty as picture, at the fact of the stable at the main entrance to border Millet, chan the stairs with a greatoust unter his are. Jeting upon instructions, I stopped the accused and anked him where he was going. The necessid replied that he was going to the intrine. Sither Set. Promotes or B.M. Brown, who had been proviously sponished to speelf and meether proquet, then ordered the occused wisteins and up to rollow. The accused dropped his crostcost, which light. Proposide placed up, and it was then that I now that there were two greatmonts. One greatmont and Econd Maronton Mags. Florings and I Can. Div. patches Sight to that one the thirty of produced. and the other one was just like that (Smithit "C" produced). The accused then started fown the states and it was then that BYB Dawson ordered him, the acquired, into quantidy show he was excepted to the quard react by specificial the other pioquet. That is all I know of the uniter.

R. Harding

For the

PRODUCTION

H. 70788 Pte. Carp, S. hoving been Suly sworn, states:-

"I am B.75788 Ptc. Carp, B. I-8 List No.8 Cdn.
N.E.7.D. puntered in Morden Billsts. On the
19th of Mar 45 at about 0650 hrs I moticed that
19th of Mar 45 at about 0650 hrs I moticed that
19th of Mar 45 at about 0650 hrs I moticed that
19th a pillow under sy blankets, was missing. I
1 reported the loss to the Quard Counsender and to
19 18 bawson. My cost, which I described to B.35
10seon, was a new Arerican pattern, size 8, and
which has not since been returned to me. It was
a greatecast exactly the same as that (Exhibit "O"
produced) but I cannot say that that is the one
or not. I do not recognize the sacuard nor do I
lines engthing more of the matter."

S. Carp

THE ACCUSED DESIGNADED TO CHOOSE-TAKE DOLL THE OFFICE A

M.1454 Pto. Follows, R.F., having book duly natura,

"I am M. 1404 Pte. Fellows, R.D. X-6 list No.2 Can.
N.E.T.D. quartered in Borden Billots. On or about
20 Mar 45 I returned to my quarters at about 2100
hrs then I round my bit had been tempered with end
my greateant missing. I i mediately reported the
matter to the pleaset at the fact of the stairway.
On the morning of 29 Mar 45 I reported the loss to
Boks Desmon, at the same time describing the greatmoet as having Level Bementon Pagt. Fleshes on it
together with my granter on the pocket inside which
my createast (Eghibit WE produced and identified
by the wittens). I then went to the gard room
mare I hoursed that a greateast answering to my
description was in measured and the guard tot I
have not seen my greateast answering to my
description as in measured and that is all I
have not becamic the measured and that is all I

THE ACCUSED RELLIES TO CHOIS-TLOTTE THE PRODUCT

otatement or rive evidence on settle You are not obliged to make a statement or give evidence on cettle to make a statement or give evidence on cettle but if you do make a statement or give evidence on cettle, it will be taken from in writing and may be assught up in evidence."

THE ADDRESS OF THE A PLANT AND PROPERTY.

I swritty that the foresoing convery of hydence, consisting of the three (5) pages, was token in the presence and hearing of the accused and that h.P.(4)(4),(4),(8) and (f) have been complish with

In the Field.

the state of byte one.

## PART II ORDER EXTRACT FORM

TO: officer Commanding 2 Cdn NETD Cdn Army CMP

29 March 1945

EXTRACTS FROM: Unit X List THE ROYAL CANADIAN ARMY MEDICAL CORPS Part II Order No. 27. datel 9 March .45

ABSENT WITHOUT LEAVE

AWL from 2200 hrs 6 Mar 45; Still absent 2200 hrs 7 Mar 45. G-24039 Pte Quinn, C.J. 8. (3 Hen BW) (1st day)

THIS IS EXHIBIT "A" REFERRED TO BY ME IN THE CASE OF G-24039 Pte Quinn, CJ. C.

(D.M. NICOL) Capt Officer detailed to take Summary of Evidene.

gorganization material material production and south and another transfer and the state of the s

KINKER KIRKER BY HEXILT KIRKER KAN KIRKER KI

CERTIFIED TRUE COPY

"JBD SWORD" DATE OF CERTIFICATION 29 March 1945. (JBD SWORD) Captain Office having custody of the original Det Cdn Section 2nd Echelon - AFHQ

Originating Clerk's Initials

Officer in Charge

ECH-6 (276 (4032)

Canadian Section, GRQ, 2nd Ectelon

## Statement as to Character and Particulars of Service of Accused

(For Use at Trials by Field General Courts-Martial only)

Number.	Rank.	Name.	Regiment (or as the case may be).
G-24039	Pte	John Clement QUINN	# 2 Cdn N.ETD.
HOTE—The Fact Concept State of the Part County State of the Part County State of the Part County State of the County State of the Part County Stat	Sheet of the	following is a fair and true sums accused, exclusive of convictions  For A.A. Sec. 15(1).  For A.A. Sec. 40  For A.A. Sec. 10(4)  For  entry in Field Conduct Sheet  entry in Field Conduct Sheet	5 mmes. 1 times. 23 Nov. 1943
	2. Pre		by a court martial or a civil court are set
*Atomic aut if you applicable		n xin xinoxi ux nîkepî win xinoxin xin xin Na xin x	
	of which	custody; and for	31,7,42
Player the hollers described of hist half by assured	8. Tl	ne accused is in possession of †	CVSM & CLASP
		No as from the description of the professional and the second of the sec	

INSTRUCTION.—If any matter in any of the above paragraphs cannot be stated from the regimental books the paragraph must be struck through.

MATTHE THE PROPERTY OF THE PRO

# SCHEDULE OF CONVICTIONS BY A COURT-MARTIAL OR CIVIL COURT

Court by	Date and Place of Trial	Charges upon which convicted	Sentence of the Court	Punishment remitted or sentence suspended
which tried F.G.G.M.		AA Sec 15(1) AWL from 2230 hrs 6 Jul 44 to 1630 hrs 24 Jul 44. (Absent: 17 days, 18 hrs).	6 Months Detention	Hemission earned 63 days.
		"GWA"		

1 HEREBY CERTIFY that the foregoing particulars, which have been extracted from the regimental books in my custody, are correct to the best of my knowledge and belief.

"GEO W. AKEHURST" Capt & Adjt (G.W. AKEHURST) Officer 1/c

Regtl Books & Racords, 2 Cdn NETD

Date of last a		No.	Sqn, Battery, or Company or Compa	Date of enlistment Sheet No	Signature OC Commany, ste	Proficiency Pay	3/17 MFM 6 (APB 122) 40/PAS/136 (5402) Character
Plane	Date of Stan	Cases of drunken- ness	OFFESCE	Names of Witnesses	Punishment awarded	Date of award or of order discount lip wit sing with trial	hon awarded Remarks
Field	Pt	e A	A Sec 40		5 dys FP 5 dys pay	23 Nov 43 00	O 1 MAC
Field	Pt	e A	A 40 2 offences: 1 Off AA 10(4)	28 dys	PP 28 dys pay (4 dys remissio		OC 1 MAC
Field Field Field Field	Pt Pt Pt	19 A	A Sec 40 A Sec 40 A 15(1) AWL (2 charges)		Forf 28 dys ps 14 dys CB Forf 14 dys ps Forf 15 dys ps	ay 11 Apr 44 0	
Field	Pt	t	A 15(1) AWL from 2230 hrs 6 Jul o 1630 hrs 24 Jul 44 Absentl 17 dys 18 hrs)	44	6 mos detn (Remission earn		GCM Fotal for

1000												
	Plani	Date of offence	Rank	Casea off drankom- pose		OFFENCE	Names of Witnesser	Passidanest awarded	Date of award or of order dispension with trial	By stions awarded	Remarks	
	Field		Pte		AA Sec 15(1) A	WL		14 dys Detn	10Peb45		Total forf dys pay	of 19
					"CERTIFIED TO	BE A TRUE COPY PROM	THE REGIL P	BOOKS IN MY CUS 2 April 194				
					orri	"GEO W. AKEHURST" (G.W. AKEHURST) cer 1/c Regtl Books						
						2 Cdn N.E.T.D.						
												•

THE PROPERTY OF THE PROPERTY O

PLEA OF MITIGATION IN THE CASE OF G-24039 Pte QUINN, J.C.
Mr. Fresident and Members of the Court:- Before sentence
is passed on this man I feel that there are several points
regarding the record of service of the accused and certain
circumstances which occasioned the offeche which should be
brought to the attention of the Court.

The accused enlisted in July, 1942, and in April of the following year proceeded to the B.K. In October of 1943 the accused came to this theatre as a member of #1 Motor Ambulance Convoy. There are on Pte. Quinn's M.F.W. 6 a number of small charges under Sec. 40 of the Army Act. All of these were occasioned by over-indulgence of slcoholic drinks. This drinking is in turn caused by a peculiar neurosis which definitely affects this man. Even in civilian life the accused has a psychiatric record of treatment at a mental hospital. However, the only serious misdemeanour since Quinn's arrival in this theatre is an A.W.L. charge which occurred last July. That absence, I believe, shows the instability of the accused, for he experienced great difficulty in re-adjusting himself after hospitalization. In part too, it was caused by the fact that the accused had not had leave all the time he had been in the C.M.F. The present absence was occasioned because once more the accused had had no leave. This reason combined with excessive drinking led to the offence.

At this point I would like to stress the psychiatric instability of the accused. All of the offences which Pte Quinn
has committed are in some way connected with an excessive consumption of alcohol and this in turn is definitely a part of
the neurotic condition of the man. I would ask the Court to
put in a recommendation that the accused be given a psychiatric
examination at the earliest possible time so that we can save, rathe
than ruin a person whose mental health is failing.

"S.G. MULLINS" Lieut TS.G. MULLINS) Lieut Officer Defending

#### SCHEDULE.

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

Charge.	Plea.	Finding	
(Insert " alternative " where	(See Instra p 2.)	(See note below.)	(Space for use as required for further charges, accused charged jointly, special findings, acc.)
applicable.)		Gulty	special findings, esc.)
lat	Gently		
and	Not guely	1 1	
ird Celteration	Not yearly	ghully	
ith	Not feely	Not senly	
oth allimentine	A of July	Thirty	
ith			
White I have for	The state of the s	A 55 05 44	fundergs on alternative charges see MML p 483 fa 4 para 2, RP 44 , RP 44 (n.b.)
Sgd) Judge-Advo	cate, if any.	of the	1845 (8gd) a 2 Comp
PART II.	(See back of Cor		ATION RESERVED. (AA 54(5), AP 120(F), MAPL 9 760 2
			sembly and disposal of record after trial.)
PART III.  (For duties and pow confirmation and coupremulgetion: RP 57A, RP 53A, 54, TM 37 decision on the	MINUTE WHE  (Sgd)  DECISION OF  ers see AA 54, 57, RP nnot be revised: AA 156 Abl. p 65. Qual 53, AAAL p 65. Qual 6 Endling(s) and se	F CONFIRMIN  2009 In 6.46(A) 51 54(3) Sending back As 157, MML p 64 about often personalization contention set forth	Commanding  G OFFR ON FINDING(S) AND SENTENCE  Se. 120, MML p 759-761, KR Can Se7-577. Acquitable require to limiting or sentence for resistant by Court: AA Se20, NF 120(G), & Missauer of confirmation or non-confirmation may be thereof believe to get KR Can Se7-577. Acquitable require to limiting or sentence for resistant by Court: AA Se20, NF 120(G), & Missauer of confirmation or non-confirmation may be thereof believe to get KR Can Se7-5. Duties and powers of reviewing offrs: AA SE 1, AA SE7-7, ACQUITED TO SERVICE OF THE SE
PART III.  (For duties and power confirmation and concernment course promodection of the STA R STA SA T My decision on the Land Confirmation of th	MINUTE WHE  (Sgd)  DECISION OF  THE SIZE ARA 54, 57, RP  AND THE SIZE ARA 54, 51, RP  THE Confirming Office and the Confirming Office  of Electronic State of Size Ara 54, 51, 62, 62, 62, 62, 63, 64, 64, 64, 64, 64, 64, 64, 64, 64, 64	F CONFIRMIN  F CON	Commanding  G OFFR ON FINDING(S) AND SENTENCE  So. 120, MML p. 759-761, KR Can 567-577. Acquitable require no finding or sentence for resistant by Cantr. As A 20, 89 120(B). 8 Minute of confirmation or non-confirmation may be distrected before one; KR Can 572. Duties and powers of reviewing offs: As 52, As 120, B. 12
PART III.  (For duties and power confirmation and construction and constru	MINUTE WHE  (Sign)  DECISION OF  ers use AA 54, 57, AP  noot be revised : AA 1  ed may be tried again  to Conduming Offer  of Riching(s) and w  le produced to the condumination of the condumination	Completed to pro- glad State And Date.  Confirmation of the Complete State Sta	Commanding  G OFFR ON FINDING(S) AND SENTENCE  So. 120, MML p. 159-361, KR Can Sci-577. Acquitable require to finding ar serious for resisting by Cantr. (A Sci.), NP 120(F), MML p. 159-361, KR Can Sci-577. Acquitable require to finding ar serious for resisting by Cantr. (A Sci.), NP 120(F), E. Missate of confirmation or non-confirmation may be thereof before as F. K. Can Sci.). Duties and powers of reviewing effects: (A Sci.), As 172 fp. (1).  In Part 1 is: Sci. Confirmation of reviewing effects in the serious of the serious confirmation of the serious con

FIELD GENERAL COURT-MARTIAL PASS TO SEASON AND SECOND COL S. A. LEE Comd ICBBBP dated 3 April 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 runk, and (b) appret, Ajronk or Ajapent, if any, see AA 182, 183, fns, KR Can 308, 228, 330.)

GRADIGO PIE Nohn Clement QUINN HOLLING

REPRESENTATION OF TRIAL.

Number. (a) Prmnt R. (b) Appmt, A/R or A/Appmt. Full Christian Names.

on (date(s)). H APA 1945

#### RECORD FORM A-OPENING PROCEEDINGS AND ARRAIGNMENT.

Al. The President, Members, waiting Member, JA, if any, and Offrs under instr, if any, assemble, and the Court is closed.

(PRINTED MATTER, MOT IN ITALICS FOR GUIDANCE, WILL SE DELETED, IF MOT USED OR APPLICABLE, AND INITIALIED BY PRES OR IA. The Schedule referred as throughout is on p. 4. Citations do NOT include oil relevant from ROs. For geodesics on procedure when a environmentation in this form arraws, see form for COA in MAN, p. 7-41 to 7.9. A view records out when substantial and given a number having reference to appropriate or breceding poor number herein. See book of Corvening Orders, CF APS, for noths and inserts on the as exceeded, evident active are hereafter called "Notest". As to general positions for confecting the trial see As St. RP Sc. 6-7-70, 73, 74, 94, 103, 119, 132.)

A2. The President initials and lays before the Court the Convening Order and Charge Sheetiss attached thereto. (\*) O \*C.

The Court is satisfied that it is properly convened and constituted(\*), accused is (are) amenable to military law, and of a cach charge discloses an offence. (\*)

(J. As to use of Summary of Exidence see RP 17 fo 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 1335 hours trial commences. Q \$C

A4. The Prosecutor produces a Medical Certificate that accused is (\*\*\*) fit to undergo trial by court-martial.(\*) a \*\*\*.

The Prosecutor informs the Court that accused elected to be tried by court-martial instead of being dealt with a \*\*\*.

\*\*summaria\*\* by the CO.(\*\*)

(I. KR Can 557. 2. AA 46(8). RF 60 fn I. For effect see KR Can 563(c). Delete, if not applicable.)

A5. President to accused: Do you object to as interpreter! Ans I.S.

The Interpreter is sworm (2) Do you object to #36757 F78 Bond, #: Was shorthand writer! Ans MO ORC

(1. AP 72. Delete, if none employed.)

As. The Convening Order and names of the President and Members of the Court are read to the accused. (\*)

President to accused: Do you object to be tried by me as President or by any of the Members of the Court !

Aus (2)

AVENED by Or

(1. RF 110. 2. If no objection, wasting member retires. RF 68(8). If objection, see procedure AA 51, RP 25, 71, IR, MINE o 742.)

A7. The President, Members, JA, if any, and Offes under instr. if any, are sworm.(1) The following are the ranks, names and units of the offes comprising the Court, etc.

AF CANNON 12 Cd 12 Jour Howay MANOA President CAPT J.L. WALLACE 2CAMPEDOX Capt W. J. M. MOGAN HO ICOMEPAN Member ax Judge-Advocate LIEUT D.M. NICHOLX 2 CAA AETO AL Prosecutor 2 CAN AETO OK Defending Offr LIEUT S. G. MULLIN

Questions by President: Is the Prosecutor a lawyer ? Ans 🐠 Is the Defending Offr a lawyer ? Ans 👐 (\*)

(). AF 26, 27, 109, 111. List of affire under instr will be returned separately with proceedings for information of Case Ciffs.)
(2. If Pres a lowest and Def Offs eat, accused is entitled to an adjournment when RF 89 (B) and fin 2 were not followed. See: Dif 9.3.)

A8. The accused before arraignment make(s) [mn] (a) plea A 1.

(1. If a special plac is made for important trial on one or more charges (RP 62(E), 108), or as to the jurisdiction of the Course (RP 34, 35(A), 113), or in bor of small (RP 36), or as to accused's messaul fitness to stand trial (AA 130, RP 57), or by one of several occased charged juntily to be tried separately (RP 16, 71), such piec, the addresses made in support or against, the evidence, if any, and funding are recorded per Notes. For farms of record see references in fins to ReP cited. Insert in RP name and name of the accused making the piech.

A9. The accused is (see) arraigned (separately) on all charges in the charge sheet. (1) The accused does (do) a second 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.

 RF 31, 112. See para 1 of linears p.2. When more than one Charge Sheet am RF 62; when seneral occupied to be tribal asportately see RF 71(C), and use asportate copies of CF RFs to record proceedings.
 NF 32, RF 33. If otherwise, deben used make appropriate rescord per Notes.)

A10. The Court is closed and; considers the Instra on Proceedure after Arraignment at top of p 2. The proceedings are continued on Record Form

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

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 withdrawal of alternative charges by Prosecutor see RF 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 foulty to lesser, etc., offence. (RP 44(H).) Accused may change a plea of Not 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 circumstances stated

1. If pleas to all charges are GUILTY, use Record Form B below.

11. 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. (RF 37(A).)

(b) Such nixed pleas occur in a set of two or more charges laid in the alternative, see RP 37 (A) and fa 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 instex as may be appropriate to result of its decision. See MML p 744 Instra (2).

As to responsibility of President to accused see RP 50, 60(C); powers and duties of JA see RP 103; duty of Prosecute see RP 90(A) (B); duty and president to accused see RP 38, 50(C); powers and duties of JA see RP 103; sony of and withdrawed of witnesses from Court see RP 81, 82; questioning of accused see RP 80, 87(C), 92(B), and of witnesses are RP 83,85; calling or re-calling of witnesses by Court de see RP 75.79, 86, 118; use of Numerary of Evidence at Trial see RP 17(E) for 6; and responsibility of JA or Pres to record proceedings see RP 34, 56.

## 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), sees as to character and make an address in mitigation of punishment (\*).

(1. RP 15 fs 3. 2. MML p 54 page 47.)

B2. President to accused: The Court will now receive any statement you desire to make in reference to the charges (\*) If it appears from your statement that there are circumstances which indicate that you do not under an stand the effect of the plea of Guilty(\*), or which show provocation or externation in respect of which in your interest the witnesses for the Procecution should be examined(\*), we shall advise you to change your plea to Not Guiley. In the withcases in the research should be sworn or subject to cross-examination; and anything you say will not be used in evidence against you after you change your plea. If, however, it appears to the Court that your statement affects only the amount of puzushment 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 deare (\*)

President to accessed: Do you wish to make a statement ! Ans No U. RF 37(B). 2. RF 37(D) fo b. 3. RF 35(B) fo 5 pare 3. MML p 54 pare 47. 4. See pare E3 of Record Form E.

5. Soutement, (Tay, recorded per Notes:) ( ) a4

B3. The Court considers the accused's statement.(1) The Court decides (not) to advise accused to change his (these) plears of Guilty to Net Guilty on charge(s). The accused is (are) so informed, and he have) ohangote) has (1997) pleate) . Fact I of the Science of the statement. Delete whole or part not used.)

B4. On the charged, to which the piece, of Guilty is sere; not changed the President records finding of Q34.

Guilty in Part I of the Schedule (\*)

(1. 82 35(8). If one piece(s) is (ore) changed, use Record form C or D as appropriate.)

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 accused pleaded NOT GUILTY the trial is continued by using paras D1 to D8 inclusive of Record Form D on p 3 before proceeding with C 2.(\*) (1. 28  $\mathcal{D}(A)$  (5.)

C2. The charges on which accessed pleaded GUILTY are read to him \*\*\*threese\*\* again, and the trial is continued by using paras B1 to B5 of Becord Form B above.(1)

\*\*Condet S5 such porm sets of the Summers of Estimates to the charges dessit with under C2. If any plan is charged to him Guilty, trial three-on proceeds by complying with paras Di to D6 inclusive in Record Form D on p 2 and entaining on appropriate retain thereof as a superior state.

C3. The aggreed basing been found Guillay on one or more of the sharges, size proceedings are concluded by sever

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

MECCI	RD FORM D-PROCEEDINGS ON PLEAS OF NOT GUILTY TO ALL CHARGES.	
D1.	President to accused: 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 prejudied thereby, or on	
	that you have not had sufficient opportunity to prepare your defence ! Aus No (1) (1) (1) If "yes", see 89 39(A) for procedure. Statement or evidence, if any, is recorded per Notes.)	120
D2	The Prosecutor makes (ma) opening address (1) (1. RP 39(8), 50(8), 80, 90, 92(C) (D). Record address per Notes, subject as RP 95(C).)	16
D3.	The evidence for the Prosecution is taken.(*)  (1. RP 39(C), 114. KR Con 555. Record evidence per Notes. As to Prosecutor giving evidence himself see RP 39(D) (E))	
D4.	The Prosecution is closed.(1) The Defending Offir submits that the evidence for the Prosecution does not	226
	The first transfer and the state of the stat	a 44
the inter	and that, accordingly, the trial will process on the former, best the accuracy is (are) found. Note Guilty on charge(s):(f).  (f). Delete remainder of this para, if submission not mode.  2. Arguments on submission, onewer and reply are recorded or Notes.  3. RP 40 fit 1. See AMML a 72 paras 12-14 and a 81 para 42.  4. Delete part not used. If occured acquitted a silf-net parameter is parameter to the parameter of the parameter in parameter in parameter in making hir defence, and the Court should not stop his defence allowed great latitude in making hir defence, and the Court should not stop his defence allowed great latitude in making hir defence, and the Court should not stop his defence.	at
Yourself You may	President to accesed: You will now proceed with your defence. (1) You may, if you wish, give evidence on oath as to the facts or your character or both, in which case you will be subject to cross-examination. (2) g, however, make a statement without being swern, and you will not be subject to cross-examination. (3) teament which could have been made on oath will not carry with the Court the same weight as sworn textimony. (4) a call witnesses in your defence and as to character, whether you give evidence or make a statement or do	
You may neither.	sident to accused: Do you wish to give evidence yourself as a switness, make a statement, or do neither !	
You may neither.		ine

(1) RP [14, 155, 116. For procedure see Notes on back of Convening Green, CF A95. Evidence for occuses as an inhancers should, if in his interest, be given before the finding. See RP 46(A) for 1, SeiC). Note the further opportunity in page 5. If Broard Form E. Second ber Notes oddresses, statement, evidence and any summitted up by the IA under RP 41, (03(e)).

DT. The Court is closed to consider the finding(s) (1) The finding(s) of the Court & (are) recorded in Part I 3 of the Schedule.(2) The Court is re-opened.

(I. RP 43, 1171%. See Notes in Part 1 of Schedule. 2. RP 44(A).)

(in The President assessment that the accused in found Not visite, as all charges and in to be released for the life and that the proceedings are accordingly terminated. Part 1 of the Schedule is dated and signed the AA 54(3) (St. RP 45, 120(A).
 AA 54(3), RP 45, 117. This alternative announcement is not applicable when there are pleas of Guilty austranding and dealt with under Accord Furm 8 or C.)

Dis. The account having then found shufty be and as more of the energy, the presentings are emphasized by many Record Form Kildow.

#### RECORD FORM E-PROCEEDINGS ON CONVICTION BEFORE SENTENCE.

El. President to accused: Do you wish to give evidence yourself at an eall any witnesses as to your character ?(\*) Ans No If evidence has already been given by accused or his witnesses as to his character, delete this pane. RP 37(C) fn 4, 46 fn 1. Accused and witnesses are overn. Evidence recorded per Notes.)

E2. The Prosecutor produces Statement as to Character and Particulars of Service(1), and certified true a Recopy considers of Conduct Sheets (\*), 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 in they purport so be signed in the manner required by AA 153(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. 15. respectively (?) PASS NOT AND ASS NOT ASS NOT AND ASS NOT AND ASS NOT AND ASS NOT AND ASS NOT ASS NOT AND ASS NOT ASS

E3. President to accused: Do you wish to address the Court on the Statements, and Conduct Sheeten, and in mitigation of punishment 1(1). Ane. YES. Michigal. 1984; All Methodology Cofficials.

(i. 89 31(c), 48(0).

2. Address, if my, received an hotes. Cofir abusic permit occupied as his witnesses to provide an each anything here as previously stated which would offect the amount of paradimenes. 89 31(F) (n. 7.)

E4. The President states that the Court is closed to consider 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 serminated.(\*)

E5. The Court considers the sentence (1) The President records the sentence in Part I of the Schedule, which

in district actual communicates this occurrence (\*\*). The Frenchent records the sentiment or Fart 3 of the orientesians in district actual signed by bits and the JA, 28 any, (\*).

(i) When senteral accused tried superstantly use RP 2(D). One sentence only, unempirate of the punishment or punishment interest own in AR 4, 40 and its prevalue, in 2th de-overfield to cover all charges in all charges sheets on which occused found pullus.

RP 48. As to sentences use AR 44, 128, 182, 8P 46-50, 8P, 118, 119, AR, Can. 200, 230, 503-506. Overson RD 209, 2222, 86Mb, 9 60, 737-758. As to sentences unsigned for civil effectives by the laws of Englands and 4(15), 80Mb, 12 JD. When occusing almostly under tentence of imprisonment or necessition see AR 44(18), 60(1), RR Can. 564.

2. RP 50. As to restore from armost by Cantiening Offers in RR Can. 567. As to cannot be and timedy and dispuss of record of the triest use interest on back of Cantening Offers.

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

CHARGE SHEET The accused, G.24039, Private John Clement QUINN, No. 2 Canadian Non Effective Transit Depot, 1 Canadian Base Reinforcement Group, a soldier of the Canadian Army Overseas, is charged with:-WHEN ON ACTIVE SERVICE, ABSENTING HIMSELF WITHOUT LEAVE FIRST CHARGE Sec 15(1) Army Act in that he, in the field in Italy, at approx 2200 hrs 6 Mar 45 absented himself without leave until about 1845 hrs 28 Mar 45. (Total Absence: 21 days, 20 hrs, 45 mins). WHEN ON ACTIVE SERVICE, STEALING PROPERTY BELONGING TO A PERSON SUBJECT TO MILITARY LAW SECOND CHARGE Sec 18 (4) Army Act

in the field in Italy, on or about 28 Mar 45, did steal a greatcoat the property of B.73788 Ptc CARP,S., a person subject to Military Law.

THIRD CHARGE Sec 40 Army Act (Alternative) WHEN ON ACTIVE SERVICE, CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE

in that he,

in the field in Italy, at about 1900 hrs 28 Mar 45 was improperly in possession of a greatcost, the shee being public property.

WHEN OR ACTIVE SERVICE, ST ALING PROPERTY BELONGING TO A PERSON SUBJECT TO MILITARY LAW

in that he,

in the field in Italy, on or about 28 Mar 45, did steal a greatcoat the property of M.1454 Pte FELLOWS, B.E., a person subject to Military Law.

FIFTH CHARGE Sec 40 Army Act (Alternative) WHEN ON ACTIVE SERVICE, CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE

in that he,

in the field in Italy, at about 1900 hrs 28 Mar 45 was improperly in possession of a greatcost, the property of M.1454 Pte FELLOWS, R.E.

append on behalf yet, JAG chian arrive present to KK Ca Sto taken RO 475E withern unger

HO I CHE TO

In the Field 2 April 45

(D.J.Burkayne) Major Commanding Officer No 2 Odn S.E.T.D. Con Base Rft Group

TO BE TRIED BY FIRLD GENERAL COURT MARTIA

In the Field In Italy 5 AUT 45

is.A. Leef Colonel Gund I

## FIELD GENERAL COURT-MARTIAL

(Whether the occused to be tried is under his comd or not, a FGCM may on application to him be convened by any offr of Cdm Army Overseas, as of any other force if authorized in law, in immediate came of troops on active service, subject to RP 105(C) and restrictions imposed by appropriate authorized and A 49, 50, RP 104-107, 114. As to the duties and privileges of the Convening Offr in aboving with the application see MML Chap V pares 20 and 23, RP 87(B).

The should be a separate Convening Order for each person to be tried separately by the same Court. RP 71(C), 109. As to separate charge sheets eRP 62, and as to separate trial on charges in the same charge sheet see RP 108. As to see or more accused charged jointly see RP 16. 109.

As to reasons for showing (a) permanent or confirmed rank, and (b) appint, A/rank or A/appint, If any, see AA 182, 183, fis. KR Can 308, 328, 330.).

#### ACCUSED.

Number. (a) Prmnt R. (b) Appmt, A/R or A/Appmt.

Full Christian Names.

Unit. Surname.

G.24039

Pte.

John Clement

QUINN 2 Cdn NETD

Solonel

Convening Officer

#### CONVENING ORDER.

Whereas complaint has been made to me, the undersigned, that the personal named above as the accused, being subject to military law, has shave; committed the offence(s) set forth in the Charge Shect(er attached and on (date) 3. Apr. 45.

 endorsed by me, (or by an oils of my stall for me), "To be tried by Field General Court-Martial".

And whereas I am of opinion that it is not practicable that such offence(s) should be tried by an ordinary General Court-Martial; (and that it is not practicable to delay the trial for reference to a superior qualified offers (Delete port in brockets when not required for compliance with RF 105(C).)

 I hereby convene a Field General Court-Martial to try the said person(e), and to consist of the Offre appointed. or detailed hereunder.

4. I am unable to appoint (a) three Offre to form the Court, (b) a Ed Offr as President, for the reasons I be attached berete.

(AA 49, RP 106(B), 107(A). Delete the whole or part, if not applicable.)

I also appoint as Judge-Advocate thereat the Offr mentioned hereunder. (RP /06(E). Celete, if none appairmed.)

#### PRESIDENT.

12 Gim Town Major A.F. CANNON Major (Must be named. RF (0s.)

#### MEMBERS.

2 Cán NETD J.L. WALLAGE (RCA) Capt

HQ 1 CERGP (Cap) W.Z.M. MOGAN Capt

WAITING MEMBER

Capt or Lieut to be detailed by OC 2 Con NETD. (Named or detailed, if day. RF (Qb.) distance a (Rank.)

JUDGE-ADVOCATE.

(Cinit.)

On Active Service in the Fd

Italy (Signed persons) (Country.) 1 Odn Base Rft Group Date 3 Apr 45 Commanding

CONVENING OFFR WILL INITIAL ALL DELETIONS AND ALTERATIONS

(See overloof for acths and notes for use an trial.) 4/38A PASS TE STEET TEAT

I hereby certify that I have this day examined No G. 2.4.03.9. Renk .. P.T. E ... Nome . . Q . W I.M. N. G. J.

and in my opinion is fit to undergo trial by Court Martial.

Date .. 4. APR . 45 ....

Majoral Officer Cast

Post One FIRST WITHERS: DE2197 BQUS DAWSON, F.R. 1/0 Borden Barracks fring cluby Swrmy State, QUESTIONS BY THE PROSECUTING OFFICER Q. De you recognice the accused in this Court? A. Yes, I de. Q. Will you describe the circumstances surrounding the placing of the accused under custedy? A. I was standing talking to the pioquet on the Berden Barracks, with Sgt Ironside, when the accused came down the stairs carrying what I thought was one greatcoat. The picquet questioned him to the effect that it was too warm a might to go out with a greatcest and then asked him to take it back up-stairs. I then teld the picquet to go up-stairs with him. On the way up-stairs, in full view of me one greatcoat fell from the outside. I then noticed that he had two. The picquet told him to go down-stairs again. I looked at both greatcoats and immediately had the man placed under arrest. After placing him under arrest I thecked, through my office, and found the man did not belong to Berden Barracks. That is all I knew about Q. Was the less of greatcoats of any personnel reported to you? A. You, there was, A. By one Pte. Carr and one Pte. Fellows at 0900 hours the fellowing merming. Q. Can you describe these greacests? A. Yes Sir, I can describe one as having Leysl Edmenten Plashes on both shoulders and having a man's number inside on the pecket, I believe on the right hand pecket. Q. Is this the greatcoat? A. Yes Bir. QUESTIONS BY THE COURT Q. How do you identify the greatcoat? A. By the Leyal Edwenton patch on the shoulder. Q. Is that the same number that you saw at the time you had the ancused placed under custedy. (Exhibit P2 - one evercost) A. Yes Sir. Q. And the other greatcoat? A. The other greatcoat was an American one and had no markings or distinguishing flashes on it except that it was new and size 8. Q. Can you say if this is the greatcoat? (Exhibit P3 - one greatcoat) A. To the heat of my knowledge, yes Sir. Cross-Examined:-Q. Where did you see the accused in the Berden Barracks? A, I seem him going down the stairs, Sir, as I was passing that way. No Re-Examination, maning to angice ( 1 43/6)

AR

#### SECOND WITNESS

# DS1848SOT. IRONSIDE? G.A., X-4 List Gen List, employed as clerk in the erderly room of X-8, at the time. being club; sween Clab;

- Q. De you recegnize the accused in this Court?
- A. Yes, Sir.
- Q. Will you tell the court what you know about accused and what accurred on the night of the 28 March, 1945?
- At approximately 1900 hours on the 28 March 1945 I was proceeding out of camp, accompanied by S/Sgt Dawsen. I stepped to converse with the guard on duty at the bottom of the Stairs, leading out Barden Barracks, It was at this time that I saw the accused carrying down the stairs what I thought was one greatcoat. The guard, on my instructions stepped him and enquired where he was going to take greatcoat, and the reply was that he was taking it to his friend in the latrine. There being no reasonable answer, he was ordered to take the greatcoat back up-stairs. His action seemed a mew at hesitant se on suspicion I then, with the guard, decided to accompany the accused up-steirs. On the half-way landing the accused laid the greatcoat on the floor - saying he can come and get it himself. He then started to run downthe stairs and the guard at the bettem of the stairs, on my warning, stopped him. COMS Dawson ordered the accused to bring the greatcoat, which I thought at the time was only one, to him. On bringing up this greatcoat snother fell outside from the first. It was then that CQMS Dawson ordered the accused into custody. Picking up both greatcoats, for means of future identification, I at one of them which had the Loyal Edmonton Flashes, and the looked First Divisional Patch on the shoulders and sleeves. In one pecket was a small quantity of sugar. The other greatcoat was a new greatcoat of a very recent pattern, with men-metal bettens. The other had no other means of identification. That is all I know.
  - Q. Can you identify the two greatcoats? A. I can identify that as the greatcoat I took up from the accused. This greatcoat looks very much like the one which dropped out but cannot say that it is the same one,

- R. Sgt. Ironside, can you say that the accused had been drinking that night?

  A. I could not that he had been drinking, see was under the influence of
- alcehel.
- No Re-Examination

#### QUESTION BY THE COURT

- Q. You quoted the accused as saying when the accused left the greatcost on the floor - he can come and get it himself!
- A. Yes, Sir.

ne Do you know from the conversation who he referred to? to No. 81%. Throughy with R. P. P3(6)

## THIRD MITNESS:

S13701 PTB. HARDING; B.J. L-8 List, No. 2 NETD, Can army - CMF bam chandy www wats . Q. Can you recognise the accused person in this Court. Point him out? A. Yes, there he is.

- Q. Will you tell the Court what you know concerning the accused, which occurred the might of 28 Mar 45?
- A. at approximately 1845 hours on the 28 Mar 45 the accused came with the greatesat under his arms. I stepped him and asked him where he was going with the greatecat, he said he was taking it to a friend in the latrime. He was teld to take the greateset back up-steires, While I, Sgt. Iranside and the accused were going up-steires, he dropped the greatcost on the floor.

are

#### A. (Cont'd)

Sgt. Ironside picked up two greatcouts, it was the first time I saw two greatcoates. 5/Sgt. Dawson ordered him me to take him over to the guard room, that's all.

Q. What was your duty at this time? A. Night picquet on the Borden Block.

Q. Stationed where?

A. At the bottom of the staires.

Q. Can you describe these greatcoats? A. One of them had 49 Edmonton flashes on. The first one looked like a Canadism greatcoat and the red patches on the other was a Yank made greatcoat and the only way I can identify it is that it had dust on it.

Q. Is that the greatcost?

A. Yes, this is it.

The prosecuting Officer shows the witness the greatcoat. (ExhibitP2) The prosecuting Officer shows the witness the greatcoat. (Exhibit PS)

Q. Is this the same greatcoats? A. Yes, Sir.

## QUESTIONS BY THE COURT

Q. The second greatcoat you were shown, by what means can you identify it? A. It was a Yank greatcoat and had dust on it.

Q. Did you check to see if the accused had a friend in the latrine?

A. No Sir.

Q. Did you see anyone else checking?

A. No Sir.

Q, Would the accused normerly go down these stairs to the latrimet

A. Yes, he would Sir, if he was going to the latrine.

## QUESTIONS BY DEFENDING OFFICER

Q. Was it cold enough on the night of the 28 Mar 1945 to wear a greatcoat?

A. No, it was not cold enough, whomany of emply with RP 83(4)

#### FOURTH WITKENS:

B73788 PTB. CARP, S. - 18 Spec Employment Coy. - quartered in Borden Block
Q. Have you recently lost a greatcoat? No Re-Examination

A. Yes Sir, the first time I missed it was on the 29 Mar 1945, at approximately 0620 hours.

Q, To when did you report the least A. First to the Guard Room and then to our 4-8 Orderly Room to S. Egt.

Q. Has this coat since been returned to your A. No Sir.

Q. Will you describe this greatocat? A. It is am American greatcoat, size 8.

The prosecuting Officer shows the witness the greatcoat (Exhibit PS)

Q. Is this your greatceat?

A. Yes Sir.

4. De you recognize the accused in this Court?

270

#### QUESTIONS BY THE COURT

- Q. You have been using that greatcoat as a pillow at nights, is that right? A. Yes Sir.
- Q. Did you use it as a pillow on the 28 Mer 1945?
- A. I did not miss it until the morning.
- Q. Did you know before you reported your loss that a greatcoat or greatocats had been found?
- A. No Sir.
- No Eross-Examination

#### FIFTH WITNESS:

M1454 PTE. FELLOWS, R.E. - Loyal Edmonton Regt, new on X-8 List. quartered in Borden Block, on third floor. buy clay Survey Staby;

- Q. Have you recently been short a greatcoat?
- A. You, Bir.
- A. On or about the 28 Mar 1945, between 5,00 and 9,00 in the evening.
- Q. Did you report the less to anyone? A. I reported the loss to the picquet on the flagr immediately I
- noticed it was gone. I also report it to the Orderly Hoom, to S/Sgt. Dawson.
- Q. How did you describe the greatcoat to S/Sgt Dawson? A. I told him it was an Canadian greatcoat with Loyal Edmonton Flashes on. There was one botton mi sing from the greatcoat and there was a buckle missing from the back of the web belt, which was in ome of the pockets. There was some sugar wrapped up in paper, and also one pair of gloves.

The Presecuting Officer shows Exhibit P2 to the witness.

- Q. Is this your greatcoat?
- Yes, the button is missing, there is the Loyal Edmonton Flashes, the sugar is in the pocket, and there is the buckel from the web belt.
- Q. Have you since had your greatcoat returned to you?
- A. No Sir.
- Q. If you recegnize the accused in this Court, will you point him out,
- A, Yes, that is him there.
- Q. Did you know the accused prior to events which developed from the less of your greatceat?
- A. No Sir.

#### DEFENDING OFFICER

TO THE COURT:- Mr. President and members of the Court:

My purpose is to give you a brief outline of the events which occurred on the night of the 28 Mar 1946. The accuses, Pte. Quinn, returned from an absence without leave. He reported to his original barracks, Cliffside Canadian Barracks, and found that it was 2 NETD. During the evening the accused had been drinking considerably, reasons for that I However, the accused had been drinking. His shall present later. His intention was to report on the morning of the 29 Marh 1945 instead of the evening of the 28 Mar 1945. He went into Borden Blook and on the second floor he met another soldier, and he asked him if he would be able to get him two blankets for a bed. This occurred an the landing of the second floor, not actually in the billeting quarters am the second floor. The soldier told him it was possible and went into the billeting quarters and returned with two greatocate which he said were in lieu of two blankets. Unfortunately the accused, being new to these quarters, did not know the soldier's name, mar could be recognize him if he was him again. You will note gentlemen that the statement the annuaed make when he said, he could come and get it himself, was not referring to an one in the top floor, or any person in the basement, but in a person (4)

#### TO THE COURT (Cont'd)

on the second floor of the building. The accused, at the time, would have not knew where the greatcoats came from. After receiving the greatcoats the accused started to go down the stairs to find an empty bed on the first floor. On the way down he was stepped by certain people who the court have already seen. I submit gentlemen that there is no proof before the court that the accused stele the greatcoats near is there any proof that the accused was leaving the building with the said greatcoats. Therefore, I would mak you gentlemen, with such evidence, the charges against Pte. Quinn, be dismissed.

PROSECUTIE G OFFICER

## TO THE COURT:- Mr. President and members of the Court:

From the evidence produced me have the following facts:- The accused did not live in the Borden Block. He was found coming down the Stairs, from the second floor, with two greatceats, identified previously in one case and closely enough in the second case and there is no doubt that it was the greatcoats belonging to two pemple, whom he didn't know, The statement made by the accused about taking a greatcoat to a friend in the latrine, on a night which was too warm to require a greatment, would have been possible, but assily enough, there were two. A second statement made by the defence to the effect that he could come and get it himself, referring to mome other soldier. The accused was found leave the Borden Building, to which he did not belong, and with two greatcoats which did not belong to him, and without the consent of the corners. The purpose to which they were intended to be put, is not known. But is view of the facts and evidence produced I respectfully subsit that the accumed be found guilty on the second and fourth charges, and be patently guilty on the Shird and fifth.

## DEFENDING OFFICER'S STATEMENT AS TO CHARACTER

Mr. President and members of the Court:-The best character reference I can offer and which I feel must be offered on behalf of the accused, is in civilian life, During 1927 to 1934 the accused was employed in the Provincial Eark, and from 1934 to 1942 he was employed as Purchasing Agent of the New Brumswick Power Company, which is a very responsible job. In his whole chivilian life no orime ever tinged his record anatsoever. That is my obseractor statement,

EXHIBIT P2 - Bortaining to M1454 PTE. FELLOWS, R.E.

DESCRIPTION: - Canadian army Greatcost, with Loyal Edmonton Flashes, 1st
Division flashes, top right button missing, pair of gleves in
the pecket, small quantity of sugar in the pecket, one metal
belt tab. The number M1454 was pencilled on the lining of
left hand pecket.

AETHONED

EXHIBIT P3 - Bertaining to B73788 PTE, CART, S.

DESCRIPTION: - One Greatocat, American manufacture, with bone buttons, no special means of identification.

THESE EXHIBITS WERE RETURNED TO THEIR OWNERS BECAUSE THEY WERE PROCEEDING ON DRAFT.

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ate

Mr. President and Members of the Court: Defore sentence is passed on this mam I feel that there are several points regarding the record of service of the accused and certain circumstances which occasioned the offence which should be brought to the attention of the Court.

The accused enlisted in July, 1943, and in April of the following year proceeded to the U.K. In October of 1943, the accused came to this theatre as a member of \$7. Metor ambulunce Convoy. There are on Pts. Julyn's H.S.M. 6 a number of small charges under Sec. 40 of the Army Act. All of these were occasioned by an over-indulgence in alcoholic drinks. This drinking is in turn caused by a peculiar neurosis which definitely affects this man. Even in civilian life the accused has a psychiatric record of treatment at a mental hospital. However, the only serious misdamsanour since quinn's arrival in this theatre is an A.W.L. charge which occurred last July. That absence, I believe, shews the instability of the accused, for he experienced great difficulty in re-adjusting himself after hospitalization. In part, too, it was caused by the fact that the accused had not had leave all the time he had been in the C.M.F. The present absence was occasioned because once more the accused had not leave. This reasons combined with excessive drinking led to the offence.

At this point I should like to stress the psychiatric instability of the accused.

All of the affences which Pte. Quinn has committed are in some way connected with an excessive consumption of alcohol and this in turn is definitely a part of the neurotic condition of the man. I would ask the court to put in a recommendation that the accused be given a psychiatric examination at the earliest possible time so that we can save rather than ruin a person whose mental health is failing.

S.G. Meilling, Lieut.
Officer Defending.

SUMMARY OF EVIDENCE In the case of G.24039, Private John Clement QUINN, No. 2 Canadian Non Effective Transit Depot, 1 Canadian Base Reinforcement Group, a soldier of the Canadian Army Overseas. By direction of the Commanding Officer, this Summary of Syldence is taken on outh. A.104046 Cpl. Wells, H.K. having been duly sworm, states: FIRST WITNESS "I Am A.104046 Cpl. Wells, H.K., employed as clerk in the Legal Office, No.2 Cdn. N.E.T.D. PROPERCUTION and as such, I have custody of Regtl. documents. I present a certified true copy of an extract of "X" List R.O.A.M.O. Part II Order No.27 dated 9 Mar 45 (Appended hereto as Exhibit "A") pertaining to 0.24039 Pte. Quinn, J.C. Hells) THE ACCUSED DECLINES TO GROSS-EXAMINE THIS WITHESS. D.52197 BUSS Demmon, F.R., having been duly sworm, states:-SECOND WITNESS "I am D.62197 Bills Dasson, F.R., No.2 Cdm. N.E.T.D. MOD 1/c Borden Billets, At approximately 1900 hrs 28 War 45, in company with Sgt. Ironsides, I was standing at the main entrance to Borden Billets PROSECUTION. MOD 1/c Borden Billets,. speaking to the piquet when the accused, whom I now recognize, came down the stairs with what I thought at the time, to be one greatcost over his arm. picquet stopped the accused in my presence and asked him where he was going with the greatcoat, since it was a warm night. No satisfactory answer being given, he was ordered to return upsteirs with the greatcost and on my orders, the proquet accompanied him. At this time a second greatcoat fell from inside the first and my suspicions being aroused. I ordered the second to be pleased in contrat. accused to be placed in custody. The greatcosts were this one with Loyal Edmanton Regt. flashes and the this one with Loyal Edmonton Regt. flashes and the Mo. K.1454 on the point (greatcost produced and marked Exhibit "B") also this greatcost, an American style new pattern greatcost, size 8, (greatcost produced and marked Exhibit "O"). On the morning of the 25th Marmonied Exhibit "O"). On the morning of the 25th Marmonied Exhibit "O"). On the morning of the 25th Marmonied Exhibit "C"). On the morning of the 25th Marmonied Exhibit "C"). On the morning of the 25th Marmonied Exhibit "C"). On the morning of the 25th Marmonied Exhibit "C"). On the morning of the 35th Marmonied Exhibit "C". The Salar Brown Marmonied Exhibit "C". On the morning of the accused into were being held. After ordering the accused into were being held. After ordering the accused into was not among those quartered in Borden Sillets. That is all I know of the matter." THE ACCUSED DECLINES TO CROSS-EXAMINE THIS SITNESS.

THIRD WITNESS For the PROSECUTION

D.81848 Sgt. Ironside, G.A., having been duly sworn, states:-

"I am D.81848 Bgt. Ironside, G.A., I-4 Gen. List, No. 2 Cdn. N.E.T.D., employed as Sergeant Clerk. At approximately 1900 hrs 28 Mar 45, I was speaking to the picquet at the main entrance to Borden Billets in company with BQMS Dawson, F.R. The accused, whom I now recognize, came down the stairs with what I thought, at the time, was one greatcoat over his arm. One of the picquets, Pte. Harding, stopped the accused and asked him what he was doing with a greatcoat since it was a warm night. No satisfactory explanation being given, the accused was ordered upstairs and was followed by Pte. Harding and myself. The accused laid the greatcoat on the railing and commenced running down the stairs and it was then he, the accused, was placed in custody. In the meantime I had picked up the greatcost when a second greatcost fell out of the first. One greatcoat had Loyal Edmonton Regt. flashes on the shoulder and 1 Cdn. Div. patches (Exhibit "B" identified by the witness); the other greatcoat was a new type of coat with non-metal buttons but no markings, but with some article of clothing in one of the pockets. It was a greatcoat very similar to that one (Exhibit \*0" produced), but I cannot say whether it was that one or not. I then proceeded on my way and know nothing more of the matter."

(G.A. Ironside)

THE ACCUSED DECLINES TO CROSS-EXAMINE THIS WITNESS.

FOURTH WITHOUSE PROSECUTION.

3.157018 Pte. Harding, R.J., having been duly sworn, states: -

"I am B.150016 Fte, Harding, R.J. X-List No. 2 Cdm. N.E.T.D. At about 1645 hrs 28 Mar 45 I was on duty as picquet, At the foot of the stairs at the main entrance to Border Billet, when the accused, whom I now recognize, came from the stairs with a greatcoat under his arm. Acting upon instructions, I stopped the accused and asked him where he was going. The accused replied that he was going to the latrine. Either Sgt. Ironside or BURS Dawson, who had been previously speaking to myself and another picquet, then ordered the accused upstairs and me to follow. The accused dropped his greatcost, which Sgt. Ironside picked up, and it was then that I saw that there were two greatcoats. One greatcoat had Loyal Edmonton Regt. flashes and 1 Odn. Div. patches similar to that one (Exhibit "B" produced) and the other one was just like that (Exhibit "O produced). The accused them started form the stairs and it was then that BAS Dewson ordered him, the accused, into custody when he was escorted to the guard room by myself and the other picquet. That is all I know of the matter.

THE ACCUSED DECLINES TO CHOSS-KLAMINE THIS SITNESS.

FIFTH WITNESS
FOR the
PROSECUTION.

SIXTH WITNESS

For the PROSECUTION

B.73788 Pte. Carp, S. having been duly sworn, states:-

"I am B.73788 Fte. Carp, S. X-8 List No.2 Cdn. N.E.T.D., quartered in Borden Billets. On the 29th of Mer 45 at about 0630 hrs I noticed that my greatcoat, which I had previously been using as a pillow under my blankets, was missing. I reported the loss to the Guard Commander and to BIMS Dawson. My coat, which I described to BIMS Dawson, was a new American pattern, size B, and which has not since been returned to me. It was a greatcoat exactly the same as that (Exhibit "G" produced) but I cannot say that that is the one or not. I do not recognize the accused nor do I know emything more of the matter."

& Carp.

THE ACCUSED DECLINES TO CROSS-EXAMINE THIS WITHESS.

M.1454 Pte. Fellows, R.E., having been duly sworp, states:-

"I am M.1454 Pte. Fellows, R.E. X-8 list No.2 Cdn. N.E.T.D. quartered in Borden Billets. On or about 28 Mar 45 I returned to my quarters at about 2100 hrs when I found my kit had been tampered with and my greatcoat missing. I imediately reported the matter to the picquet at the foot of the stairway. On the morning of 29 Mar 45 I reported the loss to EMES Dawson, at the same time describing the greatcoat as having Loyal Edmonton Regt. flashes on it together with my number on the pocket inside which could be seen when the pocket is lifted. That is my greatcoat (Exhibit "F" produced and identified by the witness). I then went to the guard room where I learned that a greatcoat answering to my description was in possession of the guard but I have not seen my greatcoat since until today. I do not recognize the accused and that is all I know of the matter.

Millellows (R. E. Pellows)

THE ACCUSED DECLINES TO CROSS-MANINE THIS SITHESS.

CHRITION TO THE ACCUSED. "Do you wish to make a statement or give evidence on oath? You are not obliged to make a statement or give evidence on oath, but if you do make a statement or give evidence on oath, it will be teken down in writing and may be brought up in evidence."

THE ACCUSED DETAILESS TO MAKE A STATEMENT AND RESERVES.

I certify that the foregoing Summary of Evidence, consisting of three (5) pages, was taken in the presence and hearing of the accused and that R.P.(4)(c),(d),(e) and (f) have been complied with.

In the Field. 2 Apr. 45 (D. M. Nichol) Lieut. Officer detailed to take Summary of Evidence.

#### PART II ORDER EXTRACT FORM

Officer Commanding, 2 Cdn NETD. Cdn Army CMF

99/20/.....

EXTRACTS FROM:

Unit .X List Royal Canadian Army Medical Corps

Part II Order No. 27 dated 9 March 45

#### ABSENT WITHOUT LEAVE

AWL from 2200 hrs 6 Mar45; Still absent 2200 hrs 7 Mar 45.

Pte Quinn C.J. (3 Gen Bn) (1st day) G.24039

THIS IS EXHIBIT "A" REFERED TO BY ME IN THE

CASE OF GLEACES VPTS, QUINN, C.J. Tathulhal Captiographical detailed to take Summary of Evidence.

(D. M. Nichol) 

Certified true copy

Date of Certification

Officer having custody of the original Det Cdn Section, 2nd Echelon - APHO

Originating Clerk's Initials .....

Officer in Charge

Canadian Section, GHQ, 2nd Echelon

ECH-6 40/P & B/1276 (4032)

## CERTIFICATE OF REWSING OFFICER

ection 30) , the Revising Officer duly appointed under The Voters' Lists Act for the purpose of evising the Voters' Det to be used at the election now , do hereby certify that pending for the Electoral Distri , a voter entered on the leters' List and having the in the right to vote at the pending election in the Municipality of . duly appeared before me a my sittings for the Electoral District of , and that upon the revision of the List for the Municipality of evidence there indered by him (or on his behalf) I find that named in this appointment as an Extra-Provincial Active Service Voter, is duly qualified to vote at the said pending election, and that the said person fully qualified to act as Proxy for the said Extra-Provincial Active Service Voter and to vote on his behalf at the said election. day of ited this.

(REVISING OFFICER)

# Statement as to Character and Particulars of Service of Accused.

(For Use at Trials by Field General Courts-Martial only).

(For	Use at Trials by Field General Courts-Martial Omy).
	Name Regiment for as the case
Number	PTE John Clement QUINN, # 2 Cdn N.E.T.D.
G.24039	
NOTE.—The Field Conclust Sheat as to the produced in Court with Cities statement but a not to be anaected to conclusion of the conclusion of the conclusion of European in Statement State	1. The following is a fair and true summary of the class.  Conduct Sheet of the accused, exclusive of convictions by a court martial or a civil court:  For A.A. Sec. 15(1)  For A.A. Sec. 40  For A.A. Sec. 10(4)  Times.  For A.A. Sec. 10(4)  Por A.A. Sec. 10(4)  Times.  For Date of first entry in Field Conduct Sheet  23 Nov 1943  Date of fast entry in Field Conduct Sheet  20 Feb 1945  Date of tast entry in Field Conduct Sheet  21 Previous convictions of the accused by a court martial or a civil court
*States out it and springering	1) Whe example the description is and a sound of the soun
	4. The accused has been awaiting trial on the present charges for NIL days in civil custody, and for days in military custody, i.e., NIL days in open arrest, days in close arrest, of
	which Met days were spent in hospital.
	5 The present age of the accused is arrestation arrestation 31.7.42.
State the pulled as below to the contract of t	7 MER REPEAR MEMBER OF BUSINESS OF CVSM & CLASP.
	NA SKY NAME KRANCERS CS EX
	HE THE WELL SERVICE THE THE THE THE THE THE THE THE THE TH
	THE REAL PRINCIPAL OF ALL

OR THE RESERVE THE REAL PROPERTY.

INSTRUCTION -II any matter in any of the above paragraphs cannot be stated from the regimental books the paragraph must be struck through.

## SCHEDULE OF CONVICTIONS BY A COURT-MARTIAL OR CIVIL COURT.

Description of Court by which tried	Date and Place of Trial	Charges upon which convicted	Sentence of the Court	Punishment remitted or sentence suspended
F.G.C.M.	Field 4 Aug 44	AA Sec 15(1) AWL from 2230 hrs. 6 Jul 44 to 1630 hrs 24 Jul 44. (Absent: 17 dys, 18 hrs).	6 Months Detention.	Remission earned 63 days.
		- Stea		
	-			

I HEREBY CERTIFY that the foregoing particulars, which have been extracted from the regimental books in my custody, are correct to the best of my knowledge and belief.

Signed this

4th

day of April 45

Geo W akehunt capt & Adit.
(G.W. Akehunt) Officer 1/c.
Regtl Books & Records, 2 Cdn METD.

Place	Date of offence	1	Cases of	st drunk freedom from extra fine	Sheet No	Company, etc	1	Charact	ter
	odence	Bank	drunken- ness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispen- sing with trial	By whom awarded	Remarks
Field		Pte		AA Sec 40		5 days F.P.	MINE WILL LEAD		
Field		Pte		2 Offences AA 40 1 Off AA 10(4	)	5 days pay 28 days F.P.	23 Nov43	OC 1 MAC	
Field Field		Pite Pte		AA Sec 40 AA Sec 40		28 days pay (4 days Rem Forf 28 dyspay	16 Feb44 ission).		
Field		Pte		AA 15(1) AWL (2 Charges)			19 Apr44 23 Jun44		mate's
Field		Pte		AA 15(1) AWL from 2230 hrs 6 Jul 44 to 1630 hrs 24 Jul 44 (Absent: 10 dys, 18 hrs).		pey 6 Months Detn. (Remission so	4 Aug 44		17 days

	Date of		Cases of	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispersal aing with trial	By whom awarded	Hemarks
Place	Date of offence	Hank	dranken- ness			14 days Detn.	10 Feb	oc 3 Bn.	Total forf
Field		Pte		A.A. Sec 15(1) AWL		14 days beth	45.		of 19 days
				" Certified to be a true copy !	from the Hegt	1 Books in my 2 Apr	Custody.	u .	
				Geo W. Akaharrat G.W. Akaharrat Officer 1/c	Capt & Adjt	•			
				2 Cdn N.E.T.					

#### LIST OF WITNESSES.

In the case of G.24039, Private John Clement QUINN, No. 2 Canadian Non Effective Transit Depot, 1 Canadian Base Reinforcement Group, a soldier of the Canadian Army Overseas:-

## FOR THE PROSECUTION

- 1. A.104046 Cpl Wells, H.K. -- 2 Cdn H.E.T.D.
- . D.62197 Bom Dawson, F.R. -- 2 Cdn N.E.T.D
- 3. D.81848 Sgt Ironside, G.A. -- X-4 List Gen List 2 Cdn
- 4. B.137018 Pte Harding, R.J. -- X-List 2 Cdn NEID.
- 5. B.73788 Pte Carp.S. -- X-8 List 2 Cdn NETF.
- 6. M.1454 Pte Fellows, R.E. -- X-8 List 2 Cdn METD.

#### FOR THE DEFENCE

NIL

#### LIST OF EXHIBITS

- 1. Exhibit "A" -- Certified true copy of an extract of "X" List R.C.A.M.C. Fart II Order No. 27 d/9 Mar 45.
- 2. Exhibit "B" -- Greatcoat marked Exhibit "B"
- 3. Exhibit "C" -- Greatcoat, (American Style new pattern greatcoat), marked Exhibit "C"

that my Commanding Officer appoint At S. b. Mullin to defend me at my forthcoming trial by Field General Court Martial.

DATE 3.05.4.1.....

(off. Juino).

ACCUSED'S RECEIPT FOR HIS COPY OF SUMMARY OF EVIDENCE

I, G.24 039, Private John Clement QUINN, acknowledge receipt of a copy of Summary of Evidence and Charge sheet in connection with my forthcoming trial by Field General Court "artial.

DATE . 3 Car . 4.5 .... lef 16 .....

5.P.13
Ph. Juinn, J.J

#### SCHEDULE.

#### EA(S) FINDING(S) AND SENTENCE

	-		OIG - 2 CITR
ocused: D-131399 1	Pte John Jan	nes QUINE -	CIC - 2 CITR
Charge.	Plea.	Finding.	
(Insert " alternative " where applicable.)	(See Instrs p 2.)	(See note below.)	(Space for use as required for further charges, accused charged jointly, special findings, etc.)
HLAA Sec 9(2)	YUILIT	TUCLIT	
nd AA Sec 40	4 CILTY	YELLY	
rd AA Sec 15(1)	741117	TYLLLI	
th AA Sed 15(1)	YOILTY	94141	
Ath			
th			
		44 55 82 44	Findings on alternative charges see MML p 483 fn 4 page 2, RP 44
(Note : As to fin special findings one R	P 44 and MAIL p 75	I, and in last of kit is	; findings on alternative charges see MML p 483 fn 4 para 2. RP 44 ; e RP 44 (n.6.)
At present under sentan	being served, or dele	ete. If not applicable.	See RP 46(A). Information should be found an MF 8355 or AF 8296.)
(I. See AF 46(A Sentence Awarded by to	) to 4. returnson v	hould be found on MF	B355 or AF B296 admitted in evidence under E2-)
		Date Convening Order as to	e awarded.  President. (RP 45, 52.)  Ossembly and disposal of recerd after trial.)  MATION RESERVED. (AA 54(5), RP 120(5), MAL p 782.)
Date	(8gd)		Commanding
120/6		The second second	ING OFFR ON FINDING(S) AND SENTENCE.
not confirmed, oci promulgation: R 874 RP S3A S4.	covered may be tried a p 33. Model to 63. The Confirming Off the finding(s) and the finding(s) and the assumed be made assumed by the finding the find	gen As 157. MAIL  Southing of other promise  Frauet sign here pers  d sections set for  frauet sign here pers  d sections set for  frauet  A A STA.	
	IV. PROP		OonStrusing Officer.  ND EXTRACTS TAKEN. (#53, KR Con 576, 577.)  Signature of Offic. /
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	3		

		ET DE		7	30/5
	FIELD GENE	ERAL CO	DURT-MAR	RTIAL	10 lors of APAN 4/38B
	Selendian F S 33	The second secon	Comd 13 CI		0 Jun 45
by Order of	DSO. MC. ED	ACCLISE	ED.		
( 18 JUL 1945 )	ial of two or more chargest join mt. A/rank or A/appms. If use, so	nsv see RP 18, 71, 10	09. As to reasons for show	ving (a) permanent or ca	nfirmed
cond. wink. 80) appn	nt. Alrank or Alapport, if any, so	ee AA 182, 183, fns. 1	KR Can 308, 328, 330.) Full Christian Name	s. Surname.	Unit.
mber. (a) Prmi	nt R. (b) Appmt, A/R	or A/Appmt.	Full Christian stand		
			John James	QUINN	CIC 2 CI
STEEDINGS TH	HEVIEWED D	persol .	John Santos		
Recelle	quelle	15		7,4	
	FICER, MAG BRANE	CEEDINGS		, by ,	
FVIEWING OF	FIGER, OF England	1	on (date)	(M) + VU+	43
	FORM A-OPEN		FEDINGS AND	ARRAIGNM	ENT.
RECORL	FORM A-OFEN	77 15	and Office and	er instruif any, as	semble, and the
Al. The President is closed.	dent, Members, waiting	Member, Jay H	any, and Ours mion		
(PRINTED MAT	TER NOT IN ITALICS FOR GU	HDANCE WILL BE	DELETED, IF NOT USED O	R APPLICABLE, AND I	or guidence
CF APS, for part	his and limites on how the rescored	adurence, evidence.	etc. which cours are never		
garantaions for co	don't mittals and lays before	ore the Court the	Convening Order and	Charge Shortlef at	
ie Court is satisfic	ed that it is property, more				misecy now, no
ch charge disclose	es an onenco.(*)		44 40 TO BR 105,107	3 RF 11-13, 23, 24.)	
A3. The Cour	rt is opened. The accesse	ed is (are) brough	it before the Court.	At Zumbann trial ha	count-martial (
A4. The Pros	rt is opened. The accesses secutor produces a Medica forms the Court that ac	al Certificate tha	t accused us (atr) it	martial instead of	being dealt wit
minments by the t	CALL!		see KR Can Sé3(c). Deleti	e. If not opplicable.	
(I. KR C	Can 557. Z. AA 46(B), MF 2			as interpreter !	Aus
A5. President	sworn (*) Do you object	200000000000000000000000000000000000000			
	THE RESIDENCE OF THE PARTY OF T	I MI W. R. R. P. P. S. P.			
THE SECURE VALUE OF THE	72. Deleta, if none employees 2	a of the Provider	nt and Members of t	he Court are read	to the accused.
il. RP 7	the Arman and manager			war of the Musel	COMPANY AND PERSONS ASSESSED.
it. RF 7	vening Order and names accused: Do you object	to be tried by a	ne as President or by	y any or the mem,	REE NO. SARE LANGE
Q. RF7.	accused: Do you oppose	20 DE MINS NO .			
U. RP7 A6. The Con President to a	(°)	a mamber retires. S	19 68(8). If abjection, see	procedure AA 51, RP 1	5, 71, 18, MAL p 7
As The Con President to a	(2) 2. If no objection, society Municipal 3-2 of	g member retires. F	19 68(8). If objection, see under instr. if asy,	procedure AA 51, RP 2 are sworm.(1) The	5, 71, 08, MANL p 7 following are
A6. The Con President to a on # 1/2, 1/3 o. # 1/0. A7. The Pre anks, names and	(*) 2. If no objection, welling caldent, Members, J.*; if units of the offra comparis	g member retires. F	19 68(8). If objection, see under instr. if asy,	procedure AA 51, RF 2 are sworn.(1) The	5, 71, 08, MANL p 7: following are 1
U. RF7 A6. The Con President to a ris F 0, FF10. A7. The Pre anks, names and	(*)  2. If no objection, seeing condent, Members, J. # with units of the offra compara 4. T-C 04.	g member retires. F	17 68(8). If objection, see under instar, if any, to: 18 E 10 14	are sworn.(1) The	5, 71, UE, MANL p 7: following are 1
(i). F7 A6. The Con President to a Dis FG - IB D. A9 IIO A7. The Pre Anks, names and President	(*) 2. If no objection, welling caldent, Members, J.*; if units of the offra comparis	g member retires. F	19 68(8). If expection, see under inste, if easy, to:	are sworn.(1) The	5, 71, 18, MAL p 7: following are 1
(i). RF7 AG. The Con President to a ans RFQ J(B G. AF100 A7. The Pre- anks, names and President Member	(*)  2. If no objection, seeing condent, Members, J. # with units of the offra compara 4. T-C 04.	g member retires. F	17 68(8). If objection, see under instar, if any, to: 18 E 10 14	are sworn.(1) The	5, 71, 18, MML p 7: following are 1
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M. 877 A6. The Con President to a Ans F. C. III.  O. 87 10.  A7. The Pre- canks, names and President Member Member Judge Advocate Prosecutor Definesting Off.	(*)  2. If no objection, we simple sident, Members, Jacobs units of the offrs compared to Tellar Tel	g member returns. I sary, and Offer sing the Court, et	W 68(5). If expection, see under inste, if easy, to:  REDIM  DVFRE  TAYL  SAPPE  KREIG	procedure AA 51, NP 2 are sworm.(1) The  A. N	5.71. IR. MALDIA following are b  If O C R  CITA  CITA  CITA  CITA
(J. 877) A6. The Con President to a Ans 17 9, 218. (J. 8710) A7. The Pre- ranks, names and President Member Judge Advectate Presecutor Defending Offr	(*)  2. If no objection, we story units of the offrs comparis 4. T-COL  C. A. P. T.  L. I. E. U. T.  L. I. E. U. T.	g member retors. If sary, and Offer sing the Court, et	SAPPE  KREIG	procedure AA 51, PF 2 are sworn.(1) The S. S	5.71. 18. MML p. 74 following are 1  (1 0 d R  (1 1 T R  C 1 T R  Ver 1 Ann. MES
(I. 877) A6. The Con President to a Ans IF G. 21B. (I. 871C) A7. The Pre ranks, names and President Member Judge Advectate Presecutor Defending Offe	(*)  2. If no objection, we story units of the offrs comparis 4. T-COL  C. A. P. T.  L. I. E. U. T.  L. I. E. U. T.	g member retors. If sary, and Offer sing the Court, et	SAPPE  KREIG	procedure AA 51, PF 2 are sworn.(1) The S. S	5.71. IE. MALDIA following are to  (100 R CITA CITA CITA CITA CITA CITA CITA CITA
(I. 877) A6. The Con President to a Ans IF G. 21B. (I. 871C) A7. The Pre ranks, names and President Member Judge Advectate Presecutor Defending Offe	(*)  2. If no objection, we say, as sident. Members, Jacobs units of the offrs compared to The Color of the C	g member retors. If sary, and Offer sing the Court, et	S A P P E  K R E I G  Ans N k Is the Destroy with p  adjustment when he is	procedure AA 51, PF 2 are sworn.(1) The S. S	5,71. IB. MALD TO following are b  If Q & R  C I TA  C

by one of several account charges jumps to be treat separately (ptr 16, 71), such given, the appreciate index in support or against, the existence, if any, and finding are recorded per Notes. For forms of record use refluences in fits to Rub cited. Insert in All rank and name of the occused making the piece.)

A.P. The accussed is (afre) arraignosed (separately) on all charges in the charge sheet. (1) The accussed does (decided not object to any charge. (2) There is no amendment to be made to the Charge Sheet. (2) The President records the please in Part I of the Schedule.

(1) AP 31, 1/2 See pare I of insure p. 2. When more than one Charge Sheet are RP 62; when several occused to be tried apparently as AP 71(C), and one separate capies of CF ASS to record proceedings.

2. AP 32, AP 33. If otherwise, delete and make appropriate second per Natura.)

Alo. The Court is closed and, considers the limits on Procedure after Arraignment at top of p 2. The proceedings are continued on Record Form. B. and B.

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

- 2. The proceedings on each charge sheet (RP 62) after arraignment will be conducted as follows in the respective
  - 1. If pleas to all charges are GUILTY, use Record Form B below.
  - II. If pleas to all charges are NOT GUILTF, 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(A).)
    - (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 accussed 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 decising between (i) and (ii), Court will proceed under foregoing instra as may be appropriate to result of its decision. See MML p 744 Instra (2).
- 3. As to responsibility of President to accused see RP 59, 60(C); powers and duties of JA see EP 103; duty of prosecutor see RP 60(A) (B); duty and privileges of accused and Defending Offr see EP 60(C), 87(C), 91, 92; swearing see 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) for 8; 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)(?), and that on his plea of Guilty there will be no regular trial but merely a consideration of the sentence to be awarded after be has been given an opportunity to make a statement in reference to the charge(s), (I. 89 35 fe J. 2. MML \$ 54 pere 47.)

B2. President to accused: The Court will now receive any statement you desire to make in reference to the B2. President to accused: The Court will now receive any statement you desire to make in reference to the charge(s).(1) If it appears from your statement that there are circumstances which indicate that you do not understand the effect of the plea of Guilty's, or which show provocation or extenuation in respect of which is no your interest making a statement you will not be sworn or subject to cross-examination; and anything you say will not be used affects only the amount of punishment to which you are liable, you will not be advised to change your plea and you given an opportunity later to prove your statement by sworn testimony, if you so desire.(4)

President to accused: Do you wish to make a statement! Ans. (J. AP 37(B), 2. PP 37(D) (n. s. ). PP 25(B) (n. 5 pare 3, MML p 54 pare 47. 4. See pare E3 of Record Form E. 5. Statement, if any, retarded per Water.)

B3. The Court considers the accused's elatement, (2). The Court decides (not) to advise accused to change his (their) plea(s) of Guilty to Not Guilty on \_\_\_\_\_\_\_ charge(s). The accused is (are) so informed, and he (they) change(s) his (their) plea(s) on charge(s). Part I of the Schedule is amended accordingly.

(i. Court may be closed to consider the statement. Switch whole or part and used.)

B4. On the charge(s) to which the plea(s) of Guilty is (are) not changed the President records finding(s) of Guilty in Part I of the Schodule. (1)

(i. 87 2535). If any plea(s) is (see) theorem, use Remove form C or D as appropriate.)

B5. The Summary of Evidence is marked Ex. A., initialled and read aloud by the President (1) if there is no Summer, or if it is inodequote, comply with RF 21(8). If there is not evidence inconsistent with one piece passes D1 to D8 inclusive of Record from D on p 3. RF 27(D3.)

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.

CI. As to the charges on which accused pleaded NOT GUILTY the trial is continued by being passes BI to D8 inclusive of Record Form D on p 3 before proceeding with C 2.(1) THIS -

C2. The charges on which accused pleaded GUILTY are read to have (them) again, and the trial is continued by using paras BI to BS of Record Form B above, 19.

11. Under \$1 arc pers only of the Someoner of Evidence one med at reion as the charges dealt with under C2. If are place in appropriate record thereof proceeds by combining with paras DI to DB includes in factor form D on \$1 and making on

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

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

Fin here Loose Sheets of Record.

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

D1. President to accused: Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity to prepare your defence ! Ans. NO -51 M (!)

(I. If "yes", see RP 3m(A) for procedure. Statement or evidence, if any, is recording per Notes.)

D2. The Prosecutor makes (Eth (no) opening address.(1) A CTL A (1) R\$ 39(8), 60(A) (8), 90, 92(C) (0). Record address per Notes, subject to R\$ 95(C).

D4. The Prosecution is closed.(1) The Defending Offr submits that the evidence for the Prosecution does not cetablish a prima facie case against the accused on the charge(s),(\*) The Court is re-opened, and the President announces that the submission is disallowed on the charge(s), and allowed on the charge(s), and that, accordingly, the trial will proceed on the former, but the accused is (are) found Not Guilty on

(I. Delete remainder of this pore, if submission not mode.

2. Arguments do submission, answer and reply are recorded on all charges, use second alternative in para 08.)

NB. If triel proceeds, accused must be allowed great latitude in making his perfence, and the Court should not stop his defence solely an ground of irrelevance.

(RP 60(C), 114, 115.)

D5. President to accused: You will now proceed with great defence. (1) You may, if you wish, give evisionoe you may, however, make a statement without being sworp and you will be subject to cross-examination. (2) But a statement which could have been made on oath will not darry with the Court the same weight as sworn testimenty (1). You may call witnesses in your defence and as to character, whether you give evidence or make a statement or do

President to accused: Do you wish to give widence yourself as a witness, make a statement, or do neither ! Ans NO -5 1N Are they witnesses as to character only ! Ans
(1. 89 115. 2. 89 40 8), see 80(9). 2. 89 40 fs 10. 2. 89 40 fs 2, 9.)

D6. Consequent on the answers recurded in para D5 the appropriate procedure for the defence is followed: (1) (1. RF 114, 115, 116. For particular see Notes to bock of Convening Order, CF 252. Evidence for occused as to his ADD C character should, if in his interest, he given before the finding. See RF 461A) In 1. 86(C). Note the further opportunity in para E1 of Record form E. Record per Motes oddresses, summercent, evidence and any summing up he the jA under RF 42, 103(e).)

D7. The Court is closed to consider the finding(s). (1) The finding(s) of the Court h (are) recorded in Part I (1. RF 43, 117(s). See Name is Part I of Schedule. 2. RF 44(s).)

DS. The President announces the finding(s), if any, of Not Guilty, and states to the accused that the finding(s) of the Court on the L nel 

Do. The accused having been found Guilty on one or more of the charges, the proceedings are escaleded by using Basoni Form Malin. & also

## RECORD FORM E-PROCEEDINGS ON CONVICTION BEFORE SENTENCE.

El. President to accused : Do you wish to give evidence yourself or to call any witnesses as to your character [67] ND-311

(1. If enidence has already been given by occupied or his witnesses as to his character, delete this para. AP 37(C) for 4. 46 for 1.

Accused and witnesses are sworn. Evidence recorded per Notes.)

E2. The Prosecutor produces Statement(s) as to Character and Particulars of Service(1), and certified true examination, and then to the Court for admission in evidence. The Court is satisfied that these documents refer to the accused, because (i) they purpose to be signed in the manner required by AA 165(1) (g) (h), and (w) they purpose to be signed in the manner required by AA 165(1) (g) (h), and (w) they purpose to be signed in the manner required by AA 165(1) (g) (h), and (w) they purpose to be refer to (a) solider(s) having the same number, rank, name and corps as the accused. Admitted in evidence and

d Ex 5 and Ex Pempercively (\*)

(I. AND 255 or AVE 296. 2 AND M. 2 NO 46, RR Can 552. If shows documents not produced, see AVE 46 fo 1

E3. President to accused: Do you wish to address the Court on the Statementist and Conduct Sheet(s), and in minimpation of punishment f(1) Anno. (I. 89 INC). 46(D). 2. Address. Figure, recurring per Nices. Court should permit account of his witnesses to prove an auch onything here or previously acted which would affect the amount of punishment. AP INF fo 1.)

E4. The President states that the Court is closed to consider the sentence, and that the sentence to be awarded by the Court, being subject to combination, will not be announced, but will be promulgated later, and the processedings in open court are accordingly terminated (1) (1. AA SA(S), RF (20(A))

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS

#### THARB MORAHO

charged with:-

SUPERIOR OFFICER ING V IVARAL CONNVAD GLARA BE HIS THEN ON VOLIATES ENTANT NO REHAL

ed tant ni

In the Field, on 2h Apr h5, did not put on his Denim and Webbing and go on parade when ordered to do so by P.13265, 5gt. Adams, C.A.W.

ed tant al

In the Stale, on Sh Apr 45, neglected to put of his bis bent and whom of parage of one safety when ordered to do so by P.13255, Eft. Adams, C.A.N.

ING HIMSELF WITHOUT LEAVE -LEESEV ECIANES EALLOY NO HERA

an tant at

In the Field, at 1800 hrs. 23 Apr h5, illegally a hosented absented bineshif without long antil he enswered Fetto Apr h5.

(Total Abanacet - incours, 15 minutes)

- EAVET MODELIA ETERNIE ONI - ERECT ROLLES SALLON NO MERA

ad Jant ut

In the Mest, at 1900 hre, 6 May 45, while in nat custody illegally absented himself virtous leave until he was apprehended of London by the Oda, Provest dorps, at about 1620 hrs. 23 June 45, thereby incurring forps, at about 1620 hrs. 23 June 45, thereby incurring of partial to a mount of a factions of a faction of

\*2-01-0#

23 hrs. 20 min.) (Total time absent: - h7 days,

.. 100-21 (agrano 1.1) E 2 I 0 S .bmoD\A

To be tried by Field General Court Martiel.

Sind (Tobadosis d R)

12 Con Inf Frg Bde

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ROHARO GRIRT

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CHARGE, CHARGE

MULTARRATIA TRAIT

TA YMINA

(2)6 75

HORARD TERIT

# FIELD GENERAL COURT-MARTIAL

(Whether the accused to be tried is under his came or not, a FGCM may on application to him be convened by any off of Cdn Army Commission, or only other force if authorized in law, in immediate caused of troops on active service, subject to RP 105(C) and restrictions imposed by appropriate authorized in law, in immediate caused of troops on active service, subject to RP 105(C) and restrictions imposed by appropriate authorized in law, in immediate caused of troops and 23, AA 49, 30, RP 104-107, 114. As to the duties and privileges of the Convening Off in dealing with the application see MML Chop V paras 20 and 23, AR 971(b), 109. As to separate Causement of Convening Office for each person to be tried separately by the same Cause. RP 71(C), 109. As to separate charges sheets in the same charge sheet see RP 106. As to two as more accused charged jointly see RP 16, 108. See RP 62, and as to separate trial on charges in the same charge sheet see RP 106. As to two as more accused charged jointly see RP 16, 108. As to reasons for showing (a) permanent or confirmed rank, and (b) appent, A/rank or A/appent, if any, see AA 162, 163, fns, KR Cun 306, 208, 330.)

## ACCUSED.

Full Christian Names. Number. (a) Prmnt R. (b) Appmt, A/E or A/Appmt.

Surname.

Unit.

D-131399

Pte

John James

QUINN

CIC = CITR

# CONVENING ORDER.

1. Whereas complaint has been made to me, the undersigned, that the personic named above as the accused, being subject to military law, has \*\*RECKS\*\* committed the offence(s) set forth in the Charge Sheet(x) attacked and on (date) 50 Jun 45 endorsed by me. (BEER MEANINE REALINE RESS). "To be tried by Field General Court-Martial ".

And whereas I am of opinion that it is not practicable that such offence(s) should be tried by an ordin Court Martial; (Knd xkap kxis next operand and to the knyttled trad that next to a suspense qualified affect (Onlete part in bruckets when not required for compliance with RP (05(C).)

I hereby convene a Field General Court-Martial to try the said person(st, and to consist of the Offrs ampointed or detailed hereunder.

4. Exercise the appoint (s) three their experiences for the continue their exercises for the continue there is a first than the continue the continue there is a first transfer of the continue the cont x extension in fear from a town (AA 49, RP (Ge/B), (O7(A). Delete the whole or part, if not applicable.)

5. FARANGAMA AS UNISCAURASES TARAK HIRADEN INDISTRICT LACERSES

# PRESIDENT

D L REDMAN, (Must be named. RP 106.) (Ronk.) MEMBERS. 4 DITE to be detailed by Comd Captain 2 CITE to be detailed by Comd Lieutenant (Named or detailed. AF 106.) (Rank.) WAITING MEMBER. # CITR to be detailed by Comd Cappain (Named or detailed, if any. RF (Gb.) RULE NO PRINCIPLE REPORTER On Active Service in the Fd Brigadier England (Rizesk.) (Country.) Blackader) in Inf Trg Bde 30 Jun 45

CONVENING OFFR WILL INITIAL ALL DELETIONS AND ALTERATIONS

4/38A PARS ITS SPA OF AFAST

(liese awarleaf for waths and notes for use an arist.)

Convening Officer

MED OFFRE CRIFICATE K.R.Can.Para 557 I certify that I have this worning examined No AUTU? ? .....

P.T. D. JINN ..... J.T..... and in my opinion he

G. is FIT to undergo trial by Court-Martial. Date: 7/7/45 (MCANC) Attahced to 2 CITR P-13263 Set ADAMS, CAW, on strength of "X" Coy 2 CMB, sworn, states:-On 24 Apr 45, I was the Orderly Sergeant for MIV Coy, 2 CFFB. At the CRm that day we received a chit from the RP stating that the accused whom I recognize in this Court as being Pte Quinn had failed to answer his name at the defaulters' parade the previous evening. I went to warn the accused en company parade at 1315 hrs that day that he would be for company parade that night for the above charge. The accused was absent from the accused Did you locate him at 1335 on 24 Apr? Yes, Sir, he was dressed in his serge tattle-dress, more ar less his going out dress. the dress called for for history that day? The dress order was denim or cover-alls Did you give him any order at that time?
Yes, Sir, I questioned him as to why he had not been on the
coy parade and informed him of the other charge. I told him
to go on coy parade and change and to at on coy parade. Did he say anything to you when you ordered him?
His attitude was such as if he was not supposed to obey
any order, as though he was completely incapable. Did you repeat the order to him when you saw him the second time!
Yes, Sir, I called him back to me and questioned him again as to
why he hadn't gone on company parade and ordered him asaim.
His attitude was much the same as at the first time. Dir.
He muttered and said: "Ta-ts, it is rather uncouth, Sergmant",
and finally he offered to flip a coin with be to see whether
he'd so on parade or not. I gave him a chance then of either
going on parade or else to the guard-room on charge. At first
I had charged with conduct prejudicial - Sec 40 but on going
hack to my offer, I was added that it was a Ch offence. What happened to the accused them? He was placed under close arrest and was taken to the unit deta hks by myself. THE PROSECUTION IS CLOSED The accused, sworn, statest-On 24 art, in the morning, I went on sick parade and that is is why I was not on the norming parade. I got medicinal duty

Tabataq noon taluger and old you have any resaon to sesume that you were excused from Why were you geing to the Dank to report there alter having the fellows told me that I had to report there alter having been to the bils for any purpose. , tent to ware of times ! equal eds of or even mon bib emit sede to + 5 \* 0 tes' pir. Cros as no dound reals and ent of natures of berebro now evel have you any explanation of friends. I suppose we just desited. What happened after that?
The Sgr seid, "quirm, where are you going?", and I said, "lura
The Sgr seid, "quirm, where are you going?", and I said, "lura
up here, I'll be right hack. Then he said, "I'll only be a min,
put your edge on!", to which I replied, "I'll only be a min,
and year said, "los will put it on how, I turned around to
beey the order and then he seemed to have changed his wind
beey the order and then he deeped to have changed his wind Vot 10th you form the post there is the hul present and they lo, 51r, there were fellows there is the hul present and the controld as the word toy had gone to the sames. In the alternoon I went to the all he get my medicine, I missed the noon perade there and I had to welt so long that I missed the noon perade after each of the orderly set and recontrol on the Orderly set and reconsed as as to why I there I met the Orderly set and reconsed the stants before. I went back to the hut, sot my rifle and took to the srecurer shop to show it there and to ask the armourer to give me some sort of chilt to the elfact that it mas too badly pitted to be sort of chilt we not decessary and the starped a "siz" on the barrel and said that it wouldn't be questioned. Snen I went back to the hut.

- 3 -

Did Set adams give you an order to be in Four to he's your webb eapt on and to go on parader

d you do it?

Did Sgt Adams ask you a question asking if you would carry out his order or if you preferred to go to the guard-house? No. Sir.

A.

\* ow long does it take you ress into your denims and g minutes, Sir,

you or

cousin, come

Did you try to join something else than the sea, the BCAF but they wouldn't accept me my eresight. on account of

# THE ROTTERS AND THE STATE OF THE TANK T

The evidence of Sgt Adams is that he gave the accused a military order and that the accused bad time to parry out this order; the witness slap states that some fifteen minutes after the order was given it hadn't been carried out.

# STATE OF BY THE DEFENDING OF FIGHE OF THE

the guestion in this particular case is whether we will believe the accused or the Sgt. I have no reason to attach the Sgt's character and at the same time I have no reasonto doubt the sccused, character. He does from a wery good neer. There is the possibility that their temperature con't exactly meet. Did the accused actually that the the complete the casety meet. Did the accused actually he went in immediately after the order had been given to that and got his ecgst ard ment to the isystoly and he is actually under a chorse. Was the time sufficient to carry out the order, and that that there is certainly conflicting evidence here

Dua in miligaline the John Jones Suun. Born Cemden M.J. 18 yrs old dis a Cty or of v.s. Pavnts live in George States of his Jutter is musical agent of george has a other mensial interternet; The second has her the example of pratriculate on 1942 heard their of endet in amount marine but his shout refused to for the Court The of his Course then lens to lande of tot is he enlets in the am is see 142 of matel at 42 for lette to 2 CA CRV Bri & his intersteller of filed countries to the first let are for the fit of the fit and the fit are the fit of the Smudd in other & Kryble marry drawnerth the wellow the former of the first the heart of the former to the first the heart of the heart o On March of She would nother for Con 48 o Joby the art a way true for all therefore felt get what My

School to the effection the lexine Jum A Grow who to 2.1.4 " big do Alones diete ware humit 11/2 m med personal & h Soplited . The days and He can the temperal to de of Server dight on the server and the server de to be server de to the server de t mediate as a well of the roboff to be Ent yet & let whent a ch any I Telmed like stand of toplans seems of spail and are be and a support of the same of the man of the first I lhe so my forms she has shouldete to the wanter he been to the said "I am P-13365 5gt. ADATE, C.A.W. On 24 Aur 45 I was
0.0.5. "I" doy 2 C.1.E.S. D-131890 Pto GUIN, J...,
whom I new rescentive, was underresin S.B., and I had
received a chit from Unit Detn Bke thete he had not
reported for Defaulters' Parade at 1800 hours, 25 Apr
45. I went to Loy Parade which is at 1215 hrs, and he was
not there. I was going in the direction of his but
when I saw him about 1335 hrs. He was in Serge B.D.
without anklets or balt. The order of dress for his
plateon, No. 1 Platoon, was Demin and battle order. I
asked bloom, to 1 Platoon, was Demin and battle order. I
asked bloom to be she not or varade, and may be had
missed Defaulters' hands. He did not give a satisfactory
answer. At about 1345 hrs I ordered him to yet his
lat, put an his demin and battle spect to and ordered him again to put on his denim and battle order increased and laughed, and made no move to carry out the order. I repeated the order, and he said he would flip a coin to see if he would deep his order are not. I then said: "Lither not on your webbing and denim or you will go to the Guard Room." To said he would no to the Guard Room. There was a large of about five minutes between the time I first spoke to him between here a first apoke to him between here a first spoke to him between here a first spoke to him between here a first spoke to him between here a first to safe, I to k him to the function of the marry out the order. I to k him to the function is about 1405 hrs after reporting to him to the function is the C.S.K. The accused declines to cross-examine this witness. C. Q.M. Udams... (P.13263 Sgt. Adams, C.A.W.)

# PAGE TWO

SECON MITNESS FOR THE PROSECUTION K-46993 Cpl. BUJNAK, S. on strength of Regimental Police 2 C.I.T.R., having been duly sworn, states:-

"I am K-46993 Cpl. BUJNAK, S., and am N.C.O. in charge of Defaulters. Pte. Quinn, J.J., whom I now recognize, was undergoing C.B. 23 Apr 45, and did not report on Defaulters Parade at 1800 hrs, 23 Apr 45.

The accused declines to cross-examine this witness.

(K-46993 &pl. Bujnak, S.)

THIRD WITNESS FOR THE PROSECUTION F-2684 Cpl. BENNETT, F.C. on strength of "X" Coy 2 C.I.T.B., having been duly sworn, states:-

"I am F-2684 Cpl. BENNETT, F.C. on strength of "X" Goy 2 C.I.T.B. On the night of 23 Apr 45, I was N.C.O. in charge of Hut A-2 where Pte Quinn, J.J., whom I now recognize, has his bed. At 2215 hrs, 23 Apr 45, I called the roll and Pte. Quinn, J.J. was present.

The accused declines to cross-examine this witness.

(P-2684 Cpl. BENNETT, P.C.)

The accused was cautioned as follows: -

"Do you wish to make any statement or to give any evidence on Oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence."

The accused declines to make a statement and reserves his defence.

I certify that the foregoing Summary of Evidence consisting of TWO pages was taken down by me in the presence and hearing of the accused, and that Rules of Procedure 4 (C) (D) (E) and (F) have been complied with.

Laurentide Camp

1 May 45

(P. Saperia) Lieut Officer detailed to take The Summary of Evidence.

> E+A My

# SUPPLEMENTARY SUNMARY OF EVIDENCE

In the case of D.131399, Ptc. QUINN, J.J., CIC, on strength of 2 Can. Inf. Training Regt., a soldier of the Can. Army Overseas.

By direction of the Commanding Officer, this Supplementary Summary of Evidence is taken on oath.

Fourth Witness.

Lieut, A.W. Geddes, R.H.Q., 2 CITE, having been duly sworn, states as follows:-

"I am Lt. A.W. Goddes, E.H.Q.; 2 CITE, and I produce the following documents pursuant to Overseas R.O. 5352 which have been read over and shown to the accused, and which are attached hereto as Exhibits:-

Exhibit "A": - Certified True Extracts from 2 CITR pt. II Daily Order No. 110 of 11 May 45, showing D.131399, Pts. Quinn, J.J. AWL from 1900 hrs. 6 May 45, having escaped unit sustedy.

Exhibit "B":- Certif, in accordance with P.C.2797, showing D.131399 Pto. Quinn, J.J. was arrested at Landon at 1820 hrs. 23 June 45.

Exhibit #0":- Expense Voucher showing costs of returning D.131399. Ptc. Quinn, J.V. from London to Eassocks in the amount of £0-10-2.

WHICH ABOVE EXHIBITS PERTAIN TO THE ACCUSED

The accused declines to cross-examine this vitness.

(L. V. Goldes)

The accused was contioned as follows:-

"Do you wish to make any statement or to give any evidence on oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence."

The accused declines to make a statement and reserves his defence.

Supplementary
I certify that the foregoing/Summary of Evidence, consisting of one page was taken down by me in the presence and hearing of the accused, and that Rules of Procedure & (C) (D) (E) & (F) have been complied with.

In the Field, 25 June 115. (P. Saperia)
Officer detailed to take the
Supmery of Evidence.

ETA

2 CANADIAN INPANTRY TRAINING AUGINUNT PART II DAILY ORDERS BY A/COLONEL JA VILSON CONTANDER

This Order No: 110 d/11 May 45

PARA:

. Last Order

109

-d/9 May 45

Elkibet A

# 11. ABSENT VITHOUT LEAVE

(k) AWL from 1900 hrs 6 May 45. Still absent XXXXX 1900 hrs 7 May 45 (Escaped Unit Custody)

D131399 Pte, QUINN J J (CIC)

Certified True Extract 31 May 45

(Date)

(Sgi) J.L. HENGLOTS, Cart/ For AJA PARTERS - Vajor ADMIN OF ICSS 2 CITE

K EDMONDSON) Lieut.

controlled to the controlled t

London 24-June-45. Reg No D131399 Rank Fre Name QUINN J. J. Unit #2 C.

The following expenses were incurred in apprehending and returning the M/N Soldier to his Unit from

Date	Caparicular in harmen	Amoun	t
2+ June 45	Escorts return fare from LONDON To House to	6	9
	Prisoners single fare to LONDON From		
	Prisoners fare from Danes and to Proposers	3	5
	Escorts & Prisoners expenses for Bed, Meals, Bus fares		
	Total £ 6	10	2

I certify that the above statement of Expenses is Correct, and that the amounts are fair and just.

Officer Issuing Railway Warrant and Expense monies No. 6 Area Provost Company, Canadian Provost Corps, London

# Statement as to Character and Particulars of Service of Accused.

(For Use at Trials by Field General Courts-Martial only).

Number.	Rank.	Name. Regiment (or a	s the case may be)
D-131399	Pte	John James QUINN 2 Cdn Int	Trg
MOTE.—The Padd Conduct these is to be produced in Court with this statement but he with the succeeding. The numbers berein taled should correspond to the product of the pr	1. T	The following is a fair and true summary of the entries in causes, exclusive of convictions by a court martial or a civilization.	il court :
to be agreed to the pro- exedings. The numbers berein stated should corres-		For A.A. Sec. 15(1)	
Rayman to the Field Con-		For A.A. Sec. 15(2)	times.
duct Sheet, prominence being given to the smeat actions offence in each entry. If the cleave is for		For A.A. Sec. 9(2)	1 times.
drunkenossa or absento		Por A.A. Sec. 40	2 times.
for drambermous or absence, or the case may be should be plated separately. Any prognited would act of gallentry or distinguished	Date of	first entry in Field Conduct Sheet 10 Aug 43	
gallantry or distinguished conduct reported on the Field Conduct Shrei skoute also be inserted here.		last entry in Field Conduct Sheet 28 Apr 45	
		Previous convictions of the accused by a court martial of Schedule overlenf	
	Den		7 days C.B.
	Seginni	ng on the 28th day of A	pr41 1048 -
		The accused has been awaiting trial on the present charge	
			military custody, i.e.,
		2 days in open arrest. 2 4	days in close arrest; of
		o days were spent in hespital.	
	WIND	The present age of the accused is 18 years,	7 months.
			1 Dec 42.
	6.	The date of his calling up for mintary corving	
	4	The service which the accused is allowed to recion to	
Elegan the military descriptions (of any) and by account.	7°	The accused is in possession of: C.V.S.M. &	CLASP.
	(See	ut reduction, to the present date	Date of Promotion.
		fn the substantive rank gl	
		In the war substantive rank of	
	L	In the acting rank of	
C 7	IM.	INSTRUCTION—If any matter in any of the above from the regimental brooks the purage on AMERICA GRAPS Surveyed Nation	paragraphs cannot be stated agin must be struck through

# SCHEDULE OF CONVICTIONS BY A COURT-MARTIAL OR CIVIL COURT.

Description of Court by which tried.	Date and Place of Trial.	Charges upon which convicted	Sentence of the Court.	Punishment remitted or sentence suspended.

I HEREBY CERTIFY that the foregoing particulars, which have been curacted from the regimental books in my custody, are correct to the best of my knowledge and belief.

Signed this.

4 day of Hard

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	No D-131399 No Date of last e	ntry in			Sqn. Battery, or Company and date Period not reskoning towards of drunk from extra fine	Date of enlistment Sheet No 2	11-12-42 GC Badges Signature OC Company, see	Berviell or Proficiency R. n. Orms	Pay 3/10	7 MFM 6 (AFB AZ) (PAR) 100 (A+S)
•	Place	Date of officials	Rank	Cases of draukens	OFFENCE	Negates of Witnesser	Panishment awarded	Date of award or of order disper- stry with total	By whom awarded	Remarks
	Field	Aper A5	Pto		AA Sec 15'1' WAS AML from 1700 hrs h nur h5 to 25h0 hrs h Apr h5. Absort 9 days 6 hrs h0 mins	L/C Siesne H.A.	8 days F.P. Forf 8 days pay FRAI 149(1)b	6 Apr 45		forf 4 days p
	Field	23 Apr 45	Pts		AA Sec AD WOAS in Act to the Prej. etc appear od on perede with a dirty rifle	* Sgt Finlay	7 dyas C.E.	28 Apr 45	Lt Finlayses	
•					CENTIFIED THUE COPY CONSISTING OF	PAGES	l aim			
		L	A 12.	26.4		D. Main)capt itent, 2 CliB				

# LIST OF WITHLESLS

In the case of D-131399 Pte QUINN, J.J. (Ne.) (Ne.) (Surname & Initials)

CIC, on strength of 2 Cdn. Infuntry Training Regiment, a soldier of the Cdn. army Overseas.

# (For the Presecution)

1. P-13263 Sgt. ADAMS, C.A.W. "X" Coy 2 CITB.

K-46993 Cpl. BUJNAK, S., of Regt Police 2 CITR. 2.

F-2684 Cpl. BENNETT, F.C. of "X" Coy 2 CITB. 3.

Lt. A.W. Gedd tor the Defence)

# LIST OF BARIETS

In the case of D-131399 Pto CUINN, J J (kank) (Surname & Imitials)

CIC, on strongth of 2 Cdn, Infuntry Training Regt., a seldier of the Cdn. Army Overseus.

# (For the Presecution)

: 光本大文文文文文文文文: Exhibit "A"

MIL

Certif. True Extract of 2 DITE D.O. Orders showing accused AWL from 1900 hrs. 6 May 15, having escaped unit custody,

XXXXXXXXXXXX xhibit "B".

Certif. in accord, with P.C. 2797 showing accused arrested at 1824 hrs. 23 June 45.

XXXXXXXXXXXXX Exhibit "C":

Expense Voucher showing costs of return of accused - £0-10-2.

(For the Defence)

NIL

# REALDEDT FOR DEFENDING OFFICER

D-131399 Pte John James QUINN

hereby request that the Convening Officer appoint coming trial by Court-Waytial, should be be available.

25 200 005.

(D-131399 Pte Quinn, J.J.)

I, D-131399 Pte John James QUINN.

I, D-131399 Pte John James QUINN
hereby acknowledge that I have reserved a true copy of
the Summary of avidence taken in ampland preliminary to
the Summary of avidence taken in ampland preliminary to
the Summary of avidence taken in ampland preliminary to
the Summary of the Charge Sheet under which I am being
brought to Court-Hartial.

Laurentide Cump. 25 Jun 45

(D-131399 Fte Quinn, J.J.)

COUNTER NU	MBER 46	57.99
HOUR /	1230	
OPERATOR *S	INITIALS _	0.9.
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# END

FIRST =

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# START =

SECOND =

SIDE

40-148 Bt. Juinn L.L.

# SCHEDULE.

PART I. PLEA(S), FINDING(S) AND SENTER	PART I.	PLEA(S),	FINDING(S)	AND SENTENC
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	4 * 1 34	Lucius	foreign drewn.
Charge.	Plea.	Finding.	
(Insert " alternative " where applicable.)	(See Instrs p 2.)	(See note below.)	Opace for use as required for further charges, accused charges jointly, special findings, etc.)
Int Bo 15(1)	Luilty	quilty	To weathings detention for a previous of
2nd	and almost a beautiful and a		Esglitar months J. D.
ird			
ith			
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special findings see R	P 44 and MML p 753	Lone in Has of kit see	Findings on alternative charges see MML p. 483 fa. 4 parts 2, RP. 44
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(1. Insert sentence		te, if not applicable. 3	(4)  See RF 46(A). Information should be found on MF 8355 or AF 8294.)
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PART II.  PART III.  (For distins and poer cardinaction and confirmation and cardinaction. Pr 2 57A, Nr 53A, 54, 73  My decision on the	(See back of Co MINUTE WHI (See)  DECISION OF most her revised: AA and may be tried again at demand of the Conference of the a Conference of the	2 John Bhate 1 Bhate 1 Brace of Order as 10 and 10	Community and disposed of vectors after trial.)  ATION RESERVED. (AA 54(5), RP /20(F), MML p 760.)  Community and disposed of vectors after trial.)  Community and financian or non-confinement may be obtained before the sectors and powers of vectors and powers of vectors after 1 is.  Part 1 is.
PART II. P  PART III. (For duties and post carformation and can not carformed, occur pressulgation : RF 3 STA, RF STA, St. 72  My decision on the	(See back of Co  MINUTE WHI  (See)  DECISION OF  THE SEE AS 54, 51, 88  most be resised : AA  of may be resised in the see and  a month of the see and  a Confirming Off in  finaling(s) and see	Processing Order as to at the second of the	Commanding  G OFFR ON FINDING(S) AND SENTENCE  So. 120, MML pp 159-764, KR Can SGT-ST. Acquired require m  Fedding or sectace for revision by Court: AA SMD, RF 120(G), #  Matter of the confirmation or non-confirmation may be ditered before me: KR Can ST. Ducine and powers of revision gifts: AA ST.  In Part 1 is:  The confirmation of the confirm
PART II. P  PART III. P  PART III. (For duties and post carformation and car not carformed, occur promulgation : RF 3 STA, RF SSA, S4. To  My decision on the	(See back of Co MINUTE WHI (See)  DECISION OF most her revised: AA and may be tried again at demand of the Conference of the a Conference of the	Processing Order as to at the second of the	Community and disposed of vectors after trial.)  ATION RESERVED. (AA 54(5), RP /20(F), MML p 760.)  Community and disposed of vectors after trial.)  Community and financian or non-confinement may be obtained before the sectors and powers of vectors and powers of vectors after 1 is.  Part 1 is.

Q-20852 Pte Lucien Joseph QUINE 9 Jan 45 (N C Baird) Major A/C O ALL DELETIONS AND ALTERATIONS WILL BE INTRALED OF OCTAWR (NG)

Signature of Oth

RECORDED AT CMHQ IN AB 160. 40-148. FIELD GENERAL COURT-MARTIAL TANDER STREET AREAS evered by Order at Brugarden IR Suttin Come DA 3 leh Tof Diverdated 30 Dec 44

ACCUSED.

(As to the trial of two or more changed jointly see RP 16, 71, 109. As as assaums for showing (a) permanent or confirmed rank, and (b) opports, A rank or A/appms, if any, see AA 182, 183, fns, KR Caa 306, 326, 330.)

Surname. 7 3Unit. Number. (a) Prmnt R. (b) Appmst, A/R or A/Appmst. Full Christian Names. 9 20852 PROCEEDINGS REVIEWED Lucium Joseph QUINN CHITO(10.9)

4 hour Kellanbuy Copt MENEROLE OF TRIAL.

Held in the Fd in (country) HOLLAND

on (date(s) 2 Jan 45

# RECORD FORM A-OPENING PROCEEDINGS AND ARRAIGNMENT. 18 90

Al. The President, Members, waiting Member, JA, if any, and Office 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 INITIALLED BY PRES OR IA. The Schoolse referred to throughout is an p.4. Clusterin the Next middle of Relevant from RDs. For guidance on procedure when a warration in this times arises, are form for GCM in MML pp. 781 to 759. A brief record of such varieties will be made and given a number heaving reference to appropriate or prenoding power amember heaving reference to appropriate prenoding and number according to the control of the second addresses, exhaust, etc., which would not be controlled "Notes". As to prenow previous for controlled to trial second \$5.5, 87.5 to \$7.0.7, 37, 14.9, 101, 118. (22.)

A2. The President initials and laws before the Court the Convening Cleder and Charge Sheet(a) attached thereto.(\*) The Court is satisfied that it is properly convened and constituted; accorded is (and) amenable to military law, and what the constituted is the constituted in the c each charge discloses an offence.(2)

(J. As to use of Summary of Evidence see RP 17 fo 6. 2. AA 49, 50, RP 105-107. 3. RP 11-12, 23, 24.)

A3. The Court is opened. The accused is (are) brought before the Court. At \$9.30, hours trial commences.

A4. The Prosecutor produces a Medical Certificate that accused is fare) fit to undergo trial by court-martial (\*). [4]
The Prosecutor informs the Court court decay to be tried by court-martial instead of being deals with marin in the first see

(I. KR Can SS7. 2. AA 46985, RF 60 fn I. For offect see KR Can Selfic). Delete, if not appli

AS. Descident to agenced; Do you object to The interpreter is sween (1). Do you shiped to

(1. RP 72. Delete, if none employed.)

Aff. The Convening Order and names of the President and Members of the Court are read to the accused.[2] President to accused. Do you object to be tried by me as President or by any of the Members of the Court ?

(2. RP 110. 2. If no objection, working member retires. RF 68(8). If objection, see precedure AA SI, RF 25, Ti. (8, MANC p 742).

A7. The President, Members, J.A. if any, and Offics under instr. if any, are sworm.(1) The following are the ranks, names and units of the offics comprising the Court, etc.

JD Southan 3 dila 11-12 Kas 20 President Lieut PB Smellie andocore) Member M A Suma 7 Stolet Bet by Prose Member

Judge-Advocate

CH40 (m.5) J. C. Woodward CAPT Prosecution hunt H.B. Justeson CH. 40(2-4)

Questions by President : Is the Presecutor a lawyer ! Ans do. Is the Defending Offr a lawyer ! Ans do. (\*) (8. RF 26. 27, 109. 111. List of offin under instr will be returned separatry with proceedings for information of Care Offin.)

(2. If Proc a lowyer and Def Offin next account is entitled to an adjournment where RF BF (B) and Sn 2 were not followed. See DI p 3.)

AS. The accused \$ 20862 Pter his cases for apple & WANT before arraignment makes (no) to pine 108

(1. If a special plant is made for asparate trial as one or more charges (RP GICE), (GB), or as to the jurisdiction of the Court (RP 34), or as to the jurisdiction of the Court (RP 36), or as to accused a messar filters to stand trial (RP 36), or the one of executed accused charged pinetic to be trial asparately (RP 16), for \$1,71\$, such given, the addresses made in support or against, the miderant, if any, and finding are recombed gor Notes. For farms of recard use originances in the RP cited. Insurt in AB main and name of the accusate making the glass.)

AS. The accord is (new arraigned (separately) on all charges in the charge sheet.(1) The accord does (doe) to object to any charge.(2) There is no amendment to be made to the Charge Sheet.(2) The President records the

(i) RP 31, 11.2. See para 1 of leasting 2. When many than are Charge Short on RP 62; when secured as in this apparatus (see RP 70(2), and use separate capping cappins of CP APS to record proceedings. 2. RP 32, RP 32. If otherwise, delete animals appropriate records per Notes.).

All The Court is closed and considers the Instan on Procedure after Arxignment at top of p 2. The god a ceedings are continued on Record Form # .

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

# INSTRUCTIONS ON PROCEDURE AFTER ARRAIGNMENT

1. 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 withdrawed of alternative charges by Prosecutor see RP 35(C). No other charge can be withdrawed for any reason without authy from Convening Offr. If Convening Offr concurs, Court may accept plea of Guilty to inser, etc., offence. (RP 44(H).) Accused may change a plea of Not Guilty to Guilty during trial. (EP 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
  - 1. 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 page 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(A).)
    - (b) Such mixed pleas occur in a set of two or more charges laid in the alternative, see RP 37 (A) and for 2 as to discretion of Court, (i) to try the accused on all such alternative charges as if he had pleaded Net Guilty thereto, or, (ii) to record the pleas as the findings of Court. After deciding between (i) and (ii), Court will proceed under foregoing instruction as may be appropriate to result of its decision. See MML p 744 instructs (2).

3. As to responsibility of President to accused see RP 59, 60(C); powers and duties of JA see RP 103; duty of Presentor see RP 60(A) (B); duty and privileges of accused and Defending Offer see RP 60(C), 87(C), 91, 92, smearing and withdrawal of witnesses from Court see RP 81, 82; questioning of accused see RP 80, 87(C), 92(B), and of animoses see RP 83-85; calling or rescalling of witnesses by Court etc see RP 75-79, 86, 116; use of Summerry of Evidence at Trial see RP 17(E) In 6; and responsibility of JA or Pres to record proceedings see BP 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.(\*)
(i. RP 35 fs 3. 2. MML p 54 pure 47.)

B2. President to accused: The Court will now receive any statement you desire to make in reference to the BZ. President to assessed. The Lourt will now receive any statement you desire to make in reference to the charge of it is appears from your statement that there are circumstances which indicate that you do not understand the effect of the pless of Guilty(\*), or which show provocation or extensiation in respect of which in your interest the winnesses for the Prossention should be examined(\*), we shall advise you no change your plea to Not Guilly. 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 plea. If, however, it appears to the Court that your statement affects only the amount of panishment to which you are hable, you will not be advised to change your pleas and you will be often an operation of the top of the panishment to which you are hable, you will not be advised to change your pleas and you will be given an opportunate later to prove your statement by sween testimony, if you so desire.(\*)

President to accused : Do you wish to make a statement ? Ans. () RF 37(B). 2. RF.37(D) fo 6. 3. RF 35(B) fn 5 pero 3. MML p 54 pare 47. 4. See pare E3 of Record Form E. 5. Septement, d'one, reconded per Notes)

charge(s). The arrayed is (are) as informed, and in (the)

this (thruis) pleased on the consider the statement. Delete whole or part not used.)

B4. On the charge of he which the please of Guilty is (and) not changed the Pressilent records finding(s) of [4].

Guilty in Part I of the Schedule.(\*) (1. RP 35(8). If any plea(s) is (ore) changed, use Record Form C or D as appropriate.)

B5. The Summary of Evidence is marked Ex A . initialled and read aloud by the President (1)
(1). If there is no Summery, or if it is managed to comply with \$P 37(8). If there is not periodent measurances with one periodent standing as Guilty. Counter will obvious account to choose such place and, if changed to Not Guilty, try such charge(s) by use a parent DI to D6 inclusive of Facard form D on \$3. RP 37(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 accused pleaded NOT GUILTY the triples continued by using paras E4 to D8 inclusive of Record Form D on p 3 before proceeding with C 2.(1) (I). RF 37(A) (E).)

C2. The charges on which accused please 11.TT are read to him (them) again, and the trial is continued by using paras B1 to B3 of Record Form B substituted by using paras B1 to B3 of Record Form B substituted in the charges dealt with under C2. If any pine is charged to bot Golden intel these paras preceds by the plane D1 to D8 inclusive in Record form D so p 3 and making as appropriate record disquares of a separate stems.)

C3. The focused having been found Guilty on one or more of the charges, the proceedings are concluded by using Regard Form E on p 3.

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

Pin herr Losses Sheets of Record.

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

DI. President to accused: Do yess wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity to prepare your defence ! Ans. (i. If 'yes', see RP 39(A) for precedure. Statement or evidence, if one, is succeeded per Notes.)

D2 The Prosecutor makes (an) (no) opening address (1)
(1. RP 39(8), 60(8), 90, 92(C) (2). Record address per Notes, subject to 40 95(C).)

DG. The evidence for the Prosecution is taken.(1)
(1. AP 39(C), 114, KR Can 555. Recard evidence per Nutes. As to Prosecutor giving evidence hinnelf 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

..... charge(s), and allowed on the 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 latine charge(s), 45)

(1. Delete remainder of this park. If authorission not mode.

(2. Arguments on submission, onswer and reply are recorded (1. Delete remainder of this park. If authorission not mode.

(3. Arguments on submission, onswer and reply are recorded per locate.)

(4. Delete remainder of this park. If accused ocquitted per locate.)

(5. Arguments on submission, onswer and reply are recorded to per locate.)

(6. Arguments on submission, onswer and reply are recorded to per locate.)

(7. Arguments on submission, onswer and reply are recorded to per locate.)

(8. Arguments on submission, onswer and reply are recorded to per locate.)

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(8. Arguments on submission, onswer and reply are recorded to per locate.)

DS. 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 characterist, which case you will be subject to cross-examination (2). You may, however, make a statement without Your early with the Court the same weight as evern testimony (4). But a statement which could have been made on oathwill not carry with the Court the same weight as evern testimony (4). You may wall witnesses in your defence and as (4) character, whether you give evidence or make a statement or do

President to accused: Do you wish to give evidence yourself as a witness, make a statement, or do neither? Do you intend to call witnesses on your behalf ! (J. RP 155. 2. RP 40(A), see SE(D). 3. RP 40 % 10. 4. RP 40 fm 2. 9.)

DE Consequent on the answers recorded in para D5 the appropriate procedure for the defence is followed. (5)
(1. R 114, 115, 116, 176, For procedure see Notes on back of Convening Order, CF A95. Exidence for occused as to his
character should, if in his inderest, be given before the finding. See RP 46(A) in it. 30(C). Note the Surther opportunity in para E1
of Second Farm E. Record per Notes authorises, statement, evidence and any numerical up by the [8 under RP 42, 103(c).)

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. RP 43, F17(A). See Notes in Part 1 of Schedule. 2. RP 44(A).)

Ds. The President announces the finding(s), if any, of Not Guilty, and states to the accused that the finding(s) of the Court on the charge's, being subject to confirmation, will be promulgated later. [9]

(iv. The President amounces that the accused is found Not Guilty um all charges and is to be released forthwith, and that the proceedings are accordingly terminated. Part I of the Schoolule is damed and signed. [9]

(1. As 54(3), 10. Rf 45, 120(8). T. As 54(3), Rf 48, 1(1). This ellements consumers in not opplicable when there are pleased Guilty sustaining and dealt with under Securit Farm 8 or C.)

Ass. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using Becomi Form E below.

# RECORD FORM E-PROCEEDINGS ON CONVICTION BEFORE SENTENCE.

President to accused: Do you wish to give evidence yourself un to call any witnesses as to your character 1(2) hø

(3. If evidence has already been given by occused or his witnesses as to his character, delete this journ. RP 37(C) in 4, 46 in 1. Account and witnesses are sworn. Evidence recorded per Names.)

EZ. The Prosecutor produces Statement(\*) as to Character and Particulars of Service(\*), and extinsia tree copy of Contract Street(\*)(\*), 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 document refer to the accused, because (i) they purport to be signed in the manner required by AA 1638(5) (g) (h), and (ii) they purport to refer to (a) soldier at having the same number, rank, name and course as the accused. Admitted in evidence and

The second secon marked Ex Th parte L.)

Six. President to accused: Do you wish to address the Court on the Statement's and Conduct should, and in Illi

mitiganism of punishment I(1) Ann. E.F. Her engle Can y little manhence of finders in process to proceed an archive the annual period actioned to his witnesses to proceed much anything there or previously statute which would afform the annual of guantement. AP 3707- In F.1

E4. The President states that the Court is closed to consider 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.(\*)

No. The Court commissions the mentionese (\*) The Freedent records the centeries in Part I of the Schodule, which is discuss and signed by bins and the Zh. if any (\*)

(I When record course treat appropriaty so the Total of the positionest or businesses and the Total of the positionest or businesses and the Total of the province of the part of the province of the part of the p

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

# CHARGE SHEET

The accused C-20852 Pte Lucien Joseph QUINN, a soldier of the Cameron High-landers of Ottawa(MG), Canadian Army Overseas, is charged with:-

ISI CHARGE

WHEN ON ACTIVE SERVICE

AA SEC 15 (1)

ABSENTING HIMSELF WITHOUT LEAVE

In that he

in the field, in Belgium, on 24 Oct 44 at 1630 hrs absented himself from the Cameron Highlanders of Ottawa(MG), until eurrendering himself at 2230 hrs 18 Dec 44. (Absent 55 days, 6 hrs.)

> Ro Roy ed WILL-COI (R M Ross)

In the field. 30 Dec 44.

Commanding Officer 1st Battalion CAMERON HIGHLANDERS OF OTTAWA(MG)

in be turn by FGcun

In the fails So du las.

Ekstelle Brigadier

CRA 3 Can. Inf. Division

# FIELD GENERAL COURT-MARTIAL

(Whether the occused to be tried is under his cound or not, a FGCAM may on application to him be convened by any offr of Cdn Army Overseas, or of one of the force if outherized in law, in immediate cound of troops on active service, subject to RP (05(C) and reconcitions imposed by appropriate authy. AA 49, 50, RP 104-107, 114. As to the dutter and privileges of the Cameraing Offr in dealing with the applications see MML Chap Y pages 20 and 23, AP 104-107, 114. As to the dutter and privileges of the Cameraing Offr in dealing with the applications see MML Chap Y pages 20 and 23, AF 57(B).

There should be a separate Convening Order for each person to be tried separately by the same Court. RP 71(C), 109. As to separate charge sheets are RP 60, as to see or more accused charged plointy see RP 61, 109.

As to rectors for showing (a) permanent or confirmed rank, and (b) appart, Airank or Alapams, if any, see Ak 82, 163, fns, KR Com 306, 226, 330.)

# ACCUSED.

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

Lucien Joseph QUINN Cameron Highrs of Ottawa (MT)

# CONVENING ORDER.

I. Whereas complaint has been graffy to me, the undersigned that the persons, named above as the accused being subject to military law, has (base) committed the offenced set forth in the Charge Sheet(a analysis date).

(date) To be tried by Field General Courted the offenced by me, (or by an offenced my staff for me).

2. And whereas I am of opinion that it is not practicable that such offence(s) should be tried by an company General Court-Martial; (and that it is not practicable to delay the trial for reference to a superior qualified offr.)

(Delete per is brocket when my required for compliance with Ry 103(C.))

3. I hereby convene a Field General Court-Martial to try the said person(a) and as court of the

4. I am unable to appoint (a) three Office to form the Court, (b) a Fd Offic as President, for the or detailed hereunder. (AA 49, RP 106(8), 107(A). Delete the whole or port, if not applicable.) attached hereto.

5. I also appoint as Judge Advascate thereat the Offs mentioned hereunder.

(AP 100(E). Deist. if note appointed.)

		FRESIDENT.	
Major (kent)	I D SOUTHAM	(Must be named. RP 106.) MEMBERS.	S odn A Tk Rogt RGA
			GE of 0 (MG)
Lieut	P B SMELLIE		9 Cdn Inf Bde Coy RCASC
Lieus (Rank)	M A GERMAN	(Named or detailed. AP 10th.) WAITING MEMBER.	(unt.)
			4 Odn LAA Regt RGA
Lieut (Rask-)	J W ARMSTRON	(Named or detailed, if any. RP 106.) PUDGE-ADVOCATE.	(Unit.)
(Runk-)		(Mout be named (f ony. AP 106.)	(Link)
On Active Ser	wice in the Fd	511	Mr. Brigadish
in HOLLAND	oop)	Gignet personally, Ar  Commanding CRA	
Date 20 De	c 44	Commanding	Convening Officer

# CONVENING OFFR WILL INITIAL ALL DELETIONS AND ALTERATIONS

(See original for ooths and numes for use on trial.) 4/38A CTA SS CIS DEU OF APA SI

let Battalion Cameron Highlanders of Ottawa(MG)

100

2 Jan 45

I certify that No C-20852 Pte Lucien Joseph QUINN, Cameron Highlanders of Ottawa(MG) is fit to undergo trial by Court-Martial.

(signature of Medical Officer)

20852 talion Cenedian ithout

# SUMMARY OF EVIDENCE

Summary of Evidence in the case of C 20852 Pte QUINN, L.J. "C" Company, lst Battalion Cameron Highlanders of Ottawa (MG), Canadian Army Overseas charged with absence without leave, A.A. Sec 15 (1)

By direction of the Commanding Officer the evidence is taken on oath.

FIRST WITNESS:

Capt J.C. Woodward, Adjt., Cameron Highlanders of Ottawa (MG), having been duly sworn states:

I am Capt J.C. Woodward, Adjt., C.H. of C (MG). I produce here a certified true copy of MFB 375 and the certificate of apprehension relating to the accused.

. Ale Woodward Cost.

The accused declines to cross examine the wit-

The MFB 375 and certificate of apprehension are attached hereto as Exhibit A and B respectively.

The accused, having been duly warned in accordance with RF 4(e) "Do you wish to make any statement or to give evidence under oath? You are not obliged to say anything or give svidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing, and may be given in evidence.

The accused declines to make any statement.

The socused does not call any witnesses.

I certify that the foregoing summary of evidence, consisting of one page, was taken down by me in the presence of the accused, and that RF 4 (c) (d) (e) (f) and (g) have been complied with.

leb B. Smellie) it

In the field

lst Esttalion CAMERON HIGHLANDERS OF OTTAWA (MG) RECORD of the Declaration of a Court of Inquiry assembled at In the field on the 18th day of November 1944, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. C 20852 Pte Quinn L.J. Cameron Highlanders of ottaws (MG)

# DECLARATION

					852 Pte Quinn	
Cemeron	Highl	and	ier	s of	Ottawa (MG)	
illegally absented himself with	out les	ave			In the field	
at 1630 hrs		on	the	2 2	4th day of C	otober 1944
that he is still so absent, and t						
that he is still deficient of the						
						-MATUR.
Voca offery Price Anklets, web, prs	Cdn .99	st		ing	75% IAPTULES	Cdn Sterling
Battledress, Blouse Bonnet, Tem O'Shanter Eoots, ankle prs Jersey Pullover Shirt engola, drab	5.25 .60 5.46 1.79 2.37 .28 .04 .24 .74	1 1	4 8 9 1 4	685018144	Prices Certified Signed: J.S., for (N.P Dew ADOS 3 0	Pollock Capt
Total 2	3.27	5	4	2	Total	17.45 3 18 12
				Si	gned: W.I.P. Sty	les Capt President
Signed at Field				.Si	gned:J.A. Morris	Lt Member
this 26 day of Nov	1	9 4	4	Sig	ned: RSM Brunet	L,D, Member
	Comm		ng		or Signed: R.M. Ro	OSS Lt-Col

Exhibit "B"

CERTIFICATE UNDER ARIS, ACT SECTION 163 (1) (1) Ctified that No. 2. 20852. .. Rank . P.T. .. . Name . & win N. L.J. Rank. P.T.E. ... Name + ESPERANCE ... O. A. .... of the ... REST. Po. LESE. ... day of ... ibec ... 1844 .... as an absent without loave.

Ho was rearing Military Uniform a ti of his Surrender.

Place LEOPOLD BARANCKS Dato PEC 18th 1944

Quinteren O.C., 10 C.E. Bn.

# Statement as to Character and Particulars of Service of Accused.

(For	Use	at	Trials	by	Field	General	Courts-Martial	only).
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Number

Ranh.

Name.

Regiment (or as the case may be).

C-20852

Cameron Highlanders of Ottawa (MO

times. times. times.

Pte Lucien Joseph QUINN

1. The following is a fair and true summary of the entries in the Field Conduct Sheet of the accused, exclusive of convictions by a court martial or a civil court :times.

Date of first entry in Field Conduct Sheet

Date of last entry in Field Conduct Sheet

2 Previous convictions of the accused by a court martial or a civil court are set out in the Schedule overleaf

\*\* Allen norman and an entering present a tourist make the street of

KERAKE KE KK LING KARKE KARKE KARKE

4. The accused has been awaiting trial on the present charges for ... N11

days in civil custody; and for 12 days in military custody, s.s., N11 days in open arrest, 12 days in close arrest; of

which N11 days were spent in hospital.

5. The present age of the accused is 27 years, 1 month, 13 days

T. NIER BEFORMER TRANSCORDER TO THE WARREST TO A STREET TO THE TANK OF THE PARTY TO THE PARTY TO

8. The accused is in possession of CVSM & Claso

O REFERENCES RECEIVED AND RESERVED AND RESERVED AND RESERVED AND PROPERTY OF THE PROPERTY OF T BUXER FRHERE WAS

> TANK EMBRANAN X MAXX - X South AN MIN AMENDMENTAL SERVE NAME AND ASSESSED.

INSTRUCTION .- If any matter in any of the above paragraphic cannot be stated from the regimerdal books the paragraph must be struck through

# SCHEDULE OF CONVICTIONS BY A COURT-MARTIAL OR CIVIL COURT.

Court by which tried.	Date and Place of Trial.	Charges upon which convicted	Sentence of the Court	Punishment remitted or sentence suspended.
		:		
		•		

I HEREBY CERTIFY that the foregoing particulars, which have been extracted from the regimental books in my custody, are correct to the best of my knowledge and belief.

Signed this 30th day of December 1944

golwardward, Capt . Odyt

Plea of Mitagation in the Case? 6.20852 1the Quinn 6.4. Hence and is ready now to take his punishment. This man's wife is about to have a bady and his mental outlook has been much upset. now being spoilt by this misdemession of is as shole mid quite prepared to take the punish ment and strong Linnelfon the many gets count I point out that the soldier turned tim self in tothe trovat and did AB Jakson heut

7 Desig reviewed by 10, 2 ....

# SCHEDULE.

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

(See Instrs p 2.)	(See note below.)  QUILLITY	(Space for use as required for further charges, accused charged jointly, special findings, etc.)
	GUILITY	
	N. F. P. 44	Coulines an alternative charges see MML p 463 fo 4 para 2, RP 44 ;
ings for leaser offer 44 and miML p 75.	3, and in laws of kit so	; findings on alternative charges see MML p 483 fn 4 para 2, RP 44; or RP 44 in 5.3
		hardenimo em (data)
eine samed, or deli	ets, if not applicable.	To by 22 10 Information always be found on MF 8355 or AF 8296.)
III T. Hillmannerson to	hould be found on MF	8355 or AF \$296 admitted in evidence under £2.)
e Court :		
detention	for a perio	d of eighteen Henths
	2 353	n 45 (Sgr) John D Southern Major
ate, if any.	Date	e awarded. President. (RF 45, 50.)
(See back of C	Convening Greder as to	attendy are experient a second
MANUFE WIL	ERE CONFIR	MATION RESERVED. (AA 54(5), RP (20)(F), MAL 0 760.)
MINUTE WI	TERE COMMITTE	
		/
(Sgd)		Commanding
	CONFIRM	ING OFFR ON FINDING(S) AND SENTENCE.
DECISION	OF CONFIRM	EL SE ETITO MANUEL NO 759-76/L MER Can 367-577. Acquaintals inquire no
ers see RR 54, 37, innot be revised : / sed may be tried of 53, MARC p 65, ( The Confirming Offi	AA 54(3). Sending bo gain: AA 157, MAML p bushing after promute must sign here person	51-56. LIDI. MANL pp 758-761. ISS Can 567-577. Acquires require no ck finding or sentence for residulal by Court: AA 56/20. Re 120(G). If the 64. Minutes of court instance or mer-confirmation may be offered before 573. Duties and powers of reviewing offers; AA 57, month, AA 572 fm 1.)
e finding(s) and	sentence set for	th in Part I is:
accused be no	(E. AM 57A	prison or detention barracks until further orders(1) Detect of me and.)
		(204)
3 Jun 45		Commanding CRA 3 Cdm Inf Division Confirming Officer.
		ND EXTRACTS TAXEN. (Nº 53, KR Can 576, 577.)
137 0000 63 04		
IV. PROM	De De	65 to of (198)
	e for- eing served, ar del niting present fin 2 information el e Court: o detention ato, if any. Gen acci of  INUTE WI-  Outs see As 54, 37, note be meiosed: acci may be runned 3 33, MMR p 52, Con contract of c	elog served, or delete, if not applicable, eing served, or delete, if not applicable, atting present trial—a total of in 2 information should be found on MF in Court:  O detention for a period ato, if way, Date (See back of Convening Order as to AINUTE WHERE CONFIRM)  PECISION OF CONFIRM!  Set see AR 54, 57, 87 37(D) in 6.46(A), note be resulted in A 53(3). Seeding by a seed may be tried again: AA 53(3). Seeding by a seed may be tried again. AA 53(3). Seeding by the confirmation of

FIELD GENERAL COURT-MARTIAL CPANS IT HER OF A PARTIES OF

Convened by Order of Brisadaer E.R. Suttie Cond Cha 3 Cdn Inf Daxed 30 Dec 44

### ACCUSED.

(As to the trial of two or more charged solvidy see RP 16, 71, 109. As to reasons for showing (a) permanent or configurations, and (b) appint, Arrans or Auspint, If any, see AA 182, 183, fins, KR Can 308, 328, 330.)

(a) Prmnt R. (b) Appmt, A/E or A/Appmt. Full Christian Names. Number.

Lucien Joseph

C-20852

Certified trus to opy to Walleauge Capt 20 J. A. CHE SHE G TO PROCEEDINGS OF TRIAL

Quann >

Held in the Fd in (country) HOLLAND

cm (date(s)) ... 2 fan 66 V

# RECORD FORM A-OPENING PROCEEDINGS AND ARRAIGNMENT \$ /90

Al. The President, Members, waiting Member, JA, if any, and Offes 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 INITIALLED OF INTER PRAIRE, MUST IN TALICS FOR CONTAINED, WILL BE DESCRIBE, IF NOT WORD ON APPLICABLE. AND INITIALISM
BY PRES OR IA. The School's referred to immuniphout is on p.4. Citations do NOT included all relevant from ROs. For guidance
and procedure when a vestimation in this form amount, see farm for GCM in MAIL by Pai. to 759. A bring mount of such variouslies,
will be made and given a manthew having reference to appropriate or preceding para manthew herein. See back of Convening Order,
will be made and given a manthew having reference to appropriate or preceding para manthew herein. See back of Convening Order,
order and the order of the process of the proces

A2. The President initials and lays before the Court the Convening Order and Charge Sheet (Auttached thereto. (\*)
The Court is satisfied that it is properly convened and constituted (\*), accessed in the court is satisfied that it is properly convened and constituted (\*), accessed in the court is satisfied that it is properly convened and constituted (\*), accessed in the court is satisfied that it is properly convened and constituted (\*), accessed in the court is satisfied that it is properly convened and constituted (\*), accessed in the court is satisfied that it is properly convened and constituted (\*), accessed in the court is satisfied that it is properly convened and constituted (\*), accessed in the court is satisfied that it is properly convened and constituted (\*), accessed in the court is satisfied that it is properly convened and constituted (\*), accessed in the court is satisfied that it is properly convened and constituted (\*), accessed in the court is satisfied that it is properly convened and constituted (\*), accessed in the court is satisfied that it is properly convened and constituted (\*), accessed in the court is satisfied that it is properly convened and constituted (\*), accessed in the court is satisfied that it is properly convened and constituted (\*), accessed in the court is satisfied that it is properly convened and convened a each charge discloses an offence

(1. As to use of Summery of Eridence one RP 17 fn 6. 2. AA 49, 50, RP 105-1107. 3. AP 11-13, 23, 24.)

A3. The Court is opened. The accused is (are) brought before the Court. At 0930 hours trial commiscences.

A4. The Prosecutor produces a Medical Certificate that accused is (ace) fit to undergo trial by court-marked (!).

The Prosecutor informs the Court that accused elected to be tried by small marked of being dark with summarily by the CO.(\*)

(8. KR Can 557. 2. AA 46(8), RP oc fn i. For effect see KR Can 563(c). Delete, if not opplicable.

A5. Emident to around: Do you reject to

It. RP 72. Deless. If none employed.)

A6. The Convening Order and names of the President and Members of the Court are read to the ascussed (\*) President to accused: Do you object to be tried by me as President or by any of the Members of the Court !

(I. RP 110, 2. If no objection, working manufact retires. AP 68(B). If objection, see procedure AR 31, RP 25, 71, (B. MOME p 742.)

A7. The President, Members, JA, of any, and Offrs under instr, if any, are sworn.(\*) The following are the ranks, names and units of the offre comprising the Court, etc. 5 Cdn Tk Reut BCA

J.I. Southom Manage President E.H. of C. (185) P.B. Smellie Liout T con Ind hos Cay ROASC ... M.A. German T.E. Bruck Judge-Advocate em of 0. (mm) J.C. Woodward Capit Prosecutor C.H. of O. (180) Lieut 2.B. Inchson Defending Offr

Questions by President: Is the Prosecutor a lawyer ! Ans 120... Is the Defending Office lawyer ! Ans 120... (\*) (1. RP 26. 27, 109, 110. List of offers unsure mate will be returned separately with proceedings for information of Came Offers (2. If Prox a larger and Def Offer not, occused is smitted to an adjournment when RP RP (8) and In 2 were not followed. See this p 2.)

AS. The accused \$-20850 Pts junion Joseph Quinn before arraignment make(s) (mos (a) ples

(i. If a special Sinus in mode for arguments trial on one or more changes (RP mill(t), 100), or as to the particulation of the Court (RP 24, 25(A), 112), or in our of time. (RP 36), or or to accused a mention flower to stand time (AA 100, RP 35), or in one of several occurred theoryed jointly to be tried separately (RP 16, 71), such plan, the orderests model or support or against, the evidence, if any, and Employ or recorded per Notes. For forme of record are reflected to the RP cited. Insert in AB mass and some of the occurred meeting the pinc.)

AS. The accused is care arraigned temperately) on all charges in time charge sheet. (\*) The accused does the not object to any charge. (\*) There is no amendment to be made to the Charge Shoet. (\*) The President resources the pleas in Part I of the Schodule.

(1) RP 31, 112. See part 1 of leaters 8.2. When more than one Charge Share are RP 61; when several occursed to lie tritical enoughly see RP 71(CL), and one expansive supplies of CP A94 to record proceedings. 2. RP 32, RP 32. If otherwise, delete and to represent record per Notes.)

Alto. The Court is closed and; considers the Instra on Procedure after Arraignment at top of p 2. The pro-Europe 11 ovedings are continued on Record Form . h 4 "

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

# INSTRUCTIONS ON PROCEDURE AFTER ARRAIGNMENT.

1. 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 withdraward of alternative charges by Prosecutor see RP 35(C). No other charge can be with the 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 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

- 1. 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(A).)
- (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 New Guilly 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 Instra (2).
- 3. As so responsibility of President to accused see RP 50, 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 Offer see RP 60(C), 87(C), 91, 92; swearing and withdrawed of withdrawed for Court see RP 81, 82; questioning of accused see RP 80, 87(C), 92(B), and of witnesses are 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) for 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 of (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 charged, call witnesses as to character and make an address in mitigation of punishment. (2) 2. MML p 54 pera 47.)

B2. President to accused: The Court will now receive any statement you desire to make in reference to the B2. President to accused: The Court will how receive any statement you desire to make in reterence to the chargety (4). If it appears from your statement that there are circumstances which indicate that you do not understand the effect of the plea of Guility(\*), or which show provocation or extensation in respect of which in your interest the witnesses for the Prosecution should be examined(\*), we shall advise you to change your plea to Not Guilly. 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 plea. If however, it appears to the Court that your statement in evidence against you after you change your plea and you affects only the amount of punishment to which you are liable, you will not be advised to change your plea and you affects only the amount of punishment 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.(\*)

President to accused: Do you wish to make a statement ! Ans MD (I) RP 37(8). 2. RP 37(D) fo 6. 2. RP 25(B) fo 5 percs 3, MANL p 54 percs 47. 4. See percs E3 of Record Form E.
5. Stuttement, if any, recorded per Notes.)

B3. The Court considers the accused's statement (\*) The Court decision (not) to advise accused to example his charge(s). The avenued is (are) so inserted, and be (they) (when pleases of Gulley to Not Guilly on

charge(s). Part L of the Schedule is superaded accordingly.

Court may be chared in consider the Hammon. States while or part not used.)

B4. On the charges to which the please of Guilty is (ase) not changed the President records finding(s) of Guilty in Part I of the Schedule (1)

[I. RP 25(B). If one pirots is (ore) changed use Record Form C or D as oppropriate.)

B5. The Summary of Evidence is marked Ex A., initialled and read aloud by the President.(1) if there is no Summer, or if it is inchequite, comply with 8P D(8). If there is no summer, or if it is inchequate, comply with 8P D(8). If there is not summer, or if it is inchequate, comply with 8P D(8). If there is not secured inches with any since parts Di to D6 inclusive of Recard form D on p 3. N D(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.

Ct. As to the charges on which accused pleaded NOT GUILTY the trial is continued by using paras Di to Ds inclusive of Becord Form D on p 3 before proceeding with C  $2.(^4)$  g. At B(k) (2.)

C3. The precised having been found Guilty on one or more of the charges, the precedings are concluded by using Record Lorin E on p 3.

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS

Pin here Losse Sheets of Record.

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

D1. President to accused: Do you wish to apply for an adjournment on the ground that any of the rules ng to procedure before trial have not been complied with, and that you have been projudiced thereby, or on ground that you have not had sufficient opportunity to prepare your defence ! Analy (i. if "yes", see RF 39(A) for procedure. Statement or evidence, if any, is recorded per Notes.)

D2. The Prosecutor makes (an) (no) opening address.(2)
(1. 87 37(0), 60(a) (8), 90, 92(c) (0). Record address per Notes, subject to 87 95(C).)

D3. The evidence for the Prosecution is taken (1)

(1) RP 39(C), 1/4 AR Can 555. Recard evidence per Niotes. As to Prosecutor giving fridence minuself see RP 37(D) (E).)

D4. The Prosecution is closed.(1) The Proceeding Offr submits that the vidence 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 \*\* President amounces that the submission .charge(s), and althwed on the ... charge(s), and that, accordingly, the trial will proceed on the former, but the accused is (are) found Not Guilty on

(I. Delete remainder of this para, if submission not made.

(I. Delete remainder of this para, if submission not made.

2. Arguments as submission, onwer and reply are recorded
per Notes.

3. RP 40 In I. See MML p 12 para 12-14 and p 8 jetsors 42.

4. Delete part not used. If accused acquisited
and illustrates us second distinctive in pain 264.

No. If I I finis proceeds, accused must be allowed great laurage in making his definice, and the Court should not stop his defence
solely an ground of irreservance.

(RP 60(C), 114, 115.) the latter charge(s).(4)

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. (\*)
Your may, however, make a statement without being sworn, 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 awore testimony. (\*)
You may call witnesses in your defence and as to character, whether you give evidence or make a statement or do

President to accused : Do you wish to give evidence yourself as a witness, make a statement, or do neither t Do you intend to call winnesses on your behalf ! Ans (1. RP 115. 2. RP 40[A) see 80(D). 2. RP 40 fo 10. 4. RP 40 for 2. P.)

D6. Consequent on the answers recorded in para D5 the appropriate procedure for the defence is followed.(1)

(1. R 114, 115/116. For procedure see Notes on back of Covering Orden. CF R65. Existence for occurred on to his
character should. (8 is no interest, be given before the finding. See R7 46(A) for 1. 86(C). Note the further opportunity in pare E1
of Record Form E. Record per Notes observes. statement, evidence and only summaning up by the jA under R7 42, 103(c).

DT. 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 (7) The Court is re-opened.

(1. 19 42. 1874). See Notes to Part 1 of Schedule. 2. RP 44(A).)

DS. The President announces the finding(s), if any, of Not Guilty, and states to the accused that the finding(s) of the Court on the.

and that the proceedings are accordingly terminated. Part I of the Schedule is dated and signed (I. AA 54/E) (b) AF 45, 120(A). 2. AA 34(I), RF 45, 117. This observation amount content is not applicable when there are pless of Guilty accounting and death with order faccord form B or C.)

Dis. The accused having been found Guilty on one or more of the charges, the processdings are concluded by using Record Form E below

# RECORD FORM E-PROCEEDINGS ON CONVICTION BEFORE SENTENCE.

El. President to accused: Do you wish to give ewidence yourself or to call any witnesses as to your character I(1)

11. If evidence has already been given by occurred or his witnesses as to his character, delete this pains. AP 37(C) fo 4, 46 fs 1. Accused ord witnesses are pains. Evidence recorded per Names.)

E2. The Prosecutor produces Statements as to Character and Particulars of Service(1), and certified true appropriate State(1)(1), purporting to refer to the accused, which he submitts to the Defending Offr for examination, and then to the Court for admission in evidence. The Court is existing that these documents refer (ii) they purport to be signed in the manner required by AA 163(3) (g) (h), and (iii) they purport to refer to (a) soldier(a) having the same number, rank, name and corps as the accussed. Admitted in eviden

marked Ex B and Ex manufactively. (\*)

(). MAR 253 or AFS 276. 2 miles 6 3. RP 46. KR Can SSR. If whose documents out produced, see RP 46 in I pone 1.3

E3. President to accused: Do you wish to address the Court on the Statement(s) and Conduct State(s), and in

milligations of punjohament 1(1) Ans. The through are defending officer account or his witnesses as prove as each enothing have as previously sound which would officer the amount of punishment. RP 27(5) the 2.)

E4. The President states that the Court is closed to consider 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. (2) proceedings in open court are ac (1. AA 54(6), RF 120(A).)

E3. The Court considers the sentence (1) The President records the sentence in Part I of the Schedule, which

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

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# The accused C-20852 Pte Lucien Hoseph Quinn a soldier of the Cameron Highlanders of Ottawa (MM), Canadian Army Overseas is charged with:/ FIRST CHARGE A.A. Sec 15 (1) ABSENTING HIMSELF WITHOUT LEAVE In that he in the field, in Belgium, on 24 Oct 44 at 1620 hrs absented himself from the Cameron Highlanders of Ottawa (MG) Entil surrendering himself at 2230 hrs 18 Dec 84. (Absent 55 days, 6 hrs.) R.M. Rosm Lt Col (R.M. Rosm Lt Col (R.M.

To be tried by FGCM.

In the Field 30 Dec 44

E.R. Suttle Brigadier CRA 3 Cdn Inf Division

# FIELD GENERAL COURT-MARTIAL

(Whether the accused to be tried is under his comd or not, a FGCM may an application to him be convened by any off of Cdn Army Overseaus, or of any other force if authorized in law, in immediate comd of troops an active service, subject to RF 105(C) and restrictions imposed by appendix authy. AA 49, 50, RP 104-107, 114. As to the duties and privileges of the Convening Offs in dealing with the application see MML Chap V pames 20 and 23, RP 87(B).

There should be a separate Convening Order for each person to be tried separately by the same Court. RF 71(C), 107. As to separate charge sheets see RP 61, and as to separate trial on charges in the same charge sheet see RP 108. As to two or more accused charged jointly see RP 63, 109. As to reasons for showing (a) permanent or confirmed rank, and (b) appint, Ajrank or Ajappint, if any, see AA 182, 183, fos. KR Can 306, 328, 330.)

# ACCUSED.

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

C-20852

Lucien Joseph Quinn

Cameron Highr of Ottawn (MG)

### CONVENING ORDER.

- Whereas complaint has been usede to me, the undersigned, that the person(a named above as the accused, being subject to unlittery law, has (hase) committed the offence(a) set forth in the Charge Sheet(b) attached and on (date) 39 Doc 48 and on endorsed by me, (as by an offence as a subject for me). "To be tried by Field Georgia Court-Martial".
- And whereas I am of opinion that it is not practicable that such effence(f) should be tried by an ordinary General artial; (and that it is not practicable to delay the trial for estampon to a superior qualified offs.)

  (Delete part is brockets when not required for compliance with RF 105(C).) Court-Martial; (and that it
- I hereby convene a Field General Court-Martial to try the said person(\*), and to consist of the Office appointed
  or detailed hereunder.
- unable to appoint, (a) three Offrs to form the Court, (b) a Fd Offr as President, for the reasons I have I-om attached hereto. (AA 49, RF 106(B), 107(A). Delete the whole or part, if not applicable.)
  - Lalen appoint as Judge-Advocate therein the Offir mentioned bereunder. (AP 106(E). Delete, if none appointed.)

### PRESIDENT

3 Cdn & Th Rest RCA J D Southam Major (Nust be named. RP 106.) MEMBERS. CH of C. (ME) P B Smellie Lieut 7 Ddn Inf Bde Coy RCA M A German Lieut (Named or detailed. RP 106.) WAITING MEMBER. Lieut (Rank) J W Armstrong (Named or detailed, if any. AP 106.) 4 con LAA Rest RCA JUDGE-ADVOCATE. (Unit:) (Must be named, if any. RF 106.) On Active Service in the Fd Brigadier E.R. Suttie in HOLLAND (Signed personally. RP 105 fn 2.) (Remt.) (Country.) Commanding CRA 3 Cdn Inf Division Dat 30 Dec 44

CONVENING OFFR WILL INITIAL ALL DELETIONS AND ALTERATIONS

(See overleaf for noths and notes for use so trial.)

4/38A CWA 95 In theu of AFA 31

1st Battalion Cameron Highlanders of Ottawn (MC)

2 Jan 45

I certify that C-20852 Pte Lucien Joseph Quinn, Cameron Highlanders of Ottawa(MG) is fit to undergo trial by Court Martial.

J.L. Hanks Capt (Signature of Medical Officer)

### SIMMARY TOY EVIDENCE

Summary of Evidence in the case of C20852 Pte Quinn, L.J. "C" Company, 1st Battalion Cameron Highlanders of Ottawa (MG) Canadian Army Overseas charged with a sence without leave, A.A. Sec 15 (1)

By direction of the Commanding Officer the evidence is taken on oath.

FIRST WITNESS:

Capt J.C. Woodward, Adjt., Cameron Highlanders of Ottawa (NG), having been duly been sworn states:

The NYB 375 and certificate of apprehention are attached hereto as Exhibit A and B respectively.

The accused, having been duly warned in accordance with RP 4(e) "Do you wish to make any statement or to give evidence under oath? You are not obliged to say anything or give evidence whose you wish to do so, but whatever you say or any evidence you give will be taken from in writting and may be given in evidence.

The accused declines to make any astatement.

The accused does not call any witness.

I certify that the foregoing summary of evidence, consisting of one page, was taken down by me in the presence of the accused, and that RP 4 (c) (d) (e) (f) and (g) have been complied with.

P B Smellie (P B Smellie) Lt.

In the Field

let Battalion CAMERON HIGHLANDERS OF OFFICE (MG) on thath day of Bovember 19 44, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. C-20852 Pte Quinn L.J. Cameron Highanders of Ottawa (183)

	D	ECL	AR	ATION	
The Court dec	are that	No	C+20E	350 Pto Quinn L J	
Comerc	n.Highl	ndecs.	920	ttems (NO)	
illegally absented himself wi	thout le	ave Iz	the	field	
				th day of October 1	
that he is still so absent, and	I that on	the .		vember 44 he was de	ficient, and
that he is still deficient of th					
Vocabulery Price Cdn		syatt	E <sub>16</sub>	75 Prisericias can	sterring
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			5	igned W.J.P. Styles Capt	President
			s	igned J.i. Morris Lt	Member
Signed at Field					
this 26 day of	Nov	19.55.	- 5	signed RSM Brunet L.D.	Member
				er Signed: 2.W. Ross Lt Col dward Capt & Adjt Signature of Officer have	ng cratisty of

A.F.B. 113 M24 - 6-41 (786) H.Q. 1772-38-315

# CERTIFICATE UNDER ARMY SEC 163 (1) (1)

Certified that NO G20853 RANK Pte NAVE Quinn L T. of the C H of O Regt, surrendered to NO B 13:194
Rank Pte Nave Lesperance O A of the Regt Police
10 Bn at 2 C B B C at 2230 hrs, on the 16 th
DAY IF DEC 1944 as an absent without leave.

He was wearing Military Uniform a time of the his Surrender.

Place Leapold Barracks Date Dec 18 th 1944

> F.M. Mitchell Lt Col O. C. 10 C.B.R.Bn

# Statement as to Character and Particulars of Service of Accused.

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# PLEA OF MITIGATION IN THE CASE OF C-20852 Pte Quinn L J

Sir the accused has entered a plea of guilty to the defence and is ready now to take his punishment.

This man's wife is about to have a baby and his mental outlook has been much upset.

His whole career in the army is now being spoilt by this misdemeaner. We is as I have said quite prepared to take his punishment and throw himself on the morey of the court. I point out that this soldier turned himself in to the Provest and dad not wait to be arrested.

H. B. Jackson Lieut.

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

Charge.	Plea.	Finding.	
Chinge			for finish shares accuracy charged juintly.
nsert " alternative " where applicable.)	(See Instrs p 2.)	(See note below.)	(Space for use as required for further charges, accused charged jointly, special findings, etc.)
25	(1) CULLY	001127	
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h			
			The second of the second second in 483 for 4 ports Z. RP 44;
(Note: As in ) special findings were	RP 44 and MARL p 75.	3, and in lass of kit so	; findings on charactive charges see MML p 483 (n 4 para I, RP 44 ; e RP 44 (n 6.)
t present under sents	ence for	Total and liverble	beginning on (dote)  See RP 46(A). Information should be found on MF 8355 or AF 8276.)
	and the second second	Auto Contract of the first and	A.A. Alarm of Which had a days were opened to the
ime in continement (1. See RF 46)	(A) fn 2. Information si	hould be found on MF	B355 or AF B29% admitted in evidence under E2.)
Sentence Awarded by			
	was Astantic	m for a part	of of atchteor familie
29			
(Sgd) Judge-Adv	rocate, if any.	- Full	awarded. (Sgd) John D Continue M for President. (89 45, 50.)
	(See back of s	Convening Gram as to	essembly and disposal of record after trial.)
	AND USE WALL	ERE CONFIR	MATION RESERVED. (AA.54(5), AF 120(F), MINE p 760.)
PART IL	MINUTE WE	TERE COMM	
			Commanding
Date	(Sgd)		
PART III.	DECISION S	OF CONFIRM	NG OFFR ON FINDING(S) AND SENTENCE.
(For duties and	nowers see AA 54, 57,	RP 37(D) (n 6,46(A).	\$1-56, 120, MARKE DD 759-761, KR Can 567-577. Acquittuits require no
confirmation and not confirmed, a	cannot be revised :	AA 54(3). Sending to pein: AA 157, Million	\$1.56.120 MMM: Do 759-761, KR Can 537-571. Acquittatis maquire no ck finding or mentance for revision by Caut: As 54(2), RP 120(G). If 64 Mauto di confirmation a non-casifirmation may be arturned before 56. Mauto di confirmation a non-casifirmation may be arturned before 56. Mauto di confirmation and powers of reviewing utilis: AA 57, anally, AA 172 fb 1.3.  Ak 172 fb 1.3.  Ak 172 fb 1.3.  Ak 172 fb 1.3.
promulgation : STA, RF 53A, 54	RF 53, MML 9 US. 5	must sign here personal	notly. AA (72 fo 1.)
My decision on	the finding(s) and	d sentence set for	th in Part I is:
		CONTRACTO	
Lelirect that t	he accused by m	e committee to	organ or distention barracks until further ordana (3)
			(Sgi) Buttle _ pricedist
D-	e 3 Jun 1		a at the production
		1	Commanding Cas S Command Officer.
-	-	UU CATED A	ND EXTRACTS TAKEN. (IP 5), KR Can SPA. 557.)
PAR	TIV. PROM	De De	Printed and the College
Accused.		STATE OF THE PARTY	
			3. Turn A5
0-20052 FB	u Lucion Jose	uph custom !	Jun 45 (m.C. Roirs (m.C. Roirs) major A

FIELD GENERAL COURT-MARTIAL Convened by Order of Brigadiss E.R. Settis Comd CRA S Con Inf Dawed BO Dog 44 ACCUSED. (As to the trial of two or more charged jointly see RP 16, 71, 109. As to reasons for showing (a) permanent of confirm rank, and (3) appmt. Afrank or Ajappmt, if any, see AA 182, 183, fns, KX Can 308, 328, 330.) Number. (a) Print R. (b) Appint, A/R or A/Appint. Full Christian Names. lettees true Copy. A. DOS51 Con See & PROCEEDINGS OF TRIAL. on (date(s)) ... 2 Jum Held in the Fd in (country)........ RECORD FORM A -OPENING PROCEEDINGS AND ARRAIGNMENT. 18/90 Al. The President, Members, waiting Member, JA, if any, and Offrs under instr. if any, assemble, and the (PRINTED MATTER, NOT IN ITALICS FOR GUIDANCE, WILL BE DELETED, IF NOT USED OR APPLICABLE, AND INITIALLED BY PRES OR FA. The Schedule referred to throughout is one A. Commons do NOT include oil nelevent from RDs. For guidance in proceeding when a vision when a various on in this form across, use from for CCM is MINL po T41 to 25F. A brief record of such varietion in proceeding when a number boxing reference to appropriate or procedure part ounders lowers. Set both of Convenig Order, will be made and given a number boxing reference to appropriate or proceduring part ounders lowers. Set both of Convenig Order, will be made and given a number boxing reference to appropriate or proceduring part ounders lowers. Set both of Convenig Order, with matrix are being directly on the trace of the convenience of the confidence of the confid A2. The President initials and lays before the Court the Convening Order and Charge Sheet (1) attached therein. [7] The Court is satisfied that it is properly convened and constituted(2), accused is taxed unenable to military law, and each charge discloses an offence i (I. As to use of Summary of Evidence see RP (7 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 SASE... hours trial commences. A4. The Prosecutor produces a Medical Certificate that accused is (are) fit to undergo trial by court-martial (\*)

(I. KR Con 557. 2. AA 46(8), RP 60 fm 1. For effect see KR Con 563(c). Delires, if not opplicable. A5. President to seemed: Do you of set to man interpreter I Ans. The Interpreter is sworn (\*) Do you abortismo menter is sweet in

(F. RF 72. Delete, If none employed.)

successive by time COd!

The Convening Order and names of the President and Members of the Court are read to the accessed.(2) President to accused: Do you object to be tried by me as President or by any of the Members of the Court !

(). BP 110. 2. If no objection, working member retires, AP 60(8). If objection, are procedure AA 51, RP 25, 71, 18, MARL 9 742.) 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 offers comprising the Court, etc.

S Own The Day of Both J.I. Souther Modern. President C. T. of C. (W) P.B. Smellike Member 7 odn In Rde Can BEAC M.A. Cormus 14 out Member Judge-Advocate CH of 0. (183) J.C. Somboard Prosecutor C.H. of C. (100) Mont L.D. J. charm Defending Offr Questions by President: Is the Prosecutor a lawyer ! Ans. 120 ... Is the Defending Offr a lawyer ! Ans. 120 ... (\*)

(1. AP 26. 27, 109, 111. List of offer under instr will be returned separately with proceedings for information of Cone Offer.)

(2. If Press a lawyer and Def Offer on, accused in entitled to an adjoundment when AP 89 (8) and for 2 were not followed. See Dir 3 23 AS. The accused GentleSt Pto Institut Justice before arraignment make(s) (no) in plea

(ii. If a special plea is made for separate tricil on one or many changes (RP 62(2), 100h, or or to the pure-diction of the Count (RP 38, 35(A), 113), or in hor of trioi (RP 36), or or to excusar's merial fitness to stand trioi (AA 72), RF 37), or by one of several occused charged purchy to be used separately (RP 10, 77), such plea, the adversor mode in support or against the evidence. If any, and finaling our recorded per Numa. For forms of record are references in few to RAP cited. Insert in AB number and numbe of the occused making the piec.)

A9. The accused is (are) arraigned (separately) on all charges in the charge sheet.(1) The accused cases ides) object to any charge.(1) There is no amendment to be made to the Charge Sheet.(2) The President records the not object to any charge.(1) The pleas in Part I of the Schedule.

# R# 31, 112. See para 1 of linstra p 2. Withou more than one Charge Sheet use R# 62; when several occurred to be triad apparately see R# 71(C), and use supporte capsus of CF A#6 to record proceedings.

2. R# 32, R# 32, R# 32. If otherwise, delete and make apparation record per history.

A10. The Court (is closed and) considers the Instrs on Procedure after Arraignment at top of p 2. The pro-Durope 12 ceedings are continued on Record Form 2 4 5

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS. # 350

ALL DELETIONS AND ALTERATIONS WILL BE INITIALLED

# 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 alter (RP 37(A)). As to withdrawal of alternotive charges by Prosecutor see RP 35(C). No other charge can be with for any reason without authly from Convening Offr. If Convening Offr concurs, Court may accept plea of Guilty to for any reason without authly from Convening Offr. If Convening Offr concurs, Court may accept plea of Guilty to etc., GPP 44(B).) Accused may change a plea of Not Guilty to Guilty during trial. (RP 38.) As to reate, offence, (RP 44(B).) Accused may change a plea of Not Guilty to Guilty during trial. (RP 38.). As 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

- 1. 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(A).)
  - (b) Such mixed pleas occur in a set of two or more charges laid in the alternative, see RF 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 please as the findings of Court. After deciding between (i) and (ii), Court will thereto. proceed under foregoing instra as may be appropriate to result of its decision. See MML p 744 Instra (2)
- 3. As to responsibility of President to accussed see RP 59, 60(C); powers and duties of JA see RP 103; duty of Prosecular see RF 60(A) (B); duty and privileges of accused and Defending Offe see RP 60(C, 87(C), 91, 92; successing and withdrawai of witnesses from Court see RP 81, 82; questioning of accused see RP 80, 87(C), 92(B), and of witnesses and withdrawai of witnesses from Court see RP 81, 82; questioning of accused see RP 80, 87(C), 92(B), and of witnesses are RP 83.85; valling or re-ording of witnesses by Court, etc., see RP 75.79, 86, 116; use of Summary of Evidence at Trial see RP 17(K) 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 36(B) by explaining to the accused the nature and meaning of the charge  $\phi(1)$ , 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  $\phi(1)$ , sentence as the character and make an address in mitigation of punishment. (5)

(6. 8F 35 fo 3. 2. 86Ma p 34 pare 87.)

B2. President to accused: The Court will now receive any statement you desire to make in reference to the big. President to accused. The Court will now receive any statement you desire to make in reference to the charge [1,1]. If it appears from your statement that there are circumstances which indicate that you do not understand the effect of the plea of Guilty(1), or which show provocation or extenuations in respect of which in your interest stand the effect of the Prosecution should be examined(2), we shall advise you to change your plea to Not Guilty. In the witnesses for the Prosecution should be examined to cross-examination; and anything you say will not be sworn or subject to cross-examination; and anything you say will not be used in evidence sgainst you after you change your plea. If, however, it appears to the Court that your statement in evidence significant of parishment to which you are flatise, you will not be advised to change your plea and you will be given an programment by your statement by awarn testimony. If you so charge, (1) will be given an opportunity later to prove your statement by sworn testimony, if you so desire.(\*)

(J. RP 37(B). Z. RP 37(D) fn 6. Z. RP 35(B) fn 5 parts 3, MINL p 54 parts 47. 4. See parts E3 of Record Form E. 5, Statement, if any, recorded per Notes.)

- B3. The Court considers the account's statement (\*) The Court decides (not) to selving man(s). The second is (not) at the man, and he (the and of Carlly to Not Carlly on

B4. On the charge(s) to which the please) of Guilty is (see) not changed the President records finding(s) of Guilty in Part I of the Schmedule.(1)
(6. RF 13(8). If any pice(s) is (ore) changed, use Record Form C or D as oppropriate.)

- B5. The Summary of Evidence is marked Ex. A..., initialled and read aloud by the President.<sup>(1)</sup>
  (If there is no Summary, or if it is incomposed, comply with 69 37(6). If there is not seridence incommutates with any plant standing as Guilty, Court will device accused an theory such plans and, if changed to Not Guilty, try such charge(s) by use of parsa Di to D6 inclusive of Record Form D on \$2. RF 37(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 accused pleaded NOT GUILIX the trial is continued by using paras D1 to D8 inclusive of Record Form D on p 3 before proceeding with D at (1. At II(A) (2.)
- C2. The charges on which accused settleded GUILTY are read to him (them) again, and the trial is continued by using pures B1 to B5 of Record Form B above. (1)

  (i) Under 85 such sogistedity of the Sammers of Evidence are mod as relate to the charges dealt with under C2. If any pine is theregod to Not Guille, will thereos purested by templying with pures D1 to D6 inclusion in Accord form D on p 2 and making an appropriate records thereof as a separate sheet.)
- C3. 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.

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

# RECORD FORM D-PROCEEDINGS ON PLEAS OF NOT GUILTY TO ALL CHARGES. Fin here Loose Sheets of Record.

D1. President to accused z, Do you wish to apply for an adjournment on the ground that any of also rules ling to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity to prepare your defence? Ans.....
(1. If "yes", see RF 39(A) for procedure. Statement or evidence, if any, is recorded per Notes.)

D2. The Prosecutor makes (an) (no) opening address.(1)
(8. RF 37(B), 80(A) (B), 80, 92(C) (B). Record address per Natus, subject to RF 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 ... charge(s).(2) The Court establish a prima facie case against the accused on the 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 allowed on the charge(s), and that, accordingly, the trial will proceed on the former, but the accused is (are) found Not Guilty on the late.

the latter charge(s), (\*)

10. Delete remainder of this pare, if submission not mode.

21. Delete remainder of this pare, if submission not mode.

22. Arguments on submission, onewer and reply are recorded per Notes.

3. RP 40 fs 1. See MML p 72 pares 12-14 and p 81 para 42.

4. Delete part not used. If accused acquistment per Del. on all therees, use second distance to the pare Del. on the court should not stop his defence and it for the proceeds, accused must be diseased great latitudge in making his defence, and the Court should not stop his defence solely on ground of irrelevance. (RP 60(C), 114, 115.)

D5. President to accessed: You will now proceed with your defence (3) You may, if you wish, give evidence yourself on cath 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 sworm, and you will not be subject to cross-examination. (\*)
But a statement which could have been made or oath will not carry with the Court the same weight as sworn testimoney. (\*)
You may call witnesses in your defence and as to character, whether you give evidence or make a statement or do
seather.

President to accused: Do you wish to give evidence yourself as a witness, make a statement, or do meither ! ..., Do you intend to call witnesses on your behalf ! (I. RF 115. 2. RF 40(A), see 80(C). 3. RF 40 fn 10. 4. RF 40 fns 2, 9.)

D6. Consequent on the answers recorded in para D5 the appropriate procedure for the defence is followed.(1)

13. RF 114, 115-115. For procedure are Notes on back of Convening Order. CF A95. Evidence for occused as to his
therefore should. If it has interest, be given before the finding. See RF 45(A) for I. Sei(C). Note the further opportunity in parental
of Record Form E./ Record per Notes addressee, statement, evidence and any summing up by the JA under RF 42, 103(e).)

D7. The Court is clossed to consider the finding(s).(1) The finding(s) of the Court is (are) recorded in Part I of the Schedule.(3) The Court is re-opened...

(3) 36 43, 117(8) See Notes in Part 1 of Schedule. Z. 89 44(8).)

D8. The President ammonness the finding(s), if any, of Not Guilty, and states to the accused that the finding(s) 

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

# RECORD FORM E-PROCEEDINGS ON CONVICTION BEFORE SENTENCE.

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

(i) If evidence has already been given by accused or his witnesses as to his character, delete this pare. BP 37(C) fn 4, 46 fin 8.
Accused and witnesses are aware. Evidence recorded per Notes.)

F2. The Prosecutor produces Statements) as to Character and Particulars of Service(1), and contains transport to the Accused, which he submits to the Defending Offs for examination, and then so the Court for admission in evidence. The Court is satisfied that these documents free 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 be signed in the manner required by AA 163(1) (g) (h) and (iii) they purport to be signed in the manner required by AA 163(1) (g) (h), and (iii) they purport to be signed in the manner required by AA 163(1) (g) (h), and (iii) they purport to be signed in the manner required by AA 163(1) (g) (h), and (iii) they purport to be signed in the manner required by AA 163(1) (g) (h), and (iii) they purport to be signed in the manner required by AA 163(1) (g) (h), and (iii) they purport to be signed in the manner required by AA 163(1) (g) (h), and (iii) they purport to be signed in the manner required by AA 163(1) (g) (h), and (iii) they purport to be signed in the manner required by AA 163(1) (g) (h), and (iii) they purport to be signed in the manner required by AA 163(1) (g) (h), and (iii) they purport to be signed in the manner required by AA 163(1) (g) (h), and (iii) they purport to be signed in the manner required by AA 163(1) (g) (h), and (iii) they purport to be signed in the manner required by AA 163(1) (g) (h), and (iii) they purport to be signed in the manner required by AA 163(1) (g) (h), and (iii) they purport to be signed in the manner required by AA 163(1) (g) (h), and (iii) they purport to be signed in the manner required by AA 163(1) (g) (h), and (iii) they purport to be signed in the manner required by AA 163(1) (g) (h), and (iii) they purport to be signed in the manner required by AA 163(1) (g) (h), and (iii) they purport to be signed in the manner required by AA 163(1) (g) (h), and (iii) (h), and (iii)

E3. President to accused: Do you wish to address the Court on the Statement(s) and Conduct Shart(s) and in

mitigation of punishment 1(\*) Ans. You through my defending officer

(). RP 37(C), 46(D). 2. Address if any, recorded per Nuter. Court desail permit occused or
see such onything bare or previously natural which would offect the amount of parameters. RP 37(F) in 73

Es. The President states that the Court is closed to consider 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. AA 546), AF (20,A.)

ES. The Court consisters the southenner. (\*) The President records the sentence in Part I of the Schodule, which is dated and signed by here and the JA, if any (\*) The President records only, comprised of the punishment or punishment in the sentence of the sentence only, compared to the punishment of the sentence of

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

# CHARGE SHUELT The necused 0-20852 Pto Lucien Heseph Quinn a soldier of the Gameron High-lenders of Ottawa (MI), Canadian Army Oversoas is charged with: WHEN ON ACTIVE STRVIOR FIRST CHARGE (1)

ABSENTING HIMSELF DITHOUT LEAVE

In that he

in the field, in Belgium, on 24 Oct 44 at 1630 hrs absented himself from the Cameron Highlanders of Ottawa (185) until surrendering himself at 2230 hrs 18 Dec 44. (Absent 55 days, 6 hrs.)

R.M. Ross IA Col (R.M. Ross)AIA Col Commandin g Officer 1st Buttalion CAMBRON HIGHLANDERS OF OFFAUA(193)

In the Field 30 Dec 44

To be tried by FGCM.

In the Field 30 Dec 44

E.R. Settio Brigadier

# FIELD GENERAL COURT-MARTIAL

(Whether the accused to be tried is under his come or not, a FGCM may an application to him be convened by any off? of Cdn Arms Overseas, or draw other force if authorized in law, in immediate come of troops an active service, subject to RP 105(C) and restrictions imposed by appropriate authy, A 49, 50, RP 104-107, 114. As to the duties and privileges of the Convening Off? in deading with the application see MML Chap Y pages 20 and 23, RP 87(B). These should be a telephone Convening Control of the Convening Control

There should be a separate Convening Order for each person to be tried separately by the same Court. RP 71(C), 109. As as separate charge sheets are RP 106. As as two or more accused charged jointly see RP 16. 109. As to two or more accused charged jointly see RP 16. 109. As to reasons for showing (a) permanent or confirmed rank, and (b) apprint. A/rank or A/appmit, if any see AA 182, 183, fee. KR Can 306, 326, 330.)

# ACCUSED.

(a) Prmnt R. (b) Appint, A/R or A/Appint Full Christian Names. Surname.

Unit

G-20852

Pho

Lucion Joseph Quim

Cassurem Tright of Ottora (MO)

# CONVENING ORDER.

- Whereas complaint has been made to me, the undersigned, that the person in named above as the accused, eing subject to military law, has the committed the offence a set forth in the Charge Sheeta; attached and on endorsed by me, by by an offence my staff for me). "To be tried by Field General Court-late." Martial Dec 45
- And whereas I am of opinion that it is not practicable that such offence(s) should be tried by an ordinary General is non-practicable to dolay the tent for colorance to a comp (Delete part in brackets when not required for compliance with AP 105(C).) Court-Martial; (and that it
- I hereby convene a Field General Court-Martial to try the said person(s), and to consist of the Office appointed or detailed hereunder
- appoint (a) three Offics to form the Court; (b) a Fd Offic as President, for the ass 4. I am unab (AA 49, RP 106(B), 107(A). Delete the whole or part, if not applicable.)
  - as Judge-Advocate thereat the Offe mentioned heremider.
    (AF 106(E). Delete, if none appointed.) 5. Lalso appois

PRESIDENT.

g p southun **WALEY** 

(Must be named. RF 106.)

S Cdn A Th Bogt RGA

MEMBERS.

Lagut

P B Smellie

CH 02 C (30)

LAMES

IS A German

7 pdn Ind Bas Coy RCA

(Named or detailed. RP 106.) WAITING MEMBER

Charles to

J W ASTERNATION OF Metalled, if any. RP 106.)

4 Cdn Las Jant RCA

JUDGE-ADVOCATE.

(Must be named, if any. RF 106.)

(Circle)

On Active Service in the Fd

HOLLYCHOLY)

No w Stated personally. RF 105 fa 2)

Brigadier

Dat 30 Dwg 46

Commanding CRA 3 Cdn Tog Divisions

CONVENING OFFR WILL INITIAL ALL DELETIONS AND ALTERATIONS

4/38A CPA 05 (In line of APA 3)

(See overleaf for action and nates for use on trial.)

1st Battalion Cameron Highlanders of Ottawn (ND)

2 Jun 45

I certify that G-20052 Pte Lucion Joseph Quinn, Cemerch Highlanders of Ottawn(183) is fit to undergo trial by Court Martial.

J.L. Hanks Capt (Signature of Medical Officer)

# SUBDIARY TOP EVIDENCE

Durmary of Dvidence in the case of C20852 Pte Quims, L.J. "C" Company, 1st Battalion Gameron Highlanders of Ottawa (NI) Gamadi n Army Overseas charged with a sence without leave, A.A. Sec 15 (1)

By direction of the Commanding Officer the evidence is taken on oath.

FIRST WITHESS:

Capt J.C. Woodward, Adjt., Cameron Hi hlanders of Ottawn (IM), having been duly been sworm states:

The 1878 875 and certificate of apprehention are attached herete as Exhibit A and B respectively.

The accused, having been duly warned in accordance with RP 4(e) "Do you wish to make any statement or to give evidence under eath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any oridance you give will be taken down in writting and may be given in evidence.

The accused declines to make any astatement.

The accused does not call any witness.

I certify that the foregoing summary of evidence, consisting of one page, was taken down by me in the presence of the accused, and that np 4 (c) (d) (e) (f) and (g) have been complied with.

P B Smellie (P B Smellie) Lt. "O" Gouga my let Battalion

In the Field

let Battliion CAMP ON HIGHLANDERS OF OFFANA (MG) RECORD of the Declaration of a Court of Inquiry assembled at In the field on the the day of poverhor 19 44 for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms. Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. C=20852 Pts Quinn L.J. Campron Highanders of Ottown (NO.)

# DECLARATION

The Court declare that No. 0=20652 Pts Quinn L J.

Convron Mighlanders of Ottawa (MS)

illegally absented himself without leave In the field

at 1630 on the 24th day of October 1946 .
that he is still so absent, and that on the 18 Newscher 44 he was deficient, and

that he is still deficient of the following articles:-

Vocabulary Price Gdu		SYALVE	15	75% Price cdn	pidriing
Antlets, web, pre Bettledress, Blouse Bennet, Tem O'Shanter Bects, aukle pre 1 Jersy pullever 1 Shirt, amgela, drab 1 Becks worsted pre 1 Battle dress, trousers 1 Badge Cap 1 Braces pre 1 Comb hair 1 Bressing, field 1 Belt, weist, large	99 5.25 60 5.46 1.79 2.03 37 5.39 .88 .04 .74	1 4 8 9 1 1 4 1 1	5 0 1	Prices Cartified Correct  Digmedi J.S. Pollock Cant for (M.P. Dow) Lt Col ADOS 2 Gdn Inf Div	

Total 23.27 5 4 2 Total 17.45 3 18 1/2

Signed W.J.P. Stylos Capt President

Signed at pielé

Signed A. Morris Lt Member

this 26 day of Nov 1944 Signed RSS Branct 1.0. Member

Signature of Commanding Officer signed: 8.8, Rese 14 Cel

Certified true copy ... J.C. Woodward Gapt & adjt

M.F.S. US A.F.S. US MM -6-42 (780) B.Q. (700-36-227 Signature of Officer having custody of original record

# CENTETE TOATH UNDER ARMY SEC 163 (1) (1)

Osrtified that NO 020853 RANK Pts NAME Quinn L.T. of the C H of O Regt, surrendered to NO 5 135194
Rank Pts Name Lesporuse O A of the Regt Police
10 Bn at 2 C B R 9 at 2230 hrs, on the 18 th
DAY IF DEC 1964 as an absent without leave.

He was wearing wilitary Uniform a time of the his surrender.

Place Loopold Berracks Date Dec 18 th 1944

> P.M. Mitchell It Col O. G. 10 C.B.R.Bn

Regiment (or as the case may he).

# Statement as to Character and Particulars of Service of Accused.

Name.

Number.

Number Ra		meron Highlanders of	Ottawa (WE)
1. The following is	a fair and true summary of the entries in	the regimental and squadron, bat	tery or company con-
shoets t of the accessed, e	exclusive of convictions by a court martial of	of a civil court, or somming announce	minet seriou as an
Army Act, and of cases	n which trial has been dispensed with :-		
L-At a trial by general court tial this sum- y busy be com: i from the field burt sheet.			• Since Entlement
tial this sum-	* Within last 12 mont	hs	* Since Enlistment.
d from the field dust sheet.			mines
duct sheet. conduct sheet(s) ottoppd should be	For	times	ziffics
duced in court is this State ment			temes
duct sheet(s) stanced sheet(s) stanced sheet(s) stanced sheet(s) sheet sheet not annexed to proceedings.	For	times	- Sillies
para, 677, K.R.,			times
e numbers herein ited should corre- ond with the	For	times	
ond with the		times	Hanes
the conduct	For		
ing given to the		rimes	
each entry, and	For.		
ecial acts Maintry us distin-	Number of instances of gallantry	or distinguished conduct.	
TRUCTION 11	INDEED OF BRIDERY		
e charge is lor unkenness 1 b.s			
TRUCTION - If e charge is for unkenness 1 b e stries for drunken- ces must be stated parately a n d  atel.	There are no entries in the conduc	t sheets of the accused.	
	s not been previously convicted, or		
2. The accused ha		coul court summary awards under	section 47 of the Sam
Previous convictions	t of the accused by a court anartial or a		
and dispensations wit	h trial under section 73 of the Army Act,	are set out in the schedule annexe	ed to that statement.
	beginning on the day		
4. The accused h	as been in confinement, awaiting trial on	the present triangers are	
civil custody, and	32 days as military cu	dody, making a total of	Day
which UTL	days were spent in hospital		
	pecord of	SECULAR CO.	b. 13 days.
5. The present ag	record or of the accessed according to his attestation	r babet	
	comment II record of	METHICE	
6. The date of		u 13 642 39	
	attestation attestation	u babet	
7. The service w	nich the usiness is allowed to maken the	inds discharge of realistic to the test	PER LIE
8. The accessed in	entitled to deferred pay or granuity in resp	est of	service.
	s entitled to reckon	service for the purpose of det	
10. The accused i	s in possession of, or employ to no main	ry decoration or malicary award (s	iv is in possession of
Ailled to (state any mi	itary decoration or reward).	Crass.	
11. (/pphowere	ed in a name of filer 3. The accessed before	e the was made a wassant officer last	held the registratual of
F LNJ			
12. (In the case	of n officer.) The accused holds in the	army the rank of	_ dated
	corps or department) the cash of	denet	
W. AMERICAN AND SHAPE TO LA			

Schedule of Convictions by a Court Martial or Civil Court, of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with of accused. Regiment (or as the case may be). (INSTRUCTION - A verbagen extend from the regimental books, stating these convictions and dispensations with trial, must be inverted.) fenteurs of the court. Description of or authority disposing of the charge, Punishment Date and place of trial, or court by which Charges upon which convicted, or in respect of which remitted tried, or status of susumity award under officer disposing of A.A. 47, or of order dispensing total was dispensed with. order of the dispensing authority with trial the charge or dispensing with trial

I HEREBY CERTIFY that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this, apoly day of the and r 1944.

J.C. Hoodward, Capt & Adjt

# PLEA OF MITIGATION IN THE CASE OF C+20852 Ptc Outing L J

Bir the accused has entered a plea of gailty to the defence and is ready now to take his punishment.

This man's wife is about to have a baby and his mental outlook has been much upset.

his whole cureer in the army is now being spoilt by this misdementer. He is as I have said quite prepared to take his punishment and throw himself on the mercy of the court. I point out that this soldier turned himself in to the Provest and did not wait to be arrested.

H. B. Jackson Liout.

4058 PR QUINN MITO. 40.50 PR QUINN MITO.

### SCHEDULE.

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

Accused: 020578 Pte Martin Joseph Taylor Dominic QUINN - 4 CITR - CIC

Charge.	Plea.	Finding.	
(Insert " alternative " where applicable.)	(See Instrs p 2.)	(Sec note below.)	(Space for use as required for further charges, accused charged jointly spacial findings, etc.)
lat AA Sec 15(1)	EUILTY.	GAILTY	and the same of th
2nd AA _Sec_ 15(1)			
3rd			
5th			
6th			

(Note: As to findings for lesses offences one AA 56, BP 44 . Findings on alternative charges see MML p 463 fn 4 para 2, RP 44 , special findings see RP 44 and AMML p 151, one in loss of bit see RP 44 fn 6.)

(I. Insert sentence being served, or delete, if not applicable. Sen RP 46(A). Information should be found on MF 8355 or AF 8296.) in confinement awaiting present trial a total of / G days, of which N/4. days were spent in hospital.(4)

(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 :

li undergo	detention for a 1	perion of him
	3 NOV 44	(Sgd) Wa freeman major
Judge-Advocate, if an	y. Date awarded.  ook of Convening Order on to assembly and dispres	

PART H. MINUTE WHERE CONFIRMATION RESERVED. (ALSIS). Nº 12000- MINE S 750

Commanding

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

(For duties and powers see AA 54, 57, RP 37(D) (n n.46)A), 51-56, 120, MAIL pp. 759-761, KR Can 567-571. Acquisitions conditionation and cannot be revised: AA 54(3), Se labeling back fluiding or sentence for resiston by Court: AA 54(2), RP 120(D). It not confirmed: occused may be tried again: AA 157, MAIL p. 64. Minute of confirmation or non-confirmation may be streamed beginn promulagation: RR 53, MAIR p. 65. Quantilities of the promulagation: KR Can 573. Duties and powers of reviewing offin: AA 57, SFA, RF 53A, 54. The Confirming Offic must sign here personally. AA 172 (n 1.)

My decision on the finding(s) and sentence set forth in Part I is

Omponed.

Mymiller

Date 4 Nov 44

Costling | Brig Con Rft Units CA(0) Confirming Officer.

PART IV. PROMULGATED AND EXTRACTS TAKEN. (AP 5), AR Con 574, 577)

C 20570

Date Da 5

Signature of Offs, ander fellete Lags 050 44.538

ALL DELETIONS AND ALTERATIONS WILL BE INITIALLED.

RECORDED AT CMHQ IN AB 169, 40-50 Comd "A" OP CRU dated 3 NOV 44 Arig GSN Gostling, ED

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 runk, and (b) appent, Aronk or Augbont, if any, see AA 182, 183, fns, KR Can 308, 328, 330.)

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

C20576 PROCEEDINGS DEVIEWED, Wartin, Joseph Taylor Dominic QUINN 4 CITR CIC

REVIEWING OF

PROCEEDINGS OF TRIAL

Held in the Fd in (country) England

on (date(s)) 3 NOV 1414

# RECORD FORM A GRENING PROCEEDINGS AND ARRAIGNMENT.

Al. The President, Members, waiting Member, JA, if any, and Offrs under instr, if any, assemble, and the

(PRINTED MATTER, NOT IN STARRES FOR GUIDANCE, WILL BE DELETED IF NOT USED OR APPLICABLE, AND INITIALLED BY PRES ON IA. The Schedule referred to throughout is on p.4. Citationa do NOT include all relevant from ROs. For guidance on procedure when a variation in this form arrises, and form for CAA in AMM, 744 to 759. A brief recard of such variation will be made and given a number having reference to appropriate or protecting pain number berein. See book of Convening Crises, and the procedure of the control of Convening Crises, and the control of Convening Crises, and

A2. The President initials and lays before the Court the Convening Order and Charge Sheet(\*) attached thereto.(\*) The Court is satisfied that it is properly convened and constituted, accused is taken amenable to military law, and each charge discloses an offence

(1. As to use of Summary of Evidence see RP 17 fn 6. 2. AA 49, S0. RP 105-107. 2. RP 11-13, 23, 24.)

A3. The Court is opened. The accused is same brought before the Court. At IHI . hours trial commences.

summarily by the CO.(\*)

(I. KR Con 557. 2. AA 46/8), RP 60 fn I. For effect see KR Con 563(c). Delete, if not applicable.)

A5. Provident to accused. Do you object to as interpreter ! Ans ] as shorthand writer I Ams The interpreter is sworn (\*) The now object to.

(1. RF 72. Delete, (f name employed.)

At. The Convening Order and names of the President and Members of the Court are read to the somesed.(?) President to accused: Do you object to be tried by me as President or by any of the Members of the Court

(1. AP 110. 1. If no objection, working momber recires. RF 68(8). If objection, see propodure AA 51, AP 25, 71, 18, MMME p 742.)

A7. The President, Members, JA, if any, and Offics under instr, if any, are sworm,(1). The following are the ranks, names and units of the offics comprising the Court, etc.:

W A PREEMAN IF BARR 4 CITR. JAD. TREMBLAY Mamber Judge-Advocate ACITA. LT. CC. ORRISS. HELTE GT. GREEN.

Questions by President : Is the Presecutor a lawyer ! Ans A . Is the Defending Offr a lawyer ! Ans A . (4)

(1. 82 26, 27, 109, 111. List of effici under instr will be returned separately with proceedings for information of Com Offic.)
(2. If From L keyer and Def Official, accused in multified to an adjournment when RP 80 (8) and (n 2 were not followed. See Dif p 3.)

AS The accused CROSTS Ptc QUIEN, M. J. T. D. before atraignment make(s) (not be please, Jay (35)

(i. If a special plea is made for exponent tool on one or more changes (RP 63(E), 1080), or on to the jurisdiction of the Court (AP 36, ESAR), 112), or ins does of mind (RP 36), or on to accument's meeting forcess to estand trial (AA 18, RF 57), or to one of several accused changes junctive to be tried supercodely (RP 16, 71), such plea, the addressess made in support or opinion, the neglection, the one, and follows the control of the accused meeting are recommand per frames. For forms of remord use information in the D 184 Cited. Asset in AB name and name of the accused meeting the piece.)

All. The accused is rare) arraigned (expending) on all changes in the change sheet.(\*) The accused done when object to any charge.(\*) There is no amoralment to be made to the Charge Sheet.(\*) The Provident records the mot object to any charge (2) The pleas in Part I of the Schedule

(i). RP 31, 112. See game 6 of leates p.2. When more than one Change Short are RP 62: when pereral occursed to be tossel appropriaty one RP 71(C), and one expense capies of CF 896 to recised processings. 2. RP 32, RP 33. If otherwise, delete one make appropriate record per history.

A10. The Court is characteristic considers the Instes on Proceedings after Attraignment at top of p 2. The pro-

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

### INSTRUCTIONS ON PROCEDURE AFTER ARRAIGNMENT.

- 1. 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 withdrawal 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 during trial. (RP 38.) As to refusing to plead or not pleasing 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 circumstances stated
  - 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 1. 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 O below. (RP 37(A).)
    - (b) Such mixed pleas occur in a set of two or more charges laid in the alternative, see RP37 (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 Unilly thereto, or, (ii) to record the pleas as the findings of Court. After deciding between (i) and (ii), Court will proceed under foregoing instrs 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 Presecutor see RP 60(A) (B); duty and privileges of accused and Defending Offree RP 60(C), 87(C), 91, 82; swaring and withdrawed of witnesses from Court see RP 8), 82; guastioning of accused see RP 80, 87(C), 92(R), and of witnesses as RP 83.85; calling or re-calling of witnesses by Court de see RP 75.78, 86, 118; use of Summary of Eustleane at Trial see RP 17(E) fu 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 mean 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. RP 25 fe 3. 2. MML p 54 pero 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 plea of Guilty(\*), or which show provocation or extenuation in respect of which in your interest the witnesses for the Prosecution should be examined(\*), we shall advise you to change your plea 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 plea. If, however, it appears to the Court that your statement affects only the amount of punishment to which you are liable, you will not be solvised to change your plea and you will be given an opportunity later to prove your statement by sworn testimony, if you so desire. I

President to accused : Do you wish to make a statement ? Ans NO (1. RF 27(5). 2. RP 27(D) fo 6. 3. RP 35(B) fo 5 para 3, MML p.54 para 47. 4. See para E3 of Receive Form E. 5. Statement, if any, received per Notes.)

charge(s). Part I of the Schedule is amended accomply (1. Court may be closed to consider the statement. Delete whole or port net used.)

Guilty in Part I of the Schedule (1) (I. RP 35(B). If any plea(s) is (are) changed, use Record Form C or D as appropriate.)

B5. The Summary of Evidence is marked Ex. 61., initialled and read aloud by the President 1.70
(i. If there is no Summary, or if it is inadequate, comply with RF 17(8). If there is any evidence inconsistent with any piece standing as Summary, or if it is inadequate to though such piece and, if changed to Not Guilty, try such charges is use of pares D1 to D6 inclusives of Accord Form D on p 3. No. 23(D).

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

# RECORD FORM C-PROCEEDINGS ON MIXED PLEAS OF GUILTY AND

CI. As to the charges on which accused pleaded NOT GUILTY the trial is continued by using paras DI to DS inclusive of Record Form D on p 3 before proceeding with C 2.(1) (1. RF 32(A) (E).)

C2. The charges on which accused plender GUJETY are read to him (them) again, and the trial is continued by using paras B1 to B5 of Record Form B afford of 1. Under B5 such parts only of the Somptor of Evidence are read as relate to the charges dealt with under C2. If any pice is changed to New Guille, trial thereon proceed by tempting with pures D1 to D8 inclinities in Record Series D on p 1 and mention on appropriate remost thereof on a separate shape.

C3. 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.

# PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

Pin here Loose Shrets of Record.

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

191.	President t	to accused:	Do you	wish to	apply	for an	adjo	arnmen	t on the	ground	that	any of the	e rules
relating t	o procedure	before trial	have not	been o	omplied	l with,	and	that yo	n have	been pre	judice	d thereby,	or or
the groun	d that you	have not ha	el sufficie	nt oppo	rtunity	to pre	epare	your d	lefence ?	Ans			(3

D2. The Prosecutor makes (an) (no) opening address.(1) (1. RF 19(B), 60(A) (B), 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 Cam 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.(3) The Court is re-opened, and the Provident announces that the submission is disallowed on the charge(s), and allowed 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 para, if submission not mode.

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

3. RP 40 fn 1. See MML p 72 paras 12-14 and p 81 para 42,

4. Delete per not used. If occused acquitted on all thanges, use second alternative in para 0.81. The second acquisition of the second distribution of the second must be allowed great lottlude in modifying his defence, and the Court should not stop his defence solely an ground of irrelevance. (RP 60(C), 114, 115.)

D5. President to accused: You will now proceed with your defence.(1) You may, if you wish, give evidence courself on oath as to the facts or your character or both in which case you will be subject to cross-examination.(4) You may, however, make a statement without being sworn, and you will not be subject to cross-examination. [\*] But a statement which could have been made on eath will not carry with the Court the same weight as sworn testimony. [\*] You may call witnesses in your defence and as to character, whether you give evidence or make a statement or do

President to accused: Do you wish to five evidence yourself as a witness, make a statement, or do neither ! Arts ... Do you intend to call witnesses on your behalf ! Are they witnesses as to character only ! Ans (1. RF 553. 2. RF 40(A), see \$6(D). 2. RF 40 fn 10. 4. RF 40 fns 2, 9.)

D6. Consequent on the answers recorded in para D5 the appropriate procedure for the defence is followed. [1]

[1. RF 114, 115, 116. For procedure see Notes on back of Convening Order, CF A85. Evidence for accused as to his character should, if in his interest, he given before the finding. See RP 46(A) for 1, 86(C). Notes the further opportunity in peru E1 of Record Form E. Record per Photos addresses, somewest, evidence and any summing up by the JA under RP 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 edule (\*) The Court is re-opened.
(I. RF 43, 1/7(A): See Nissus in Furt I of Schedule. 2. RF 44(A).)

D8. The President announces the finding(s), if any, of Not Guilty, and states to the accused that the finding(s) of the Court on the. . charge(s), being subject to confirmation, will be promulgated later.(1)

Or. The President announces that the accused is found Not Guilty on all charges and is to be released forthwith, and that the proceedings are accordingly terminated. Part I of the Schedule is dated and signed (2)

(1) As \$4(2) (6), \$P 45, \$25(4), \$2. As \$4(2), \$P\$ 45, \$117. This observative announcement is not applicable when there are plant of Guilty evaluating and dealt with under became from B or C.)

D9. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using Becord Form E below

### RECORD FORM E-PROCEEDINGS ON CONVICTION BEFORE SENTENCE.

E1. President to accused: Do you wish to give evidence yourself or to call any witnesses as to your character 1(3) Ans NO

If evidence has already been given by occused or his witnesses as to his character, delete thin para. RP 37(C) fn 4, 46 fn 1.
Accused and witnesses are swarm. Evidence recorded par Notes.)

E2. The Prosecutor produces Statementis as to Character and Particulars of Service(1), and certified true copy (copies) of Conduct Sheet(a)(1), purporting to refer to the accused, which he submits to the Defending Offr for (alex) 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(i) (g) (h), and (ii) they purport to refer to (a) soldieries having the same number, rank, name and corps as the accused. Admitted in evidence and marked Ex O

O and Kx A respectively (\*)
MFB 355 or AFR 296. 2 MFM 6. 2 MP 46, KR Can 558. If above documents not produced, one RP 46 fn I

E3. President to accused: Do you wish to address the Court on the Statemented and Conduct Sheeties, and in as af

multigration of punishment 1(1). Ans. Y & 5

(i. RP 31(C), 46(D). Z. Address, if any, recorded per Notes. Court should permit accused or his witnesses to prove on noth anything here or previously stated which would affect the amount of justishment. PP 37(F) fo 7.)

E4. The President states that the Court is closed to consider 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.  $A\pm 54(6)$ ,  $A\mp 120(A)$ .)

E.S. The Court considers the sentery e.(1) The President records the centence in Part I of the Schedule, which is distend and signed by him and the JA, it any.(?)

(). When several occurred tried sequencing on \$P 7(D). One sentence only, comprised of the punishment or punishments had those in \$A 31.44 and its position, it to be assemble to cover all charges in all though sheat in which occurred found quity.

(A) The Court of the second of the punishment of the sentence to cover all charges in all charge sheat in which occurred found quity.

(A) The Court of the second o

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

# The accused, No. 0-20576 Private Wartin Toseph Taylor Dominie Curry, of the Ganadian Infantry Corps, on the strength of 6 Canadian Infantry Pelaforement Unit, a soldier of the Consdian Army oversess, is WHEN ON ACTIVE SERVICE, ARSENTING BUINSELF WITH OUR LEAVES in that he. in the Pield, absented himself without leave from 2300 hours on 15th day of September 1944 until apprehended by the Military Police at 3830 hours on the 11th day of october 1244. (Total absence: 80 days 23 hours 30 minutes)

STREET CHARGE

THEN ON ACTIVE SERVICE, ADMINITED BY NOT PETCHOLD LEAVE

(G. F. Clingan) It col

Chymritting (G S N Gostling) Brig

Odn Rft Units C A (0)

# FIELD GENERAL COURT-MARTIAL

(Whether the occused to be tried is under his comd or not, a FGCM may an application to him be convened by any offr of Cdn Army Overseas, or only other force if authorized in law, in immediate cound of troops on active service, subject to RP 103(C) and restrictions imposed by appropriate outher. A 49, 50, RP 104-107, 114. As to the duties and privileges of the Convening Offr in dealing with the application see MML Chap Y pares 20 and 23, RP 87(b).

There should be a separate Convening Order for each person to be tried separately be same Court. RP 71(C), 109. As to separate charge sheets see RP 62, and as to separate trial on charges in the same charge sheet see RP 62, and as to separate trial on charges in the same charge sheet see RP 63, and as to separate trial on charges in the same charge sheet see RP 63, and as to separate trial on charges in the same charge sheet see RP 63, and as to separate trial on charges in the same charge sheets.

As to reasons for showing (a) permanent or confirmed rank, and (b) appint, A/rank or A/appint, if any, see AA 182, 183, fns, KR Can 308, 328, 330.)

### ACCUSED.

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

020578

Martin Joseph Taylor Dominic QUINN 4 CITR CIC

### CONVENING ORDER.

Whereas complaint has been made to me, the undersigned, that the person of named above as the accused, abject to military law, has increase committed the offence(s) set forth in the Charge Sheet of attached and on Nov 4.9, endorsed by me, for by an offer of my staff for me), "To be tried by Field General Courtbeing subject to military law, has the (date) 2 NOV 44, endorsed

And whereas I am of opinion that it is not practicable that such offence(s) should be tried by an ordinary General Court-Martial; (and that it is not in not practicable to close the trial for reference to a mag (Delete part in brackets when not required for compliance with RP 105(C).)

3. I hereby convene a Field General Court-Martial to try the said person of and to consist of the Offrs appointed or detailed hereunder.

ችን "ምንያት ችስለትንሙ ኤትያሳልን" እን የተመለከት matmotived horotex.

(AA 49, RP 106(B), 107(A). Delete the whole or part, if not applicable.)

PRESIDENT.

W A FREEMAN (Must be somed. RP 106.) MEMBERS. Capt to be detailed by OC 4 CITR to be detailed by OC 4 CITR (Renk.) (Unit.) WAITING MEMBER Capt to be detailed by OC 4 CITR (Rzok.) (Named or detailed, if any. 8F 10e.) XXXXXXXXXXXXXXXX (Must be runned, if any (Civiz.) On Active Service in the Fd England Brigadier (Country.) (Runk.) S N Gostling) Date 3 Nov 44 "A" Gp Cdn Rft Units CA(0)

Convening Officer CONVENING OFFR WILL INITIAL ALL DELETIONS AND ALTERATIONS

4/38ACPASS (In they of APAS)

(Sine overleaf for name and name for use on untal.)

wa Treeman Major I certify that I have this morning examined No: Cast (Nank)

Of COMM and in my opinion he is

FIT to undergo trial by Court Martial.

Unifit

Station

Date of Minter Calif.

Medical Off:

Medical Off:

"to dinn's period of enlistment in the army is five years two months. His field service with the Cameron Highlenders of ottone stretches from Le3s to 1942 Category recommed to GR moding him unfit for the field. He later had his category raised to A. From April of this year he has been in the holding unit employed as an orderly room clark. He has had domestic difficulties at home. His wife not being well suffering framesarie alease wanted to go home and see his wife but as there as no leave for a cate men was unable to obtain it. He fall he had to see his wife so he took

ipprehensel by C.M. and turned over to cdn M.J. He saided to be able to see his wife and tell her he was being taken buck and to leave her with what money below. Ab this was refused he left emittedy. Teturned to his wife left her with meany and them returned and surrendered hiswelf.

This can realizes that he has constitued a crime in the army and as such must note retribution. We is not affect of going to the field and sale for the opportunity of doing so win record in the army of \$\psi\$ ye as hild ye nervice spack well for him as an evenes good seldion. We the had no previous court Newticeles or serious offunces, such these life in ann. U.

try it the so the court that this med be sentenced so so to stone for his corise but that it may be such that it will atlow him to be of service to his sountry so that in the fature be my to to the field.

9. 1 Guen Rt. Defending of win was freemen major.

Capibet In the case of No. COURTS Trivate Martin Joseph Taylor Cominic CHIES, or the CIG. on the strength of 6 cdn Inf oft Unit, a soldier of the Caudien bray Oversure. By direction of the Commanding Officer, this Cummary of Syldence is taken on meth. First sitness it J. W.Levellee, of the GIC, on the strength of S CINJ, having been for the duly sworm, states: Prosecution "I om Aget. Adit. of 5 CIMI. I produce the following documents relating to C-20878 ste outin w.r.t.D.

(a) Becard of the sectoration of a court of Industry d/11 cet 44 showing ste Quinn to be absent from 2300 hrs 16 Sep 44- certified to be a MAPRIED ROLLING MAN. (b) Certificate in Accordance with AA Sec 1.53(1) (70) af shorter Pto minn was arrested at 2270 hrs 11 cet 44. MANUAL MONTH AND A.M. The accused declines to cross-expains this witness .V. Jallia. with secured, whom I see gains, was union alone errors and in an examination on 14 Cet 44 at taxeds, I left dibrolter merrors with his handsuffer to me and went to leads station, when we were in the train I found there was no place for us to six aldo by sice, so I had to take handsuffer off his and have his sit in front of me. In waterield, efters the train was in movement, accused if he could so to the lavatory. Near the levatory, a woman came between me and the accused. He took this envertualty to jump off the train and ascape, this took place at 1115 hre, is but 44. accuped The deelines to cross-exemite this witness. The world the the state of the Withou I was at the Decadion Club in Ideas on 17 get 64,/ I got the acqueed and agree his if me has an fain. He baid, are you he percent act of CIECT when I said I was, he then said, with surrendering to you. I'm sorry about what happened on the 14th, but sy wife was also has play and I had something to settle and heart had time to do it. " He then said his personal affairs were over and he was ready to do." This was the moissed demlines to erose-eramine this witness. Lot. Barrows (I.M. Brais) The secured man then whramed as follows. The you wish to make any statmant or to sive evidence on ooth? You are not unlique to say snything or to sive evidence unless you wish to do no, but whatever you may any or any swinshop you may also will be taken appead in writing and may be used in evidence. The secured decities to make a statement and meserger his defence. by me in the I comify that the foresoing minery for writenes was token form presented of the acquard, and that makes as Processure 4(0), (0), (0) to (0) have ... Aller been duly complied with. (L. H. STONE) officer detailed to teke this hammy of the Course 50 Det 46

RECORD of the Declaration of a Court of Inquiry assembled at 6 C.I. B. P.

on the 11th

day of October,

9 44

for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental necessaries or Clothing of No. 0.20578 etc. (min. 2.2.7.2. - 010 - 6 0.1.7.7.

# DECLARATION

The Court declare that 6.20508 Pte Quinn, M.J.T.D. Canadian Infantry Cores No. 6 Canadian Infantry Reinforcement that illegally absented himself without leave from 2300 hrs on the 16 th day of September, 194 and that he is still so obsent and that on the 6 th day of September, 194 he was deficient and still is deficient of the following articles mentioned in the evidence in the amount of 23-1-6.

ATTIGLES	20.	FOGAB PRICE	APPE THEOR
Battle drass blouse	ī	8 5, 85	6 3.94
Bots ankle	1	5.46	4.10
Trawers on luing	2	.86	. 14
Shirts angula		2.03	1.52
Socks, pre	3	1.11	·7E
Battle Dross Trousers	1	5- 39	4.04
Vente, Woollen		1.20	.90
ladge onp		.09	.07
Braces		.28	. 21
Brush, shaving		.28 .37 .26	- 26
Brush, show blacking Brush tooth		.11	-09
Comb hair	1	. 34	. 26
Disck, identity sets	i	.,	- 500
Rasor	1	.06	.04
Vests dotton gym	1	.36	.27
Not camouflage halnet	1	.15	-11
Detectors individual pre	2		
		\$23.32	517.43

Total in english money 23-1-6

Names of President and Members:

PRESIDENT !

Capt J.M. Licat A.M. Licat J.M. Duchoime Rebb

C.I.C. C.I.C.

Signature of Commanding Officer....

age J. Gaves Power Colonel

Certified true copy.

Signature of Officer hazing continue is occurred received

ADJT. & CON. INF. WATER OUT

进长生产品

Exhit'c' way

DIRE

QUINN. M.

Tullet ==

LAR.

LEEDS.

I double that to 0/20578

Unit , CAMERON HIGHLANDERS.

01 51.001.44 2230 HOURS.

caring 315 thry therese.

Manney ar Day of the

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Entites o. Wat.

# Statement as to Character and Particulars of Service of Accused.

Number.	Rank.	Name.		Regiment (or as ti	la casé may bej
620579	nto	Quino W.J.T.D.	-6 941	INC RCL UNIX	
1. The follow	ing is a fair and	true summary of the entries	in the regimental	and squadron batt	PAN OF COMPANY PAR
duct sheets† of the a	ccused, exclusiv	e of convictions by a court	nartial or a civil or	surt, of summary aw	ards under section 47
of the Army Act, and	i of cases in wh	ich trial has been dispensed	with :		
Note: At a trial by field general cruds margial this summary May be to pried thing the halo con- discration.		* Within las	t 12 months.		*Since Enlistment
stemitioned should be produced to so ext.	For_	12 the 1/29.		times	* * * * * * * * * * * * * * * * * * * *
With 10g statement See not assested to 15s proceedings.	For	AA Sec 10(4)		times	
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* The summers hearts	For			time	tymes,
	Nomes	wer of instances of gallantry	or distribution of a		
Charles in a com-					
displeading front as Arabel separately and	There	are no entries in the condu	ct sheets of the ac-	record.	
2. The accuse	d has not been	previously convicted, #			
Devious con-	sctions) of the	accessed by a court martial	or a smell court, a	automary awards on	der section 47 or No.
Army Act, and disper	estions with tri.	is under section 73 of the Ara	ny Act, are set out i	n tive schedule anne:	and to this statement.
3. The ascisse		emission at the present time	or The accused a	f the execut time	
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		almement awaiting trial on			NAME OF TAXABLE PARTY.
	16	days in nultary	custody, making a	total of 16	And the second
of which		kays were spent in hospital			
5. The present	age of the acces	used according to he fector	of services	St Maria	
		specified in his asterior			
7. The service	which the accus	ed as allowed to recion towa	ards dischange or tr	ansier to the reserve	is 4 Years 717 day
		defected pay or granuity to			_service.
9. The accuses	is entitled to a		sorrence for the	e grangeme ni dekermi	ming his pension, at
10. The accus	nd <del>is in possessio</del>	on of, or antitled to, no unit			
			CVSt aclass		
It: the the sec.	and to a marrie	m officer ). The accused bei			
rank of				WAS TRACE VIOLETY SAISE	men of the same
		The accused holds in the arm	y the rume wi		- wired
and in the regularit.	ne corps or dega	eriment) the note of		-	Seesa
A*CHIZZOL PHY.LONDIZ/IAN A	DAME AND ARE	William Alphane	,		

	THE STATE OF		111		Rank Name Of UNSTRUCTION A verbation extract from the regimental books, stating these consistions and di			
ā		1 2	tweishment	or authority inspensing of the charge, or order of the charges authority.	Charges spon which convicted, or in respect of which trial was dispensed with	Date and place of trial, or	escription of	
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		of the stream of			at the foregoing schedule of convictions and dis-			

Comments.	et entry in Conduct Sheet	70/A	of la	and date   15/6 Period not residening towards   15/6 freedom from extra fine	Sheet No 1	Company, etc ]		Character	COMPANIES CONTRACTOR
Place	Date of offence	Hank	Cases of dranken-	OFFENCE	Names of Witnesses	Punishment awarded	Inte of award or of motor distan- sang with trial	By whom awarded	Bernatha
rollefjordur	14-0-40	?te	1	AA Sec 19 prunkeness	Pte Warren	10 deys On 168 hrs 39	14-6-49	Capt Potting	enn
Alefons Toeland	20-9440	"	2		to Dega	65.00 Pine	5-10-40	ompt retting	1.909
Iceland	10-11-60	*		AMI 9 hrs Breaking into barracks without a pass	opl Sherwood	Tourests 7 days pay	11-11-40	imfor cosh	forf. 1 di
	9-11-40			Art. 41 rdns	L/C Martin	7 days pay	14-11-40	im for cosh	
Sarrey	83-6-61	n		Sec 15(1) AA AWA lhr 15 mins	Set Welconus	3 days on	23-6-41	Geyt Boyd	
Aldershot	87-8-61		0.	with the same to have so min	Sgt Headerson	7 days pay	1-9-41	Tit-Col-	

		Inte of offince	Rank	Cases of drunkes-	OFFERUE	Names of Witnesses	Funishment awarded	Date of assert or of orace discer- sing well trial	By whom awarded	Remorks
Row		-10-61		Second .	Sec 40.00 miling to get Up	col demphall Pte Poirian Col demphall	7 deys CB		Capt H.C.Cook	
aglan4		1-48	"	1	sec 10(4) Bresking out of berracks	n/Est Fing		E=2=48	Major Clina	
exhill		B-42	"	1 6	rec 9(2) Al Heing insubordinate Lang.	L/col much	7 days E2		Major Clines	4
zhill	E	5-42	4.	12	Asc 15(1) AA AVT. 1 hr 45 mins. Sec 15(2) AA Absent from charch parad. Sec 40 AA Willing to rise at reveille	A STREET OF THE PARTY OF THE PA	7 days SB	9-3-48	Lt O.C. Hill	
D			Gart	Lied	- Francisco (10 )	TAXABLE AREA AD AL	of west books			
					ADJT., 6 CDN. INF. RFI.	Mar.				

Nogo	No. 20576 Name Quinn M. J. T. T.  Base of hat entry in Commany Conduct Sheet 10/	Sheet	1.1	58 7	Sqn. Battery.  Sqn. Battery.  Corp. QTC  No. and date  Finel not reclouing towards  Finel free from extra fine.	Sheet No 2	Sheet No g Company, etc		Service or 3/17 MFM 6 Countries of Pay 17/ 40/Paylan Dacia Character	MEM 6
•	Place Date of obstore		Rank Come of Grant Inches	Total of Street	OFFICE	Name of Witnesses	Punishment awarded	Date of awards or of order courses are with treat	Pate of award, or of references by whote awarded Remarks and with tend	Remarks
	7.000	9	et b		Sec 40 Al welled to spaces on parents	Struction 1990	7 days CB	9-6-60	CEST C.O.HILL	
T. C. P. C.	61	9				Strugged 420	7 диув св	7-6-42	T.U W.C. Buird	
Lodowerood	1-7-42	20			Sec 40 % Falled to turn in like gade	Set Contrides	S days CB	S+7-42	Day & W. H. Armstrong	Prort.
Loddenood	87-7-48	70				Stries the	14 deys CB	F-7-48	J. Warran	forf a dega
Ewahott, Honta	nts 5-10-42	10			Dec 16(1) AA AND, 6 hro 55 mine	Set Holmes	7 days To	2-10-42	11	tord 1 days
plo16	107-1-419				See 16(1) AA ATE 15 Are		E days pay	29-6-43	1.5 Oct	is gol pay for Jet
neld reld	51-6-44	44			Moon nows 100 cc	Too amondary	T.H. Entil Major To Sa Coat 87 days pay In Sa Is days CB	100	Le bol outs	olingen per for in a ye
				100	ADIT & CON INS. AFT. UNIT					

#### LIST OF STREET

In the case of 1D C-20576 rivate Martin Joseph Taylor Comisie cuins, of the CIO, on the strength of 6 ddn Inf act whit, a soldier of the Cumadian Army Oversean.

#### PROSTCUTT ON

Lt J. M. Levellee, CIC, on strength & Old. D-18836 St Brais J. ., CIC, on strength & CIC.

THE PROPERTY.

721 3

Field

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#### THE OF EXHIBITS

In the case of No C-80578 rivate Martin Joseph Taylor Reminic CUINN, of the CIC. on the strength of 6 can inf oft Wait, a soldier of the Genedian Army Overseas.

TAX OF THE Certified true copy of Declaration of Court of Inquiry d/libet 44.

HART "B"- certificate in accordance with As Sec 163(1) (37) by Corrison Adjt.

Field So oct 44

waf.

1. I acknowledge that I have been served with a copy of the Summary of Evidence taken prior to my triel by Court-Martiel. I further acknowledge that I have been served with a true copy of the charge (s) upon which I am being brought to triel by CM.

I desire the services of an efficient to represent me at tried by CM. I request the services of:

if he is eveilable.

In the Field . 4419 .

... M.J.T.D. Amm.

wat

# CHRYTPICATE OF WAITING MEMBER

In the case of <u>C20378</u> Pa H J 10. Quin Hall
I hereby certify that there were no objections to the
members who constituted the Court which tried the s/m
coldier by Picis Concret Court-Martial. The Welting
Member OH CAPT AS MICHAGO. Was therefore
permitted to withdraw.
Was freeman
In the Field Prosident,
1944.
LIST OF OFFICERS FOR DEFINICATION
In the case of
The following Officers attended the six Field General
Court-Wartinl for instructions-
wat
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In the Field President.

Pt Quin W.a.

Charge.  Plna.  Finding.  (Space for use as required for further charges, occused charges at Charge Gridles)  At Charge Gridles and Charge Gridles are finances are AA 56, FP 44; findings on alternative charges are MML b 483 for 4 paro 2, RP 44  the present under southernow 500;  (I. Insert sentence being served, or delets, if not applicable, See RP 46(A), information should be found on MF 5355 or M 5794.)  Time in confinement awaiting present trial—a total of []—days, of which []—days were spent in box (I. See RP 46(A) for 2. Information should be found on MF 5355 or M 5794.)  Sentence Awarded by the Court:  Date several disposal of record offset trial.  Judge-Advocate, if any Date awarded.  Sen bock of Correctory Order as to essembly and disposal of record offset trial.)  PART II. MINUTE WHERE CONFIRMATION RESERVED. IAA 54(5), RP 120(F), MML p 782.3	oused: F88922	PARTY	11.111.	DING(S) AND	-	CE.		
timest "alternative" where applicable.)  See instrict p 2.) (See note below.)  (Space for use as required for further charges, accused charged applicable.)  At Charge Granting for lease of fraces are AA 56, PP 44; Indings an alternative charges are MAML p 482 fn 4 pare 2, RP 44  the present indiangs are RP 44 and Mill p 151, and m loss of hat see RP 44 fn 6.)  At present enterore anotherizes.  (Insert sentence being served, or delete, if not applicable. See RP 44(A), information should be found on MF 335 or AF 3294.)  Time in confinement awariting present trial—a total of I days, of which left days were spent in box (I. See RP 46(A)) in 2. information should be found on MF 335 or AF 3294.)  Sentence Awarded by the Court:  The Uplan Sept Internation of second disposal of second ofter trial.)  PART III. DECISION OF CONFIRMING OFFR ON FINDING(S) AND SENTENCE  (For dutes and powers use AA 54, S. R. 33 (is) fis 6.46(A), 51-52, 520, MML ps 193-784, RR (cm 59)-537. Secondary confirmation and common for the review of AH 41). Sending book finding as notices for reviews by (Sent. A. S. S. A. B. 30, MRL p 183, MRL p 183, MRL p 184, S. D. Doors and powers use AA 54, S.	cused : 7 O 7	100	Ville	Regust	end A	4550 m		un
as Change Gently Jenselly  The Change Gently Jenselly  The Change Gently Jenselly  The Change Gently Jenselly  The Change of Indings for lease offences are AA 36, IP 44; findings on alternative charges are MAL b 483 for 4 pero 2, IP 44  The presents under sentence for  The presents under sentence for  The presents under sentence being served, or delete, if not opplicable. See IP 46(A) Information about to found on MF 8355 or AF 8796. The in confinement awaiting present trial—a total of Tadays, or which that days were spent in how  The PACK III. Information should be found on MF 8355 or AF 8796 deninted a evidence under E2.  The Year John Theory of Charge Gentle Gent	Charge.	Plea.	Finding.					
Date  PART III. DECISION OF CONFIRMING OFFR ON FINDING(S) AND SENTENCE  (Fee duties and powers use AS 58, 78, 78 30(5) fto 646(A), 51-58, 130, MMI, pp 759-781, KR can 557-577. Acquitation requirements and confirmed and confirm	nsert " alternative " where applicable.)	(See Instrs p 2.)	(See note below.)	(Space for use as	required for fur special (	ther charges, ac	cused charges	jaintly,
(Note: As to findings for lease of factors are AA \$6, FP 44; findings on alternative charges see MML p 483 fo 4 pero 2, RP 44 special findings see RP 44 and MML p 151, and so least of ket see RP 44 fo 6.)  The presentit under southerness from the see of the see RP 44 fo 6.)  The presentit under southerness from the see RP 44 for the see RP 44 for the see that the see	Charge 3	quilty &	Leully					
th	d	/	/					
th  (Note: As to findings for leaser offences are AA 54, NP 44; findings on alternative charges are MML p 483 for 4 pero 2. RP 44 appeal (Indings see RP 44 and MAIL p 153, and in loss of lest see RP 44 for A)  (It insert sentence being served, or delete, if not applicable. See RP 46(A) information should be found on MS 8355 or M 8294.)  (It is no confinement awaiting present trial—a total of / days, of which / let days were spent in how (I. See RP 46(A) for 2. Information should be found on MS 8357 or M 8294.)  (It is no confinement awaiting present trial—a total of / days, of which / let days were spent in how (I. See RP 46(A) for 2. Information should be found on MS 8357 or M 8294 of animal gentleme Awarded by the Court:  (See bett of Correcting Order as to assembly and disposal of record ofter trial.)  PART III. MINUTE WHERE CONFIRMATION RESERVED. (IA 54(5), RP 120(F), MAIL p 760.)  (See duties and powers use AA 54, 51, RP 32(0) for 6.46(A), 51-54, 120, MML p 153-78; KR can 567-577. Acquitates require no confirmation and canonic for revised: AS 54(5), RP 120(6), RP 120(								
(Note: As to fundings for lesser offences see AA S6, RP 44; fundings on observative charges see MML p 483 fo 4 paro 2. RP 44 special fundings see RP 44 and MML p 751, and to less of lest see RP 44 (n 6.)  (I. Insert sentence being served, or delete, if not applicable, See RP 45(A). Information should be found on AMF 8355 or AMF 8294.)  (III. Insert sentence being served, or delete, if not applicable, See RP 45(A). Information should be found on AMF 8355 or AMF 8294.)  (III. Incomment awaiting present trial—a total of I days, of which I days were spent in box  (I. See RP 46(A) fn 2. Information should be found on AMF 8355 or AMF 8296 admitted a evidence under E2.)  entence Awarded by the Court:  The Information should be found on AMF 8355 or AMF 8296 admitted a evidence under E2.)  Provided I D.  The Information of convening Order as to observing and disposal of record ofter trial.)  PART III. PHINUTE WHERE CONFIRMATION RESERVED. (AA S4(5), RP 120(F), MML p 760.)  (See both of Convening Order as to observing and disposal of record ofter trial.)  PART III. DECISION OF CONFIRMING OFFR ON FINDING(5) AND SENTENCE  (Ber duties and powers use AA S4, S1, RP 37(D) ft 6.44(A). S1-S4, 120, MML p 759-764, KR can 567-577. Acquitates require no confirmation and cannot be revised: AM SML). Sending book finding as sentence for revision by Caurt. AM SML), RP 120(G), a power provided in CAP S3, AMIL p 85. AMIL p 8								
(Note: As to findings for letter offences are AA 56, RP 44; findings on obtamative charges are MML p 483 for 4 para 2, RP 44  supercell findings are RP 44 and MML p 53, and in hots of ket are AP 44 [in 6.)  The presental under suntermore flow  (I. Insert sentence being served, or delete, if not opplicable. See RP 45(A), information should be found on APS 5355 or AF 5296.)  The incomfinement awaiting present trial—a total of 1 days, of which 1 LL days were spent in how (I. See RP 46(A) fin 2. Information should be found on APS 5357 or AF 5296 admitted a oridence under E2.)  Centence Awarded by the Court:  Date awarded.  Sigd.)  Provident GP 45, 30.  Sigd.)  PART II. MINUTE WHERE CONFIRMATION RESERVED. (AA 54(5), RP 120(F), MML p 762.)  Date  (ISgd.)  Commanding  PART III. DECISION OF CONFIRMING OFFR ON FINDING(5) AND SENTENCE  (For duties and powers use AA 54, SI, RP 31(5) fo 646(A), SI-56, 120, MML p 159-76; KR can 567-577. Acquitates require on confirmation and connection and confirmed provided for the Side and Side								
Date: Used:  Decision of confinement awaiting present trial—a total of 17 days, of which 12 days were spent in how (1. see RP 46(A) fig 2. Information should be found on MF 8355 or AF 8296.)  Sime in confinement awaiting present trial—a total of 17 days, of which 12 days were spent in how (1. see RP 46(A) fig 2. Information should be found on MF 8355 or AF 8296 admitted in evidence under E2.)  Sentence Awarded by the Court:  Date awarded.  Date awarded.  Prositient (RP 45, 30.)  See bock of Convening Order as to assembly and dupand of record after Utal.)  PART III. MINUTE WHERE CONFIRMING OFFR ON FINDING(5) AND SENTENCE  (Fig duties and powers use AS 53, 78, 87, 87, 37, 65, 46, 64, 64, 65, 65, 65, 65, 65, 65, 66, 66, 66, 66								
Judge-Advocates, if any.  Date awarded.  See both of Convening Order as to escending and disposal of record after Usel.)  PART II. MINUTE WHERE CONFIRMATION RESERVED. (AA 54(5), RP 120(F), MAIL p 760.2  Commanding  PART III. DECISION OF CONFIRMING OFFR ON FINDING(S) AND SENTENCE  (Fee duties and powers use As 54, St. St. St. St. St. St. St. St. Mail. pp 759-746. KR Can 597-577. Acquitates tequire as confirmedice and connoce be revised: AA 54(3). Sending book finding at sentence for revision by Court: AA 54(3), RP 120(G). 8 not confirmed, accused may be tried again: AA 157, MAIL p 64. Minute of confirmedice and confirmedice and confirmedice and powers of revision by Court: AA 54(3), RP 120(G). 8 not confirmed, accused may be tried again: AA 157, MAIL p 64. Minute of confirmedice and reconstruction and powers of revision gifts in the state before promoting the state of the state	the present under sentence being the in confinement await (1. See RP 46(A) for intence Awarded by the Confinement awarded awarded by the Confinement awarded by the Confinement awarded awarded by the Confinement awarded award	for g served, or delete. ling present trial L information should lourt:	if not opplicable. S al—it total of d be found on MFB.	ee RP 45(A). Informat	terginning or	ynd on IMF 8355	or AF B.294.3	
PART III. DECISION OF CONFIRMING OFFR ON FINDING(5) AND SENTENCE (For duties and powers use AA 54, 57, RP 37(D) for 6.46(A), 51-56, 120, MAIL pp 159-261, RR Can 567-577. Acquatatis require no confirmation and cannot be revised: AA 54(3), Sending bock finding or sentence for revision by Caust: AA 54(2), RP 120(G), 8 not confirmed accused may be tried again: AA 157, MAIL p. 64. Ministed of confirmation are non-confirmation may be altered before permutigation: RP 53, MAIL p. 65. Quanting offer promotifycation: RR Can 573. Duties and powers of revisioning offer must sign here personally. AA 172 for 1.7		UTE WHER	E CONFIRM	ATION RESER	VED. (A)	H(S). RP (20(F).	MML p 760 ;	
(Fer duties and powers use AA 54, 57, RF 33(5); fix 6.46(A), 51-55, F30, AAAL pp 759-766, KR Can 567-577. Acquitate require ne confirmation and connective review? AA 54(3). Sending back finding at sentences for revisions by Caust: AA 54(3), RF 120(6). B not confirmed, accused may be tried again: AA 157, MAML p 64. Ministed confirmation at non-confirmation may be altered before premutigation: AF 53, RAMIL p 65. Qualiting ofter privatelycistion: ER 606 573. Duties and powers of reviewing offs: AA 57, 37A, RF 53A, 54. The Confirming Offs must high bars personally. AA 172 (6 1.)	de (Sgri	<b>1</b>			ling			
Confirmed	(For duties and powers us confirmation and cannots 2 not confirmed, accused in proceedingstion: RP 53, No 57A, RP 53A, 54. The Ca	te AA 54, 57, RP 32 the revised: AA 541 my be tried again: white p 65. Quashin miliorning Offic must	((b) fo 6.46(A), SI- 3). Sending back f AA 157, MML p 64. ng after promulyati sign hasa personally	S6. E20, MAAL pp 159 linding or sentence for Minute of confirme on: KR Con 573. D r. AA 172 fo 1.)	2381 KR Can 5	47.477 4	NAME OF STREET	
-1 deposit that the account to not remarked to present or detention between world further orderative	-1 direct that the seem	and be not ross	(I. AA 57A. Delet	on or detention is	borracks on	of further or	density.	25
Date 12 Jun 45 Commanding Reds Little Late Confirming Officer.	Date /2	- Jan 4	,	(Sed)	Zen Leda	24/ Contresion	Rel Officer	7
PART IV. PROMULGATED AND EXTRACTS TAKEN. (89 52, 58 Can 576, 577.)  Account.  Date.  Signature of Offs.	PART IV. Accused. Att	PROMULG		EXTRACTS TA			.571.)	Kenn

PRODUCTO AT CHUIC IN AR 160 4P-ST: -	
REMUIE DATE MINE OF THE PROPERTY OF THE PROPER	
FIELD GENERAL COURT-MARTIAL	
Conversed by order by regulation It & Demolsky comed Color of Olland 8 from to	
ACCUSED.	2.6.4
(As to the trial of two or more changed jointly see RP 16, 71, 109. As to measons for showing (a) permanent or confirmed mask, and (b) uppms. A rank or Ajappms. 8 any, see AA 182, 183, fns. KR Can 308, 328, 330.)	4
Number. (a) Prmnt R. (b) Appms, A/R or A/Appent. Full Christian Names. Surname. Unit.	20
8892 Pte. William Rugusters Quin WHS J.	2 04
PROCEEDINGS REVIEWED	の日の
PROCEEDINGS OF TRIAL.	¥ 10.
Half a Party of the Land House Committee of the Committee	-
	-
RECORD FORM A-OPENING PROCEEDINGS AND ARRAIGNMENT. 26-12	9
Al. The President Members, wasting Member, 34, if any, and Office under insteading, assemble, and the Court is showed LAT SABLE, WASTING DILLABOR, SELPAGE AND ALL AND	
TREINTED MATTER, NOT IN ITALICS FOR GUIDANCE, WILL BE DELETED, IS NOT USED OR A FPEVCABLE, AND INITIALLED BY FIRES OR IA. The Schedule referred by throughout is one p.4. Clothers do NOT include all relevant from RDs. Far geodesics are pracedure when a variety on in this favor variety, see favor for GCM in MML pp. 741 to 759. A brief record of such varietion will be made and given a number having reference to appropriate or proceeding para sumber having. See back of Convenien Creder, provincions on the conducting the trial see AS 52, RP 56, 53-70, 32, 74, 94, 103, 119, 323.	
A2. The President initials and lays before the Court the Convening Order and Charge Sheet(s) attached thereto.(*) The Court is satisfied that it is properly convened and constituted(*), accused is (ase) amenable to military law, and each charge discloses an offence.(*)	
(). As to use of Summary of Evidence see RP 17 fn 6. 2. AA 49, 50, RP 805-107. 3. RP 81-13, 23, 24.)	
A3. The Court is opened. The accused is (are) brought before the Court. At /3/5 hours trial commences.	
A4. The Prosecutor produces a Medical Certificate that accused is (are) fit to undergo trial by court martial (4).  The Prosecutor informs the Court than accused elected to be tried by court-martial instead of being dealt with summarily by the CO (4).  (5) KA (as SS) 2. As 4649, 89 80 (a.). For experimental VS (as table as Court martial).	X
AS Pennidant to and D. St. At.	9
The Interpreter is secured: 10 los consecuted to no enterpreter? Ans the Interpreter is secured. 1) Do small consecution of the shorthand writes is assumed.  (J. 89.72. Delect. of none employed.)	
Aft. The Convening Order and names of the President and Members of the Court are read to the accused. (*)  President to accused. Do you object to be tried by me as President or by any of the Members of the Court ?  Ans (*)	
# AF 110. 2. If no objection, writing member retires. AF 60(B). If objection, see procedure AA 51, RF 25, 71, 18, MANS p 742.)	
A7. The President, Members, 54, of any, and Office under instruction any, are sworm,(1) The following are the ranks, mames and units of the office compressing the Court, etc.	
President Totalion while Euch	
Momber wast 18 Campbell which	2
Member List 15. I Black CTYR	
Judge-Advocate	
Prosecution Link 5th Budreski WNAS	
Defending Offer Austral Y. a. F. a. F. aushabald Wrest	
Questions by President: Is the Prosecutor a lawyer ! has "0 is the Defending Offr a lawyer ! And (5)  (1. 80 26. 27, 109, 111. Int of offu under instr will be returned separately with presentings for information of Cane Offi.)  (2. 8 from a lowyer and Def Offr not distance in emitted to an adjournment when 30 50 (5) and for 2 were not followed. See Df p 2.)	
All. The accused 1977 19 10 A. The accused make the second part of the second to 1 were not followed for 04 9 2)	4

(i. If a special place is made for unformme tried on ease on more charges (RP \$20(2), 1080), or as to the jurisdiction of the Count (RP 36), or as to an accused's messail fitness to stand trial (AA 120, RP 55), or hy one of several occusion (large quinty to be tried separately (RP 16, 71), such plan, the addresses made in support or against, the estimate, if any, and finding are recorded per blacks. For forms of record see refluences in to the classes (seek insert to AR reach and source of the account making the plan.)

AS. The accused is take arrangeed (separately) in all charges in the charge sheet.(1) The accused does see not object to any charge (2). There is no amendment to be made to the Charge Sheet.(2). The President exceeds the pleas in Fact I of the Schoolule.

(2) RF 31, (12) See pare 1 of lease 9-2. When more man one Charge Sheet are 80 A2; when amend account to be town appointed in SP 719(3), and an aspecta capita of CF A66 to secure proceeding.

(2) RF 32, RF 32. If otherwise, drives and make appropriate record per faces.)

Alls: The Court is closed and) considers the Instea 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.

#### INSTRUCTIONS ON PROCEDURE AFTER ARRAIGNMENT

 The accused may not plead or be found Guilty on more than one of five or more charges laid in the alternative (RP 37(4).) As to withdrawal 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 during trial. (RP 38.) As to refusing the charge and clouds: (APP 35(D). 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 ircumstances stated

- 1. 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(A).)
  - (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 Guilly thereto, or, (ii) to record the pleas as the findings of Court. After deciding between (i) and (ii), Court will proceed under foregoing instrs 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 Presecutor see RP 60(A) (B); duty and privileges of accused and Defending Offe see RP 60(C), 87(C), 94, 92; succering and withdrawed of witnesses from Court see RP 81, 82; questioning of necused see RP 80, 87(C), 92(B), and of witnesses see RP 83-85; colling as re-calling of witnesses by Court sie see RP 85-85; lower summary of Keidense 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.

The President or JA, if any, complies with RP 35(B) by explaining to the accused the nature and meaning of the charge(k)(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(k), call witnesses as to character and make an address in mitigation of punishment.(2) (1. RP 35 fn 3. 2. MML p. 54 para 47.)

B2. President to accused: The Court will now receive any statement you desire to make in reference to the charge(s).(1) If it appears from your statement that there are circumstances which indicate that you do not understand the effect of the plea of Gullty(\*), or which show provocation or extenuation in respect of which in your interest the witnesses for the Prosecution should be examined(\*), we shall advise you to change your plea to Not Gullty. In making a statement you will not be sworn or subject to cross-examination; and anything you say will not be used in exidence against you after you change your plea. If, however, it appears to the Courf that your statement affects only the amount of punishment 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 (\*) President to accused: Do you wish to make a statement ? Ans 220 (1. RF 37(8). 2. RF 37(D) fin 6. 1. RF 35(B) fin 5 pero 3, MIML p 54 pero 47. 4. See puro £3 of Record Form £. 5. Sectement, if any, recorded per Nices.)

B3. The Court considers the accused's statement.(4) The Court decides (not) to advise accused to change him

charge(s). The accused is (ase) so informed, and he (thus) (their) plenty) of Guiley to Not Guiley on 

B4. On the chargety) to which the plea(x) of Guilty is (are) not changed the President records finding(x) of Guilty in Part I of the Schedule.(1) (I. RF 35(B). If any piec(s) is (are) changed, use Record Form C or D as appropriate.)

B5. The Summary of Evidence is marked Ex A I, initialled and read aloud by the President. (\*)

(I. If there is no Summary, or if it is inodequest, comply with RF 37(8). If there is one estimate inconsistent with any place standing or Gallier, Control will devise occursed to choose such piece and. If changed to hist Guilty, try such charge(s) by use of parent D1 to D6 inclusive of Record Form D on p 3. RF 37(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

Cl. As to the charges on which accused pleaded NOT GULLTY the trial is continued by using paras Di to De inclusive of Record Form D on p 3 before proceeding with \$2.50 (1. At \$U(8) (2))

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

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

The hore Libertherets of Record.

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

DI. President to accused: Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity to prepare your defence ! Ans.

(I. If "yes", see RF 39(A) for procedure. Statement or evidence, if any, is recarded per Notes.)

D2 The Prosecutor makes (an) (no) opening address (1) (1. RP 29(8), 60(4) (8), 90, 92(C) (0). Record address per Notes, subject to RP 95(C).)

The evidence for the Prosecution is taken.(1)
(1. RP 20(C), 114, RR 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 ... charge(s).(3) The Court establish a prima facie case against the accused on the 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 allowed on the receed on the former, the die accused is (are) found Not Guilty on

charge(s), and that, accordingly, the trial will proceed on the former,

the latter charge(s), and creatingly, the trial will proceed oil the former, one are accounted in this pore, if submission not mode.

(i. Delete remainder of this pore, if submission not mode.

per Notes. 3. RF 40 fn 1. See MML 9 72 pores 12-14 and p.81 pore 12. A Delete part not used. If occused ocquitted on all charges, was second alternative in pore DS,

NB: If trust proceeds, occused must be allowed great latitude in making his extence, and the Court should not stop his defence solely on ground of irrelevance. (RF 60(C), 114, 115.)

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. [9]
You may, however, make a statement without being sworn, and you will not be subject to cross-examination. [9]
But a statement which could have been made on oath will not carry with the Court the same weight as sworn testimony. [9] You may call witnesses in your defence and as to character, whether you give evidence or make a statement or do

President to accused: Do you wish to give evidence yourself as a witness, make a statement, or do neither ? ... Do you intend to call witnesses on your behalf ! Are they witnesses as to character only 7 Ams.
(J. 8F 155. 2. RF 40(A), spc 80(D). 3. RF 40 fn 10. 4. RF 40 fm 2.9.) Ame

D6. Consequent on the answers recorded in para D5 the appropriate procedure for the defence is followed. (\*)

(1. RF 1:4. 1/5. 1/6. For percedure see Notes on back of Convening Order, CF A95. Evidence for occured as to his character should, if in his interfest, be given before the finding. See RP 46(A) for 1. Be(C). Note the further opportunity in para E1 of Record Form E. Record form E. Record for Notes oddresses, interment, evidence and one summing up by the jA under RP 42, 103(e).

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

(1. RP 42, |/7(A). See Notes in Part I of Schedule. 2. RP 44(A).)

D8. The Projectent announces the finding(s), if any, of Not Guilly, and states to the accused that the finding(s)

... charge(s), being subject to confirmation, will be promulgated later.(\*) of the Court on the Or, The President amounces that the accused is found Not Guilty on all charges and is to be released forthwith, and that the processings are accordingly terminated. Part I of the Schedule is dated and signed. (\*)

(1. AA 54(3) (b) R 45. 120(8). 2. AA 54(3), R 45. 117. This alternative announcement is not opplicable when there
are given if Guilty potanding and oesit with under Recard form 6 or C).

Also. The accessed having been found Guilty on one or more of the charges, the proceedings are concluded by using

#### RECORD FORM E-PROCEEDINGS ON CONVICTION BEFORE SENTENCE.

El. President to accused: Do you wish to give evidence yourself or to call any witnesses as to your character % of the country with south Al. If evidence has already been given by occused or his witnesses as to his character, delete this pane. RP 37(C) fn 4, 46 fn 1. Accused and witnesses are swarn. Evidence recorded per Nates.]

E2. The Presecutor produces Statement(s) as to Character and Particulars of Service(1), and certified tense copy (copies) of Canduct Sheet(s)(7), purporting to refer to the accussed, which he submits to the Defending Offic Sor examination, and then to the Court for admission in evidence. The Court is satisfied that these documents refer to the accussed because if) they perfect to be signed in the manner required by AA 183(1) (g) (h), and (ii) they purport to refer to (a) soldier(s) having the same number, rank, name and course as the accussed. Admitted in evidence and marked Ex.

The FS or AB 24. 22. MFM 6. 3. RP 46, KS Con 558. If above documents we produced, see RP 46 to 1 perc 1.)

E3. President to accused: Do you wish to address the Court on the Statement(s) and Conduct Sheet(s), and in millings from of punishment !(1) Ass.

(I. RP 301C), 40(D). 2. Address if any, recorded per Notes. Court about permit accused or his witnesses to prove on both anything here or previously stated which would affect the amount of punishment. RP 30(F) fo 7.)

E4. The President states that the Court is closed to consider the sentence, and that the sentence to be awarded by the Court, lesing subject to confirmation, will not be announced, but will be premulgated later, and the are accordingly terminated (1) proceedings in open court are ac (f. As \$466), RF (20(A).)

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

# SHARGE SHEET

The Advased, F88922 Pte William Augustus (VIIV, lest lova Scotia Rest, a soldier of the Canadian Army Overseas, AF, when on Active Tervice, is charged with,

See 15 (1) . DETECT ACTIVE PERVISE, ARCE TIME HIM RELECTION ARMY ACT

in the Field, in Italy, at approximately 0800 hrs 24 low 44, abserted himself without leave and remained absent until surrethering him elf to the Regimer tel Police at 4 5dr Rft Sn et approximately 0730 axs. 23 De\* 44 (Total time absent 28 days 23 hrs 30 min.

James, Spot 1 th

" TO BE TRIED BY FINE CHARGE LANGE MARVILL "

Ir the Field Flow wy M

# FIELD GENERAL COURT-MARTIAL

CPASS (In Heat of AFAS)

(Whether the accused to be tried is under his camd or not, a FCCM may an application to him be convened by any offir of \$6\text{ Army Overseas, or any other face if authorized in law, in immediate camd of troops on active service, subject to RP 105(C) and restrictions imposed by appropriate authorized any other face if authorized in law, in immediate camd of troops on active service, subject to RP 105(C) and restrictions imposed by appropriate authorized AA 49, 50, RP 104-107, 114. As to the duties and privileges of the Convening Offi in dealing with the application see MMU. Chep N paras 20 and 23, AA 49, 50, RP 104-107, 114. As to the duties and privileges of the Convening Offi in dealing with the application see MMU. Chep N paras 20 and 23, AA 49, 50, RP 61(D). The should be a separate Convening Order for each person to be tried separately by the same Cours. 28 71(C), 109, 45 to reform the charges in the same charge sheet see RP 108. As to two or more accused charges justify, kee RP 61, 109, As to recover for showing (a) permanent or confirmed rank, and (b) opport, Airank or Ajapant, If any, see AA 162, 163, Re, RR Can 308, 228, 330.)

As to recover for showing (a) permanent or confirmed rank, and (b) opport, Airank or Ajapant, If any, see AA 162, 163, Re, RR Can 308, 228, 330.)

#### ACCUSED.

(a) Prmnt R. (b) Appmt, A/R or A/Appmt. Full Christian Names.

Surname.

F88922

Pte

William Augustus QUINN

WNSR

# CONVENING ORDER.

1. Whereas complaint has been made to me, the undersigned, that the person(a) named above as the accused, being subject to military law, has those committed the offerso(a) set forth in the Charge Sheet(a) attached and on being subject to military law, has those committed the offerso(a) set forth in the Charge Sheet(a) attached and on being subject to military law, has those committed the offerso(a) and on the charge Sheet(a) attached attached and on the charge Sheet(a) attached attach

And whereas I am of opinion that it is not practicable that such offence should be tried by an ordinary G Court-Martial; (ARRIGE EXPENSE EXPENSE

3. I hereby convene a Field General Court-Martial to try the said person(s), and to consist of the Offrs appointed or detailed hereunder.

SERVICE STATES SERVICE SERVICE SERVICE SERVICES SERVICES SERVICES SERVICES SERVICES SERVICES SERVICES SERVICES **发展发展发展 TX 是 X 展展 X** 

(AA 49, RP 106(83, 107(A). Delete the whole or part, if not applicable.)

Major

W R Pell (Must be named. RP (06.)

MEMBERS.

Capt

R E Campbell

WNSR

0 M Lacroix

Lieut

led. RF 106.)

R22H

(Quit)

WAITING MEMBER.

Lieut

· worth P G H Black med or detailed, if any. AF 106.)

CYR

JUDGE-ADVOCATE.

(News be named, if any. RF 106.)

Brigadier

On Active Service in the Fd

Italy (Country.)

AP 105 (to Z.)

Date 8 Jan 45

Commanding 3 Cdn Inf Bde

Convening Officer.

CONVENING OFFR WILL INITIAL ALL DELETIONS AND ALTERATIONS

there precised fluc auths and mutes for use on trial.)

F88999 St Quinn W. 2 Field 9 gan 45

The Court opens at 1315 his 9 for age with waiting member Lieux 1. G. N. Black as a member replacing member. Lient O.M. Lacroix Brok. who was evacuated as a a associlty. From cution. Witness as & Chargelor John B3820B3 2809 Sqt. Boyd D.P. Lar been duly seroso states: Jam B32809 Sqt. Boyd D. F. Dam ploton surgeont, 13 pl, c coy, W. N. S. Regt. I know Pte. Quinn in action when he was with the a/TK platoon at Paint 59 in January 44. His gen detachment was attached to our con for defensive surposes for proutly two or three weeks. During that hime Pts. Sminn always conducted himself in so whirly manner." 17 1836 complet and within as to Character F40231 Sot Innie E. S. Laving hundry severn states! " Fam F 40 231 Lgt. From E. S., platon wag east, W.N.S.R. Att. Quinn was in my section when I was a section Gooder in Sicily and while in my section begans we no trouble Motioner. Healways did what he was told to do in action without any anyplaining was fla. 8 min when 4. Benjob has due conjelied

Alen for miligation of Lumbhand I think the Court should consider the fact that the Quinn has had a long time of action and that it is evident that during this action he was definitely a soldier who could be dejourded upon to do a job. Etc. Buinn a private life are concerns his wife in Canala hasheen far from that of and harmonion relationship since his coming overseas. This fact went a long way in come the Gumen to behave in the way he did.

CUINDARY OF TVIVITOR in the case of F88922 Pto William Augustus QUIII, West love Cotta Regiment a soldier of the Caradian Army Overseus, wiff, when on active service. By the order of Major F E Hiltz, A/Comd. West Evidence taken upon oath. Tept a J W over, adjt, West Fova Sectia Regiment, having been duly sworp states :lst Witness for Properution I am Capt a J W Oyer, Adjt are officer incharge of the imputal Records for the West Love Action to I produce as evidence in the case of the accused, 7:0922 Fts paint, Wa. a certified true conv. T produce as evidence in the date of the appropriate two ropy of the West 188R Part II Orders showing the arrused as being an absentee as from 0800 hrs 24 Pov 44. I also produce as evidence in the case of the Ter 165 (1713) showing the secured to have surremerted timest to N67700 Opt breaker, J 3 , Recimental Police at 4 On life or at approximately 0730 arg 23 her 44 nered flyis - god The proused declines to cross examine this witness. The arrused having been duly sautioned as follows, To you wish to make any statement or to give evidence por oath 7 Tou are not obliged to say anything or to give evidence unless you wish to do so, but, whatever down in writing and may be giver in evidence, declines to make a statement or to give evidence upon outh. Tertified that Rule of Propedure 4 (\*) (d) (e) & (f) have been -omplied with. Taken down by me, it the field, in the presence and hearing of the are used this 30th day of December 1944. In the Field 50 Dec 41

Thorst libration of motion its office.

Top of the contract of the con

AND from 0000 hrs 24 for 44, still absent 0000 hrs 25 for 44 (fet day) (五)

MAYOR MONETA LINEARY 9

Tot....of

The lost Around Try House Around The House by Wed Beauth Brade II draw William Hours of the Company for the Company of the Com

AL MILL

E-3: CERTIFICATE UNDER ARMY ACT Section 163 (4) (1) I \_ L. Coll J Flynn certify the to F88 922 Rank PTE Name QUINN M.A WEST NOVA SCOTIA. Regt surrendered himself to CPL BRADLEY J.S (RP) of the 4CDN RET BN at Guard Room on the 23-12 44 at approx 0730 hrs as an absentee without leave / deserter. HEWAS SOBER AND WEARING APM or other officer into KINGS UNIFORM whose custody the a ovesoldier was taken on arrest.

# Statement as to Character and Particulars of Service of Accused.

P88922 Pte William Augustus WIIN , West Town Soutja Regiment

Name.

Rank.

1. The following is	a fair and true summary of the entr	ies in the regimental	and squadren batt	my or companie con-
duct sheetst of the accuse	ed, exclusive of convictions by a cour	t martial or a civil co	surt, of summary awa	ards under section 47
	ases in which trial has been dispens			
Nove to a telal by held general source martial this semiliary may be compaled	* Within I	ast 12 months.		*Since Enlistment.
from the mald from duct above. The conduct sheet(s) mentioned should be	For Ser 15 (1)		times	13 ames
with this stairment but not not accepted to	For 76° 19		times	3
the providings: * New York #77, N.S., 1040.	For Gen 40		times	tamis.
* The purchase begins places about 1989 proud out the many			times	Talloria.
and in our programmed	For		times	
Aprilia Alla di Barreni Ety al Consideration had experient	Number of instances of gallan	try or distinguished	conduct, A/L	
learnaction — O the charge is the distance for dramation entries for dramations must be stated expensively and dated.	There are no corres in the co	or named sheets of the a	manife the	
of The approad h	as not been previously convicted, or			
	s not under sentence at the present beganine of as been in confinement, awaiting tha  ### days in mile	a significant	y of - ges, for	
of which. No.		cont of service is	27	
	hich the accused is allowed to reckon			
s. The accused	is entitled to deferred pay or gratuit	ty in respect of	7/7	service.
	is entitled to reckon			rmening his persons, etc
entitied to intell any	is in possession of, or entitled to, a	V. S. 17. 76%		
rank of N/	and is a quareaut officer.) The accuss	ed before he was man	le a warrant officer	ast held the impresents
	of an officer.). The accused holds in the	he army the rank of	N/H	dated
	or corps or department) the rank of		dated	
	DAN SE ARENIE COM			

Schedule of Convictions by a Court Martial or Civil Court, of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with of accused, Pto Name |uirr, a A of | Jost | | Regiment for as the case may be). Rank (INSTRUCTION A verbatim extract from the regimental books, stating these convictions and disponantions with trial, must be inserted) Description of court by which | Date and place of trial, or September of the court Charges upon which convicted, or in respect of which tried, or status of or authority disposing of the charge. Paristineut. summary award under officer disposing of A.A. 47, or of order dispensing trial was dispersed with. nestitied. the charge or diswith trial order of the dispensing authority. pensing with trial. Sec 1500 A.A godays FP ESCH. 24 apr 44

I HEREBY CERTIFY that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 30th 1 day of day of

Yova -otia Regiment

M.F.M. & G.C. ) Date of 40/P & /Bise (2965) Badges Sqn., Battery, or Company \* Not 88922 Name Quinn W. A. enlistment Signature O.C. Period not reckoning towards Sheet No. Date of last entry in Company Conduct Sheet / -2 - 2 No, and date Greet of last drunk 30 -9. freedom from extra fine of last drunk | 30 -9 -4 Punishment awarded Names of Witnessey. OFFENCE Questagen , pass & remaining about light fulct of Ony dego pay from shoot him is dan 42 will apprehen a 3th hugart of & how additional lay 1445 has a up of 2 18 him to nime It de Blance & days pay alderated MS 4-4-42 Pt 14 May 42 - 20 May 42 diented emisikation leave aldushor 14 Pts A set 083. ho are, 0710 has is sugardeft littlegation I Day pay Japen Time + aug 13 Ot I w & 0850 hu 200 16 to have 5 augus 28 hap of tilligohor 1 Day pay · Delse Sasure, 8 ho 50 mins) Super Sung 5 hapis Oto (Istal shows 6 he & mind war a & fart a laye hay under RAM & Capitaline page 1 Juster Demy 1964 42 9 16 dio 15. 2 gardet gram place of parade Dated fart I days pay

Date of award or of order discen-sing with trial Benfarks By whom awarded Puntshment awarded Names of Witnesses. OFFENCE Date of offence 14 days 8. P. July 14 days 18 for 42 Juld to 0730 Rep 16 Nov. 42 ( 2 star absence I ho Banine 1292 to 2220 har 017 How 42 Hisselanten whateval 13 hrs 20 min) 28 days J. P. 23 Dec 2 A. A. Sie 15 4. First theye A wid my by w from 2210 her 21 Die 12 to 2310 ho gohnstone 28 days pay 2 Sac Ot 2. g. of 2749 (1) Myand A Chart : 1 Kr. A. A. Sec. 1 Drundows in that he at Myddiemia about 1420 his 22 Degol 2 was durch Decementary Lind before A wo from oge Grennes & A. A. de

	No. 59 9 3			No	and date Period not reckoning towards last drunk freedom from extra fine	Sheet No.	Signature O.C Company, etc		Character	
to To	Plane	Date of offence	Rank	Cases of drunken-	OPPESCE	Names of Witnesses	Punishment awarded	Date of award or of order dispen- sing with trial	By Allion awarded	Remarks
		5 Jan 13	. 01	DOM.	word and fun 1820 king	Apl Cenny	of dry pay	1 Jun 43		
	Fred Der	274/2	1		for to day from 3 school of of and server	16th or white	of days 2. B.	29 apr 3		
	Field .	494	P. 6	10	was dunk 1730 how for my	France &	I days ban	4,7		
	200	17aps	0,5		wo 10 a wh 0820 hrs /2 liper 4	left Micklens	in days pay	18 apr 44		
	2 ulo	2-90	0,6		he is a de wo do her d	Dacumenters	and gollar fay	10 May 4 5		

OFFENCE Names of Witnesses. By whom awarded A. A. Lee 15 0 WO AD a cop from 180 gran 12 faly of 4 wait 2019 her 28 days gay 20 July 44 2 ulo For 28 days 2.P. 20 July 4 4 A.A. Dero W. 13 July WY 3to 14 days 8.8. 26 augus 2 ill AA deg 10 13 WOAS all deme 0800 Am 16 dugner widel 1005 his 18 dug org Lan a dags a turn 16 dus 36 But & T. Klicker Lago pay 9 Mac 40 Queld Many Oto wo. Ad Dunkeyen, 2019 AA - (2100AB 0 Wd from 1900 the Hy & Secret 2200 kg 9 Mos Blace NO AA Preprotein of good and w & military discipline which we will will not to duck for hip! I had neglicitie to say asker

TANK OF THE PARTY THE PERSON PERSONS FOR WILLIAM AUGUSTAN CUINN + West 198 Thomas Ton Capt A J W Dyer vertified true sopy of West 178 Part II Orders to 102 dated 12 Dec 44 Certificate of surrender under Ser 163 (1)(5) Army Art if I am to be trio by mad as some coron the serioer:

If I am to be trio by most within the common to be trio by the byte. Wa Drum This is to certify that I. FREGRE Div. Mirr. A decrease of vidence, need the heavy of vidence, there were the survey of vidence, there were need, relating to my total by land artial M. A. Q. Terrin In the lold

## SCHEDULE.

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

	- D000	O Dea WAT	liam Augustus Quinn WHSR
.ecused :	F.8492	E. 19. H.A.	And Alleria Astronomy and a second a second and a second
Charge,	Plea.	Finding.	
(Insert " alternative " where opplicable.)	(See Instrs p 2.)	(5ee note below.)	(Space for use as required fur further charges, accused charged jointly, special findings, etc.)
st Charge	Guilty	Guilty	
nd			
ird			
ith			
oth			
As present under sente	noe for		Legislating on 464th 1 MR. 1
	whiting present	triala total of	17 days, of which Ril days were spent in hospital( 8355 or AF 8296 admitted in evidence under EZ)  One year six months imprisonment.
(Sgd) Judge-Adv	ocate, if any. (See back of	Dat	n 45 (8gd) *** F. Fell Major** to awarded.  President. (8F45, 863) to essentile and disposal of record after trial.)
PART II.	MINUTE W	HERE CONFIR	MATION RESERVED. (ALS4(5), RF (20(F), MML p 7:00.)
	(8gd)		Commanding
Date			THE PROPERTY AND SENTENCE
not confirmed, of promulgation : CTA AP STA 54	powers see AA 54.5: couned be revised: coused may be tried AF 53. NAML p 65. The Confirming Of	7. RP 3P(D) for 6,46(A AA SAID). Sending I again: AA 157. MAIL Qualiting after prom If must sign here per	ING OFFR ON FINDING(5) AND SENTENCE,  ), 51-58, 120, MAM. pp. 758-761, KR Con. 567-377. Accounts to rock faiding or sentence for revision by Court. As \$4(2), RP 120(C). We pleas. Revision of conformation may be district before elegation: KR Con. 572. Dubies and powers of reviewing offrs: AA 57, panelly. AA 172 (n. 1.)
My decision on	the finding(s) a	nd sentence set in	orth in Part I is:
	Cor	firmed	
à direct time 4	de accusado bo i	or o	primes de dotaction bestacks until finitises ardens (i) 10 ). Delete if not used.)
Dat	te 12 Jan	45	(Sgd) "F.E. Bernstchez Brig"  Community 3 Cdn Inf Bde  Community Officer.
-		MIN CATED A	AND EXTRACTS TAKEN. (AF 52, KR Con 576, 577.)
PAR Accused.	T IV. PRO		lute. Signature of Offr.
P.68922 Pte	Quinn W.		14 Jan 45 "A J W Dyer Capt" - Adj West MSR.

ALL DELETIONS AND ALTERATIONS WILL BE INITIALLED.

F.88922 Pte Quinn W.A. West HER

FIELD GENERAL COURT-MARTIAL CANAL ACTION AND ACTION AND ACTION AC Convened by Order of Bragadier J.E Ber and School 3 Can Inf Boffated 8 Jan 45

(As to the trial of two or more charged jointly see RF (6, 74, 109. As to reasons for showing (a) permanent or confirmed rame, and (b) appent, Almank or Ajoppmt, if any, see AA 182, 183, (ns. KR Can 308, 330.) Number. (a) Prmnt R. (b) Appmt, A/R or A/Appmt. Full Christian Names. Surname. Unit. William Augustus Quinn WYSR F.88922

#### PROCEEDINGS OF TRIAL.

on (date(s)) 9 Jan 45 Held in the Fd in (country)

# RECORD FORM A-OPENING PROCEEDINGS AND ARRAIGNMENT.

Al. The President, Members, waiting Member, #A, if any, and Office under insis of any, assemble, and the PRINTED MATTER, NOT IN ITALICS FOR GUIDANCE, WILL BE DELETED, IF NOT USED OR APPLICABLE, AND INITIALIZED ST PRES OF JA. The Schedule referred to immeghant in one 9.4. Continues do NOT include all relevant from RRs. For guidance on procedure when a varieties in this form-across, see form for GCM in MML pp 341 to 759. A brief record of such resource will be made and given a number having enhances to observations to procedure when a continue of such resource of add for soften and initia on her or metand addresses, exceeding long number having which will be such as the such and the such as the such as

All. The President initials and lays before the Cours the Convening Order and Charge Sheeffe) attached abscrete (\*). The Court is satisfied that it is properly convened and constituted(\*), accused is (are) amenable to military law, and

(). At to use of Summary of Evidence use RF 17 fn 6. 2. AA 49, 50. RF 105-107. 2. AP (1-13, 23, 24.)

A3. The Court is opened. The accused is (are) brought before the Court. At 1315, hours trial commessions. At. The Prosecutor produces a Medical Certificate that accused is said; fit to undergo trial by court-martial [2].

The Prosecutor informs the Court that accused closes to be tried by court-martial instead of court with some carry by the CO.(2)

(I. KR Can SST. 2. AA 46(8), RP 60 fn I. For effect see KR Can 563(c). Delete, if not applicable.

A5. Bresident to assured: Do you object to \_\_\_\_\_\_as interpreter L Are no observantal suritor de select - The interpreter is as one (1) - the year disease to The about and writer is sworn (1) (2.2)
(1. SP 72. Delete, if none employed.)

Ad. The Convening Order and names of the President and Members of the Court are read to the accused. President to accused: Do you object to be tried by me as President or by any of the Members of the Court 1

2). RP 110. 2. If no objection, working reumber retires. RP 58(5). If objection, see procedure AA 51, AP 25, 71, 08, 00000 p 7423

A7. The President, Members, January and Gibes under instend any, are sworm.(1) The following are the

President	Major	W.R. Pell	
	Capt	R.E. Campbell	WIERE
Member		F.G.J. Black	CAYB
Member	Lieut	A. A. M. A. M. (1920) 18.71	
Judge-Advocate			W.N.S.R.
Prosecutor	Lieut	G.R. Budraski	
Defending Offr	Lieut	P.A. E. Archibald	W.N.S.B.

Questions by President: Is the Prosecutor a lawyer 1 Analio ... Is the Defending Offr a lawyer 1 Analio RP 26, 27, IOR, 111. List of office under instr will be returned separately with proceedings for information of Cases Office.
 X Pros a lowyer and Def Office not, estimated is an adjournment when AP 89 (8) and for 2 were not following. See: Dif p.3.3

AS The accused F. St. 912 Fig. H. A. Strine before arraignment make(s) two) met plea 44. 11

(). If a special plus is mode for superior trial as one or more charges (NP s2(E), 100h, or as to the jurisliction of the Count (AP 32), or as to occursed?) memors finess to stone trial (AA 13), or 32), or as to occursed?) memors finess to stone trial (AA 13), or 32), or as to occursed?) memors finess to stone trial (AA 13), or 32), or as to occursed soccord charged only one trial superior of file (A. 71), such then, the occurse mode or support or against the evidence, if one, and finding are reconsisted pur traces. For forms of recard on reducences in fine to Rail cited. Insert in AR raise and name of the occursed moking the piec.)

A9. The accused is (ass) arrangeed (separately) on all charges in the charge sheet. (4) The accused does (does not object to any charge. (7) There as no amendment to be made to the Charge Sheet. (7) The President records the please in Part I of the Schedule.

RP 36, 112. See para 1 of fracts p.Z. When more than one Charge Sheet see RP 62, when several recursed to the final arguments use RP 71(C), and see requiring capits of CP ARIs to recurd proceedings.
 RP 32, RP 33. If otherwise, delimit and make appropriate record per Notes.

A10. The Court is closed and; considers the limits on Procedure after Assaignment at top of p 2. The procondings are continued on Record Form B

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

#### 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 exithdrawal 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(R).) Accused may change a pieus of Not Guilty to Guilty during trial. (RP 3s.) 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

- 1. 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
  - (b) Such mixed plens 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 accussed on all such alternative charges as if he had plended Not Guilty thereto, or, (ii) to record the pleas as the findings of Court. After deciding between (i) and (iii). Court will proceed under foregoing instre as may be appropriate to result of its decision. See MML p 144 Instra (2).

3. As to responsibility of Praidest to accused see RP 50, 00(C); powers and duties of JA see RP 103; duty of Prosecutor see RP 60(A) (B); duty and privileges of accussed 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 80, 87(C), 92(B), and of witnesses see RP 83.85; calling or re-calling of witnesses by Court, stc, see RP 75-79, 86, 116; use of Summary of Ensiether at Trial set, RP 17(E) in 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 RF 35(B) by explaining to the accused the nature and meaning of the charge (u(!), and that on his plea of Gullty 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 (u). oall witnesses as to character and make an address in mitigation of panishment (\*)
(1. RP 35 to 3. 2. MML p 54 page 47.)

B2. President to accused: The Court will now receive any statement you desire to make in reference to the charge(s).<sup>(1)</sup> If it appears from your statement that there are circumstances which indicate that you do not understand the effect of the plea of Gully(\*), or which show provocation or extenuation in respect of which in your interest the witnesses for the Prosecution should be examined(\*), we shall advise you to change your plea to Not Gully. In the winesse for the Prosecution about the Camming 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 pleas. If, however, it appears to the Court that your statement affects only the amount of punishment 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.(4)

President to accessed : Do you wish to make a statement | Ans No (i. RF 17(8), 2. RF 37(D) for a. 3. RF 35(B) for 5 pare 2, MML p 34 pare 47. 4. See pare E3 of Record Form E. 5, Statement, if are, recursist per forms.)

B3. The Court, exceledes the accord's stationant (i). The Court decides (not) to advise notices to drange his (their) pleafs) of the sity to Not builty on an anamam where point - The account in tare) so informational in fifty change(s) his (their) piece(s) on charge(s). Part I of the Schedule is amended accordingly (I. Court may be closed to consider the statement. Deliver whole or part are used.)

B4. On the charge(s) to which the please of Guilty is fave not changed the President records finding of

Guilty in Part I of the Schedule.(1)

(II. RF 3508). If any pleatily in largh changed, use Record Form C or D as appropriate.)

B5. The Summary of Evidence is marked Ex & Janitialled and read aloud by the President. (1) if there is no Summary, or if it is indequate, comply with 8P D(8). If there is one evidence increasted with any pine studies of the stu

B6. The accussed 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 accused pleaded NOT GUILTY the trial is continued by using pures Di to Dis inclusive of Record Form D on p 3 before proceeding with C 2.(\*)

C2. The charges on which accused pleaded GUHLTY are read to lettle (them) again, and the trial is continued by using parse B1 to B5 of Record Form B above. (1)

(1) Under 85 such parts sets of the Summors of Existence are peef as relate to the charges dealt with under C1. If one pine is charged to Note Similar, twis thereon broaded by completing goals bares D1 to D8 inclusive to Account form D on p 3 and making on appropriate record othersed so a supercon sheet.)

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

### PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

\* Pro Some Lause Shreets of Moreard.

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

D1. President to accused: Do you wish to apply for an adjournment on the ground that any of the gather relating to procedure before trial have not been compiled with, and that you have been prejudiced thereby or on the ground that you have not had sufficient opportunity to prepare your defence ? Ans.

(I. If "yes", see RP 39(A) for procedure. Statement or syldence, if one, is recorded per Notes.)

D2. The Prosecutor makes (an) (no) opening address.(1)
(1. RF 29(B), 60(A) (B), 90, 92(C) (D). Record address per Notes, subject to RF 95(C).)

The evidence for the Prosecution is taken. (\*)

(I. Al 2010, 114, RR Com 355. Record evidence per Notes. As to Prosecutor giving swidence himselftee RP 39(D) (E).)

D4. The Prosecution is closed.(1) The Defending Offr submits that the evidence for the Prosecution does not Charge(s).(2) The Court charge(s), and allowed on the is disallowed on the .... charge(s), and that, accordingly, the trial will proceed on the former, but the accused is (are) found Not Guilty an

the latter charge(s), 4th that, accordingly, seek and part of the latter charge(s), 4th that (1. Delete remainder of this pare, if submission not made.

(1. Delete remainder of this pare, if submission not made.

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

3. RP 40 fn 1. See MML p 72 pares 12-14 and p 81 pare 42.

4. Delete part not used. If accused equitted on all charges, use second alternative in pare D8.)

N8 : If used proceeds, accused must be allowed great statuted in making his defence and the Court should not stop his defence solely an ground of Irrelevance.

(RF 60(C), 114, 115.)

135. President to accused: You will now proceed with your defeate. (1) You may, if you wish, give evidence corself 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 sworn, 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. You may call witnesses in your defence and as to character, whether you give evidence or make a statement or do

President to accused: Do you wish to give evaluate jourself as a witness, make a statement, or do neither Do you intend to call witnesses on your behalf I

(1. RP 115. 2. RP 4050, see 80(D). 3 RP 40 fn 10. 4. RP 40 fns 2, 93

DG. Consequent on the answers recorded in page D5 the appropriate proceedure for the defence is followed: [2]

(J. RF 114, 115, 116. For procedure technique and back of Consuming Order, CF ARS. Evidence for accused as to be character shacks, d in his interest, be given before the finding. See RF 404.5 fn 1, 84(C). Name the further opportunity in para E1 of Record Facus E. Record per Novamp, Secretaries, interment, evidence and only animaling by the jh under RF 42, 103(c).

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 (\*) The Court is re-opened.
(1. R# 43; 117(A). See Norm in Part 1 of Schedule. 2. RP 44(A).)

Ds. The President announces the finding(s), if any, of Not Guilty, and states to the accused that the finding(s) charge(s), being subject to confirmation, will be promulgated later (1) of the Court on the ...

Or, The President announces that the accused is found Not Guilty on all to the released forthwents, and that the presentings are accordingly terminated. Part I of the Schedule is dated and signed (\*)

(b) As \$437 (b) 45. (20.8). 2. As \$43. (b) 45. (10.8). 2. As \$45. (b) 45. (10.8).

Did. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using

### RECORD FORM E-PROCEEDINGS ON CONVICTION BEFORE SENTENCE.

E1. President to accused: Do you wish to give evidence yourself or to call any witnesses as to your character \( \begin{aligned} \begin{aligned} \display \\ \display \end{aligned} \rightarrow \display \\ \display \end{aligned} \rightarrow \display \\ \display \\ \display \end{aligned} \rightarrow \display \\ \din \\ \display \\ \display \\ \display \\ \din \\ \display \\ \din Yes call character witnesses.

(1) If evidence has already been given by occused on his witnesses as to his character, delete this para. RF 27(C) fe 4, 46 fn 1, Accused and witnesses are swarm. Evidence recorded per hotes:

F2. The Presecutor produces Statement(s) as to Character and Particuliars of Service(\*), and certified true copy (copies) of Conduct Sheet(sof\*), purporting to refer to the accessed, which he submits to the Defending Offic for examination, and then to the Cuert 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 3.3. 185(f) (g) (h), and (ii) they purport to refer to (a) soldier(s) having the same number, rank, name and corps as the monused. Admitted in evidence and

marked ExB 1 and Ex E 2 respectively (\*)

11 APP 353 or AFE IVa. 1 MFM 6. 2 RF 46. KR Con SSE. If above documents not produced, see RF 46 fo I pore 1.)

E3. President to accused: Do you wish to address the Court on the Statement(s) and Conduct Sheet and in milliogration of punishment ((1) Ans. XCC.

(i. RP 35(C), 44(D). Z. Address if any, recovered per Noos. Court should permit accord or his witnesses to prive an acts crediting here or provincely stated which waste affect the amount of punishment. RP 35(9) fo 7.)

F4. The President states that the Court is closed to consider the sentence, and that the sentence to be assembled

by the Court, being subject to confirmation, will not be announced, but will be promutgated later, and the proceedings in open court are accordingly terminated (4) 11. A4 54(6), RP (20(A),)

E5. The Court considers the sentence.(1) The President records the sentence in Part I of the Schedule, which

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

## CHARGE SHEET

The Accused, F88922 Pte William Augustus QUINN, West Nova Scotia Regt, a soldier of the Canadian Army Overseas, CMF, when on Active Service, is charged with,

1st Charge Sec 15(1) Army Act WHEN ON ACTIVE SERVICE, ABSENTING HIMSELF WITHOUT LEAVE,

in that he,

in the Field, in Italy, at approximately 0800 hrs\_24 Nov 44, absented himself without leave and remained absent until surrendering himself to the Regimental Police at 4 Cdn Rft Bn at approximately 0730 hrs 23 Dec 44 (Total time absent 28 days 23 hrs 30 mins).

In the Field 30 Dec 44

Sgd "F.E. Hilt:" (F E Hiltz) Major A/Comd West N S R.

"TO HE TRIED BY FIELD GENERAL COURT MARTIAL"

In the Field 8 Jan 45 Sgd "P E Bernatchez", Brig Commanding 3 Gdn Inf Bde.

esertified true logy

Hard yes life Hounds

# FIELD GENERAL COURT-MARTIAL

CFA95 (In list of AFAS) 40/PASCINIT (Esta)

(Whether the accused to be tried is under his come or not, a FGCM may on application to him be convened by any offr of Cdn Army Owenseas, or of any other force if outbrized in law, in immediate come of troops on active service, subject to RP ±05(C) and restrictions imposed by oppropriate mathy. As 49, 50, RP 104-107, 114. As to the duties and privileges of the Convening Offr in dealing with the application see MML Chap's paras 20 and 23, RP 97(B).

There should be a separate Convening Order for each person to be tried separately by the same Chapt. R 77(C), 109. As to separate change sheets the RP 16, 109.

As to reasons for showing (a) permanent or confirmed rank, and (b) appmit, Afrank or Alappmit, if any, see AA 182, 183, fits, KR Can 308, 328, 380.)

#### ACCUSED.

Number. (a) Prmnt R. (b) Appmt, A/R or A/Appmt.

Full Christian Names. Surname.

Unit.

### CONVENING ORDER.

- Whereas complaint has been made to me, the undersigned, that the person in named above as the account, being subject to military law, has the so committed the offenced set forth in the Charge Sheetge attached and on (date).
   So a S.D. \* S.D. \*
- And whereas I am of opinion that it is not practicable that such offences(0 should be tried by an ordinary General
  Court-Martial; [and that it is not practicable to delay, the trial for reference, to required qualified offe.) "FED"
  (Delete part in brackets when not required for compliance with RP 105(C).)
- 3. I hereby convene a Field General Court-Martial to try the said personal), and to consist of the Offrs appointed or detailed hereunder.
- 4. A non-unable to appoint (a) three Offic to form the Court, (b) a Fa Offic as President, for the most a have attached-heretee -(AA 49, RP | De(E), 107(A). Delete the whole or part, if not applicable.)
  - 5. I-also appoint an Judgo-Arivoeste thereat the Officementioned horsessider. 11 PSB 11 (RF 106(E). Delete, if non appoints (.)

PRESIDENT.

Major W.	R. Pell (Must be named. RP 106.)	(Unic)
	MEMBERS.	
	ALLOWANDES.	
Capt	H. E. Campbe 11	
Lieut	C. M. Lacroix	B 20 R
(Rank.)	(Named or described. RF 106.)	(Control of the Control of the Contr
	WAITING MEMBER.	
		C-V-D
Lieut (Rank.)	F.G.J. Black (Named or detailed, if any. 89 106.)	CYR Gasta
	JUDGE-ADVOCATE.	
(Rank.)	(Must be named, if any. RP 106-)	(Sales)
On Active Service in the Fd		
		Brigadier
in Italy (Country)	(Squed personally: Re 105 fo 2)	-
Date 8 Jan 45	Commanding 3 Cdm Inf Bde.	
AND DESCRIPTION OF THE PARTY OF	Convening	Althour.

CONVENING OFFR WILL INITIAL ALL DELETIONS AND ALTERATIONS

(See averies for section and notes for use or tripl.)

"WJR"

ER (GAR) PARA 557

I certify that I have this date examined,

No. F88922 Pte Quinn W A ... of the West N 5 R

and in my opinion is fit ment for to undergo trial by

stationed : In the Field

Sgd " J R Feindel, Capt

The Court opens at 1315 hrs 9 Jan 44 with waiting member Lieut FGH Black as a member replacing member Lieut C.M. Lacroix R 22 R who was evacuated as a casualty.

#### Witness as to character

B.32809 Sgt. Boyd D.P. having been duly sworn states:

I am B.32809 Sgt Boyd D.P. I am platoon sergeant, 13 Pl, C Coy, WMS Regt. I knew Pte Quinn in action when he was with the A/Tk platoon at Point 59 in January 44. His gum detachment was attached to our coy for defensive purposes for mossibly two or three weeks. During that time Pte Quinn always conducted himself in a soldierly manner.

R.P. 63 (b) complied with.

## 2nd Witness as to character.

F.40231 Sgt Innia E.S. having been duly sworn states:

I am F.40231 Sgt Innis E.S. platoon Sergeant, W.M.C.R. Pta Quinn was in my section when I was a section leader in Sicily and while is my section he gave me no trouble whatsomver. He always did want he was told to do in action without any complaining.

Q. How long was Pto Cuinn under your command's L. During the whole Similian Campaign, Simil.

. What Coy were you serving with at that time?"

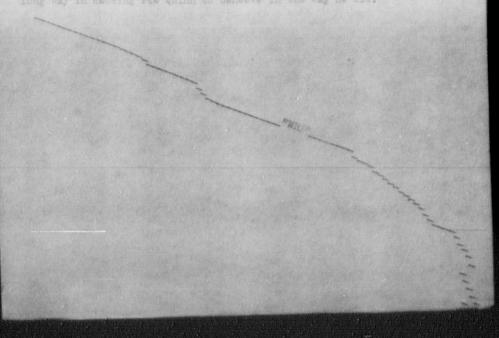
A. "B" Cov.

R.P. 83 (b) complied with.

#### Plea for Witigation of Pumishment

WHRP#

I think the Court should consider the fact that Fte Quinn has had a long time of action, and that it is evident that during this action he was definitely a soldier who could be depended upon to do a job. Fte Quinn's private life as concern his wife in Ganada to be een far from that of harm highs relationship whose his soling overseas. This fact ment a long way in causing Pte Quinn to beheave in the way he did.



SUMMARY OF EVIDENCE in the case of F88922 Pte William Augustus QUINN, West Nova Scotia Regiment, a soldier of the Canadian Army Overseas, CMF, when on active service.

By order of Major F E Hiltz, A/Comd, West NSR.

Tst Witness for Prosecution

Evidence taken upon oath.

Capt As Dues and west Nova Lested Regiment having the state of the Capt A J W Dyer, Adjt and officer incharge of Regimental Records for the West Nova Scotia Regiment I produce as evidence in the case of the accused, P88922 Pte Quinn, WA, a certified true copy of the West NSR Part II Orders showing the accused as heing shouther as them offers showing the accused as being absentee as from 0800 hrs 24 Nov 44. I also produce as evidence in the case of the accused a certificate of Surrender under Army Act Sec 163(1)(j) showing the accused to have surrendered himself to K67700 Cpl Bradley, J S, Regimental Police at 4 Cdn Rft Bn at approximately 0730 hrs 23 Dec 44.

Sed " A J W Dyer, Cart ...

The accused declines to cross examine this witness.

The accused having been duly cautioned as follows, "Do you wish to make any statement or to give evidence upon oath ? You are not obliged to say anything or to give evidence unless you wish to do so but whatever you say or any evidence that you give will be taken down in writing and may be given in evidence", declines to make a statement or to give evidence upon oath.

Certified that Rule of Procedure 4 (c) (d) (e) & (f) have been complied with.

Taken down by me, in the Field, in the presence and hearing of the accused this 50th day of December 1944.

In the Field SO Dec 44

" R E Campbell, Capt" Officer taking Summary.

HYRPS

No. 101 Dated 9 Dec 44

THE WEST NOVA SCOTIA REGIMENT con sec one 2 mch AAI.

This Order No. 102 No. 102 12 Dec 44

"B" OTHER RANKS

# ABSENT WITHOUT LEAVE

AWL from 0800 hrs 24 Nov 44 , still absent 0800 hrs 25 Nov 44 (lat day)

F.88922 Pte Quinn, W.A.

(1) AWL from DEOO hrs 24 Nev 44, still absent 0800 hrs

Certified true copy from the Regimental Books in my custody this 30th day of December 1944.

"ANY A J W Dyer Cant" Officer 1/c Regimental Records, West Nova Scotia Regiment.

BRECH HILLIAM

Hank Pte Name Quinn B.A.
of West hove Scotis. Regt surrendered himself to.
8.67700 tol Bradley J.S. (RP) of the 4 Cdn Rft Bn
at Guard Room on the 23-12-44 at approx 0730 hrs
as an absentes without leave.

as an incentes without leave. "H. J. Tynn Lt Col. "He was sober and wearing Mings uniform. Signature of Provost Marshall APE or other officer into whose custony the shows ramed soldier was a en on arrest.

Military since property

Number.

Rank.

Regiment (or as the case may be).

# Statement as to Character and Particulars of Service of Accused.

Name.

F88922	Pte	William	n Augustus	QUINN	West		otia Re	giment
			mary of the entrie	or in the resperience	want are for	The second second	A STATE OF THE PARTY OF THE PAR	DIKKEE-
1. The follow	wing is a fa	ir and true sum	mary of the entre	martial or a civ	al court, o	f summary a	wards under	section 47
luct slicets† of the of the Army Act, at	accused, ex	clusive or conv	has been dispense	1 with:-				
	nd on cases	in which that	mas ocen careforna.					
Mark - ht a trial by held greered routy martinithe unionaly may be complied from the beld con			* Within la	at 12 months.			*Since Enl	stment
the conduct shorts		For Sec	15(1)		6	times	13	times.
preduced to rout! with this statement, but int gonerand to the proceedings.		For Sec	19		J.	times	. 3	times,
† See para 027, 6 E., 1940		For Sec	40		1	times		times.
* The chapters forces attach should during								
						times		
and he and recognized approach with a guitant						1147		
colodist.		Number of it	astances of gallant	ry or distinguis	hed condu	et. N13		
Instanction It the charge is for division area the matrix by				, , , , ,			WD#	
stated separately and		A KANADA M	COURSE NORTH AND ADDRESS OF	DER USCHEESCHO	CDE SUCCIONE	EZ.	The state of	
			uly convicted or					
2. The acc	used has n	ot been previou	isly convicted, or			and a second	and on our big	- 42 of the
OH RECEIPTED	EXECUTE:	CARTERNAM	· 大义之《宋王》王宗	<b>经</b> 党大大大大工工工工工	XXXXXXX	XXXXXXX	KANATAN	XXXXXXXX
A WHEN WHEN YOUR	XXXXXX	CHEMICAL SCHOOLSE	NEW MENT REPORTED HERE	AVXXX CERS	STORKS N	*****	HANN MICHAEL	DEXNAME.
			e at the present t	ime. on Vibrance	accept our M	K ANDROLL TO	KOK MOK MERSES	KENENEE
3. The acc	MANUEL BE THO	t fluder semicin	A STATE OF THE STATE OF	CONTRACT	T THE STREET	TA HALL		
4. The acr	used bus b		en), awaiting trial	on the present	charges, fo	M	NO	
		17	days in sulit	ary custody, m	aking a to	tal ol	17	
	350	days )	were spent in hos	pital				
of which						7		
		of the accused a	Coording to has at					
6. The d	ate of bus 2	destation spec	ified in his attesta	tion paper	8/8/4			
7. The se	rvice which	the accused is	allowed to resckon	towards discha-	rge or trai	aster to the n	escrye is	
s. The a	ccursed is e	ntitled to defer	red pay or grainit				service	
9. The a	coused is e	ntitled to recko		SETTE				
10. The	accused is	in possession a	i, or entitled to, n			military awa	rd EXXXX	NAME AND ADDRESS OF THE PERSON
XXXXX EXXX	E ALKENE	ENLERGNES	XXXXXXXX (	VSW and	llasp.			
11 150	the second	is a sourceast of	ficer.) The accuse	d before he wa	s made a	estratit othe	er last beld !	the regularists
rank of								
		A The	accused holds in ti	ne army the rank	kel	N/A	1800	eš.
12. (fa	Dis same of a	in officer a see		W/s		dated		
and in his regi	WOODER SEA O	oths or quiberts	nent) the runk of.	- 14 1				
	make All to	4. 390. AAS.W.	CP.496					

Schedule of Convictions by a Court Martial or Civil Court, of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with of accused, Pte Name QUINN W A of West Min Regiment for as the case may be). No. F88922 Rank (INSTRUCTION - 4 verbatim extruct from the regimental books, stating these convictions and dispensations with trial, must be inserted.) Description of court by which tried, or status of summary award under Sentence of the court summary award under Charges apon which convicted, or in respect of which or authority disposing of the charge, Punishment. officer disposing of A.A. 47, or of order dispensing trial was dispensed with. order of the dispensing authority. the charge or diswith trial. pensing with trial. 90 days FP FGCM 24 Apr 44 Sec 15(1) AA

I HEREBY CERTIFY that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Sgd A J W Dyer, Capt & Adjt

Signed this 9th day of Jan 45

J W Dyer, Capt & Adjt West Nova Scotia Regiment.

No F88922 Date of last Company Co	Name QU entry in aduct Sheet	INN,	W A	Sqn, Battery, C Corps or Company and date One Period not reckoning towards freedom from extra fine	Date of enlistment	GC   Badges   Signature OC Company, etc	Characte	MFM 6 (AFB EZZ) (PASILZH (NADA)
Place	Date of offence		Cases of drunken- ness	OFFENCE	Names of Witnesses	Punishment awarded	Date of sward or of order dispensing with trial	Bettacke
Aldershot	4.4.42			Overstaying a pass & remaining absent from 0600 hrs 4 Apr 42 until apprehended at 1445 hrs 4 Apr 43 (8 hrs 45 min)	Opl Tulot Pte Sparte Pte LeBlanc	1 days pay	6 Apr 42	l aye pay
Aldershot				Granted embarkation leave 14 Ma	y 42			
Jasper ^amp				AWL 0820 hrs till 0715 hrs 4	L/Opl Littlejohn	1 days pay	6 Aug 42	
Jasper samp				AWL 0830 hrs - 1500 hrs 5 Aug 42	L/Cpl Littlejohn	1 days pay	6 Aug. 42	
* Jasper vamp				See 15 (1) AA absent from place oa parade	RSM Caiges	2 days pay	7 Sep 42	(770)

Place	Date of offence	Hank	Cases of drunken- ness	OFFENCE	Names of Wittowars	Punishment awarded	Date of award or of order dispen- sing with trial	Sy whom awarded	Remarks
Field	15 Nov	42		AWL, 2200 hrs 15 Nov 42 to 0750 16 Nov 42	Sgt Strickle	nd 14 days FP 14 days pay			
	17 Nov	42		AWL from 0900 hrs 17 Nov to 2220 hrs 17 Nov 42	Cpl Wasselas	ikus			
Field				(1) AWL 1 hr (2) drunkenness (3) AWL 6 hrs 1 min)		28 days FP 28 days pay			
Fielā	5 Jan	43		AWL 0830 hrs 5 Jan 43 to 2230 hr 5 Jan 43	opl Penny	5 days pay	7 Jan 4	3	
ield	27 Ap	r		AWL 1300 hrs 27 Apr 43 to 1430h; 27 Apr 43		N. BUDING			
e14				Drunkenness	-QMS Hopper	7 days pay			

F88922 N	ntry in	1	No i	Sqn, Battery, or company and date   Period not reckoning towards   freedom from extra time	Sheet No	Signature OC   Company, etc		Character	-
Company Con	Date of		Cases of	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order discoun- sing with trial	By whom awarded	Remarks
Place	offence	Bank	drunken- ness			14 days pay			
field				AWL 0830 hrs 12 Apr 44 to 1220 hrs 15 Apr 44	opl Strickle	and			
Field				Sec 15 (1) AWL 7 days 17 hrs 9	90 days FP 0 days pay				
Field				AA Sed 15 (1) AA AWL 0800 hrs 13 Jul 44 to 2015 hrs 15 Jul 44	opl Lynds	28 days FP 28 days pay			
Field				Sec 15 (1) AA AWL	Cpl Fox	28 days FP			
Field				Sec 15 (1) AA AWL from 0800 hr 16 Aug 44 to 1000 hrs 18 Aug 4	4 Sgt MacLeo	d 14 days CB 28 days pa;	1		

Flace	Date of offence	Rank	Cases of strucken- ness	OFPENCE	Names of Witnesses	Punishment awarded	Date of award or of order diagen- sing with trial	By whom awarded	Remoths
eld			1	1)Sec 19 AA Drunkeiness 2)AWL 1000hrs 8 Mar 44 0200 hrs 319 mar 44 5) Sec 40 AA	Capt J K F	thodes 14 days pay 1 days pay			1130
									2 Jun
						,			Sign Co
									Hecore

000137 PTE QUINN W.A.

Orteographics to be statuted to be CCC TO A C TO IN AB 160 00 0-13 Form for Assembly and Proceedings of Field General Court Martial on Active Service. PROCEEDINGS. On Active Service, this Ninth of May Whereas it appears to me, the undersigned, an officer in PROLATINOS Command of 3 Gdn Inf Bdg , on active service, that the persons named in the annexed Schedule, being subject to Military Law, have committed the offences in the said Schedule mentioned. And whereas I am of opinion that it is not practicable that such offences should be tried by an ordinary General Court Martial; "[and that it is not practicable to delay the trial for He reference to a superior qualified officer.] I hereby couvene a Field General Court Martial to try the said persons, and to consist of the Officers appointed or detailed hereunder. \*I am unable to appoint :-\* Omit if not \*61 Three Officers to form the Courty 1/2. A Field Officer as President.) for the following reasons, namely :-- } PROCEEDINGS REVIEWED BRANCH C.M.H.O. Regiment. Name. Rank. F Trudeau Major Members. Regiment. Name. Rank. Hq 3 Can Inf Bde C E Bent Capt ) CIB Sp Op(SLI) 1 P J Monge on Lieut Brigadier Commanding 3 Can Inf Bde Convening Office w.

Number, Rank (a). Name and Unit of Accused (b)	Offence charged	*Plea	Finding, and if Convicted, Sentence (c)	How dealt with by Confirming Officer (d)
8922 Pte William gustus QUINN, st NGR	Pirst Charge Sec 15(1) AA	British	Sindy	9 conditions and
			Janua Janua	Bay alpha and Carpena
		(2.0)	and love	1000 June

\* Question to be asked of accused, if he pleads not guilty (R. of P. 39 (a)):—
"Do you wish to apply for an adjournment on the ground that any of the rules relating to presend are before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?"

Answ	er to be received in separate sheet if ne				1	
(Signed)	Memoraley Brigadier	(Signed)	1/2	( tealing	rulesy.	Major
	Commanding 3 Can In	of Bde				
	Content	ng Officer (e)				mondere.

(at Appointment acting rank or acting appointment, if any, to be stated in brackets after the substantive rank.

(b) Unless an avoidable, not more than three names are to be entered on one form, and in serious cases one only.

(e) Recommendation to mercy, if any, to be inserted in this column.

(a) It is not necessary that the Confirming Officer should sign his name in this column. Initials are sufficient

(e) Must be signed by the same Officer who signs on the first page, and all alterations in the first two columns of the Schesbule to be initialled by him.

I certify that the above Court assembled on the day of Wow 1944, and duly tried the persons named in certificate of the Schedule, and that the plen, finding, and sentence in the case proceedings. of each such person were as stated in the third and fourth columns of that Schedule.

I also certify that :--

1. The members of the Court

2. The witnesses

(8. The interpreter)

16t. The officers under untrustion

Signed this 10 day of May 19 A.A

Desident of the Court Martial.

\* Omit if not applicable

I certify that the terms of \*A.C.I. 570 of 1918 have been C. complied with.

Signed this

day of

President of the Court Martial.

I have dealt with the findings and sentences in the manner D. stated in the last column of the Schedule, and, subject to what I have there stated, I hereby confirm the above findings and

ad direct that the soldier named in the margin by not com-

Signed this

Promulgated and extracts taken in the case of

(Dated) 25 May 44	(Signed) OM Van Capt
Promulgated and extracts taken in the	case of
(Dated)	(Signed)
Promulgated and extracts taken in the	case of

(Signed) (a) When several cases are promulgated in one unit on the same day the Officer

aced only sign once.

## \*\*Form of Proceedings for General and District Courts-Martial.

Proceedings of a F. G. Court-Martial held at in the field. on the 10 th day of may \_ 19 + 4 by order of

Brigadier 8.8. Bernatchez officer

Commanding 3 C. 1. 13

dated the 9thday of man -President

Brajos De Omedian

Capit 6.8. Dent H. Q 3 C. 1. B

Luit J. P. g. mongeon # , Story . S. L. 1.

Trial of F 88922 PG Quin

The order convening the Court, the charge-sheet and the summary (or abstract) of evidence are laid before the Court

The Court satisfy themselves that to serve owing to-

, waiting member dekes his place as a member of the Court. The Court satisfy themselves as provided by Rules of Procedure 22 & 23.

The accused is brought before the Court

Prosecutor, + Eugel A. H. Du Jan - N. W. S. R. T Counsel : or defending officer + 6 apt 29 Day los -

At 10 40 o'clock the Trial commences.

The order convening the Court is read, and is marked signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Do you object to be tried by me as President, or by any of the officers whose names you have heard read over? Answer. 20

(N.B.-It objection is made it should be recorded, together with the decision of the Court, on a separate sheet

\*Here ussert No., Rank, bull Name, Regiment, and Appointment (if any).
† Flore state Rank and Name, and Regiment (if any).
† Qualification to be stated.

The President, members and judge advocate are duly sworn.

The following officers made instruction are duly sworn.

## Charge-Sheet.

The charge sheet is signed by the President, marked B 2

is signal by the 3 relicate, marked to 9

The accused is arraigned upon each charge in the above-mentioned charge-sheet.

Are you guilty or not guilty of the [first] charge against you, which Ouestion the scaused you have heard read?

quality snows

Are you guilty or not guilty of the second charge against your which our way have heard read

Anataur.

If the accused has elected to

Are you guilty or not guilty of the third charge against you, which Queston you have heard read ?...

Assume.

Are you guilty or not guilty of the Aurtil charge against you which Quession

Anime.

The accused having pleaded Guilty to charge, the provisions of Rule of Procedure 35 (B) are here complied with.

If the trial proceeds upon any charge to which there is a pies of "Not Guilty," the Inspraction Court will not proceed upon the record of a pies of "Guilty," until after the studing on that other charge.

### CHARGE SHEET

THE ACCUSED F88922 Pte William Augustus QUINN, West Move Scotia Regiment, a soldier of the Canadian Army Overseas, A A I , on Active Service, is charged with

First Charge Sec 15 (1) Army Act

WHEN OF ACTIVE SERVICE, ABSENTING HIMSELF WITHOUT LEAVE.

in that he,,

in the Field, at approximately 1500 hrs 24 Apr 44 did absent himself without leave and remained absent until surrendering himself to F29714 Cpl Day N E Cpl of the Town Ficquet at Jelsia at about 0030 hrs 2 May 44 (Total absence 7 days 17 hrs 30 min)

In the Field 6 May 44

(R S E Waterman) Lt-coi

TO BE TRIED BY FIELD GENERAL COURT MARTIAL

In the Field 9 4 May 1944

(J P B Bernatchez) Brig Come, 3 Cen Inf Bee Field 10 , 1944

Medical Officer.

## Proceedings on Plea of Guilty.

\* To be strack out in case to piece of "Not Guilly " has been proceeded with

\*The Court having been re-opened, the accused is again brought before it, and the charge—to which he has pleaded "Guilty" read to him again.

The accused # 88922 Pte queinn. W. B. WWF & is found guilty of the change.

Question to the accused.

Do you wish to make any statement in mitigation of punishment?

1

The accused in mitigation of punishment says :- 220 \_

or hands in a written statement which is read, marked

25

May Modration to

† If there is no summary or abstract of evidence, sufficient evidence to enable the Committo determine the sentence, and to enable the confirming officer to know all the circumstances connected with the case, will be taken on a separate sheet in the some manner as on a plan of "Not Guilly."

If from the statement of the accused, or from the summary or abstract of evidence, or otherwise, it appears to the Court that the accused did not understand the effect of his plex of "Guilty, the Court shall after the record, and enter a plex of "Not Gustry," used proposed with the trial accordingly.

3.5

Do you wish to give evidence yourself or to call any witnesses as to Quanton to the character?

E 39939 SJE Zwicker J.S. R. N.S. R. Evilence as to character.

Pto Zeurin belonged to the same coy Dwas
a yout the time, april 1942 while in trong
he conseid heavy weapons, was good soldier
and never get in any trouble from ap 42 to
Dec 42. Sailed with us and always provid
a good soldier the was set mants from a Pint
on a Jury tank left to the 24 th cursust 1943
he was a good soldier.

above not knowined

Konafraguaja.

E

\*To be struck out except in cases where trial has taken place on a plea of "Not Courty"

## Finding.

The Court is closed for the consideration of the finding.
The Court find that the accused



\*When the Court is already open this sentence will be structions, Evidence of character the

> Question by the Precident.

PRIXEEDINGS ON CONVICTION before Sentence.

\*The Court being re-opened, the accused is again brought before it. lough A.H. Me Lean W.IV & Ris duly sworn.

Have you any evidence to produce as to the character and particulars of service of the accused? Answer by the Wilness.

Question by the

Is the accused the person named in the statement which you have beard read? Answer by the Wilness.

Have you compared the contents of the above statement with the regimental books? Answer the only has.

Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries?

appeared on the control of the contr

Question to the accused N

Do you wish to address the Court? Answer. Here

## Sentence.

F88922. Pte Cluim W.A. of

She West M. S.R. to.

90 days frage femand Thiday. May or.

SUBMARY OF EVIDENCE in the case of F88922 Pte William Augustus QUIN, West Nova Scotia Regiment, a soldier of the Canadian Army Overseas, A A I , on Active Service,

By order of Lt-col R S E Waterman, Comd West NSR

Evidence taken on oath.

#### First Witness for Prosecution

F29787 6pl Strickland, D W, West Nova Scotia Regiment having been duly sworn states,

I am F29787 Opl Strickland, D W of 18 Flatoon "D" Coy West NSR, While traveling in convoy in a TOV at about 1500 hrs 24 Apr 44, 788922 Pte Quinn, W A left my section without permission and remained absent until peported as under close arrest to our unit at 0830 hrs 2 May 44.

The accused declines to cross examine this witness.

## Second Witness

For Prosecution F29714 Cpl Day, N E, West hove Scotia Megiment, having been dwly sworn states,

I am F29714 Cpl Day N E West BSR. On 2 May 44 I was Cpl of the Town Picquet in Jelsia. At approximately 0830 hrs the accused F88922 Pte Quirn W A reported to me at the Guard Room as being an absentee. I placed him under close arrest and returned him to the Unit Detention.

Signed of 6 Day

The accused declines to cross examine this witness.

Certified that Rule of Proceedure 4 (c) (d) (e) & (f) have been complied with.

The accused having been duly cautioned as follows,
"Do you wish to make any statement or to give evidence
upon oath? You are not obliged to say anything or to
give evidence unless you wish to do so, but whatever
you say or any evidence that you give will be taken down in writing and may be given in evidence against you,
declines to make a statement or to give evidence upon
oath. oath.

Taken down by me. In the Field, in the presence and hearing of the accused his 6th Day of May 1944,

May 6 May 44 In the Field Officer taking Summary

Place	Date of offence	Rank	Cases of drunken-		OFFENCE	Names of Witnesses	Ponishme	nt awanted	Date of assaint or of order discon- sing with trial	By whom awarded	Remarks	
I denshot.	4-4-42	Pre		See is is na . wo	0 45. AWL 4640 hrs 4.4.42	CHTTALETT . W. Fr. S.	1 days	Pay.		74 W B 1449		
JANER CAMP.	4-2-42				S. AWL OF LAbes 4-8-42.	Syr HANT S.	1 days	Lay	6-5-+2	The SKAY.	AR ZOF	24
THERE GAMP.	3-7-43.	11		To 1500 Ars 5-1	4 Marks 0830hrs 3-8-42			Paz	6.8.75		7	
Tagera Cangos	17-9-42	-71		Sec. (2) A.A. Abs	ins Three Place of Panada	B. M. E. Hayer.	# 2. da	ys Par.	17-9-52	TR. GARY	MAJAK.	
Field	12-11-42	16		Sec 15:113 44 WOA	1 Aug 2200an 1944-42.	on 397 Servendard	14 day	Pay	18-11-42	A.B.Noble L	MIL FARE	2.0
	12-11-42		1	(1) Change AWA	8931 hrs 17-11-42 7-17-7-4							
Field	21-12-42			To 2300 615 21-	L. 12celies 21-12-92	M. Telephorene						

		- it	a harbard	1.6	my bulding from	1			
. mod.	- 77 7 758	· * * - E - P	179 2 520p 1	THE SUVER 18	SEEMALLUNES SHOW WERENESS	2	17	14.6 I	P/2
* 10 W	ASE aleaning	· h = J	- Ly thep hi	* Indiabilities #2	ru-r- a rido & Loud of all acce of		"	A.A. N - 27	977
10 th at	We Lawsin L	* # -1- N	- 1 1 Z	CONTRIVES D.	DI 24 - 7-52 bid of 21 50			1. 1. 2) = 1. 5 h H= 1.5	17
	Conjegethe		1 d' 1 1 1 7	Lours pos	Ex -4 -5 and 15% a state A K (2) (4. 292)  Ex -4 -6 c and a 6% (6. 8)		"		PI
	-1/9 ME BV		005 pould 5	Anisanha 14	22-19-41.				
· Legalop 1991	J PANTE DV	124 27-17	- 43 cycl 82	-a sully 142	14 1621 67 . 84-81-82, CHLOSE 4 WB		24	.xr.x/-tx	PIN
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NoF88922 Pte Quinn, W A .... Reclassion

Sec 15 (1) 3 entries Sec 19 2 entries

11 entries Sec 15 (1) 3 entries Sec 19

The escused in M.S. under sentence at the present this The Assumed has been under Close arrest available trial on the present charge for .... 8 ...... days of miles no days were spent in Hospital

The presses age of the assumed is. 27 .... years

array tot. An 788922 hours tot reion byte his been thought a A coursel, for the met toys hours headen.

I hereby certify that the forecoing enterule of convictions and dispensations with trial in true extract from the regimental t

10th May

4G-3. Com 42. Gen Quinney & B. See NNN-30 for 13 down

#### SCHEDULE.

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

Charge.  "Insert" "alternative" where (fee losters p 2) (Gee note below) (Gooce for use as required for further charges, accused thereted joint special findings, etc.)  "It was As to Faller for losses of feeds see As Se, 196 44. Findings on alternative charges see MM, p 60) fit 8 parts 2, 87 44 1, special findings are 197 44 and follows for seed for see of 44 fit 8. Despitating on the seed for the seed for 44 fit 8. Despitating on the seed for the seed for 44 fit 8. Despitating on the seed for the seed for 45 fit 8. Despitating on the seed for the seed for 45 fit 8. Despitating on the seed for the seed for 45 fit 8. Despitating on the seed for 45 fit 8. Despitation fo	Same Day	Plea.	Finding.	
AA See 15 (1) Ver 2 Met 1 Control of Section 15 Met 15 Met 15 Met 16 Met 16 Met 16 Met 16 Met 16 Met 17 Met 17 Met 17 Met 17 Met 18 Met			(For note below)	(Space for use as required for further charges, accused charged joint)
What has beindage for leaser affects see As 54, 57 44. Findings on distinctive charges are NML p 403 for 8 pers 2, 87 44. September under continuous products for the second findings to 87 44 and 500 persons to state of 500 persons and 500 persons to state of 500 persons	nsert " alternative " where applicable.)	(See leates p 2.)	(See note beton)	special findings, etc.)
Chas As to findings for losser affectes see As 35, 19 44. Indeed an afterestive charges see MML p. 483 for 4 page 2, NY 44. Indeed an affected findings to 19 44 page 2, NY 44. In 6.)  The present stander sentence being surread, or deseat, if not applicable. See RP 44(1) 6.)  The property standard and the property of	AA Sec 15(1)	Nor Tunky	- Kerelly	
(Note: As to findings for inner offerces are As So. RF 44.) (Indings on othersourse charges are NAML p. 407 for 4 poins 2. RF 44.)  the presents under sentence being served, or desicte, if not applicable. See RF 44(A). Information should be found as MF 8355 or AF 8394.)  Sime in confinement awaiting present trial—a total of	£	b		
(Sigd)  Date  (Date  (Sigd)  Date  (Date  (Sigd)  Date  (Date  (Sigd)  Date  (Date  (D	d			
Chair As to Indings for Instant affectors are AA 56, RF 44 ; flindings on otherwaters that ges see MML p 403 fe 4 pers 2, RF 44 j. special fledings in RF 44 and MML p 403 fe 4 pers 2, RF 44 j. special fledings in RF 44 and MML p 403 fe 4 pers 2, RF 44 j. special fledings in RF 44 and MML p 403 fe 4 pers 2, RF 44 j. special fledings in RF 44 and MML p 403 fe 4 pers 2, RF 44 j. special fledings in RF 44 and MML p 403 fe 4 pers 2, RF 44 j. special fledings in RF 455 are AF 8296.)  (If least sentence being served, or desire, if not applicable fee RF 46(A), Information should be found an MF 2355 or AF 8296 admitted in revierces unfer EL)  intentione Awarded by the Court.  (If see RF 46(A) for 2 information should be found an MF 2355 or AF 8296 admitted in revierces unfer EL)  intentione Awarded by the Court.  (Sgd)  Date awarded.  President.  (Sgd)  PART II. MINUTE WHERE CONFIRMING OFFR ON FINDING(5) AND SENTENCE.  (For dozen and powers see AS 26, 25, RF 27(D) for a 46(A), Senting both fluiding or sentence for resison by Court : AS 48(D), Senting both fluiding or sentence for resison by Court : AS 48(D), Senting both fluiding or sentence for resison by Court : AS 48(D), Senting both fluiding or sentence for resison by Court : AS 48(D), Senting both fluiding or sentence for resison by Court : AS 48(D), Senting both fluiding or sentence for resison by Court : AS 48(D), Senting both fluiding or sentence for resison by Court : AS 48(D), Senting both fluiding or sentence for resison by Court : AS 48(D), Senting both fluiding or sentence for resison by Court : AS 48(D), Senting both fluiding or sentence for resison by Court : AS 48(D), Senting both fluiding or sentence for resison by Court : AS 48(D), Senting light pers person of AS 48(D), MRL 25 (D),		De la companya della companya della companya de la companya della		
(Note: Ast to feeders for lesser officeres see AA 56, RP 44; Findings on otherscaler charges see AMA; p 43 for 4 pers 2, RP 44; special feedings are RP 44 and AMA; p 157, and in less of bit see RP 44 for a.)  beginning on (date)  (I least sentence feet genered, or delete, if any applicable. See RP 46(A), information should be found on AP 8255 or AP 8296.)  (II) see RP 44(A) for 2 information should be found on AM 8255 or AP 8296 otherwise of the found on AP 8255 or AP 8296.)  (II) see RP 44(A) for 2 information should be found on AM 8255 or AP 8296 otherwise of the content of the cont				
(Note: Ast to findings for hence officines and As 56, 87 44.) fluidings on otherscaline charges see MML p 43 for 8 pers 2, 87 44.) a special fluidings are 87 44 and MML p 752, and in has of kit see 87 44 for 6.)  the present under sentence forg served, or deciets, 41 and applicable. See 87 46(A), Information should be found on MF 2025 or AF 2246.) (If near sentence being served, or deciets, 41 and applicable. See 87 46(A), Information should be found on MF 2025 or AF 2246.) (If near sentence has a strained by the Court; in the continue of the Court; in the Court of the Court, in the Court of				
B present under sentence for (friener sentence being versed, or detect. If not applicable See RP 46(A). Information should be found in MF 25.55 or AF 2576.)  Time in confinement awaiting present trial—a total of days, of which Min. days were apent in hospit (i. See RP 46(A) for 2 information should be found on MF 25.55 or AF 2796 admitted in evidence under £2.)  Sentence Awarded by the Court:  22 Carry (Sgd)  Judge-Advocate, if any.  Date awarded.  (Sgd)  Provident. (28 45, 50)  PART II. MINUTE WHERE CONFIRMATION RESERVED. (AA 54(3), AP (2017), MAML p 760.)  PART III. DECISION OF CONFIRMING OFFR ON FINDING(S) AND SENTENCE.  (Sgd)  PART III. DECISION OF CONFIRMING OFFR ON FINDING(S) AND SENTENCE.  (Sgd)  PART III. DECISION OF CONFIRMING OFFR ON FINDING(S) AND SENTENCE.  (Sgd)  PART III. DECISION OF CONFIRMING OFFR ON FINDING(S) AND SENTENCE.  (Sgd)  PART III. DECISION OF CONFIRMING OFFR ON FINDING(S) AND SENTENCE.  (Sgd)  PART III. DECISION OF CONFIRMING OFFR ON FINDING(S) AND SENTENCE.  (Sgd)  PART III. DECISION OF CONFIRMING OFFR ON FINDING(S) AND SENTENCE.  (Sgd)  PART III. DECISION OF CONFIRMING OFFR ON FINDING(S) AND SENTENCE.  (Sgd)  PART III. DECISION OF CONFIRMING OFFR ON FINDING(S) AND SENTENCE.  (Sgd)  Date (S				200 - 407 de de ser 7 20 44 1
B present under sentence for (friener sentence being versed, or detect. If not applicable See RP 46(A). Information should be found in MF 25.55 or AF 2576.)  Time in confinement awaiting present trial—a total of days, of which Min. days were apent in hospit (i. See RP 46(A) for 2 information should be found on MF 25.55 or AF 2796 admitted in evidence under £2.)  Sentence Awarded by the Court:  22 Carry (Sgd)  Judge-Advocate, if any.  Date awarded.  (Sgd)  Provident. (28 45, 50)  PART II. MINUTE WHERE CONFIRMATION RESERVED. (AA 54(3), AP (2017), MAML p 760.)  PART III. DECISION OF CONFIRMING OFFR ON FINDING(S) AND SENTENCE.  (Sgd)  PART III. DECISION OF CONFIRMING OFFR ON FINDING(S) AND SENTENCE.  (Sgd)  PART III. DECISION OF CONFIRMING OFFR ON FINDING(S) AND SENTENCE.  (Sgd)  PART III. DECISION OF CONFIRMING OFFR ON FINDING(S) AND SENTENCE.  (Sgd)  PART III. DECISION OF CONFIRMING OFFR ON FINDING(S) AND SENTENCE.  (Sgd)  PART III. DECISION OF CONFIRMING OFFR ON FINDING(S) AND SENTENCE.  (Sgd)  PART III. DECISION OF CONFIRMING OFFR ON FINDING(S) AND SENTENCE.  (Sgd)  PART III. DECISION OF CONFIRMING OFFR ON FINDING(S) AND SENTENCE.  (Sgd)  PART III. DECISION OF CONFIRMING OFFR ON FINDING(S) AND SENTENCE.  (Sgd)  Date (S	(Note: As to fit	ndings for lesser offen	ices see AA 56, RF 44 I, and in lass of kit se	, findings on alternative charges see MALL p 403 to 4 poor a. A 44 in 6.)
Signature of Other sentence being served, or delete, if our applicable, See 87 46(A), Information should be found an Me BASS or AF BASS of Whith M. Mays were append in hospit (i. See 87 46(A) for 2 information should be found on Me BASS or AF BASS of which M. Mays were append in hospit (i. See 87 46(A) for 2 information should be found on Me BASS or AF BASS of which M. Mays were append in hospit (i. See 87 46(A) for 2 information should be found on Me BASS or AF BASS of which M. Mays were append in hospit (i. See 87 46(A) for 2 information should be found on Me BASS or AF BASS of AF BASS				basing on Matel
(f. inser soutces being server to detect, or	t present under senter	non for-		Segunding on Cook of Basis at AF 8296.)
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RECORDED AT CMHQ IN AB 160 4G-3 RECEIVE FIELD GENERAL COURT-MARTIAL COLOR ATAL Brig JC Stewart, CBE, DSO Comd "C" Gp, CRU dated 21 Nov 44 ACCUSED.

(As as the trial of two air more charged jointly see RF 16, 71, 109. As to recoons for showing (a) permanent or confirmed rank, and (b) apt.mt, Alrank or Alaphint, If any, see AA 182, 183, fns. KR Can 308, 328, 330.)

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REVIEWING OFFICERPROCEEDINGS OF TRIAL

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## RECORD FORM A-OPENING PROCEEDINGS AND ARRAIGNMENT.

Al. The President, Members, waiting Member, JA, 15 any, and Offes under instr, if any; assemble, and the

CPRINTED MATTER, NOT IN ITALICS FOR GUIDANCE, WILL BE DELETED, IF NOT USED OR APPLICABLE, AND INITIALLED BY FRES OR JA. The Schedule referred to thoughout is on p.4. Citations do NOT mediate of relevant from ROs. For guidance are presented when a yearnouse in this form amounts are form for CCM in MML pp.14. to 759. A brief record of such random we presented and given a number having reference to appropriate or preceding poten number having reference to appropriate or preceding poten number having reference to appropriate or preceding poten number having references to appropriate or preceding poten number having references to appropriate or preceding poten number having references to appropriate or preceding poten number having an exemption of the control appropriate or preceding poten number to reside and research appropriate procedure of the conducting the until see AS 53, AF 56, 63-10, 73, 74, 54, 103, 119, 132.)

A2. The President initials and lays before the Court the Convening Order and Charge Sheet(s) attached thereto.(\*)

The Court is satisfied that it is properly convened and constituted(\*), accessed is (ase) amenable to military law, and each charge discloses an offence.(\*)

(I. As to use of Summerry of Evidence see RF 17 (I) 6. 2. AA 49, 50, RF 105-007. 2. RF 11-13, 23, 24)

A3. The Court is opened. The accused is (arr) brought before the Court. At 1. 25 hours trial commences.

A4. The Prosecutor produces a Medical Certificate that accused is (are) fit to undergo trial by court-martial (\*)

The Prosecutor informs the Court that accused elected to be tried by scart-martial instead of being dealt with summarity by the CO.(\*)

(II. KR Can 557. 2. AA 46(B), RF at in 1. For effect see KR Can 563(c). Delete, if not applicable.

The shorthand writer is sworn (t) (II. RP 72. Delete, of none employed.)

A6. The Couvening Oeder and names of the President and Members of the Court are read to the accused [9]
President to accused Do you object to be tried by me as President or by any of the Members of the Court 1

 MP 110.
 M mc abjection, wolcing member retires. RP 68(8). If objection, see procedure AA 51, RP 25, 71, 18, MAML p 742.3 At. The President, Members, JA-16 and office under instr, 15 and, are sworn (2) The following are the

ranks, names and units of the offrs comprising the Court, ste & In Mileure EDICE Major Cape B. F. Nutting SCANC Member ICSW RELEDIE my Mit Deduced 3 - Judge-Advocate 1 Comsky who former Prosecutor

W. A. Con Questions by President: Is the Prosecutor a lawyer ! Ans. VO. Is the Defending Office tawyer ! Ans. Line (\*) (). 88 26, 27, 109, 131. List of offre under instr will be resourced separately with proceedings for information of Carry Offs.)

(2. If Press o lawyer one Def Offre not, occupant is entitled to an adjournment when AP 89 (5) and for 2 were not followed. See Di p 3.)

before arraignment make(s) (no) (a) plea AS The accused

6). If a special piles is made for separate trial on one or more charges (RF 6205), 108), or as to the jurisdiction of the Court 34, 35(A), 112b, as in bor of trial (RF 36), or as to occured; means Denses to stand trial (AA 130, RF 55), or it are of served accumuli charged joining to the trial supportantly (RF 64, 71), such joins, the addresses made in support or against, the estimate, if any, and familing are recorded per Notes. For furnit of record see retinents in fin to Rull cited. Insert in RR seek, and some of the occurred studing the piece.)

A2. The accused is (ase) arraigned (separately) on all charges in the charge sheet.(1) The accused does (do) object to any charge (1) There is no amendment to be made to the Charge Sheet.(2) The President records the bot object to any charge (2) The pleas in Part I of the Schedule.

RP 31, 112. See pare I of Instan p.2. When more than one Charge Sheet one RP 62; when several account to be tried
appropriate; see AP 71(C), used use appearant copies of CF A96 to record proceedings.
 RP 32, RP 33. If otherwise, delites and
more appropriate record per Notes.)

Alth. The Court (in-shored and) considers the Instra on Procedure after Arraignment at top of p 2. The pro-Toesdings are continued on Record Form.

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

#### 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 withdrawal of alternative charges by Prosecutor see RP 35(C). No other charge can be withdrawa 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 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 circumstances stated

- 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(A).)
  - (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 (iii), Court will proceed under foregoing incirs 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, 00(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 withessee from Coart see RP 81, 82; questioning of accused see RP 80, 87(C), 92(B), and of witnessee see RP 83-85; calling or re-calling of witnesses by Coart, etc., see RP 75-79, 86, 116; use of Summary of Evidence at Trial see RP 17(E) for 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)(3), 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) 2. MINIL p 54 para 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 plea of Guilty(\*), or which show proposation or extenuation in respect of which in your interest the witnesses for the Prosecution should be examined(\*), we shall advise you to change your plea 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 plea. If, however, it appears to the Court that your statement affects only the amount of punishment 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 awarn testimony, if you so desire.(\*)

President to accused: Do you wish to make a statement ! Ans. (I, RF 27(8), 2, RF 27(5) in 6. 2, RF 35(6) in 5 pero 3, MML 9 54 pare 47. 4. See pare E3 of Record Form E. 5. Statement, if any, recorded per Notes.)

B3. The Court considers the accused's statement (1) The Court decides (not) to advise accused to change his change(s) his (their) plea(s) on \_\_\_\_\_\_\_ charge(s). Part I of the Schedule is amended accordingly.

(i. Court may be closed to consider the statement. Delete whole or part act used.)

B4. On the charge(s) to which the plea(s) of Guilty is (are) not changed the President records finding(s) of Guilty in Part I of the Schedule. (9)
(1. RP 35(8). If any pissu(s) is (are) changed, use Record Form C or D as appropriate.)

B6. The Summary of Evidence is marked Ex. \_\_\_, initialled and read aloud by the President (1) (1. if there is no Summer, or if it is inodequate, comply with 82 37(8). If there is not seridence inconsistent with one pleas standing as Gally, Court will obvive accused to change such piec and, if changed to Not Guilty, try such charges(s) as use of pores D1 to D8 inclusive of Record Form D on p 3. 82 37(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 accused pleaded NOT GUILTY the trial is continued by using paras D1 to D8 inclusive of Record Form D on p 3 before proceeding with C 2.(1) (1. 8F B(k) (6).)

C2. The charges on which accused pleaded GUILTY are read to him (them) again, and the trial is continued by using paras B1 to B5 of Record Form B above. D1.

(I. Under B5 such parts sate of the Summary of Evidence ore ribid as estate to the charges dealt with under C2. If may plea in charged to his California record to the California record thereof on a negrecole short.)

C3. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using

## PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

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

D1. President to accused: Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on 

D2. The Prosecutor makes (ast) (no) opening address (1)

11. AP 39(8), 60(A) (8), 90, 92(C) (D). Recard address per Notes, subject to AP 95(C).)

D3. The evidence for the Prosecution is taken.(1)
(1. 8P 39(C), 114, RR Con 555. Recard 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 ....charge(s).(\*) The Court charge(s), and allowed on the ... is disallowed on the

charge(s), and that, accordingly, the trial will proceed on the former, but the accused is (are) found Not Guilly on (i. Delete remainder of this poro, if submission not mode. 2. Arguments on submission, answer and reply are recorded per Notes. 3. RP 40 fts 1. See MML p.72 parms 12-14 and p.81 parms 42. 4. Delete port not used. If accused acquitted on all charges, use second alternative in para D8. No. If trial process, accused must be allowed great letitude in making his defence, and the Court should not stop his defence tolery as ground of irrelevance. (RP 60(C), 114. 192.)

D5. President to accused . You will now preceed with your defence.(1) You may, if you wish, give exidence 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 sworn, 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 testimomy (\*) You may call witnesses in your defence and as to character, whether you give evidence or make a statement or do

President to accused: Do you wish to give evidence yourself as a witness, make a statement, or do neither t Ans the state of the second of the policy of the second of Ans. Are they witnesses as to character only ? Ans. (1. RF 115. 2. RF 40[A], see 80(D). 3. RF 40 fn 10. 4. RF 40 fns 2. F.)

D6. Consequent on the answers recorded in para D5 the appropriate procedure for the defence is followed.(1) 8P 114, 715, 116. For procedure see Notes on bock of Convening Order, CF A95. Evidence for accused as to his characters should. If in his interiest, be given befine the finding. See RF 46(A) fn 1, 86(C). Note the further opportunity in para E1 of Record Form E. Record per Notes addresses, statement, evidence and any summing up by the JA under RF 42, 103(e).)

The Court is closed to consider the finding(s).(1) The finding(s) of the Court is (afe) recorded in Part I of the Schedule.(3) The Court is re-opened.
47. RP 43, 117(A). See Notes in Fort I of Schedule.
2. RP 44(A).)

D8. The President announces the findings, if any, of Not Guilty, and states to the accused that the findings)

charge(s), being subject to confirmation, will be promulgated later.(\*) Oz. The President amounces that the accused is found Not Guilty on all charges and is to be released final with, and that the proceedings are accordingly terminated. Part I of the Schedule is dated and signed (f) as \$4(3) (6) At \$4.120(A). 2. As \$4(3), Bt \$4.117. This strangilly amounted when there are plant of Guilty advanding and decit with under facerd form E or C.)

D9. The accused having been found Gustry on one or more of the charges, the proceedings are concluded by using Becord Form E below.

## RECORD FORM E-PROCEEDINGS ON CONVICTION BEFORE SENTENCE.

E1. President to accused: Do you wish to give evidence yourself or to call any witnesses as to your character f(1) And Wall Make a Alakament + Case Williams

(i). If evidence has already been given by accused or his witnesses as so his character, delete this para. RF 17(C) fo 4, 46 fo i. Accused and witnesses are liveain. Evidence recorded per Notes.)

E2. The Prosecutor produces Statement(s) as to Character and Particulars of Service(1), and certified true copy (copies) of Conduct Sheet(\$(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 accussed, because (i) they purport to be signed in the manner required by AA 163(l) (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

and Ex respectively.(\*)

MFB 255 or AFB 196. 2 MFM 6. 3. AP 46, KR Cam 558. If above documents not produced, see RP 46 (h ) marked Ex.

E3. President to accused: Do you wish to address the Court on the Statement(s) and Conduct Sheet(s), and in

mitigation of punishment (C). Ann. Co. D. Adress. If any retorded per Norms. Covers should permit occused or his witnesses to present an each anything here or previously stated which would affect the amount of punishment. RF 37(F) fo 7.3

E4. The President states that the Court is closed to consider the sentence, and that the sentence to be awarded by the Court, being subject to confirmation, will not be announced, but will be promoignted later, and the proceedings in open court are accordingly terminated.(1)

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

COMD "C" Group, CRU

FGCM - 22 Nov.44 M-35608 Cfn. QUINNEY, J.B.- 1 COMERU .

- 1. Herewith m/n proceedings.
- 2. The Court respectfully draws the attention of the confirming officer to the evidence of the accused, in that he has tried to transfer to the Paratroops and the Infantry. Because of this man's "A" category, appearance, and desire, the Court recommends that he be released on suspended sentence and transferred to Infantry popthwith.

(E.M. Miller) Major, President of the Court.

Copy to:

0 1/c Admn

#### CHARGE SHEET

The accused, No. N-35608 Craftsman Jack Buster QUINDEY, Royal Ganadian Ordnance and Mechanical Engineers, on the strength of No. 1 Canadian Ordnance and Mechanical Engineers Reinforcement Unit, a soldier of the Canadian Army Overseas, is charged with:

FIRST SHARGE SECTION 15(1) ARMY ACT

"WHILE ON ACTIVE SERVICE, ABSENTING HIMSELF WITHOUT LEAVE"

in that he

at No. 1 denadism Ordnance and Mechanical Engineers Reinforcement Unit, Bordon Hants, absented himself without leave from 2200 hours 26 September 1944, until surrendering himself at 2355 hours 16 Movember 1944. (Total time absent (51) fifty-one days, (1) one hour, (55) fifty-five minutes.)

> (Marcia M. Bailey) Commanding Officer

18 November 1944

To be tried by Field General Court Martial,

Commander, "C" Group, Cdn Rft Units.
(Convening Officer)

Bordon, Hants. 21 Nov 44.

## FIELD GENERAL COURT-MARTIAL

(Whether the accused to be tried is under his cound or not, a FGCM may an application to him be convened by any offr of Cdn Army Oversean, or of any other force if authorized in law, in immediate cound of troops on active service, subject to RP 105(C) and restrictions imposed by appropriate outhy. As 49, 50, RP 104-107, 114. As to the outles and privileges of the Convening Offr in dealing with the application see MML Chap Y paras 20 and 23, RP 87(B).

There should be a separate Convening Order for each person to be tried separately by the some Court. RP 71(C), 109. As to separate charge sheets by 63, and as to separate trial on charges in the same charge sheet see RP 108. As to two or more accused charged jointy see RP 108. 109. As to reasons for showing (a) permanent or confirmed rank, and (b) appint, Alrank or Alappent, if any, see AA 182, 183, fas. KR Can 308, 328, 330.)

#### ACCUSED.

Number. (a) Prmnt B. (b) Appmt, A/R or A/Appmt. Full Christian Names.

M-35608 cfn Jack Buster QUINNEY

1 COMERU

#### CONVENING ORDER.

1. Whereas complaint has been made to me, the undersigned, that the person in amed above as the accused, being subject to military law, has ALNO committed the offence of set forth in the Charge Sheet & attached and on the date. this date endorsed by me, are rear are the foreign of the charge of

2. And whereas I am of opinion that it is not practicable that such offence(E) should be tried by an ordinary Court-Martial; (家文文 tiny 文 tiny that be to disky that and dury the tried of a manuscript practical practical practical and the second of the se

I hereby convene a Field General Court-Martial to try the said person(s), and to consist of the Offics appointed or detailed hereunder

4. EAK ARAIT ECHARING AN ABOUT ORGE TO MAN THE ABURTANT OF STATES AND AND ARAIT PLANT !acting invalors on the (AA 49, RP 106(B), 107(A). Delete the whole or part, if not applicable.)

5. EXMIN appoint as The distributions and heave the NATE significance opposited.)

PRESIDENT.

Major

E.M. MILLER, ED

(Must be named. RP 106.) MEMBERS.

W.B. NUTTING

5 Cdn Artizan Works Coy

Captain

(Bank.)

p. 2. Million Lieutenant

W.H. Glover

RF 1063

1 cdn Sub WEST BORME (Chelch)

WAITING MEMBER.

(Rank.)

(Named or described, if any. RF 106.)

(Ghit.)

JUDGE-ADVOCATE.

(Ronk.)

(Must be named, if any. RP 106.)

On Active Service in the Fd

England (Country.)

Dat 21 Nov 44

ally. RF 105 fo 2.)

Brisadier,

Commanding

Group, Cdn Rft Units. Convening Officer

CONVENING OFFR WILL INITIAL ALL DELETIONS AND ALTERATIONS

4/38A CFA 90 (In New of AFA 3)

(See overloof for noths and notes for use on trial.)

I certify that I have this morning examined No. M. 30 to undergo of NO.1 C.O.R.U. and in my opinion he is fit

trial by Court Martial.

Station Badon Hank

Sgd. JA Loberton land Date 22 how. HH.

Medical Officers! Certificate E.R. (Can) para 557

#### - PROSECUTION -

FIRST WITNESS Lieut. J.P. GAYNOR, on strength of No.1 C.O.M.E.R.U. having been duly sworn states:

Q. Do you know the accused?

Q. Do you mean that you don't know him personally? A. Yes I know him just to see him.

Q. What is this?

A. This is a Declaration of the Court of Inquiry relating to the accused. No Cross-Examination.

DECLARATION IS EXAMINED BY THE COURT AND ADMITTED AS EXHIBIT "A"

IN THE OPINION OF THE COURT IT IS UNNECESSARY TO COMPLY WITH RP 83(B)

SECOND WITNESS B-52912 L/Cpl. FRANCEY, H.L. on strength of No.1 COMERU having been duly sworn states:

Q. Do you recognize the accused? .

A. Yes sir.

Q. Have you any evidence to submit to the court in regard to the accused in this charge of AWL?

Nothing sir, except that he report into me at 2355 hours on Nov.16 1944, when I was in charge of the Guard Room.

Q. How was he dressed?

A. He was properly dressed.

#### CROSS EXAMINATION

Q. Can you tell me the exact words the accused used when he reported into you at the Guard Room?

A. Yes sir, He said " I am reporting in from after being on the loose".

Q. Are you sure he used the word "loose". A. Yes sir.

CASE FOR THE PROSECUTION IS CLOSED.

#### - DEFENCE -

FIRST WITNESS L-59638 Cpl. FAHLMAN, L.C. on strength of No.1 COMERU, having been duly sworn states:

Q. What is your job at 1 COMERU?

Q. You deal particular in what?

Q. Where were you on duty on the 10 Nov.44 A. In the Post office yes sir.

Q. Explain how a soldier gets a parcel from your EO?

A. When he comes in to draw a parcel he must produce his Part 1 Pay
Book for identification and then sign for the parcel on a Parcel Card, with the date he receives the parcel

Q. Do you remember Quinney getting a parcel om the 10th Nov.44?

- Q. What time of day was it?
- A. It was approximately 6 o'oclock.
- Q. Did he preduce his pay book?
- A. Yes sir.
- Q. Did he put the proper name on the parcel card?
- A. Yes sir
- Q. And did he put the proper date on the parcel also?
- A. Yes sir.
- Q. Have you the card with you? A. Yes sir( And shows it to the court)
- Q. Are all the signatures on the card the same?
- A. Yes sir.

## CARD IS EXAMINED BY THE COURT AND MARKED EXHIBIT MB!

WIT: I have to return this card to the PO? Balabat &

A COPY OF THE CARD IS MADE BY THE COURT AND THE ORIGINAL IS HANDED BACK TO THE WITNESS.

#### CROSS EXAMINATION

- Q. What check is made regarding personnel producing proper identif-ication? As to whether they are onleave, duty or otherwise? A There is no check sir, but as elong as a man is AWL the parcels are left on the rack.
- Q. There is no way that you could tell me that you would know whether a man is AWL or not? A. I would not know sir.

#### QUESTIONS BY THE COURT

- Q. Was it you that handed the parcel to the accused?
  A. Yes sir, I was on duty that night and he asked me if there was anything for him, I then asked him for his part 1 Pay book. Likely-le
- Q. Why is that you remember this person in particular?
- A. His name is an unusual one, and I was not very busy at the time.
- Q. Did you know the accused before?
  A. I had never seen him before. Story recognization just the normal
- Q. These parcles that you handed him that night were the only parcels
- on the card? A. Yes sir.
- Q. When you say that these signatures are alike, were they not both written at the same time?
- A. Yes sir.

All

Q. Did you compare them with the signature on the pay book? A. No sir.

## REEKAMINATION BY DEFEMBLING OFFICER

- Q. Do you remember Cfn QUINNEY getting a parcel?
  A. I remember Cfn QUINNEY getting a parcel quite distinctly.
- Q. Do you remember the accused getting a parcel? A. I remember the name, but I could not say whether it was the identical man.
- Q. My question is "Do you remember this man himself getting a parcel? A. No sir, but the identification was okay.

STATEMENT BY THE DEFENDING OFFICER ON THE FINDING

I would just like to say that the Defence has proven that at one time when the accused was supposed to be absent, he was in the Camp.

NO REPLY BY PROSECUTOR

THE COURT WILL BE CLOSED TO CONSIDER THE FINDING

THE COURT REOPENS AND ATHE AFRESIDENT ANNOUNCES THAT THE ACCUSED HAS BEEN FOUND SULLY OF AWL

STATEMENT BY THE ACCUSED (NOT ON OATH)

- Q. What is your Medical Category? A. Category "A"
- Q. When did you enlist? A. 15 Jun 41
- Q. When did you come overseas?
- A. 12 Dec 42.
- Q. What is your job in the army? A. Electrician.
- Q. How do you feel about your present job?
  A. I tried to get out of COMERU twice by applying to the paratroops or infantry. I wanted to get into a fighting unit.
- Q. When did you apply for transfer? A. Actually I have been trying both in Canada and overseas.
- Q. What is your present status as an Electrician? A. Group "C"but not drawing tradespay, as I have not been in the field.

IN THE OPINION OF THE COURT IT IS UNNECESSARY TO COMPLY WITH RP 83(B)

CHARACTER WITNESS

FIRST WITNESS D-11745 Sgt. HARRIS, A.G. on strength No.1 COMERU having been duly sworn states:-

- Q. How long have you known the accused? A. One and a half years.
- Q. Did he work with you at one time? Yes Sir.
- Q. Tell us what you know about his work?

  A. He is a good worker, conscientious and I have had no trouble with him. He seemed to be honest and very friendly.
- Q. What did the other men think of him around the Unit? A. They thought very well of him sir.

NO CROSS EXAMINATION

IN THE OPINION OF THE COURT IT IS UND ECESSARY TO COMPLY WITH RF 83(B)

PLEA IN MITIGATION

NOTE E-3

Read and attached to proceedings.

THE COURT WILL BE CLOSED TO CONSIDER THE SENTENCE

a daged, believed the the face of the second of the second of the conduct for the second of the second conduct for the second to be second on the second of the seco so boy pund of en paration of the matters and descontented with he was the form of the man and appeared of the man for the second of the man and appeared of the second of Gentlemen: on behalf of \$1.35 608 km. Quinnay D.E. OVER.

the Canadian army of an experienced and efficient soldier in a time of I hank you Gutterner. ith Cox the scarce EXHIBIT A

Army Form B 115. Record of the Declaration of a Court of Inquiry on the Illegal Absence of a Soldier.

RECORD of the Declaration of a Court of Inquiry assembled at BORDON, Heats 19 ht, for the purpose of investigating day of OCTOBER on the 19 and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. M-35608 OFN QUINNEY, J.B.

## DECLARATION.

The Court declare, that M-35608 Ofn Quinney J.B., RCEME, on strength of No 1 Can Ordnance and Mechanical Engineers Reinforcement Unit, did illegally absent himself without leave at Bordon Hants at 2200 hrs 26 September 1944 and that he is still so absent and that on 19 October 44 he was deficient the articles of clothing and equipment on the attached sheat and of the value stated.

# TIME THE CHOICE HAS BOOK -W

I was present at the Kit inspection and checked the kit of the course on 19 hot his, and found that he delicited as to lowing articles.

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Menty ong wine Pastar necord. Ely Miner

Pres.

## Statement as to Character and Particulars of Service of Accused

(For Use at Trials by Field General Courts-Martial only)

Number.	Rank.	Name.	Regiment (or as	the case may be).
K-35608	Private	John Buster QUINN	EY No.1. C.	O.M.E.R.U.
Conduct Sheet is to be produced in Count with this statement but is not to be accounted in Count with this statement but is not to be accounted by the statement but is not to be accounted by the statement but is not to be accounted controlled by the statement of EMPSICS in the accounted by the statement of EMPSICS in the accounted by the statement but is not be read accounted by the statement but in the charge of the statement but is not be accounted by the statement but in the statement but is not be accounted by the statement but in the statement but is not be accounted by the statement but in the statement but is not be accounted by the statement but in the statement but is not be accounted by the statement but in the statement but is not be accounted by the statement but in the statement but is not be accounted by the statement but in the statement but i	1. The Sheet of the Date of fire	e following is a fair and true e accused, exclusive of convict For A.A. Bes 15( For A.A. Bes 11 For For For For For Field Conduct She at entry in Field Conduct She at entry in Field Conduct She	summary of the entries tions by a court martial 1)	3 times 1 times times times
	2. Pr	revious convictions of the acc Schedule overleaf.		
Panta and Frant sounder	4. T	he accessed has been awaiting vil custody; and for	trial on the present chi	inges for A14
	of which	The present age of the accused	vere spent in hospital.	6 - 28
Care the military necessaries of sery hold by account	7. 1 8. 1 9. 1	The date of his calling up for- The service which the accused The accused is in possession of If the accused is a warrant off without reduction, to the pro-	is allowed to reckon is if † icer or N.C.O.). The a	Squarity
8 8	Cod )	In the substantive rank of In the war substantive ra In the acting rank of	nk of N/A	Date of Promotion
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# SCHEDULE OF CONVICTIONS BY A COURT-MARTIAL OR CIVIL COURT

Description of Court by which tried	Date and Place of Trial	Charges upon which convi	icted.	Sentence of the Court	Purushment remitted or sentence suspended.
F.G.C.M.	Field 25 Apr	A.A. SEC 15(1) A.W.L.		5 months deten- tiom. (2)months remitted by Comd 4 Odn Armd Base	57 days remission

I HEREBY CERTIFY that the foregoing particulars, which have been extracted from the regimental books in my custody, are correct to the best of my knowledge and belief,

day of November 1944

Date of las			Y, J.B. Sqn, Battery, or Company No and date of jast drunk	Corps R.C.O.C.  Fremod not reckoning towards Ensection from extra fine	enlistment Sheet No 3	Sumature OC	1	son Captracte	(AFB \$22) 0/P45/126 (2625) T	
· Annual Company	Dute of		Cases of dranken	GFTENCE	Names of Witnesses	Punishment awarded	Date of oward or of order dispen- sing with trial	By whom awarded	Remarks	
Place	offence	Rank	tens	troyed - 18-1-43 - La	st entry -		cases of 12Apr43	drunkennes	Forfeits	
Field	5Apr43	Pte.	WOAS - Abse	nting himself without 1400 hrs 5 Apr 43 to Apr 43 Total time lys 19 hrs 50 mins.		Field Punishment.	der FR&I under se	149 and Fe	days pay	un-
Field	24Nov43	Pte	WOAS Negleo	ting to obey Part 1	Capt. E. EMGLISH	3 days C.B.	23Nov43	Lieut.E.C. DUDGEON	183	
			was improp	erly in the CWAC Loun Out of Bounds" at tha ding to Part 1 Order d/21 Oct43 AA Sec 11	t No:	• • • • •			1	

	1		Cases of	OFFENCE Names of Witnesses Funishment assaulted (a refer assault of a regard o
Field	Date of offence	Pte		AA Sec 15(1) WOAS AWL from 2359 CSM Murchison Awarded 28 26Jan44 Major Forf 17 days pay FR&I 149(1)a Tot.
74-14	12Feb44	Pte		44 (Absence 16 days of the state of the stat
	18Mar44			0800 hrs 15febas (3 days H.D. H.D. 15(1) 15(1) AMD 1 day 14 hrs AA Sec 15(1) S/Sgt Cozen S.D. 28 days F.P. 20Mar44 Major Forf 2 days pay.
	25Apr4			hrs 25Apr442020 hrs 13May44 4 CDN ARMD BDB 4 Cdn. Armd Forfs 6 dys Pay
				Remission of sentence 57 days 22 Sep 44. Forf 19 days Pay FR&I 149(1)(a)  GERTIFIED TRUE COPY  OFFICER HAVING CUSTODY OF ORIGINAL DOCUMENT.
				NO. 1 COMERU

Summary of Evidence in the case of No. M-35608 Graftsman Jack Buster QUINNEY, ROBRE, on the strength of No. 1 Canadian Ordnance and Mechanical Engineers Reinforcement Unit, a soldier of the Ganadian Army Overseas. By direction of the Commanding Officer, the Summary of Evidence is taken on oath. Lieutenant J.P. Gaynor, RCCC, on the strength of No. 1 C.O.M.E.R.U., an officer of the Ganadian Army Overseas, having been duly sworn states:-First Witness for the I am Drafting Officer of No. 3 Company, Holding Wing, No. 1 C.O.A.E.R.U. I produce a copy of the Record of the Declaration of a Court of Inquiry on the illegal absence of the accused, which is marked, "Exhibit A" The accused deslines to cross examine this witness. .... JA Bayan Lient No. B-52912 L/Opl Francey, H.L., EINE, on the strength of No. 1 C.O.L.B.R.U. a soldier of the Canadian Army Overseas, having been duly sworn states:-

Second Witness

Prosecution

I was M.G.C. in charge of No:1 J.C.N.E.R.V. Guard Room on 16 November 1944. At 2355 hours the accused, whom I now recognize, reported to me as having been absent without leave. He was sober and properly dressed.

The accused declines to cross examine this witheas.

Stopl Francey N. S.

The accused was cautioned as follows:-Do you wish to make any statement, or give any eviden You are not obliged to say anything or give evidence, unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in

The accused declines to make any statement and reserves his defence.

211. A.B. Guinny I certify that the foregoine Summary of Evidence, consisting of (1) one page was taken down by me in the presence and hearing of the accused and that Rules of Procedure 4 (c), (d), (e) and (f) have been compiled with.

> Wedved ... M.W. Meived) Officer Detailed to take Surmary of Evidence.

### SUMBARY OF EVIDENCE IN THE CASE OF

### M-35608 Graftsman Jack Buster QUINNEY

#### R.C.H.H.R.

### NO. 1 CANADIAN CROMANCE & DECHANICAL ENGINEERS REINFOR DECEMP UNIT

#### LIST OF WITHESSES

#### PROSECUTION

- (1) Lieut. J.P. Gaynor No. 1 C.O.M.E.R.U.
- (2) B-52912 L/Cpl Francey H.I. Wo. 1 C.O.M.B.R.W.

#### DEFENCE

NTI

#### THE OF EXHIBITS

(a) Report on the Designation of a Court of Inquiry on the illegal absence of a soldier.

18 Nov. 1944

Harold M. Bailey)

Gommanding Officer Mo. 1 Jdn Ord & Mach Engs Rft In the case of M-35602 Craftsman Jack Buster QUINNEY, Royal Canadian Electrical & Mechanical Engineers, on the strength of No. 1 Canadian Ordnance and Mechanical Engineers Reinfordement Unit, a soldier of the Canadian Army Overseas.

I hereby request that the Convening Officer appoint an Officer to represent me at my forthcoming Court Martial.

Last 28 Juney

Bordon Hants 16 November 1944.

I hereby acknowledge that I have received a true copy of the Summary of Evidence taken at New Martinique Barracks, preliminary to my Court Martinl and I further acknowledge receipt of a copy of the Charge Sheet under which I am being brought to Court Martiel.

Bordon Hants 15 November 1944. NNN38 PTE QUINNEY JB.

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SCHEDULE

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

Charge,	Plea.	Finding.	
(Insert " alternative " where applicable.)	(See Instra p 2.)	(See note below.)	(Space for use as required for further charges, accused charged jointly special findings, etc.)
st AR15(1)	Builty	Guilty	
Ind			2
rd			Aravelle major
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(). 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 6 days, of which 6 days were spent in hospital (4) (I. See RP 46(A) for 2. Information should be found on MF B355 or AF B296 admitted in evidence under E2.)

undergo detention

20 may Date underlook

PART II. MINUTE WHERE CONFIRMATION RESERVED. (ALSA(5), RP 1200F), MML p 760.)

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

Gir duties and powers are AA 54, 57, RP 37(D) fo 6.46(A), 51-56, 120, MML pp 759-361, KR Can 507-577. Acquired to Septimentian and cannot be revised: AA 54(3). Sending bock finding or sentence for revision by Court: AA 54(3), RP 120(G). If this confirmed, accused may be cried again: AA 157, MML pd. Minute of confirmation or non-confirmation may be altered before parameters. FX 53, RP 53A, 54. The Confirming Offir must sup here personally. AA 172 fo 1.) My decision on the finding(s) and sentence set forth in Part I is:

I comfirm the finding and sentenme of the Court, but remit two onths detention, and omfirm sentence so remitted.

(R.L. BOOTH) Brig. 23 May 44 Cond. 4 Cdm Armd Bde Confirming Officer

PROMULGATED AND EXTRACTS TAKEN. (85 53, KA Can 574, 577.) Signature of Offi-

11-35608 Fre worm Brance Olymenty 23 Hay 44

A Heller Man

ALL DELETIONS AND ALTERATIONS WILL BE INITIALLED.

RECORDED AT CHEIQ IN AB 150 WIN NOT SE 

HOMAR Somethin by Order of E. L. Boot H Comd 4 CAB BRIGHT ACCUSED. (As to the trial of two or more charged jointly see RP 16, 71, 109. As to massons for showing (a) permanent or rank, and (b) appirit, Alrank or Ajappint, if any, see AA 187, 163, frs, KR Can 300, 328, 330.) ST THE Number. (a) Print R. (b) Appent, A/R or A/Appent. Full Christian Names.

JOHN BUSTER QUINNEYS H DINGS REVIEWED ARM3 BAE Miguelan Cons PROCEEDINGS OF TRIAL.

Held in the Fd in (country) ENG PND on (date(s)) 20 MBY 44

### RECORD FORM A-OPENING PROCEEDINGS AND ARRAIGNMENT. 7/43

(PRINTED MATTER, NOT IN ITALICS FOR GUIDANCE, WILL BE DELETED IN NOT USED OR APPLICABLE, AND INITIALIZED BY PRES OR IA. The Schedule referred to throughout is on p. 4. Citations do NOT include all researce from NOs. For guidance BY PRES DR IA. The Schedule referred to University 19 on 9.4. Citatines do Not I include all relevant time ROs. For guidance or procedure when a positionistic in this form origin, see from the GCM in MML 3p. 741 on 759. A print precured of such variation with be made and given a monther having reference to appropriate on preceding journe samples herein. See back of Convening Origin, CF APS, for boths and instructs on how or neutral addresses, act, which instructor we hereafter called "Notes". As to generally provisions for conducting the trial time RA S3, RP 5c, 8-75, 73, 74, 94, 103, 119, 129, 130.

A2. The President initials and lars before the Court the Convening Order and Charge Sheetin attached thereto. (1)
The Court is satisfied that it is properly convened and constituted (1), accused is issue, amenable to military law, and each charge discloses an offence. (2)

(1. As to use of Summary of Exidence see RF 17 (n. 6. 2. AA 49, 50, RF 105-107. 3. RF 11-13, 23, 24.)

A3. The Court is opened. The accused is (arm) brought before the Court. At ##C > hours trial commences.

A4. The Prosecutor produces a Medical Certificate that accused is (see 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 CO.(3)

(I. KR Can 557. 2. AA 4018), AP 60 In | For effect see KR Can 563(c). Delete, if not applicable.)

A5. President to noused: Do you object to ... -----as interpretor ! Ame The Interpreter is sween (\*) the year object to as shorthand agirer T Aug-

(1. RP 72. Delete, if none amplianest.)

Defending Offy

A6. The Convening Order and names of the President and Members of the Court are read to the accused.(\*)

President to accused. Do you object to be tried by me as President or by any of the Members of the Court ?

Ans No RP 110. 2. If no objection, wasting member retires. RP 68(b). If objection, one precedure AA 51, RP 15, Ts. 18, MANL 9 742).

A? The President, Members, JA, if any, and Offra under instr. if any, are sworn.(\*) The following are the ranks, names and units of the offra comprising the Court, etc.:

E. J. O. GARVEILE A/CAPT. Member B.A. EKERS HR SEN WCAB Judge-Advocate Prosecutor CAPT W. T. THOMPSON 4 CAB WHSE

C. B. CIAMMEEN Questions by President; Is the Prosecutor a lawyer ! Ans No Is the Defending Office a lawyer ! Ans No. (9)

AS. The accused M & S & C & PTE J. E. GUINNEY, before arraignment make(s) (no) # plea &

(ii) If a special pine is made for supervise trial so one or more charges (AP 0.0)(5), or as to the jurisdiction of the Cleant (AP 26), or as to accused a mental foreign to a stood told (AA 120, AP 25), or to be one of several occased charged justice to be trived expenses (AP 1.7), such pine, the addressed to support or against, the endinesses, if any, and Ending are recurring pur Places. For forms of recard see registerance in fits to Rub cities and some of the occusion funding the pain.

All. The accused is (and arranged imparations on all charges in the charge sheet.(1) The accused does not object to any charge.(1) There is no amendment to be made to the Charge Sheet.(2) The President records the pleas in Part I of the Schodule.

(5. 8F 31, 112. See para 1 of instars gr 2. When more than one Charge Sheet use RP 62; when several accused to be treat apparately see RP 71(C), and use separate subject of CP Alle to recard proceedings. 2. 8F 32, RF 33. If otherwise, below make appropriate record gas history.

Ale. The Court six should end; considers the Instrs on Procedure after Arraignment at top of p 2. The pro-

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS

1. 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 withdrawal of alternative charges by Prosecutor see RP 35(C). No other charge can be withdrawan for any reason without authy from Convening Offr. If Convening Offr concurs, Court may accept plea of Gwilty to lesser, etc. offence. (RP 44(H).) Accused may change a plea of Not Guilty to Gwilty 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 its discretion of Court, (i) to try the accused on all such alternative charges as if he had pleaded Not trulty thereto, or, (ii) to record the pleas as the findings of Court. After deciding between (i) and (ii), Court will proceed under foregoing instrs 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 50, 60(C); geneirs and daties 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; mearing and withdrawal of witnesses from Court see RP 81, 82; genetioning of accused see RP 80, 87(C), 92(B), and of witnesses see RP 83-85; calling ar re-calling of witnesses by Court ste see RP 75-79, 86, 116; was af Sammary of Evidence at Trial

#### 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 meani of the charge(N(i)), and that on his pica of Guilty there will be no regular trial but merely a consideration of t. sentence to be awarded after he has been given an opportunity to make a statement in reference to the charged call witnesses as to character and make an address in mitigation of punishment. (1. RP 35 fn 2. 2. MML p 54 para 47.)

B2. President to accused: The Court will now receive any statement you desire to make in reference to the charges (1) If it appears from your statement that there are circumstances which indicate that you do not undercharges [9] If w appears from your statement that there are circumstances which indicate that you do not understand the effect of the plea of Guilty[9], or which show provocation or extensiation in respect of which in your interest the witnesses for the Prosecution should be examined(\*), we shall advise you to change your plea 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 plea. If, however, it appears to the Court that your statement affects only the amount of punishment to which you are liable, you will not be advised to change your plea and you will not be advised to change your plea and you will not be advised to change your plea and you will not be advised to change your plea and you will not be advised to change your plea and you will not be advised to change your plea and you will be advised to change your plea and you will not be advised to change your plea and you will be advised to change your plea and you will be advised to change your plea and you will not be supported to which you are liable, you will not be advised to change your plea and you will not be advised to change your plea and you will not be advised to change your plea and you will not be advised to change your plea and you will not be advised to change your pleas and you will not be advised to change your pleas and you will not be advised to change your pleas and you will not be advised to change your pleas and you will not be advised to change your pleas and you will not be advised to change your pleas and you will not be advised to change your pleas and you will not be advised to change your pleas and you will not be advised to the your pleas and you will not be advised to the your pleas and you will not be advised to the your pleas you will not be advised to the your pleas and you will not be advised to the your pleas and your pleas and you will not be advised to the your pleas and your pleas and your pleas

President to accused : Do you wish to make a statement ? Ans. No. 1. Statement, if any, recorded per Notes.)

3. RP 35(8) is 5 pero 3, MML p 54 pero 47.

4. See para E3 of Record Parm E.

B3. The Court considers the accused's statement (\*) The Court decides (not) to advise accused to change be n(s) of Guilty to Not Guilty on charge(a) The accused is loss) as informat and he are

B4. On the charge of to which the please of Guilty is (20) not changed the President records finding of Guilty in Part I of the Schedule (2)

(1. RF 33(8). If on please) is (and) changed, use Record form C or D as appropriate.)

B5. The Summary of Evidence is marked Ex A. initially and read alond by the President (b) (I. If there is no Summary, or if it is inedequate, comps with RF 37(b). If there is not evidence incresistent with any plan standing as Guilly. Court will drive occured to change such piec and. If themped to Not Guilly, my such charge(s) by use of parts D1 to D8 inclusive of Record form D on p 3. RF 37(D).)

B6. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by

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

C1. As to the charges on which accused pleaded NOT GUILTY the trial is continued by using pages by to D8 inclusive of Record Form D on p 3 before proceeding with C.F. (1. AP 27(A) (E).)

C2. The charges out which accused phrastal SUILTY are used to him (them) again, and the trial is continued by using parase let to B5 of Record Form of these ().

(i. Under 85 such parase object to the parase of the charge dealt with index Ci. If one pies is charged to Not Geilly, used through a parase of the Geilly, used through a parase of the Geilly used throughout the charges dealth from D on p J and making on appropriate record through a parase of the Geille County of the County of t

C3. The screen's having been bound Gulley on one or severe of the charges, the proceedings are concluded by using Record Lon p 3.

PRESIDENT UR 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.

D1. President to accused: Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity to prepare your defence ? Ans.

(). If "yes", see RP 39(A) for procedure. Statement or evidence, if age, a recorded per Notes.)

D2. The Prosecutor makes (am) (no) opening address (1) (1. RF 39(B), 60(A) (B), 90, #2(C) (D). Recard address per Notes, subject to RF 95(C).)

The evidence for the Pressecution is taken.(1)
(1. RP 39(C), 114, KR Com 555. Record evidence per Notes. As to Prosecutor giving evidence himself see RP 39(B) (E).)

D4. The Presecution 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 charge(s), and allowed on the harge(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)

(i) Delate remainder of this page. If submission not made.

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

3. RP 40 fn 1. Sept MML p 72 pares 12-14 and p 81 pare 42.

4. Delate part not used. If occused acquitted on all charges, use second otherangers is perior DS.)

NB: If trial proceeds, accessed must be ellowed great latisation in making his defence, and the Court should not step his defence solely an ground of irrelevance.

(RP 40/C), 114, (15.)

D5. President to accessed: You will now proceed with your beforce.(!). You may, if you wish, give evidences correct on eath as to the facts or your character or both, in which case you will be subject to cross-examination. The may, however, make a statement which could have been factor on eath will not carry with the Court the same weight preserve testimony. You may call witnesses in your determs and as to character, whether you give evalence or make a statement or do

President to accused : Do was with to give evidence yourself as a witness, make a statement, or do neither ? Do you intend to call witnesses on your behalf !

(I. #F 155. 2. #F 40.00 | 3. #F 40.00 | 0. #. #F 40.00 | 2. #F 40.00 | 2. #F 40.00 | 2. #F 40.00 | 3. #F 4

D6. Consequent on the answers recorded in para D5 the appropriate procedure for the defence is followed. [1]

(I. RF 114, 115, 146. Fed immediate see Notes on back of Courtning Order, CF RFS. Evidence for occused as to his character should, if in his interest, he given before the finding. See RF 46(A) in I. 86(C). Note the further apportunity in para E1 of Record Form E. Accord per Settle addresses, statement, evidence and any summang up by the 3A under RF 42, 103(c).)

D7. The Count is closed to comsider the finding(s) () The finding(s) of the Court is (are) recorded in Part I of the Schedule () The Court is re-appened.

(1. At 42/17(A). See Notes in Part I. | Schedule 2. At 44(A).)

Its. The President announces the finding of if any, of Not Guilty, and states to the accused that the finding is

charge(s), being subject to confirmation, will be promulgated later [7] Or. The President aunounces that the accused is found Not Guilty on all chargess and is to be released furthwith, and that the proceedings are accordingly terminated. Part I of the Schedule is disted and signed. (1)

(1. As 54(3), (4), 87 45, 120(3), 2. As 54(2), 87 45, 117. The alteriorise consolutioness is not applicable who there are pleas of Guilty outstanding and sealt with under Secret Form B or C.)

P8. The accessed having been found Guilty on one or more of the charges, the proceedings are concluded by using Breced 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 1571 (). If existence has already been given by accused or his witnesses as to his character, delete this pions. RP 37(C) fn 4, 46 fn 1.

Accused and witnesses are swara. Evidence recorded per Notes.)

F2. The Prosecutor produces Statements as to Character and Particulars of Service(\*), and certified true copy (e-gran) of Conduct Sheeta, purporting to refer to the accused, which he scolonius to the Defending Offi for examination, and then to the Court for admission in evidence. The Court is sampled that these documents refer

to the accuract, and then to the Court for addissord in evidence. The Court is suspensed that these documents court to the course documents as to the manner required by A.S. 26555 (g) (h), and (ii) they purposed to refer to (a) soldier is having the same number, rank, name and corps as the accuraced. Admitted in evidence and marked Ex. and Ex. C. respectively (\*).

[1] APP 46, KR Con 338. If show documents not produced, see AP 46 fo (

E3. President to accused: Do you wish to address the Court on the Statements and Conduct Sheet A and in ... instringuations of purasshment 1(1). Ann. VES. THROW 6.14 My code of the major of CARICARIAN (I. RP 37/C), 48(D).

2. Acceptant, if any, recorded per Notes. Court tolkid period accounted of his witnesses to prove the outs popularly here or previously assess which would affect the annual of purishment. RP 37(D): § 7.)

E4. The President states that the Court is closed to consider 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. AA 5466, NF 120(A).)

E3. The Court considers the sentence P) The President records the sentence in Part 1 of the Schedule, which

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

CHARGE SHEET The accused M 35608 Pte John Buster QUINCEY 4 Cdn Armd Bde Wksp, a soldier of the Conadian Army Overseas, is charged with:-WHEN ON ACTIVE SERVICE ABSENTING HIMSELP WITHOUT CHARGE Sec 15(1) AA LEAVE . in that he in the field on 25 Apr 44 absented himself wathout leave from his unit 4 Cdn Armd Bde Wksp from 1600 hours on said 25 Apr 44 until he returned to unit lines at 2020 hours 13 May 44. TI It allow Flag In the Field (J H MELLOR) MAJ Officer Commanding To be tried by Field General Court Martial. E. S. B. Th. (E.L. BOOTH) Brig. Comd. 4 Odn Armd Bde 18 May 44

Strouble may

# FIELD GENERAL COURT-MARTIAL

(Whether the occused to be tried is under his come or not, a FGCM may on opplication to him be convened by any offr of Cdn Army Ownnesds, of any other force if outhorized in law, in immediate cannot of troops on active service, subject to RF 105(C) and restrictions imposed by oppnopriate authy, of any other force if outhorized in law, in immediate cannot from our other services, subject to RF 105(C) and restrictions imposed by oppnopriate authy, AA 49, 30, RF 104-107, 114. As to the duties and govinges of the Convening Offr in dealing with the application see MML Clop Y pures 20 and 23, AA 49, 30, RF 104-107, 114. As to the approximation of the duties and 23, AA 49, 30, RF 104-107, 114. As to the convenience of the duties and 23, AA 49, 30, RF 104-107, 114. As to the convenience of the duties and 24, AA 49, AA

#### ACCUSED.

Number. (a) Prmnt E. (b) Appmt, A/R or A/Appmt M 35608 Pte

Full Christian Names. John Buster

Surname. QUINNEY li Can Arma Bde Wksp RCCC

#### CONVENING ORDER.

t. Whereas complaint has been made to me, the undersigned, that the person(x) named above as the accused. 5.535 being unlikely to military law, has (1250) committed the offence(x) set forth in the Charge Sheet(x) attached and on 5.225 endorsed by me, (or tay an active my observations me). "To be tried by Field General Court 5.535

2. And whereas I am of opinion that it is not practicable that such offence (# should be tried by an ordinary Court-Martial; (\$\tilde{A}\tilde{A}\tilde{B}\t

3. I hereby convene a Field General Court-Martial to try the said person(x), and to consist of the Office appointed or detailed hereunder.

A uncommission appoint capterns offers form the Court, (by a FS Off as President) for the transmiss a base to \$43 attached herack

(AA 49, RF 106(B), 107(A). Delete the whole or part. If not applicable.)

5. I also appoint as Judge-Advante thereof the Off the Month be sunder. '5 112 (RP 106(E). Delete. If none appointed.)

#### PRESIDENT.

E. J. O. Grevelle (Must be named. AF 106)

Lake Sup R (M)

MEMBERS.

J. M. Donahue

23 Edn Fd Regt (EP)

A/Capt (Rank.)

(Rank.)

M. J. Francis iled. RP 106 ) Lake Sup R (M)

WAITING MEMBER.

G. A. Ekers

HQ Son & Can Ared (Chit.)

(Named ar despited, if any. AF (ide.)

JUDGE-ADVOCATE.

(Must be warned, if any. RP 106.)

(Dissie )

(Rank.) On Active Service in the Fd

England (Country.)

Commanding

Brigadier

Date 19 May bu

u Cân Armâ Bâe

Convening Officer.

CONVENING OFFR WILL INITIAL ALL DELETIONS AND ALTERATIONS

4/38A0PMIN 是 图图题 性能

(See overless for methy and notes for use to trial.)

WEDICAL OFFICER'S CERTIFICATE

Sprandle mayor

### K R (Can) Para 557

I certify that I have this morning examined No M 35608

Pte Quinney J B of 4 Cdn Armd Bde Wksp and in my opinion

he is fit/watt to undergo trial by Field General Court-Martial.

In the Field

Medical Officer

Cyr f. M. Donahu ss ese Lie waiting number Lr H. a. Chins No Syn 4 can awa both tirte rivelle

Statement in ref. to Para E 3. the accused, he pleads himself at the mercy of the court.

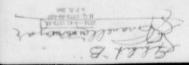
The forgoing willing was rook back to the witness. Brandle major

Exhibit "A" In the case of M35608 Fte John Buster Quinney 4 Cdn Armd Bde Wksp, 4 CdnnArmd Div charged with ARSENTING HIMSELF WITHOUT LEAVE AA Sec 15 (1) CHARGE The Commanding Officer directs that the evidence be taken on oath. B 3853 CSM Bye B J - 4 Cdn Armd Bde Wksp, 4 Cdn FIRST WITNESS Armd Div, having been duly sworn states: I am B 3853 CSM Bye B J 4 Cdn Armd Bdemmksp and on 25 Apr 44 I was in charge of the clean-up party at Maresfield Camp of which M 35608 Pte Quinney was a member. At approximately 1600 hours 25 Apr 44 I went to look for Pte Quinney to inform him to be ready to leave directly after supper farther from Maresfield Camp for unit lines in the field. Prom Maresfield Camp for unit lines in the field. Pte Quinney could not be found after searching Maresfield Camp. Several inquirtos were made and no person knew of his whereabouts. Pte Quinney market has not answered roll call or reported to this unit since 1600 hours 25 Apr 44. Pte Quinney reported to me at 2020 hours 13 May 44 stating that he had returned to unit lines of 4 Cdn Armd Bde Wksp. The accused declines to cross examine the witness. QUESTION TO Do you wish to make any statement or give any evidence THE ACCUSED on oath. You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be used as evidence. I have nothing to say at this time. Certified that R.P. 4 (C)(D)(E)(F) and (G) have been complied with. I certify that the foregoing summary of evidence consisting of one page was taken down by me in writing in the presence and hearing of the accused this 14th day of May 1944. We To Thompson Cap (W T Thompson) Capt cer detailed to take ummary of Evidence In the Field 14 May 44.

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Army Form A.3:

Correspondence to be physico here Form for Assembly and Proceedings of Field General Court Martial on Active Service.

# PROCEEDINGS.

On Active Service, this JULY

, 19 43.

Whereas it appears to me, the undersigned, an officer in Command of HEADQUARTERS "A" GROUP CDN RFT UNITS, CANADIAN ARMY, OVERSEAS , on active service, that the persons named in the annexed Schedule, being subject to Military Law, have committed the offences in the said Schedule mentioned.

And whereas I am of opinion that it is not practicable that such offences should be tried by an ordinary General Court Martial; Translockatoitoiscussoppusticableonevalelayotheourialotex ARTERIOR TO A SUPERIOR AND ADDRESS AREAS

Low

I hereby convene a Field General Court Martial to try the said persons, and to consist of the Officers appointed or detailed hereunder.

MRXXXAV Worlds Officer any Altreathers to

for the following reasons, named xxxxx

THE

President.

Name.

L.J. Dugal (R. de Chaud.)

Regiment. 6 C.I.R.U.

Members.

Rank

Rank

Capt.

Major

Lieut.

iting Member Lieut.

Name.

J.L. Dupuis (Sher. Fus.)

A. Geoffrion (R. de Mais.)

F. Lanthier (Gen. List)

Regiment.

6 C.I.R.U.

6 C.I.R.U.

6 C.I.R.U.

Group Cdn Rft Units, Convening Officer.

\*Question to be asked of accused, if he pleads not guilty (B. of P. 39 (A)):—

The year wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with and that you have been prejudiced thereby, or on the ground that you have not bad sufficient opportunity for preparing your defence?

Answer (in he second of a reporter sheet of accessary):—

Answer (no be scored on separate steel of necessary):

(Signed)

(J. M. Calder) & Colonel,

(Signed)

(J. M. Calder) & Colonel,

(Signed)

(J. M. Colonel,

(J. M. C

(a) Appointment acting rank or acting appointment, if any, to be stated in brackets after the substantive rank.

- (b) Unions unavoidable, not more than three names are to be entered on one form, and in serious are one only
- (c) Recommendation to mercy, if any, to be inferted in this column,
- (d) It is not necessary that the Confirming Officer should sign his name in this column. Initials are sufficient.
- (c) Minst be signed by the same Officer who signs on the first page, and all alterations in the first two columns of the Schedule to be initialled by him.

day of , and duly tried the persons named in Certificate of President as to the Schedule, and that the plea, finding, and sentence in the case proceedings of each such person were as stated in the third and fourth columns of that Schedule.

KITO 100 (A) Tompile with

I also certify that :-

1. The members of the Court

2. The witnesses

\*(3. The Interpreter)

\*(4. The officers under instruction)

were duly sworn.

Signed this was well as day of Provident of the Court Martial.

*See Substrate (8) on page 742 M.M.L. 1979.	I certify that complied with.	the terms of *A.C.I. 570 of	1918 have	Certificate case of dear sentences
	Signed this	day of	19 2	

President of the Court Martial.

I have dealt with the findings and sentences in the manner stated in the last column of the Schedule, and, subject to what I have there stated, I hereby confirm the above findings and sentences.

\*(I direct that the soldier named in the reargin be not com-

unions pensal servitude, inservitude, inservitude, inservitude, incompany of description parameter that the Confirming Cefficer enther has not accidently to committee to prison or description baymark, or, having saids

\*Omit if not applicable.

Signed this 12 day of July 19 43.

Confirming Officer.

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(4)	Promulgated and extracts taken in (Dated) 13 July 1943	the case of D 61798 Ot Orcha Quintel (Signed) Camille Majar free fish Asys 6. C. I. R. M.
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	(Dated)	(Signed)
	Promulgated and extracts taken in t	he case of
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(a) When several cases are promulgated in one unit on the same day the Office need only sign once.

(2002) WINDIESO SO SO EAS A.A.S. W.LOL GPANS

The accused, No D-51798, Private Ovils Quintal, of Les Fusilliers Mont-Royal, on the strength of No 6 Canadian Infentry Reinforcement Unit, a coldier of the Canadian Army Overseas on active Service, is charged, with: ABSENTING HIMSELF WITHOUT LEAVE. FIYST Charge Section 15/11 in that he, Army AcT at Algonquin Camp, Witley, Surrey, did absent himself without leave from 0530 hours on the 26th day of April, 1943, until he was apprehended by inclivil Police at Coatbridge at 1700 hours on the 16th day of June 1943, thereby incurring expenses for his return to his unit to the amount of three pounds, eight shillings and eight pence (£3.8.8) (Poval - - - , Faleys, 11 hours, 30 sinutes). Second Chaige ABSENTING HIMSELF WITHOUT LEAVE, Section 15 (1) Army AcT at Algorith Camp, Whiley, Surrey, when in arrest, did absent himself without leave from approximatively 1900 hours on the 20nd day of June, 1913, until he was apprehended by the Military Police at Camberley at 1945 hours on the 23rd day of June, 1945. (Total absence, 1 day, 45 minutes). STEALING GOODS THE PROPERTY OF A PERSON SUBJECT TO HILITARY LAW, Third Chaige Section 18(4) Army ACT in that he, at Thursley, Surrey, on the 23rd day of June 1943, did steel one (1) battle dress, one (1) pay book, one (1) fountain pen, one (1) automatic pencil, two (2) wallets, one (1) pocket knife, one (1) franc piece, one (1) beads, one (1) medal, and one (1) diary, and goods being ineproperty of one 2-45-4 Pte D rapses A. of 1 0250 g person subject to military law. AN ACT TO THE PREJUDICE OF GOOD SECTION 46 ORDER AND HILITARY DISCIPLINE, AIMY ACT in that he, at Camberley, on the 23rd day of June 19-3, was in improper possession of one (1) battle dress, one (1) pay book, one (1) fountelm pen, one (1) automatic pencil, two (2) wallets, one (1) pocket knife, one (1) franc piece, one (1) beads, one (1) medal, and one (1) diary, said goods being the property of one E-46441 Pte Drapeeu, A., of 1 CEFU., a person subject to military law. Algonquim Camp. 46.0. TASCHEREAU), Lt-Gol. Witley, Survey, Note day of June, 1943 "H" Wing, 6 Cdn Inf Rft Unit. MPH/JLM To be tried by Field General Court Martial. 5 Jul 43. Calder) A/Colonel, Commander, "A" Group Cdn Rft Units. C.A.(0).

CHARGE SHEET

in the first

July 7-1143

## MEDICAL OFFICER'S CERTIFICATE.

and that, in my opinion, he is sit/wast to undergo trial by Court-

Mirtial.

Salut Cap

PAGE /

### PROCEEDINGS OF A FIELD GENERAL COURT MARTIAL HELD AT THE PAY OF AN AB

THIAL OF: -NO. D. Lorred T. Transaction . - United to the State of the Contraction of the The order convening the Court, charge sheet, summary of evidence and medical certificate ere laid before the Court. The Court satisfy themselves as provided by R.P. 22 & 23.

The accused is brought before the Court. . (Name of front to the property (Unit) be with the last Defending Officer:- (Nome)

At. 335 hrs the trial commences.

The order convening the Court is read, signed by the Pres-

ident and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to

their names.

Do you object to be tried by me as President or by any of the officers whose names you have heard read over? Al ----The President, members and judge advocate (if eny) are duly sworn. The following constitute the Court:

President. Notes . A. (Unit) ..... (Unit) Laborate. Henders From the hardwaren .... (Unit) Landers

A matity sacration ... (Unit) Lowery

M.O. S. T. Jo Exmission PAGE 2 Magnific Burgo 17 448 explication one, which soll, Jefled to you wint The manage palamen Cuitty to the first and second the the Bully secured, we will the meaning a sense of the service was the expense of having our was an 17-mention the year way are colour rates water with Litter a case that in subscience my suit one one whate our ain (1909) franch at the de home to an employed as they religious at being accode to the account year because in Comment that the manufacture and the transmit the second the transmit the second the sec affice on about ideales capair Marin who say secretty they we prosper go that so was to the the course of the second secon me change to ace it among the ma The second of th of alang with halas was VEC III The designed as all the to the How in I plen contracted and and a parties and the second of the first the second of the second as the whom of warde to we remain have got and so the winter the way have when we are of the may are an and a The transmission of the war of the war of the war was the war was the war of That II Class is good to grap want want a read who we would be a see that the see of contract of the the the see the complete sed as finder as to the mill dead to me City throw the many of the parties of the Control o on course prisoner for books the and income in the the in an arms and wanted and the francisco on a thick to "h" I Freme piece " M" ; a premise " " H" Was stenamed alles you we will so the same will

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Exhibit'A"

RECORD of the Declaration of a Court of Laquiry assembled at Algorithm Camp, Witley, Surrey, on the 19th day of May 19 43 for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Annuanition, Equipments, Instruments, Regimental necessáries or Clothing of No. D=61798 Pts Quintal, O. Fusiliers Mont-Royal, 6 CLRU.

### DECLARATION

The Court declare. that No D-61798 Pte Quintal, 0,, Fusileers, Nont-Royal, 0 CIRU,:
1- Did illegally absent himself without leave from 0530 hrs 26 Apr 43, and that he is still so absent on 22 May 43 at 1330 hrs.
2. That on 26 Apr 43 he was deficient, and is still deficient of the following articles to the value of £3.1.5

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	Names of President and Memos	+ D Wandam, P do M	ais
	President Capt	L J.F. MARKET, Con T.	int

Signature of Commanding Officer ... M.E. Horgan, Col

Lt J.L. Commissen, Jon Lt A. Trudel, Gen List

ADIT & CON INF. RET. UNIT

Certified true copy

Signature of Officer having custody of original record

a Care should be taken to insert Army No. and Rank.

lineers," was apprehended " or " sacrendered," so the case may be

it is important for the public Service, and for the interest of the Linearity or Albertary without move, that this part of the seturn should be accurately filled up, and the details should be averted by the Justice in his own handwriting, or under his dissection, by his Clark

is or "is not a Desertor " or " Absentor without leave from or " belongs," or " does not belong to " as the case may be

#### FART II.

Apprenension of No	ol.
Regiment at	on by
who was committed as a De	serter (or Absentee without leave) on the
RECO	OMMENDATION FOR REWARD.
1 RECOMMEND*	
Address	
Address	/ Signature of Communities

reward is recommershed, and the amount (5; , 10; , 12; , or 20; ) which in his opinion amount be granted in this particular case, having regard to the following rules --

- 1. When soldiers are apprehended in uniform near their quarters it is considered that as a general rule 5/- is a sufficient reward. Not more than 10/- will be allowed in any case where the soldiers were in uniform.
- 2. When soldiers are apprehended in plain cloubles, at a distance from their units, and arree having been absent for some time, the neward may be increased to 10 f- or 15 f- assunding to the nature of the cases and the trouble incurred in apprehension. A reward in excess of the will seld on be granted.
- 3. The reward of 20 should be strictly reserved for cases where superior intelligence has been displayed in apprehending men in plain clothes, or under difficult or exceptional

Rewards and expenses attendant upon apprehensions will be paid by the Command Pasmaster of the Constraind of District in which the soldier's Unit is stationed.

4. No reward can be authorised if the Desourer or Absenter voluntarily suggested or it it shall appear that he was in collected with the person who apprehended him, we is the apprehended turn was not a Deserter or Absences.

The following Statement of expenses (if any) incurred by the Police and chargeable to Army Funds should be certified by a Superintendent or Officer in charge of a station.

No expense incusted in conveying a Deserter or Absentee from the Court inspecion should be charged to Army funds. So a expenses can be included in the claim made on the Prison Commissioners.

The total amount allowed on account of expenses before committal will now together with the seward

ment 40/-,	
I CERTIFY that the following expenses were incurre	sd by the
olice in connection with the apprehension of.	and are
payable to	
	Superintendent of Otto-
Date	
AUTHORITY for the PAYMENT of a REWARD.	For Army use only as hereby authorised t
The Command Paymaster k	being the person recommended by th
Commutting Magistrate, a reward of	for the apprehensio
al.	
Date	Othor Ceptanandin

Where its reward is authorised though one was recommended by the Magistrane, or where file reward authorised is less than their recommended, a brief explanation will be given below ....

IMMEDIATE.

#### PART I

DESCRIPTIVE RETURN of a Deserter or Absentee without Leave,

# INSTRUCTIONS FOR THE GUIDANCE OF MAGISTRATES.

- (I) When a man is apprehended by the Civil Power as an absence without leaves or as a deserter, if the information tendered leaves no doubt in the mind of the Magistrate tinat the prisoner is a soldier, this return should be completed and gives a sea Daira to bound to the escort on arrival.
- (2) To avoid delay in the arrival of the except a telegram stating the Number, States, Name and Unix of the soldier should be sent by the Police, as soon as the man is communical,
  - (3) Any recommendation for a reward should be made on Part II or this regum-
- (i) The Court less chargeable for Descriptive Returns should be claimed periodically from the Command Paymaster of the Command in which the Court is attuated
- (b) The stations of all Units are shown in the Monthly Army List, as are also the Esepsta

In the case as doubt as to the location of a particular Unit recessor should be imade to the meanest O.C. Troops. Where the soldier's Unit is stationed overseas joutside Great Biratana, Northern Ireland District, and the Chansel Islands, the telegram for an excert should be desputched to the O.C. Depot, who will take all necessary action for its provision,

Expense Voucher Re—:

Ref. K.R. & O. (Can) 539

Reg. North 198. Rank Pla. Name Quantal, O. Unit 6 C/RU.

The following expense were incurred in apprehending and returning the M/N Soldier to his Unit From

Date

Particulars (2 pritim Amount

Prison are single fare to LONDON Prison are single fare to LONDON Prisoners fare from

Escorts & Prisoners expenses for Bed. Meals. Bus tares 2 pritim

O. Can) 539

Prisoners fare from

Escorts & Prisoners expenses for Bed. Meals. Bus tares 2 pritim

O. Can) 539

I certify that the above statement of Expenses is Correct, and that the amounts are fair and just.

CAPT.

(W. FERN) D.A.P.M.

LONDON AREA...... Capt.

Officer Issuing Railway Warrant and Expense monies

No. 6 Provost Company, Canadian Provost Corps, London.

OMRQ 1000:55 40/9 & 8/483 Demande de clémence dans le cas de D-61748 Pre Quintal O. Le sat Quintal Dur est l'aine d'une famille de 9 Enfants, il y as son pere, son fice et les même cans l'armée. Le soldat est done le soutien de sette grande famille, avec l'aide de son pere et de son frent, que sont on angellerie, e est a dere que son pere Went de reparter pour le Canada ou il sexa incesseramant revoye, pour cause de sante, en dehois de l'aimig stant malade, il sera fout-clie tres long temps avant de trouver une position avec laquelle il poursas faire ource so famille, done la marce de set quelital compto sur les allers anses de profile pour vivie, societil done de miss, me le president qu'ant telle famille Souffee de pemparte que l'un de son ples est vance en anglatorie et par inaction et envie as fact un acte. qu'il regrette anierements, il veiet main tenant s'amender, d'abord parce que cela ne le pair pas et leu enlève des prestige, ensuite parce qu'il réalise gue c'est à lui qu'incombe maintenant le devoir de meller le pour sur la table de la famille. nous deman. dont à la fours de consaderer ces points avant de condamner ce sols ce qui ferait beaucoup de tarda so famille que n'est surement pas responsable de la presente situation. Spangein Br. Liest officier de la défense "x. Hotelle

In the case of No D-6179, Private Ovila QVI TAL, of Les Fasiliers Mont-Royal, on the strength of Noo Canadian Infantry Reinforcement Unit, a soldier of the Canadian Army Overseas on active service. By direction of the Commanding Officer, this Summery of Evidence was taken under oath. Lt. L.P. Lanoie, General List, 6 CTRU, having been duly sworn, states : for the I am Lt L.P. Lancie, General List, 6 CTRU. I hereby produce the following documents concerning the accused, D-61798 Pte Quintal, C.; (a) Copy of the Declaration of a Court of Inquiry held on 19 May 43. This Cocument is marked "Exhibit 'A'" and is attached to the Summary of Evidence. (c) Expanse Voucher in ac ordance with in Can 519.
This document, datedle Jun 43, is unreed "Exhibit 10" and
is att ached to the Sunwary of Evidence. The accused declines to cross-examine this witness. The accused, having been duly cautioned in French in accordance with RP 4 (E) and Overseas RO 1424, reserves his defence. I certify that the foregoing Survey of Evidence, consisting of one page, was taken down by me in the presence and hearing of the Accused at Algometin Camp, Witley, Surrey, on the 21st day of June, 1943, and that Rules of Procedure 4 (C), (D), (E), (Y) and (G) have been duly complied with. (Officer teking Summary). Algenquin Camp, Witley, Surrey, 21st day of June, 1943

I am A-992 Cut Bo ce, W.C., or No T Company, Canada and Provest Darmas. About 1949 has on 23 Jun 43, while partrolling on the main London road in Camberly in company with LCD11 of Olson, I had she consistent and the accused, when L has so consistent when London and Mean headdress. He aman it has recognise, the fees and worker and to come with in the Constant of the Police Station. When we got there, where two mean were industrial as stations when the Constant of the Constant of the Constant of the Canada and the work the Constant of the Canada and the work to the Canada and the large the Canada and the work to the Canada and the canada and ware weather the dress. L-2319 L/Col Olson, L.E., to 7 Company, Canadian Provest durps, saving been dily suorn, spaces:

I om L-213 L/Col Olson, L.S., of SO 7 Company, Canadian provest durps at Company company, canadian dury becomes a company of the space of the color of the company o I was Deferre the Lavoie, d., of Las Buttlings on the Decard to a control of the base of t a-9092 Cpl Boyce, W.C., No 7 Compeny, Carmolan Provest Corps having been dily sworn, states: don of the Contanting Orlines, when the contact of the baying bear daily storm, states; ... L. O. Jann. ...... 2 Lury et SUPPLIESTANT SULADO OF EVENE ed declines to ross-exemi

Page 2 %.

#### SUPPLIENCEPARY SUM ANY OF EVIDERO

In the case of No D-61796, Private Ovila QUINTAL, of Les Fusiliers Mont-Royal, on the strength of No 6 Canadian Infantry Reinforcement Unit, a soldier of the Canadian Army Oversess on active service.

Fourth Witness for the Prosecution. E-9197 Col Robidoux, H., Royal 22e Regiment, 6 CIRU, having been duly sworn, states:

I am E-7197 Opl Robidoux, H., of the Royal 22e Regiment, on the Regimental Police Start of CIM. On 23 Jun 43, In company with Cpl Brassara, I proceeded to Camberly to bring back two prisoners who were in curvody at the police station. When we got there the two prisoners, one of whom was Pte Cuintal, whom I now recognise, were turned over to us. At the same time Cpl 20 we of the Camadian Provest Corps, turned over to me three pocket books, one fountain pen on bencil, I set of bends, one note book, one sedal and one franc piece, which articles had been taken from the two prisoners after their arrest. I hereby procuse these articles as exhibits as follows:

Pocket books --- Emilie "E", "F" and ""

Foncil --- Emilie "E"

Frayer bends --- Emilie "E"

Rote book --- Emilie "E"

Emilie

When they were turned over to me, the two prisoners were wearing battle dress.

The accused declines to cross-exmine this witness.

Fifth Witness for the Prosecution. R-7217 Sgt Jette, D., Royal 22¢ Regiment, 6 CIRU, having been only seern, states:

I am R-5217 Set Jette, D., of the Royal 22e Regiment,
Provest Sergeant of 5 CRM. On 2e Jun 43, I had the
occasion to investigate the alleged theft of two bittle
dress by Ptes Caintal and Lausse. In the course of this
investigation, I ama taken by the two soldiers in a section
to a point beyond Tweeds mir Camp where I found their denim
suits together with two pay books bearing the names of
E-14723 Chemard, Wilfrid, and E-64441, Drapesu, Alme.
I hereby produce these 200 pay books as emils to "" and "O"
respectively. These articles were found in a rabbit warren
and souls not have been found without the help of the accused.

The accused declines to cross-examine this witness.

Sixth Witness for the . Prosecution. D-57256 Cpl Diivle, D., Regiment de Haisonneuve, 5 CIRU, having been duly sworn, states:

o CRU. On 21 Jun 43 I inspecte the kit of Pte unintal, whom I now recognise, and, on the following morning, brought him to the Q.M. Stores, where he bought all the kit of which he was deficient. At the time Pte Quintal had two battle dress only. On 25 Jun 43 I again inspected the kit of the accused and found him in possession of one extra battle dress which I hereby produce as Exhibit "p";

The accused declines to cross-examine this witness.

...A. Daide ......

I am E-48441 Pte Drapeau, A., 1 C RU. On 23 Jun 43, when I returned to my tent after my day's work, I noticed that my Uniform, which I had left banging in my but, was missing, together with the following articles, which I had left in the l Pay Book, RMII, Part II l Fountain pen 1 Automatic pencil l Wallet, containing photographs and various papers 1 Pocket knife (2) which was taken from my ent on the s/m date. I whoe recognis the may been marked Exhibit "O" as pains the one which was lax taken with the battle dress, and the virious articles marked Exhibit "E", "p". "R", "I", "I", "L" and "." as those which disappeared at the same time as my battle dress. The accused declines to pross-examine this witness.

SPR Lindeau A. Pte. E-14723 Pte Chenard, W., 1 CERU, baving been duly sworm, state I horeby recognise the uniform marked Exhibit "D" as the one which was taken from my tent on the m/m Gate. I also resocaise the pay bookmarked Exhibit"N" as being the one which was taken with the bautle dress, and the wellet marked Exhibit "a" as the one which disappeared at the same time as ay battle dress, The accused de lines to cross-examine this witness, ... Wilfred . Survered . 200. he accused, having been duly cautioned in French in accordance with RF 4 (E) and Oversens RO 1404, reserves his defence. I certify that the foregoing Smoury of Evidence, consisting of three pages, was taken down by me in the presence and hearing of the ascused t Algorithm Cang, Withor, Surrey, on the Form day of June, 1981, and that hules of Procedure 4 (C), (B), (I) and (F) have been duly committed (Or seer residing Success).

In the case of No D-31798, Private Ovile QUINTAL of les fusiliers Lont-Royal, on the strength of No 6 Canadian Infankry Reinforcement Unit, a soldier of the Canadian Army Overseas on active service.

R-AS44L Pte Drameau, A., 1 C RU, having been duly sworn,

Page 3

In the case of 10 D-51795, Private Owils quintal, of Les Justiturs Hent-Royal, on the streight of No 6 Gennals Infatnry Reinforcement that, a soluter of the Gana diam Army Overses on settys service. I cortary that the foresting Stream of Syddense, consisting of one of Aleman down by me is the presence and hearing of the manused of Aleman day, Eltery surfer, on the in the of only, 1.43, and that the of only, 1.43, and only its first of the consisting of the consistent of the co accused, having been daily centatoned in French in accordance with L-2319 L/Opl Olson, L.3., To 7 Company, Camedian Provost Corps, roundled, sta os on osth: On the 23 Jun 43, after testing Ptes quintal and Laguese to the police station; I secreted them in company with the Boyce and the eight police. I found on quintal the following articles which I hereby produce as omnibits as charter My J Mpuses LE CLOSE MODEL

THE STATE WASHES THE SHOPE SHE STATE Trape to filed Mound of the Sound Ling while of Monthly a contribution to the mounter of they find 4 fel 42 Capt Musica A. I style to forthe the plant of a contiened Tit Sandolar 7 Large from same standar AR Wal ordered to high whee god for as A cooper There is a short of the find of the form o DEFENCE Date of last coury in Alfan to Mondal date of Mark drunk Alfa N/N abravior general for bornel with some first modes of the section from the section for the Company; etc. Sheet No. 2 No.D. Liff's Manne QUINTAL O Hope, Battery, Superior O.C. A. A. Churacher AW & agros Date of to age of the Annual All Section of the Sec \$191-01 TLE: TO:50 Last cheek declareded to fund

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Regiment (or as the case may be

# Statement as to Character and Particulars of Service of Accused.

Number.	Kank	Name.			he case may be	
61798	Private	Quintal, 0.	Fusil	Liers Mont-Roy	al, 6 CI	
1. The follo	owing is a fair an	d true summary of the e	entries in the regime	neal and squadron, but	tery or compa	may con-
et sheets? of the	accused, exclusi	ive of convictions by a c	court martial or a cay	if court, of summary av	wards under se	chion 47
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				time	1	
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my N						
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Schedule of Convictions by a Court Martial or Civil Court, of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with of accused, Name of finial, 0. of River Chill Regiment for as the case may be). (INSTRUCTION - A serbation extract from the region neal books, stating these consictions and dispensations with trial, must be inserted) Punishs-ent inthority disposing of the charge, Charges upon which convicted, or in respect of which Date and place of trial, or summary award under trial was dispensed with order of the dispensing authority. tried, or status of officer disposing of A.A. 47, or of order dispensing with trial. the charge or dispensing with trial. Field 11 Nov 42 (1) Army Let 15 (1) AWL from 2230 hrs 7 months detention 5 days 128 Aug 42 to 1505 hrs 18 Oct 42 (50 days (2) Army A of 15 (1) AMI from 1930 hrs peceasories to the value of £3.16.1 I HEREBY CERTIFY that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

day of July 1943

Signed this 7th

I acknowledge that I have been served with I gopy of the Summary of Evidence taken at Algenquin Jamp, Mitley, Survey, prior to my trial by Court-Martial. I further acknowledge that I have been served with a true copy of the charges upon which I am being brought to trial by Court-Martial. I acknowledge that I have been served with a copy of an additional Eugsary of Eyidence taken at Algenquin Camp, Witley, Surrey, orior to my trial by Court-Martial. I desire the services of an officer to represent ne at my trial

by Court-Fertial, I request the services of .. Lung tangaria. Son host. 6. 51. R.C.

if he is available,

30 day of ...... 1943.

Parla Lumital

brangeoin L. S. Lieux

#### ACKNOWLEDGEREUT BY FRESIDENT

I hereby acknowledge receipt of the Convening Order (A.F.A.3) and relevant documents for the trial by Field General Court Martial of Number D-61798 ... Rank Pte. ... Name ... ... Unit . 6 C.I.R.U. 

Date . Date ...

Signature ... ... Rank. ......

Unitary week . Armanillar and manage

# REGIMENTAL DOCUMENTS

H.Q. FILE No.

	. RANK
CONTENTS	NON-EFFECTIVE BY
COMBINED DECLARATION FORM OR ATTESTATION AND MEDICAL HISTORY (M.F.M.1 & 1A) OR (M.F.M.2 & 2A)	DEATH
SERVICE AND CASUALTY FORM (M.F.M.4 & 4A) (A.F.B.103)	DATE
PARTICULARS OF FAMILY (M.F.M.5)	CAUSE
FIELD CONDUCT SHEET (M.F.M.6) (A.F.B.122)	AUTHORITY
CERTIFICATE OF SERVICE (M.F.M.S) COPY OF, OR DISCHARGE CERTIFICATE (M.F.M.7) COPY OF	
FORM OF WILL (M.F.M.10 OR M.F.M.10A)	
DENTAL HISTORY SHEET	DESCHARGE
MEDICAL REPORT OR CASE HISTORY SHEET	DATE
MEDICAL EXAMINATION ON LEAVING THE SERVICE	REASON
TRANSFER CLOTHING STATEMENT	AUTHORITY
LAST PAY CERTIFICATE (M.F.D.930A)	
PROCEEDINGS ON DISCHARGE	
PROCEEDINGS COURT OF ENQUIRY	DESERTION
DECLARATIONS COURT OF ENQUIRY	DATE
PAY SHEETS	AUTHORITY
CARDS	
SUNDRY	

PTE QUINTAL D

#### SCHEDULE

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

Accused: D. 61798 Pte QUINTAL, Ovilg 4 CITR CIC

Charge.	Plea.	Finding.	
(Insert " ofternative " where applicable.)	(See Instrs p 2.)	(See note below.)	(Space for use as required for further charges, accused charged jointly, special findings, etc.)
Int AA Sec 15(1)	GUILTY.	GUILTY	special findings, etc.)
2nd AA Sec 15(1)	QUILTY.	GULLTY	
3rd AA Sec 15(1)	GUILTY	GULLTY	
4th			
oth			
6th			

(Note: As to findings for leaser offorces see AA.56, RP 44; findings on alternative charges see MML p.483 fn 4 para 2, RP 44; pecial findings see RP 44 and MML p.753, and in loss of kit see RP 44 fn 6.) confinement awaiting present trial—a total of 22 days of which /3 days were spent in hospital (1) (1. See RP 46(A) fo 2. Information should be found on MP 8355 or AF 6296 educated in evidence under F2) PART II. MINUTE WHERE CONFIRMATION RESERVED. (AL SHED, REPORTS, MAIL D. 780.)

PART III. DECISION OF CONFIRMING OFFR ON FINDING(5) AND SENTENCE. (for duties and powers see AA 54, S7, RP 37(D) fit 6,46(A), S1-36, 120, MML pp 739-761, RR Can 57-577. Acquisite are confirmation and connect be revised: AA 54(E). Sending back finding or sentence for revision by Court: AA 54(E), RP 126(G). If promision or RP 53, MML p 64. Questing after premise for minimation or non-confirmation may be citized before 57A, RP 53A, S4. The Confirming Offir must sign here personally. AA 172 fo 1.)

My decision on the finding(s) and sentence set forth in Part I is

Douterman

Much villus "A" Go Cdn Rft Units CA(0)

Confirming Officer.

PART IV. PROMULGATED AND EXTRACTS TAKEN. (AP 53. KR Cap 576, 577.)

761798 Da Quintal O. mer tilleh Lanth 4019B of 4017k

ALL DELETIONS AND ALTERATIONS WILL BE INITIALLED.

RECORDED AT CMHQ IN AB 160, WELLEY

FILLD GENERAL COURT-MARTIAL The of Sig C S N Gostling ED Comd "A" OF CRU dated 12 Nov 44

ACCUSED.

(As to the trial of two or more charged jointly see RP in. 71, 109. As to receives for showing (e) permanent or confirmed rank, and (b) appent, Alrank or Ajappent, if any, see AA 182, 183, [ns, KR Can 300, 128, 330].

Number. (a) Print B. (b) Appint, A/R or A/Appints of Pull Christian Names. PROPREDDIG THE WED Ato Ruliqueles Papi 0941=

OUTNIAL 4 CITS CIC 29 Nav of the

REVIEWING OFFICER, JAG B PROCEEDINGS OF TRIAL

## 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

IPRINTED MATTER, NOT IN ITALICS FOR GUIDANCE, WILL BE DELETED, IF NOT USED OR APPLICABLE, AND INITIALIED

(I. As to use of Summary of Esidence use RF [7] and Z. AA 49, 50, RF 205-107. I. RF 21-(3, 23, 24.)

A3. The Court is opened. The accused is GRO brought before the 200th. At [3, 2] hours trial commences.

A4. The Prosecutor produces a Medical Certificate that accused is 16th in undergo trial by court-martial [1]. Presenter informs the Fourt that accessed cheesed to be tried as sourt-marked astead of being dealt ny the CH3 (4) Z AA 46(8), RP 60 fn 1. Far offect see KR Can Sedict. Delete, if not applicable.

A5. President to accused: Do you object to as interpretor ! Am-

The Interpreter is sworn (\*). Do you object to The specthand writer is sworn (\*) as shorthand writer ! Ans.

(), RP 72. Delete, if none employed.)

Prosecutor Defending Offr

A6. The Convening Order and mannes of the President and Members of the Court are read to the accused. President to accused: Do you object to be tried by me as President or by any of the Members of this Court I Aus No Jus a

(1. Ap 110. 2. If no objection, waiting mamber retires. AP 66(8). If abjection, see procedure AA 51, AP 25, 71, 18, mobil p 742) A7. The President, Members, JA, if any, and Office under instr. if any, are sworm? The following are the ranks, names and units of the office comprising the Court, etc.:

B.R. TALBOT Member Member

ZERESCENER

Questions by President : Is the Prosecutor a lawyer ! Ams / Is the Defending Offr a lawyer ! Ams (1. 88 26, 27, 109, 111. List of office under less's will be returned separately with proceedings the information of Cook Offic).

(2. If Free a lowyer and Coff Offic not, occupied is extisted as an adjournment when RP 89 (8) and fix 2 were not followed. See 24 9 3.) AS The accused D, 61798 Pts QUINTAL C. before arraignment make(s) lines (s) plea

(1) If a appecial pine is much for sequence trief on one or more charges (RP 62[E], 108), or or to the jurisdiction of the Cause by one of second charged joining to be tried approach; (RP 30), so in more discussed through the second occused charged joining to be tried approach; (RP 16, 71), such pine, the existence, if may, and feeling are recursible per Notes. For journe of record see references in fine to Rule charge caused per Notes, for journe of record see references in fine to Rule charge in the content in Ab comb.

AB. The accused in the arrangement (separately) on all charges in the charge abovet. (1) The accused does not object to any charge (1) There is no assentationent to be made to the Charge Sheet. (2) The President receiveds the

in Part I of the Schottle.

(i. 88 31.112. See pere 1 of instm. p 2. When more than one Charge Sheet use 87 62; when unwered occased to be trimed supportedly use 89 71(C), and an experience aspires of Cl. 996 to record proceedings.

2. 89 12, 89 33. If otherwise, delete used make applications occasionally deleted and make applications occasionally occasi

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS

- The accused may not plead or be jound Guilty on more than one of two or more charges haid in the alternative.
  (RP 37(A).) As to withdrawed of alternative charges by Prosecutor see RP 35(C). No other charge can be weightnessen for any reason without only from Councing Offr. If Convening Offr concurs, Court may accept size of Guilty to lesser, etc. offence. (RP 44(B).) Accused may change a plea of Not Usuity 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
  - 1. If pleas to all charges are GUILTY, use Record Form B below.
  - 11. 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
    - (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 New Guilty thereto, or, (ii) to record the pleas as the findings of Court. After deciding between (i) and (ii), Court will proceed under foregoing instre as may be appropriate to result of its decision. See MML p 744 Instra (2)
- 3. As to responsibility of President to accused see RP 50, 60(C); powers and duties of JA see RP 100; study of Prosecutor see RP 50(A) (B); duty and privileges of accused and Defending Offr see RP 00(C), 87(C), 91, 92; seconding and withdrawal of eclasses from Court see RP 81, 82; questioning of accused see RP 80, 87(C), 92(R), and of mathematics of the Second Second

#### 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 two-character and make an address in mitigation of punishment. (\*)

  (1.  $R^2 3 \ln 3$ . 2.  $MM_{\odot} 5 4 \cos 47$ .)
- B2. President to accused: The Court will now receive any statement you desire to make in reference to the charge(s).(1) If it appears from your statement that there are circumstances which indicate that you do not understand the effect of the p'ea of Guilty(2), or which show provocation or extenuation in respect of which in your interest the witnesses for the Prosecution should be examined(2), we shall advise you to change your piece 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 plea. If, however, it appears to the Court that your statement will be given an opportunity later to prove your statement by sworn testimony, if you so descre [\*]

President to accused: Do you wish to make a statement ? Ans NO 3/K (I. RP 37(B), 2. RP 37(D) fo 6. 2. RP 35(B) fo 5 para 3, MAIL p 54 para 42. 4. See para E3 of Record Form E. 5. Statement, if any, recorded per Notes.)

13. The Court commisse the accused's statement (\*) The Court decides (not) to advise accused to change the charge(s). The accused is (are) so informed, and he (they) (their) plea(s) of Guilty to Not Guilty on

charge(a). Part I of the Schoolule is amended accordingly. Court may be closed to consider the statement. Delete whe

B4. On the charge(s) to which the plea(s) of Guilty is (are) not changed the President records finding(s) of Guilty in Part I of the Schedule (\*) (I. RP 35(8). If any pleas(s) is (are) changed, use Record Form C or D as appropriate.)

B5. The Summary of Evidence is marked Ex. II., initialled and read aloud by the President.(1)
(1) If there is no Summary, or if it is inedequate, couply with RF 3718). If there is any evidence occasionness with any pine standing as Guilty, Court will advise occured to change such plus and, if changed to Not Guilty, try such change(i) by use of porce OI to Del inclusive of Record Form D on p 3. RF 37(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.

so which accord plaused NOT OFFETY the trial is continued by using paras D5 to DE inclusive of Record Form D on p 3 before proceeding with C 2.(1)

C2. The charges on which accused pleaded GUILTY are read to him (them) again, and the trial is continued

by using paras B1 to B5 of Record Form B glower(\*)

(\* Under B5 such parts only of see Stiffmany of Evidence are mud as relate to the charges doubt with under C2. If any piece is changed to Not Gully, trigl shortful proceeds by complying with paras D1 to D8 inclusive in Record form D on p 3 and making an opportunite record seemed as apparets short).

13. The accused having been found Goulty on one or more of the charges, the proceedings are concluded by many

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

Pin here Leaffe Sheets of Record.

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

D1. President to accused: Do you wish to apply for an adjournment on the ground that any of the rates relating to procedure before trial have not been complied with, and that you have been prejudiced thereby. the ground that you have not had sufficient opportunity to prepare your defence ! Ans
(i. If "yes", see RP 39(A) for procedure. Statement or evidence, if any, is recorded per Notes.)

D2. The Prosecutor makes (an) (no) opening address (1)
(1. RP 39(B), 60(A) (B), 90, 92(C) (Ds. Record address per Notes, subject to RF 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).(1) The Court is closed, and considers the submission (\*) The Court is re-opened, and the President announces that the submission is disallowed on the... 

the latter charge(s),(4)

(1. Delete remainder of this para, if submission not mode.

(2. Arguments on submission, notwer and reply are recommended per hotes. 3. RP 40 fn 1. See MML p. 72 paras 12-14 and p. 81 para 42.

(3. Delete part not used. If occursed occurrence on all charges use second alternative in para 0.8)

(4. MB: If trial proceeds, occurrence must be a diswest great latitude in making his defence, and the Court should not stop his defence ability on ground of irrelevance. (RP 60(C), 214, 115)

D5. President to accused: You will now proceed with your defence (1) You may, if you wish, give evidence

President to accused: Do you wish to give evidence yourself as a witness, make a statement, or do neither ? .. Do you intend to call witnesses on your behalf? . Are they witnesses as to character only ! Ans (1. 89 115. 2. 89 40(a), sep \$50(0). 2. 89 40 fe 10. 4. 89 40 fes 2, 9.)

D6. Consequent on the answers researded in para D5 the appropriate procedure for the defence is followed.(1)

11. B8 114, 115, 716. B6r procedure we Notes on back of Convening Order, CF A93. Evidence for occused as to his
closector hould, if in his interest, be given before the finding. See RP 45(A) fr. 1. Bb(C). Note the further apportunity in pure E1
of Record Form E. Record for Notes addingues, statement, evidence and on a summing up by the [A under BF 42, 1021s.)

D7. The Court is subsed to consider the finding(s).(3) The finding(s) of the Court is (are) recorded in Part I he Schedule (3) The Court is re-opened.

(i. RF43,417(A). See Notes in Part i of Schedule. 2. RF44(A).)

D6. The President announces the finding(s), if any, of Not Guilty, and states to the accused that the finding(s) Or. The President announces that the accused is found Not Guilty on all charges and is to be released forthwith, and thus the proceedings are accordingly terminated. Part I of the Schodule is dated and signed. (\*)

(\*) A 34(2) (6), 89 45, 120(3). 2. Ab 54(3), 89 45, 1217. The districtive assumptions is not applicable when there are part of Guilty assumption and dead with with make kneed from 3 or C.)

D9. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by us

## RECORD FORM E-PROCEEDINGS ON CONVICTION BEFORE SENTENCE

El. President to accused: Do you wish to give evidence yourself or to call any witnesses as to your character f(!) No Sir

(I. If restorce has already been given by account or his witnesses as to his character, delete this pure. RF 37(C) fn 4, 4c fn 1.

Account on witnesses are sworn. Evidence mean refer Notes.)

The Prosecutor produces Statemental as to Character and Particulars of Service(1), and certained true

of Conduct Sheet(s)(1), numerous to refer to the account of the conduct Sheet(s)(1). of Conduct Sheet(s)(1), purporting to refer to the accused, which he submits to the Defending Offir for compared to the following the

bere (.)

E3. President to accused: Do you wigh to address give Court on the Statement(s) and Conduct Sheet(s), and in mitigation of panishment (1) Aza (5 -69 )

(1. AP 37(C) 46(D). 2. Address of any recurred per Notes. Court shryld permit occused or his witnesses to wose an acta anything here or previously socious month would office the amount of panishment. AP 37(F) fo 7.)

E4. The President states that the Court is closed to consider 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) (). AA 54(6), RF 720(A).)

E3. The Court considers the sentence.(\*) The President records the sentence in Part I of the Schedule, which

Ea. The Court nonesculars the semblement; I the Ermonden's troords the semilectic in Fact I of the Schmidtan Galacid and signed by him and the 33. if amy (\*).

(i) When several accused tried approximates one 87 ft (D). One sentence only, completed of the punishment or purishment into them in A4 ft, 44 and as provisin, in the courted to cover oil charges in all charges sheets in which occursed pand guilloness A6 ft. A to sentences one A4 ft. 128, 182, 84 ft. 50, 97, 178, 179(A), 82 Can 202, 330, 55-50c. Overseas RO 307, 3223, A681, 90, 737-739. As to sentence as assessment for soil officence by the law of Enginee on A4 ft. 51, 804, p 10. When extraord quantity under sentence of imparisaments or decentions as A4 ft. (100, 1807), 822 and 180, 200, 200, 300. As to release from arrange fundaming of the RX Can 562. As to convening Order.

PRESIDENT OR IA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

# CHARGE SENSOT The secused, No D-61798 Private Ovils QUINTAL, of The Canadian Intentry Corps, on the strength of 4 Canadian Infantry Training Regiment, a soldier of The Canadian Army Overseas, si charged with: WHEN ON ACTIVE SERVICE, ABSTRAINS HIMSELS SITEOUS LEAVE SECTION 15( in that he. in the Field, absented himself without leave from 2359 hours on the 14th day of august 1945 until he surrendered himself at 2110 hours on the 15th day of ( Total absence 21 hours 11 minutes ) MEN ON ACTIVE STRUCT, ARSPECTED HIMSELF STEHOUT LEAVE in that he, in the Field, show ted himself without leave from 2517 hours on the 17th day of August 1946 and 1 apprehended by the Civil Police et 00%) heard on the 6th day in that he. in the Field, when under arrest, absented himself without leave from 1520 hours on the 22md day of September 1944 until he surrendered himself at 0935 hours on the Elst day of Cotober 1944. ( Total absence 25 days 18 hours 15 minutes ) To be tried by Field General Court Martial. Mughan (G S M tostling) Brig Comd "A" Gp Cdn Rft Units CAO 17 Nov An

## FIELD GENERAL COURT-MARTIAL

(Whether the accused to be tried is under his comd ar not, a FGCM may an application to him be convened by any affr of Cdn Army Oversana, or any other force if authorized in law, in immediate comd of troops on active service, publect to RP 105:C) and restrictions imposed by appropriate authy, of any other force if authorized in law, in immediate comd of troops on active service, publect to RP 105:C) and restrictions imposed by appropriate authy, of AA 49, 50, RP 104-107, 114. As to the duties and privileges of the Convening Office in decling with the application see MML Chap V paras 20 and 23, RP 87(B).

There should be a separate Convening Order for each person to be tried separately by the same Court. RP 71(C), 109. As to separate charge sheets see RP 16, and as to separate trial on charges in the same charge sheet see RP 16. As to two or more occurred charged jointly see RP 16, 109.

As to reasons for showing (a) permanent or confirmed rank, and (b) appmt, Ajrank or Ajappmt, If any, see AA 182, 183, fns, KR Can 306, 328, 330,

#### ACCUSED.

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

D. 61708

QUINTAL 4 CITS MIC

#### CONVENING ORDER.

- 1. Whereas complaint has been made to me, the undersigned, that the person of named above as the accused, being subject to military law, has there committed the offence(s) set forth in the Charge Sheet (s) attached and on being subject to military law, has there committed the offence(s) set forth in the Charge Sheet (s) attached and on the ch
- And whereas I am of opinion that it is not practicable that such offence(s) should be tried by an ordinary Ger (Delete part in brockets when not required for compliance with RP 105(C).) Court-Martial; fond that it
- 3. I hereby convene a Field General Court-Martial to try the said person(s), and to consist of the Offrs appointed or detailed hereunder.
- 4. X NET THIS MAY REPRESENT THE PURE OF SAN TENTROPHY (BY A FRICTION AS PROJECTOR) FOR THE PURE OF THE **KULECKISCHISCHIS** (AA 49, RP 10b(B), 107(A). Delete the whole or part, if not applicable.)
  - 5. I also appoint as Judge-Advisonantherest this Official about horsistics of

#### PRESIDENT.

E.R. TALBOT (Most be named. AP 106.) MEMBERS. 4 CITE to be detailed by OC 4 CITR to be detailed by OC 4 CITE (Named or detailed. RF 106.) WAITING MEMBER. 4 CITE to be detailed by OC 4 CITR Capt (Named or detailed, if any. RP 106.) (Rank.) WYTOGEXADWODATEX X On Active Service in the Fd Brigadier England RP 105 fn 2.) (Ronit.) (Country.) G S N Gostling) "A" GP Con Rft Units C A (C) Date, 12 Nov 44 Commanding Convening Officer

CONVENING OFFR WILL INITIAL ALL DELETIONS AND ALTERATIONS

4/38A TEAM OF A STATE THAT

(See ovarient for ontin and notes for use on triple)

Medigal Offr's Certificate K R (Can) para 557

I certify that I have this morning examined No: 26/201 (MAD) of Malle and in my opinion he is

to undergo trial by Court Martial.

Station

Date 13 Nov 44

In the case of No D-51796 Pte Cvile Quitnet, of The C.I.C., on the strength of 4 dan Inf Frg Regt, a soldier of The Canadian Army Overseas.

By direction of The Companying Officer this Survey of Aug.dence is telen on oath.

First Witness 3-19555 Lopes, 1., of The Can Ing Corps, on strength of 4 CITY was

M-code L/col mimont, 1.2. of the Can Inf Comps, on strength of 4 cittle having been only sworn at the of follows:

\*On 15 Aug 44 at mil hrs the secured reported beach from A.W.T., to me, against used to work on the Regtl Police force end I know him."

The accused declines to cross-exemine this witness.

M-65745 t/Col Tirectto, M., of The Can Inf Gorne, on strength of A GITT.

we when I took ower my duties in charge of Rentl Police, the secured and market to as at 2500 hre le lug 56, of which time he should have reported as he was on duty. I put his on the sheentee report.

The addised declines to omes-exects this mitness,

A M. Perco

mand witness Light J. T. Levellee, of The CIO, on the strength of 4 CITS, having been duly for the

- " In assistant soft of 4 own, formarty 6 came. I produce the following
  - Cartified true note of an extract of Past II order TO 200 of 6 0.1.7.7.
  - (b) And Ferm C lets of a Sep 44. PROTEST AND MINE ENDING
  - (a) Army North & 1617 a/si Cat 44, certificane of Surrender. Proceedings MARKE WALLEY SO". "

The accused declines to emps-examine this witness.

17. M. Lurealles | Lines

Fourth Witness D-lessis onl Yourse, H., of The CIC, on avremeth of A crem, having been for the

Pm scoution

" on th Sop 54 the stought, when I recognize, was working for me on the confittion farings. He was detailed to me from the guard room, a crut, and map in number. At limb has on then day he escaped."

the accord declines to orcas-examine this scitmess.

discolor and I E. Towns

The ploused was then continued as follows: "The You wish to make any attatement or to give oridance on onthe You are not oblight to say enything or to give any exidence you may give will be taken that it written and ear he used in writenes." be taken down in writing and may be used in awidence, "

The accused declines to make a statement and reserves his defence.

I sertify that the furnicing Survey of Sylbours, consisting of one year, was taken form by me, in the presence and hearing of the accused, and that Bales of Procedure 6 (C) (D) (E) & (F) have been duly complied with-

In the case of No 7-61796 Ste Gwile STIMEL, of The C.T.C., on the strongth of A gain Inc Tig Degt, a soldier of Whe Cunsdian Army Oversess.

By direction of The Commonding Officer this Survey of Avidance is telen on cach-

Witness W-19855 L'Opl Japago, J., of the Gdn Int Corps, on strangth of a cirm was

m-mean Lifest addment, 5.0. of the Gin Int Comps, on strength of 4 circ, having been duly sworm states as Collows;

won 15 Aug 44 at 2110 hrs the angused reported book from 4.3.1. to me, accused used to work on the Regtl Police forms and I know him."

used donlines to pross-examine this withers.

Sommer ( )

ss m-42745 1/0pl furcotte, M., of the Och Inc Germa, backer been duly sworm states ad fallows:

Third Witness for the Lieut 7.1. Levelloe, of The CIO, on the stranged of 4 CIVE, having been duly smoon states as follows:

\* Is suclatent adds of a core, formarly a come. I produce the following documents relating to the exerced:

constitled two copy of an axismat of Payl II forder to 200 of 6 G.I.T.  $d/30\,$  And 46. Fro terms in terms wherever

Aug Farm o lote of a Sep 44. Thereast and History Million way.

(a) The name of the party of the tar

- and the this militage.

Fourth Witness D-148518 CDA Towner, May of Fig ClD, on strength of 4 ClTm, having been for the duly evern States as failures; For secution

\* On 22 Sep 44 the sections, whom I recognize, was working for me on the constants for fatigue. He was detailed to me from the guard scop, 6 Oliv, and was in capacity. At 1520 has on that day has escaped, \*

The waller of

The occased the them constituted as College who you wast to note any distances or to give exidence on outher You are not obliged to any any White or to give our exidence and one you will be with to the so, but whetherer you may say or any evidence you may give will be taken down in writing and may be used in evidence. \*

The ecoused declines to make a statement and recovers his defence

I carrify that the furecoing Shameary of Swidence, considering of one page, was taken down by me in the presence and hearing of the accused, and that Males of Procedury 6 [C] [D] (Z) a (Z) have been daily complied with.

The Landson Copy

450/8scape/10 C.H.H.Q. S.I.D. LONDOW. 23 Oct 44. neg. NerD-61798 Pto.QUINTAL, Ovila. No.6 C.I.B.U. - C.H.U. (ESCAPEE) The a/m soldier escaped military custody of the 22 Test.44. from No.6 C.I.R.U. and remained absent until apprehended by the Civil Police of 52 hrs. 210ct 44. at Berking Rd., R.16 London, Pts. Wistal, was dressed in battle dress at the time of arrest. SIS/E-2-13 SIS/T-2-541 Pte.CNINTAL arrived under escort at No.6 Coy. Detn. noon at 134 hrs. 21 Oct 40, the following day he was interview-ed by the writer in regards to his notivinies while being A.W.L. 3. After having doly contioned Fre-quiltyal, the voluntary statement was obtained from him and signed. the following DATE. 23 Oct 44. STATHURT OF. Beg. No. B-61798 WHIT. MO.6 C.I.M.U. Pes.QUIETAL, Ovila. "I have been contioned by Louis Paris," of the con. Prover comes, that I am not obliged to say emything unless I wish to do so, but enything I do say will be taken down in writing and may be given as evidence. To show that I understand this daution I sign my name have.
Witness to play the continue of First. Dagamos/ with Taliby I Pte GUINTEL was sent as an escort from 6 C.I.R.U. with an S.U.S. around the 17th Sept 44. to Hundley. On my way back to my Unit I net a brother of sine at a Pub in London, remark. and we both went up to 6 0.1.8.0. By brother was with no for and we both went up to 6 of the sy brother was with so far about a week as he told me be was on pass, he later admitted he was on the loons. We then decided to go together, the first place we want to was Leeds, wandwaster, mare we stayed for about ten days. Then my brother and I we went to Skipton, here we got into a little trouble over a couple of rings, and were arrested, se appeared in court and planded Guilty. Men I was brought back to 6 C.I.M.U. I promised my efficer that I wouldn't run away, if I wasn't given a Court hartisl for being the (19)days. On the 22md copt.44. I was told I'd be up fur a Court Martial, as I was released and doing Intigues I want into the woods. The next day I came to location, here I stayed Court Martial, as I was released and doing fatigues I went into the woods. The next day I came to Loudon, here I stayed until the time I was arrested by the Civil Folice at Dyllars. Ithhet,44, at Barking 44, 4, 4 to London. Curing my stay in London, I stayed with different women and visited different rube, also spending most of my cichts in the and Obelters. As for the money problem, I obtained most of it by begging from the tank's, I also wish to say that I do not intend to soldier any longer, having spent over five years overseas I am fed up with the army, I can be of more use localing after my family and working for a living back home than staying asset I have read the above statement and verify that everything that I have said is true. that I have said is true. Witness: L/Cpl\_POPIGL, P. (Sud) Ovila CUISTAL, (Cont'a)

with the Army and had no intentions of soldiering. From his vertitude during this interview I am of the opinion that he does not intend to be a good soldier, or of any use to the Army.

5. Pte.QUINTAL was returned to his Unit under escort this day for further inquiries.

CONCLUDED.

6-142518 Lept. Wor Tra. ...

Headquarters, C.R.U.

1. Forwarded in triplicate for your information, that of the A.P.M. and Unit concerned, please.

London 25 Oct 44 JD/rm For (A.D.Cameron) Colonel, D.F.M. C.M.H.Q. Sa habit

8. 2 Line 3 45

## SECTION "P" DINTER RAPES

## 13. ABSENT WITHOUT LEAVE

13-B A.W.I. from hour and date shown. Still A.W.I. at hour and date shown (8th day).

D-61798 Pte Quintal, O. (Fus M R) 2359 hrs 17 Aug 44 2359 hrs 25 Aug 44

5.1 E. Lamoureux, fiest for (R. Lamerdure) A/Coptain for for Adjutent 8 Com Inf Rft Unit

certified true copy dated; And Selle

BMIN OFF Officer being controls

A.

1101514 V/ W Sotio's to modific to surfacial? mained water to we and or manifo se ampantunades L. J. 118 30 Countries is sectioned to imment see that daily what place of absence, and from Spinniged to nonfreed Probable Date of Place of Attestation THREE TAKES! Probable Date and who surrendered to the Police at describes each a salest all to finer has some aft forested at at " at " have aft restA. avand modifier somether ruemiked by the and it appears to use from his confession that he is a deserter or Statement of Expenses chargeable to Anny or Air Perce Funds a deserter (or absentee without leave) from. of Orkney and Shetland. to each size of the estings suffer! our yet between semegas to bruter off.

The control of the seminary and the seminary of th Istalias alovo staving (ome N bas shad) at meansupance in years assign if find most badoscrab ad for blands it. as soon as all expenses have been accretained. (mod) in . list Tond and in it off or height and the helpings of bloods are being to notive suff. below surrendered himself to. and . Inspr "A" Longy PART 2. I CERTIFY that the man whose personal description is given R A F. Forma, 1617. Year Comod venta

#### PART L.

## CERTIFICATE OF SURRENDER TO THE CIVIL POLICE OF A DESERTER OR ABSENTEE WITHOUT LEAVE.

This Form is ONLY applicable where a person surrenders to a Constable as being a Deserter or Absenter.

## Instructions for the Guidance of the Police.

When a person surrenders himself to a constable as being a deserter or absentee without leave, the officer of police in charge of the police station to which he is brought shall forthweth inquire into the case, and if it appears to him from the combessees of that person that he is a deserter or absentee without leave he may cause him to be delivered into military or Air Force custosity without

In such a case a telepram should be despatched to the Officer rank, name and unit of the man, and that officer well at once arrange to send an escort for the man to be taken into military or Air Force custody. Where an absentee's ungress stationed overseas (outside Great Britain, Northern Ireland Descriet and the Channel Islands) the telegram will be despatched to the O.C. Regimental Depot in the case of a soldier and in the case of an airman to the O.C. No. I R.A.F. Depot, Uxbridge, who will arrange escort. This certificate will be handed to the escort on arrival

<sup>\*</sup> Stations of Units and Depots are shown in the Monthly Army List.

<sup>+</sup> More - Special tendencement samply on was for the derivated of alternatives and description

Descriptive Return of \$_	Private	c: 61798 Ovila Quintal	who
was apprehended at	Skipton , and was	remainded to swell out	h the USD MAN
on the bth day	of Septe		Absentee without
leave) from the		MAXAPHA Canadian at	my Service Corps
Regiment of Borde	m, Hants.		
Age 24 years Complexion Fresh Marks Scar right		Height 5 feet sir Black Eye In uniform or plain clothe	
Probable date and pince of att	testation.	30. 1. 1940. Mont:	roul, Ganada.
Probable date of desertion 6 absence and from what p	beginning of lane.	29th August, 1944.	Bardon, Hants.
Name, necupation and address by whom or through wh Deserter for Absentes was approbenised and sec	ose means the without leave) mest.	P.G. 227 George H. P.G.1083 Albert Nor	on.
Porticulars in the ovidence on which the Prisoner in committed, and show- ing in what manner and upon what granula he was apprehended. The fullest passible details to be given.	Calvert at 12.30am., the two pass stated the	sequence of informati d Norton visited the Wednesday the Septemo- risoners. They were a ces, but were unable to the had been absent to cu-stody and taken to toned and sharged. Ori to.	er, 1944, where the sked to produce the o do so. Ovila Qui for a few days. The o Skipton Police St
I do hereby Certify that been duly assumed before droumstances berein stated, in my presence that he till ITCM.	and has declare	o we	Residence Residence
6		oth september, 19	Senature of Prisoner.
11	- 1	Desamber	
Or where the Prisons	e confessed, and	Inspector of Police.	Signature of Informant,
1 hereby certify that	the above-nome		Signature ) §
Prisoner confrased to di			

Core should be taken to insert Regd. No and rack.

\* it is important for the public Service, and for the interest of the Descript or Absentes without large,
that this part of the Return absolub be accussive filled up, and the details should be interest by the
Justice in his one handwritten, or mader his direction, by his clock.
Theory "is" or "is not a Descript" or "Absentee without leave from, or "belongs," or "does not

or friedwood of such confession is not forth-

coming, and that the case was adjourged

day of for the surpose of obtaining such without

belong to," as the case may be

Post Town

Date of Signature.

#### PART IL

This portion of the Form to be detached, after the Magistrate his committed the soldier and completed the recommondation as to reward, and hearted by the Clerk of the Court to the Police, who will add overlay a datement of any expenses incurred by them and despatch it as there directed.

Apprehension of No.		of		
legiment at	on-			
the was committed as a Descript (or	Absentee	without leave)	on the	

#### RECOMMENDATION FOR REWARD

I recommend*		1			
Address					
for a reward of					
			i Signatur	e of Committee	H

- \* The Magistrate will insert the name and address (in full) of the person for about the reward is recommended, and the amount (0) 940/2 10/4 or 20 4 which in his opinion abound be granted in this particular case, having regard to the following rules to
- Where soldiers are apprehended in uniform near their quarters it is considered that as a general rule 5/- is a sufficient reward. Not more than 10/- will be allowed in any case. where the soldiers were in uniform.
- 2. When soldiers are apprehended in plain clothes, as a distance from their units, and after having been absent for some time the reward may be increased to 10% to 10% according to the nature of the cases and the trouble incurred in appreciansion. A reward in eaces of 13/2 will seldem be granted.
- 3. The reward of 20% should be strictly reserved for cases where superior intelligence has been displayed in apprehending men in plain clothes, or under difficult or exceptional circum-

Rewards and expenses attendant spon apprehensions will be paid by the Command Paymenter of the Command or District in which the Describer or Absentee is apprehensed.

The following Statement of expenses (if any) incurred by the Pollos and chargeable to Army Funds should be certified by a Superintendent or officer in charge of a station and forwarded to the General Officer Commanding in Chief the Command or General Officer Commanding District in which the arrest was offented.

No expenses incurred in conveying a Deserter or Absentee from the Court to prison should be charged to Army funds. Such expenses can be included in the claim made on the Prison

The total amount allowed on account of expenses before compartal will not together with the reward exceed 40 -

Police in connectio	a with the apprehension of	
		and an
payable to		
		1 1 1 1
		Superintendent or Officer
Date		i e Police Station at

Where no reward is authorized though one was recommended by the Magistrate, or where the reward authorized is less than that recommended, a brief explanation will be given below.

being the person recommended by the

General Officer.

Commanding District or Command.

for the approximation

pay to

Committing Magistrate, a reward of

IMMEDIATE

Atms Perm 17 1414

#### PART

## DESCRIPTIVE RETURN of a Deserter or Absentee without Leave.

## INSTRUCTIONS FOR THE GUIDANCE OF MAGISTRATES.

(1) When a may is apprehended by the Clinic Favor or un clarented without have, or as a fewerier, if the treaters inchered learns no death in the mind of the Magistrate that the primate is a saider, Part I, of the course should be filled up and forwarded by peat by the Clerk in the Joseph to the Cheures College. Commanding in Chief the Command or the General Offices Commanding the District in which the arrest

(2) Where the unit, to which a defaulting soldier balongs, is in the mosphious hand of the place in which he is detained in police tustedy, arrangements for the provision of an escort may be unde by the Police direct with the officer commanding the unit. In this case Pars I, of this course should be given to the Police by users.

(ii) To great debay a subgram stating the Number, Sunt. Name, Unit and Plant from which the gibbles in stance should be sept by the Police as some as the man to consciting to the Cheerol Office Communiting to

4) Any recommendation for a reward should be made on Part II, of this return, which, when completed, and the forwarded by the Petice to the proper quarter.

The Court free chargeable for Descriptive Returns should be claimed periodically from the Communication.

#### LIST OF COMMANDS AND DISTRICTS.

Princh Continued G.O.  Northern Continued G.O.  Sorthern Consumid G.O.  Jenny G.O.  Je	C. in C., Alderskot Genemand, Alderskot, C. in C., Kastern Cammond, 20, Foll Mall, S.W.L. G. in C., Kastern Cammond, 20, Foll Mall, S.W.L. G. in C., Korthern Congenium, Terk. C. in C., Northern Congenium, Edinbergh G. in C., Monties Command, Edinbergh G. in C., Wonten Command, Choster C., Lander District, 14, Carlton House Thream, S.W.L. C., Jercy District, James G., Storfpier and Aldersky District, Garrany.
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or modifications to the alness list will be observed to

In the one of Canadian soldiers industriation regarding their apprehension will be seen to less

- Australian jenemph Southeau. Commune()
- Southern Command:
- Non Zosland
- Smith African.
- Royal Marines

- A.P.M., Canadinina, London, 199, 04-food Street, W.J., Estapospin, "A name kinn On Familian," Two Microsom Salit, 2829.
- A.P.M., A.I.F., Leculou, 55, Warmink Square, S.W.).
  (Tolograph: "Appraisable, Leculous Treophore Trioric spice.) A.P.M., A.J.V., Pharty-yra Mercacka, Tidworth (Par. "Parties, Sataurers, Tidworth Tal. 182 Followers).
- A.F.M., New Zendamit Superval Prince 20, Charles September Learning. S. W. J. (Tuberragio. " Zimpermal." Telephone Throners 1013.) Staff Officer, South Africans, London, 65, Vistorie Street, 5, W. ).
- Adjutent General, H.M., Admiralty, 55, Spring Gardons, Lichton, S.W.L. (Temperal) River Marines, Loridon,)

N. E. Part I. of this return will be given to the facorta in the case of Canadian Soldiers within and outside the Matrobatilian Area, New Yealand and South African Soldiers and the Royal Marines, and Part II, sent direct to the A.R.S. or South Officer concerned as above.

(8 65 75) W1798-P1003 100,000 5/18 HWV(hhM1338)

# Statement as to Character and Particulars of Service of Accused.

(For Use at Trials by Field General Courts-Martial only):

Number.	Rank.	Frials by Field Genera Name.	Regiment vos as		(4)
The second second	pte	ouintal, 0.	6 cdn Inf Reinf		
g-61798 _			mmary of the entries in the I	field Const	act Sheet
NOTE The Field Conduct Sheet it to be produced in Court with produced in Court with	1. The	used, exclusive of conviction		in -	times.
to be somesed to the pro-		ForAA 3ec 40		1	vimes.
Entains in the Plets con-		For AA 300 41		-1	times.
entry. If the charge is or disease drumkenness of absence		For AA Sec 11	. 2 Jun 40		times.
as the case may be, should be stated separately. Any	Date of	first entry in Field Conduct She	26 Apr 43		
gallantry or delinquished endust recorded on the blad Conduct Sheet should now be Montred here.		last entry in Field Conduct She Previous convictions of the acce	to Produce the control of the state of the s	civil court	are set out
	2. 1	Previous convictions of the acce Schedule overleaf.	sed by a court, man		
	13, the .	The accused at the present time	is under sentence for		
*position out it not applicable.			1487	or	
	4.	ng on the The accused has been awaiting	trial on the present days in 1	military s	ustody, i.z.,
	days i	n civil custody; and for	rest, 22 da	ys in close	e arrest; of
	which	/3 days were s	pent in hospital.		
	5	The present age of the accuse	d is 24 yrs		
		The date of his paling up to	estation is 30 Je		Amorti
		my which the accuse	d is allowed to rocken is	yrs 95	
			TAN CLASSIC SC D-CONT.		
descriptions if any beld by accused.		a state account is a warrant of	hom of N.L. II.	Dan	of Promotio
	with	out reduction, to the pressure			
		In the substantive ra	e rank of		
			matter in any of the above to regimental books the paragr	paragraphs ath must b	cannot be sha to struck these
		from th	s regamental poors me basels		

# SCHEDULE OF CONVICTIONS BY A COURT-MARTIAL OR CIVIL COURT.

Pronobment remitted or

ADIT, & CON. INP. APT. UNIT

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of my know	siedge and be	lief.				of A						2	des	Seller Windy of X	Sas	4

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Piace	Date of officers	Bank	Cases of drunken ness	OFFENCE	Names of Witnesses	Punishment awarded	Bluze of award or of order dispen- sing with trial	By whom asserted Bennarks / 4
rield	2-6-40	te		CATALOGRAPH TO SEE TO SEE THE SECOND	2084 5-13 CSM Levesque	2 days deta	7 Jun 40	capt Painchaud forf 4 da
Pield	14-6-40	Pto		AA L5(1) AWL 6 days 13 hrs 30 mins	CSM Levesque	8 days C.B.		cept Painchaud forf 7 de
rield rield	21-12-4	Pte		AA 40 conduct to the prej etc AA 11 Feiling to boey an order	DSM Levesque Lt Vanderlac Bet Dutrouchel	7 days c.B. 7 days pay 2 days pay	15 Jul 41	Capt Vezina Lt col Grander Lt col Menerd Farfal
Field	3-1-42			AA 41 Steeling liquor AA 15(1) AUL 4 days 17 hrs 15 mins	est Dussault	7 days C.B. 3 days pay		tt col wenerd forf 5 de
	15-7-48	2te		6A L5(1) AWI 13 days 12 hrs 30 mims	camertin	7 days C.B.	B Aug 42	pay for AW pay for AW

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LIST of WITNESSES for the Proceention. E-6232 Licht Gormont G.R. E-42743 Licht Turcotte M GIC 4CITR. LIEUT J.M. LAVALLEE CIC ACITE. D 1+2518 Cpl TOWNER, H CIG 4CITR. For the Defence.

149 the hermand. Grand Jens 0618 relating to army him obiy whiling to J. MEMb rulding to decent. Tuliculars If Juries of Recuest. C - Daleman Ochanoles and 18 - Cultink tille degry of between A - Summing of Endence 27181HX 70 TELA .

1. I acknowledge that I have been served with a copy of the Summary of Evidence taken prior to my triel by Court-Martial.

I further acknowledge that I have been served with a true copy of the charge (s) upon which I am being brought to triel by CV.

I desire the services of an officer to represent me at my trial by CM. I request the services of:

if he is cycleble.

In the Field ary of 19

O Towntal

Offers under mists. Le a Intinoscia apr. & Robischand 4 CITR

57-96-97 Pt. Quintal, X.

## SCHEDULE.

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

Charge.	Plea.	Finding.	
(Insert " alternative " where	(See Instrs p 2.)	(See note below.)	(Space for use as required for further charges, accused charged juli special findings, etc.)
applicable.)			Short The court finds the recession
A. A. A. Sec 12(1) a	Not Guilty		Not Guilty of Sometion but quelly .
nd 17 1 - See 12 (1) on	Hat Gailty	Guilty.	A. N. + falend 16 80 how to fully no worth
th A.A. Soc Ho.	Guilty	Guilty	state west funds the secured Hat a
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(Note 1 As to f)	indings for lesser offen RP ## und MML p 753	ces see AA So, RP 44 , and in loss of kit s	; findings on alternative charges see MML p 483 fo 4 para 2, 69 44; see AP 44 fo 6.)
			The state of the s
At present simine souther (1. insert sentence	e being served, or dele	ite, if not applicable.	See RP 40(A). Information should be found in MF 8355 or AF 8200.)  days, of which days were spent in homp
Time in confinement a	waiting present	trial -a total of	days, of which days were spent in home 8355 or AF 8296 admixted in evidence under \$2.)
(I. See BY 400	A) In 2. Information in		11
Sentence Awarded by	the Court:	tude for	al years of Buyeaus of the
To mepper yo	The state of the s		ravel his Affrajideja farens. The
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(Bgd) 57.78	of manage and	7%	Ray 45. (Sed) Alleharer 1971
Judge-Adv		7 Day Convening Order on the	Cay #5. (Sgd) Addis ARA (Special of operated).  Provided (Special of record ofter tries)  MATION RESERVED. (AA 54(5), 69 (2017), MAE & 760.)
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Date // May /  PART II.  For dates and confirmation and not confirmed, a prumalgetian: 57A, MF 53A, 54  My decision on	DECISION (Decision of the finding of	OF CONFIRM  AP 37(D) fo 6.461.A  Sending ofter promo  a most sign here per  d contence set fo	Community and dispused of record ofter trici)  IMATION RESERVED. (AA SAIS, RF 120/F), MAL 9 Tel.)  Community and dispused of record ofter trici)  Community and dispused of record ofter trici)  Community and dispused of record ofter trici)  Community and the said and said a
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(As Zo the true jank, and (b) approx	of two or mark charged L. A/rank or A/oppmt, if a	jointly see RF 16, 71, 109, y, see AA 182, 183, fns, KR	Can 308, 328, 330.)	nes. Surn	Tnit.
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BY PRES OR JA up precedure when will be made and CF ARS, for assess	The Schodule referred to make a variation in this form given a number having re- send instrument to the	a throughout is on p. 4. Cit orises, see form for GCM ference to appropriate or pr original dedresses, evidence, vita 2 00 (4. A.Z. 20. E. 74. 94.	in MARL pp. 741 to 7 ecoding pass number , which sectra are he 103, 110, 132,5	159. A brief record herem. See back of roufter called "Nate	of such variation Convening Order, 5°, As as general
All The Pressed e Court is satisfied	that it is properly	convened and constitu		s (are) amenable	to military law, and
Market to	on of Southmenty of Excellence	see RP 17 fn d. 2. AA	49, 50, RF 105-107.	3. 82 11-13, 23.	
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	to accused : Do y		MENTION OF THE STATE OF	an interprete	
and the second second	men (1) De pou ob	ect to		is aborthand-wri	rus i sim of the
to short-toned writer	Dulete, If none emblores				
President to an	ening Order and na-	mes of the President et to be tried by me	and Members of as President or	the Court are re by any of the M	end to the accused.(*) embers of the Court ?
U RF 110.	Z. If no objection, we	ting member netires. AF I	S(B). E objection, s	ee procedure AA 51,	AP 25, 71, 18, MINL p 742.)
A7. The Presi	cient, Members, JA,	if any, and Offes un crising the Court, etc.	der imstr. if any	, are sworn (1)	The following are the
resident	Mejor	A.E.LEBRO	y. Supple of	to 1 Can D	isciplinary Con
lember	Capt.	A. Fastier	6-1-6	. alt "	Colo Gres Contr
lember	Lieut.	K.A McK	agia Colg.	Highes.	2 = 89 89 / _
udge-Advocate	Sapt.	RAB	inge An	care	the time to the Capter
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(f). AP 25, 27, (2. of Free a in 25). The access	109, III List of office wines and Def Office acc. a	under instr will be return example in security to an ad- the Rossen QUIA	red reparation with journment when RP   T.S.	processings for info 89 (B) and fo 2 wer pediese screenignmen	
(IF 34, 35)A by one of seven evidence, if or end name of a	special plea is made for a b. 1/3), or in teat of nel accused charged junctly to, and finding are recess the occused making the pla	species triol on one or more triol (RP 36), or on to to to be tried reparately (RP 1 lot per Notes. For forms on 4.3	charges (RF 62(E), eccased's oversal fit 6, 71), much pina, the f record see reference	off), or as to the juri ness to assed trial addresses inside in si es in fits to RuP cited	(AA 130, RF ST), or opport or against, the lands and sense.

AS: The accussed is (see) arraigned (separately) on all charges in the charge sheet.(1) The accused does (see) not object to any charge.(2) There is no amendment to be made to the Charge Sheet.(2) The President records the please in Part I of the Schedule.

(1. RF 3), 112. See perc I of leave p 2. When more than one Charge Sheet see RF 62; when several occused in he tried separately see RF 71(C), on we substitute capies of CF 80s to record protessings.

2. RF 32, RF 33. If otherwise, described made super-proper record part Notes.)

A10. The Court is ciscochand, considers the Instra on Procedure after Arraignment at top of p 2. The promay are continued on Record Form.

- PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

# 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 charges by Prosecutor see RP 35(C). No other charge come is withdrawn for any reason without authly from Convening Offr. If Convening Offr concurs, Court may accept plea of Casilty to lesser, etc., offence. (RP 44(H).) Accused may change a plea of Not Guilty to Guilty during trial. (RP 28.) 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(A).)
    - (b) Such mixed pleas occur in a set of two or more charges laid in the alternative, see RP 35 (A) and fn 2 as to discretion of Court, (i) to try the accessed on all such alternative charges as if he had pleasted Not Guilty thereto, or, (ii) to record the pleas as the findings of Court. After deciding between (i) asset (ii), Court will proceed under foregoing instrs as may be appropriate to result of its decision. See M.M.L. p. 744 Instrs (2).
- 3. As to responsibility of President to accused see RP 50, 60(C); powers and daties of JA see RP 103; duty of President row RP 60(A) (B); duty and privileges of accused and Defending Offree RP 60(C), 87(C), 92, 92; swearing and withdrawal of witnesses from Count see RP 81, 82; questioning of accused see RP 80, 87(U), 92(B), and of witnesses RP 83-85; calling at re-calling of witnesses by Court, stc, 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, 90.

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

- B1. The President or JA, if any, complies with BP 35(B) by explaining to the accused the natures and meaning of the charge(s)(b), 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 apportunity to make a statement in reference to the charge(s) call witnesses as to character and make an address in mitigation of punishment.(f) (1. RP 35 fn 3. 2. MML p 54 para 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 your do not understand the effect of the plea of Guilty(\*), or which show provocation or extenuation in respect of which in your interest the witnesses for the Prosecution should be examined(\*), we shall advise you to change your plea to Not Guilty. In making a statement you will not be secon or subject to cross-examination; and anything you say will not be used in evidence against you after you change your plea. If, however, it appears to the Court that your statement affects only the amount of punishment 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 awarn testimony, if you so desire (\*)

President to accused: Do you wish to make a statement ! Ans No (I. RP IT(B), 2. RP IT(D) in 6. 2. RP IS(B) in 5 pero 3, MML 9 54 pero 47. 4. See pero E3 of Remord Renn E.
5. Statement, if any, received per Norex.)

B3. The Court escenders the accused's statement. (\*) The Court decides (not) to advise accussed to change he (their) plea(t) of Gmilty to Not Guilty on 2 have the charge of the accused in term) to informed, and he than (1. Court may be closed to capsider the statement. Delete whele or part not used.)

B4. On the charges, to which the pleats of Guilty is (see not changed the President research findings) Guilty in Part 1 of the Schedule. (\*) (1. R# 25(B). If any plea(s) is (are) changed, use Record Form C or D as appropriate.)

B6. The accessed 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 accused pleaded NOT GUILTY the trial is continued by using paras DI to D inclusive of Record Form D on p 3 before proceeding with C 2.(2)
  (1. 89 27(8) (5.))
- C2. The charges on which accused pleaded GUILTY are read to him (them) again, and the trial is continue by using paras. B1 to B5 of Record Form B above. [7]

  by using paras. B1 to B5 of Record Form B above. [7]

  the later B4 such pers only of the Summary of Evidence are read as releas to the charges dealt with under C2. If any plea is thought to the could, to the terms proceed by complying with paras. Of to D8 includes in Record form D as § 3 and making an appropriate mound thereof as a supervise sheet.)
- (iii. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by usi Record Form E on p 3.

# PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

C	ORD FORM D-PROCEEDINGS ON PLEAS OF NOT GUILTY TO ALL CHARGES.
	President to accused: 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 pre-
	ound that you have not had sufficient opportunity to prepare your defence ? Ans.  (i. 16 "yes", see RF 39(A) for procedure. Sustement or evidence, if crypts recorded par Notes.)
	The Prosecutor makes (am) (no) opening address (1) Start (1. RP 39(B), 60(A) (B), 90, 92(C) (D). Record address per Nates, subject to RP 93(C) (D) (A) (B), 90, 92(C) (D).
	The Prosecutor makes (am) (no) opening address.(1) (I. RF 39(5), 60(A) (B), 90, 92(C) (D). Record address per higher, sphiest to RP 93(C).)  The evidence for the Prosecution is taken.(2) depended a solution bank and Leftibute A. B. a. lo (I. NF 39(C), IIA, KR Con 535. Record evidence per Notel. As to Prosecutor giving evidence himself see RP 39(D) (E.))
	The Prosecution is closed.(1) The Defending Offr submits that the existence for the Prosecution docs and
	th a prime facio case against the accused on the
	charge(s), and allowed on the
	(1. Delets remainder of this para, if submission not mode, 2. Arguments on submission, answer and reply are recorded (1. Delets remainder of this para, if submission not mode, 2. Arguments on submission, answer and reply are recorded (2. Arguments on submission), answer and reply are recorded (2. Arguments on submission), answer and reply are recorded (2. Arguments on submission), answer and reply are recorded (2. Arguments on submission), answer and reply are recorded (2. Arguments on submission), answer and reply are recorded (2. Arguments on submission), answer and reply are recorded (2. Arguments on submission), answer and reply are recorded (2. Arguments on submission), answer and reply are recorded (2. Arguments on submission), answer and reply are recorded (2. Arguments on submission), answer and reply are recorded (2. Arguments on submission), answer and reply are recorded (2. Arguments on submission), answer and reply are recorded (2. Arguments on submission), answer and reply are recorded (2. Arguments on submission), answer and reply are recorded (2. Arguments on submission), answer and reply are recorded (2. Arguments on submission), answer and reply are recorded (2. Arguments on submission), answer and reply are recorded (2. Arguments on submission), and arguments on submission (2. Arguments on submission), and arguments of argume
	President to accused. You will now proceed with your defence.(1) You may, if you wish, give evidence of on outh as to the facts or your character or both, in which case you will be subject to prose-examination. (2) to however, make a statement without being sworth, and you will not be subject to prose-examination. (2) the following the same without being sworth as worth the Court the same weight as sworth testimony (3) that the same weight as sworth testimony (4) and all settlesses in your defence and as to observed, whether you give exidence or make a statement or dis
	resident to accused: Do you wish to give evidence yourself as a witness, make a statement, or do neither t
	No. Are they witnesses as to character only ! Ans. M
	55. Consequent on the answers recorded in para D5 the appropriate procedure for the defence is followed: (1, 8# 114, 115, 116, for brocedure see Nistes on back of Convening Order, CF ABS. Evidence for accused as to his character should, if in his interest, be given before the funding. See RP 46(A) fi 1, 86(C). Name the further opportunity in para £1 of Record Form E. Record per Nices, oddresses, interment, evidence and my summing up by the 1A under RP 42, (03(c).)
	77. The Court is closed to consider the finding(a).(1) The finding(a) of the Court is (am) recorded in Part I (Schedule (*) The Court is re-opened.

is. The President ampliances the finding as if any, of Nat Guilty, and states to the accused that the finding as Court on the I change and I advantage being subject to confirmation, will be promulgated later (%). by The Emergent announces that the assumed as found Not Guide on all charges and in to be released forthwise

Let the proceedings are accordingly treminated. Part I of the Schedule is detect and signed its (i. AA Se(3) (6), RF 45, 120(A) 2. AA Se(3), RF 45, 117. This strengture annualizationest is not applicable why are place of Goods; outstanding and shall with under Record Form B or C.)

The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using

#### SECORD FORM E-PROCEEDINGS ON CONVICTION BEFORE SENTENCE.

Presspent to accused. Do you wish to give evidence yourself or to call any witnesses as to your character ?	Call
No.  New Winnesses and directly been given by occasined or his witnesses as in his character, delines this para. BF 37(C) fn 4, 46 fn 1.  Cossed and witnesses are uwarn. Evipence recording per Notes.)	TEL

The Prosecutor produces Statemental as to Character and Particulars of Service(\*), and certified true (copies) of Conduct Sheeta/\*), purporting to refer to the accused, which he submits to the Defending Offic for mation, and then to the Court for admission in evidence. The Court is satisfied that these documents refer accused, because (i) they purport to be signed in the manner required by A.A. 165(!) (g) (h), and (ii) they purport to be signed in the manner required by A.A. 165(!) (g) (h), and (ii) they purport to the signed in the manner required by A.A. 165(!) (g) (h), and (ii) they purport to be signed in the manner required by A.A. 165(!) (g) (h), and (ii) they purport to be signed in the manner required by A.A. 165(!) (g) (h), and (ii) they purport to be signed in the manner required by A.A. 165(!) (g) (h), and (ii) they purport to be signed in the manner required by A.A. 165(!) (g) (h), and (ii) they purport to be signed in the manner required by A.A. 165(!) (g) (h), and (ii) they purport to be signed in the manner required by A.A. 165(!) (g) (h), and (ii) they purport to be signed in the manner required by A.A. 165(!) (g) (h), and (ii) they purport to be signed in the manner required by A.A. 165(!) (g) (h), and (ii) they purport to be signed in the manner required by A.A. 165(!) (g) (h), and (ii) they purport to be signed in the manner required by A.A. 165(!) (g) (h), and (ii) they purport to be signed in the manner required by A.A. 165(!) (g) (h), and (ii) they purport to be signed in the manner required by A.A. 165(!) (g) (h), and (ii) they purport to be signed in the manner required by A.A. 165(!) (g) (h), and (ii) they purport to be signed in the manner required by A.A. 165(!) (g) (h), and (ii) (h), and (iii) (h), and (iiii) (h), and (iiii) (h), and (iiiii) (h), and (iiiiiiiiiii

para ()

2. President to accused. Do you wish to address the Court on the Statement's and Conduct Sheet's, and in third of punishment (1). Ans. of fich. some or real guidances of punishment accused or his woveres to president an act of the Act. 2. Address, of any, meanted per lices. Courts and personal accused or his woveres to president an act of meanted personal accused or his woveres to president and opening here or president factors which waste office the answer of greatment. No 2017 (6 7.)

4. The President states that the Court is closed to consider the sentence, and that the sentence to be awarded Court, being subject to confirmation, will not be announced, but will be promulgated later, and the urt are accordingly terminated (1) (I. As \$4(6), RF | 20(A).)

5. The Court considers the sentence (\*) The profilent records the sentence in Part I of the Schedule, which and signed by him and should approxime as 20 Ti (D). One rentance only, conformed in the punishment is pusishments had shown in AA 41, 44 and to genome, in to be sented to cover of thereps in all thereps in the state on which occursed fund guilty. AS 42. As in sentences uniqued for coni officers by the law of England on AA 41(5), 64(4) p 13. When accurate fund principles are accurated in order of the state of England on AA 41(5), 64(4) p 13. When accurate fund accurate fund of the conforming Office and RA CO. As to assessment and disposal of record officers by the law of England on AA 41(5), 64(4) p 13. When accurate fund of the conforming Office are RA CO. As to assessment and disposal of record officer trial on lexitin are shock of Camering Order.)

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

The accused, C-100797 Pte Romeo QUINTAL, X-4 List CIC attached to 1 Cdn Disciplinary Centre, a soldier of the Canadian Army Overseas, is charged with:-FIRST CHARGE Sec 12 (1) (a) Army Act WHEN ON ACTIVE SERVICE DESERTING HIS MAJESTY'S SERVICE in that he in the Field, at 1630 hrs 6 Jul 44 absented himself from his unit until 1215 hrs 6 Sep 44. (Total absence: 61 days 19 hrs 45 minutes) ' Remanded for Surmary of Evidence In the Field Remanded for Field General Court-Martial In the Field ab Apr 45 I Can Disciplinary Centre To be tried by FIELD GENERAL COURT WARTIAL. (G S W Gostling) Brigadier, in the Field

# CHARGE SHEET No 2 The accused, C-100797 Pte Romeo QUINTAL, X-4 List CR attached to 1 Can Disciplinary Centre, a soldier of the Canadian Army Overseas, is charged with:-WHEN ON ACTIVE SERVICE DESERTING HIS MAJESTY'S SERVICE in that he

in the Field, absented himself without leave from 2300 hrs 24 Oct 44 until 0001 hrs 30 Jan 45

(Total absence: 97 days I hr 1 minute)

Remanded for Summary of Evidence

In the Field

Remanded for Field General Court-Martial

In the Field

1 Cdn Disciplinary Centre

In the Field 1 May 45

The accused, C-100797 Pte Romeo QUINTAL, X-4 List CE attached to 1 Cdn Disciplinary Centre, a soldier of the Canadian Army Overseas, is charged with:-

PIROT CHARGE Sec 12 (1) (a) Army Act

WHEN OK ACTIVE SERVICE DESERVING HIS MAJESTY'S SERVICE

in that he

in the Field, with intent to avoid joining his unit, absented himself without leave from 1600 hrs 8 Feb 45 until apprehended in civilian clothes in BEUSSELS, Belgium at 1600 hrs 9 Mar 45.

(Total absence: 29 days)

In the Field

11 Apr 45

To be tried by FIELD GENERAL COURS MARTIAL.

In the Field

(G S M Gostling) Brigadier, Commander 2 Cdn Base Rft Gp

### FIELD GENERAL COURT-MARTIAL

(Whether the accused to be tried is under his comd ar not, a FGCM may on application to him be convened by any affr of Cdn Army Oversmen, or of any other force if authorized in law, in immediate comd of troops on active service, subject to RP 105(C) and restrictions imposed by appropriate author, AA 49, 50, 8P 104-107, 114. As to the duties and privileges of the Convening Offr in dealing with the application see MML Chap's pares 30 and 23, RP 87(B).

There should be a separate Convening Order for each person to be tried separately by the tame Court. RP 71(C), 109. As to separate charge sheets see RP 63, and as to separate trial on charges in the same charge sheet see RP 108. As to two or more accused charge in the same charge sheet see RP 108. As to two or more accused charge in the same charge sheets see RP 108. As to reasons for showing (a) permanent or confirmed rank, and (b) appart, Alrank or Ajapamt, If any, see AA 182, 183, fns, KR Can 308, 328, 230.)

#### ACCUSED.

Number. (a) Prmnt R. (b) Appmt, A/R or A/Appmt

Full Christian Names.

Surname.

Romeo

att 1 2in Disciplinary

#### CONVENING ORDER.

1. Whereas complaint has been made to me, the undersigned, that the personing narred above as the accused, being subject to military has, has above committed the offence is set forth in the Charge Sheetis attached and on (date). Sheetis attached and on the committee of the comm

And whereas I am of opinion that it is not practicable that such offence(s) should be t--id by an ordina Court-Martial; (and short at across practicable for state of a state for state across the across specific shortest when not required for compliance with PP (OS(c))

I hereby convene a Field General Court-Martial to try the said person(s), and to or sist of the Offrs appearated or detailed hereunder.

 Icono prablico popular de atrace de procedente de descripcio de la composição (AA 49, RP 106(8), 107(A). Delete the whole or part, if not applicable.)

kulma appaints an amaga sala usata tingconte the Olle mentional inspentales

MEMBERS.

RE LEFROY

Scatorth

Bajor

章 等 在 GOK。 (Must be named. RF (06.) MAN, att 1 Con Disciplinary Centre

Major

A. FORTIER A R 139 BOX

Smaforth of C, att 1 Ods Disciplinary Contro

Lieut

K.A. M. KENZEE, The Calg. Higher att. , Cha Disciplinary

A J TOWNSCOE

(Named or detailed. RF 106.)

OIO, 2 GER DE

WAITING MEMBER

(Named or detailed, if any. HP 106.)

JUDGE-ADVOCATE

(Ronk.)

On Agive Service in the Ed

BISSEAD THUM

Brigadier (Ronk.):

Date 1 May 45

2 CON BASE EFT OF

Sonvening Officer

CONVENING OFFR WILL INITIAL ALL DELETIONS AND ALTERATIONS

4/38ACP480 / IR BUILDE 12011

(See meerleaf for withs and notes for use on triol.):

MFB 246 AM

# MEDICAL OFFICERS CERTIFICATE

(KR(Can) Para 55) (OMHQ OL 173)

	I certify that	I have this	day exemine	ad C/10297
Pro	QUINTAL-	R	and in my	opinion he is
fit to u	ndergo trial by	Court-Marti	21.	
regionals.	Cdn Discipiiii , ~		1111	0 8 (Sad)
Station		1/3	[Medical	(ficer)
Date		Unit	1 Cdn Dis	Wepmeny Country

> May 1945 Evidence in the trial by Court martial of 2100099 Pto Quantal R. - charge wheel no. 1. The proxecution opens the case for the prosecution by submilling the following documentary evidence which was accepted by the court, marked by the president, & entered as exhibit "A" Estibit & Cartified true copy of extrad from X4 lest (CIC) Part of Order no 45 - dated 26 iles 44 relating to 0,00000 The Qualed K. The case for the prosecution is closed. The case for the defence is opened. The accused elects to give evidence on eath. First vilness C100099 Ft Quintal & having been duly sworn states: Jan (100)99 Pto Quintal R. da The 4 th of July 44 I was transfered from the R.C.E. to the infantry. I was in the When I was transferred to the infantry cested to be paraded to the colonel of the infactor regiment, the F.M.R. & the surgeon (told me) awhed me the reason of I waited I would to go back to the engineers. Wait we less what we can do was what the surgent said. I wated but there was no news & I was not paraded to the colonal. I decided to go AWL for a few days ther give myself up which would mean I would get before the coloral. would be able to tolk him about my case.

I hile was on the loose I met a girl & I Layed with her for about is days. I was going to give injustings but I net it off from day to key with I felt it was at last time to really give myself up. The night I had no place to sleep & Thadait esten for some time so I turned surgelf in to the Canadian Trovost Corps in antwerp I was sent to Theat where I was in close arrest for 3 days, & then open arrest for two or the weeks awaiting trial I surrendered voluntarily a I want to with - I just wanted to get before the co of the I.M.R. to get back to the engineers I didn't entend to very two months when I Cross examined by proxecutor. I lived in activery It was shortly after the rebendion or I told civilians Iwas on leave They gave me food & a please to stay when talked will then about sleeping out doors + so on, for so long. R. P. 83 6) complied with f

Sun ming of for the Proceention. C-100 797 - Ru QUINTAL, R. The accused stayed away for more 60 days. It was finally after missing a for at male that he surrendered timely. Had be been in bestir financial conse would be have restormed, when he did the man is quilty of Decention or must, In the Field

to staying away as being an effort to have altertal brought to the fact that he was remarked to have to have to hay being up wir wase of Herauch an

# 2 Charge Sheet 5 may 1945 Enderes in the trial by Const martial of C100 293 The Quentel K. - Charge shoot no. 2. The prosecutor opens the case for the prosecution by submitting the following documentary evidence which was accepted by the court, marked by the president or entered as Eshibit A. Edit A Certified true copy of extract from F. M. R. Parter Order No 14 dated 3 Mar. 45 relating to C100090 Fte Quintal R. The procention closes The defence opens of the accused electe to give evidence on oath. First vilage C100597 Plo Quintal R having been duly sworn states: -Jan C100 797 Ple Quiatal R. I was away rinely - seven days. I was around antwerg So make my living I bought cigaretter & chocolate from anodian canteens a wold it to civilian Talso bought German weapons from anadian soldiers & sold them to americans. One day That seaties & I was fed up with being on the loose + not eating half the line so I decided to give myself up. I gave myself up on 30 Jan 45 to the CMP in Brusslo, + they turned one over to the anadian Provovel corps I was lovely, not doing anything much, which esting regularly I was in uniform a was helping clean up debrie from flying bombe. Williams green money to go in a get schings from bombed houses. They could not go in that circles police would let a soldier in uniform in.

Cross examined by proseculion I went A.W.L. from Leopold Barracho in Theat. I was waiting for trial + was in open arrest. I was fed up with waiting, + there were no quarks around so I just went out. I only intended to go down town - but I got druck & went to antwerp & I just stayed from day to day. I intended to come back, But I always thought I'd stay another day. I know I'd be punished, & I thought I'd get as much for I days as for 8 days. I was in close arrest for 3 lays & in open arrest for two or three weeks waiting for trial I coulde to go out of Barrach & prest got fel up. When I surrendered I wanted to get medical attention; & & felt of & dida I get too which I d go straight, afterwards. I know I'd be really nunished of that is why I was afraid to come back before. R. P. 83 8) complied with. then to.

Change #2. Alle Rance Quentals the prosecution has not made a frima faci can in that the accused surrendered himself on 30 th Jan 45

Reply to Submission. C-100797 - Ph QUINTAL, R. It is feld by the Proceedion that the from the his when and thus leaves a resemble that he had any interview I feel that the sual consinue of on the charges of Set alexantion. In Raciot 4 For the fromment In the Field Selgium 7 May 45.

Summing . If for the housension. C-100797: Ple QUINT AL, R. The accused has wated under outh the circums fances that hought about his return to the army. Had he been thoing under better cardistions, had the here sich would be have accounted? he is quilty at mut of Destricion. For the locación In the Field Belgin Thay of.

Care of to 100 997 Pt Towned Quental chage 2 The court will please understand that of this man was re-Pulhemized his estagory would be about M3 judged by the mo in which he answers all quistions. The prosecution has not proven that the accused, aid not return of his own free will and the fact that he had a cabine is not sufferent proof in river of his atalement that The was loney and third of trying to get meals. Ste nowle care

1 st Charge on "3 Charge Shot may 45 · Evidence in the trial by Court martial on this Late of C100797 The Quental K. The prosecutor opens his case by submilling the following documentary evidence which was accepted by the court, marked by the president , + entered ar Exhibit A; De rain to. Thist "A" Certified true copy of extract from X3 hest Jus M.R. Part 11 Order Noss dated 23 mar 45 relating to 0,00090 PG Quental R. appet to respect of a partitude of the Kt. First Witness M10608 (pl Farguharson H) I See 2 che hoft the Coy having been duly swow I am M10608 Pal Forguskarson A. of 2 Cha Lof C. Provost Coy & I was N.C.O. i) c Coy quardroom, at 1625 hrs 9 has 45 when Agt. natheron of the same coy. Brought in a solver, who is the Quinla, R, the accused present is the Court here today. He was dressed in civilian clother . Upon checking his property & found in his possession the own of fifty - one Thousand never hundred and eighty Delgian panes along with other personal odds & ends The & A. P.M. Capt allendary arrived & took day of the money, giving me assesspt for it, opposite the Quintel is name in the property book. Prison for sufe custody.

Cross examined by defending officer.

I am positive that this man is the accused - although at that time he did not

have a mustache & was in civilian dother the was only there a whest time, but to the best of my or récollection he was in a dark ent a marine à light raincoat. So far as I can recollect I don't believe he was wearing any military dolling at all - I don't know about his shoes. The accused made no statement to me. To had his airlian dolling when taken to M. Tiller R. P. 83 (B) complied with . Scool Valuery Capt. C. J. Allendorf, P. A. P.M. harry been duly sworn states: -Dam Capt. C. J. allendorf, Canadian D. A. P.M. Brussels. Ell have made a drill in Brussels that any man apprehended with a large sum of money will be interviewed by an officer. There are two officers there, so notionally I do a lot of it. On the morning of the 12th morel 1945 Fremenber exteriewing The Quintel whom Freeginge as the assured present in court today. I cantioned the accused in the following. words: "I have been cautioned that I am not obliged to say anything unless I wish to do say will be token down in writing & may be given in evidence. understood the caution, That the Quintal sign a statement to this effect. The then made & signed a statement in my present. The original of the statement was sent to the D. A.M.

of 2 CBR Gp. Thereby identify as a true copy the statement, this document which now sign & submit to the court. ( Statement submitted to the court, marked by the president, + entered ax Exhibit B) To the best of my knowledge Exhibit B" is word for word the same in every narticular as the original statement signed by the accused Pto Quintal. Cross examined by the defending officer. I do not recall stoling to the accused that " he would not get out of this place matil he gave a statement " We are not allowed to hold prisoners at all. The I saw him he was to solitary confinement - but he was not placed there for the rempose of Breaking him down or Staining a soldenest. He was placed there By the director of St. Lilles prison, as he had made an attempt to excape. The day after I obtained the statement the presoner was released from solitary confinement. The accused definitely did not make his statement worder durexa of any kind. Cross examined by the court. The accused was arrested in civilian dother. To the best of my recollection he was in a dash Olie ant, a light spullover weater + no healdress. I don't know about whoes, " I couldn't even as to any article of dress. He was in civilian dotter when I interviewed him at the

elles prison. I gave instructions to the Con that the uniform be recovered at the address the accused gave in his statement. I have the Civilian clothing in my possession in Bussels. I do not know what means of dentification or what documents be had in his possession. He verbally identified himself to see. I can definitely state that Exhibit B is a true copy of the statement I took from the Quintel. R.P. 83 (6) complied with the prosecutor submits the following documentary evidence which was accepted by the court, smarked by the president a calcul as schibit "?" Exhibit " Certificate of apprehension dated 10 Mar 45 relating to C100292 the Quintal R. The case for the prosecution is closed. the case for the defence opens - the occurred exets to give evidence on oath. First Witness C100090 Pto Quintal R., Laving been duly oworn states: Jam C100292 Pte Quintel R. Jam rinsteen years & five months of age. I joined the army in 1942 at 16 yes of age. Hosh basic + advanced training as an engineer. Parrived in the U. K. early in 1943. I came to Europe, late in 1944 as a reinforcement. I was AUL once or twice But I do not remember the dates, I surrendered after one A.W. to go back to my unit, the F.M.R.

They seek me to Theat invlead of my unil so went AWA again I surrendered myself because I wanted to go with my outfit! Before I came to this camp I did not know I would be charged with desertion because I did not intent to desert the army. I never at any time intended to desert the army. I was apprehended in civilian dothing. I was wearing are army was issue owester. I resisted arrest. I was with two others - one hat the arguart 4 we all started to run. He had a gran When he told me to stop I stopped When he first came up to me, - the proved, he lifted my searf & saw my sweater. He said I must be a Canadian soldier. Tay two friends started to show him papers so I pulled out mire - it was a Bolgian coldier's pars . Itall him I was Belgian - but he said it was no good, - I must be Canadian, & took me paybook. It was one I got off of a wolder. He solder was at a cafe + he took off his the puther twice to fight with enother fellow. He puther them to fight with enother fellow. He puther Twee on the floor to fight - + I picked it up took the paybook + took out the soldiers name & number will some liquid I had & just in my name, my number or my particulars. I did this because they took may paybook when I surrendered, & when I ran away I didn't have one. To go around as a woldin I needed a paybook, so that is why I took this one.

When I was apprehended I had this pybook, the one I had made, with my right name & number. I gave it to the captain, the one who was here & gave evidence this morning. Cross evanised by the prosecuting officer Before I joined the army I wason a dismond dill as a halper in Sudbury Intario. I served with the F.M.R. in the field in action on the other wide of antwerp. I wore civilian clother so that I could go out in the dayline on the street, + so I could go to places with girls in the evening where soldiers could not go - high places. I would not be here today if That not been apprehended - but I intended to give myself up. Iwas going to give myselfup on the day that the was was over. I would give myself up when the was was over because I wanted to return to my home. There brothers in Canada. Cross examined by the court. I had the civilian dother only thru quarter of an hour before I was apprehended. I bought there a shop mean the DAPM's office & & think they want me & sent a surgicant after me. I was going back to get my uniform which That left where I got the civilian clother Ileft it there to be gressed & cleaned. I raid 9 to 11 thousand france for the clother . That no other civilian dother so wanted civilian clother so

almy police would not rich me up in the destine. I also wanted them so I could go to places where officies go in the evenings, clubs where you could dence & have a better time to which a private should not go in uniform. The accused is handed Exhibit "B" which he reads over in full.) on the is a correct statement & it is the same of one which I signed for the captain. It is all true but I would like to explain that the trucks & vehicles which we took were ones that had been taken by other soldiers who were on the loose - I we took the vehicles from them or they were they had abandoned. We did not steal then from The a The accused having read Estat B stentifica it as being the same as the original & signs the exhibit to this effect) In It Tile Prison the captain came to me + asked me if I wented to make a statement. I said no. I didn't want to make a atstement without knowing anything about what I should do. He told me I'd not in these until I did anale a statement. He said he needed a statement so that he could catch some other fellows doing the same thing, so he westeduto tell him how I got all the money. I refund to make a statement & som to. he went away often my interview that I tried to make a flow that I tried to make a flow of the prison. Then I was except that afternoon from the prison. Then I was pot in soldary confinement. The came the ment day to see me in solitary confinement. To told me now you are what you we gother yourselfints or then he & anded me if I wanted to make a statement. I said if you've going to get me out of here, of this Role, I will make a statement. Then we went out to a secretary & started to make a statement. all that I told him in the statement was true. He gave it to me to right I right it, he went away & that afternoon they took me out of sollary & west into the ordinary prison, The next day I was sent from St. Giles to Theat , then here. R. P. 83 (6) complied will nam to

Sure using - 44 for the Procecutione. C-100 197 - Ble QUINTAL, R. The evidence given by the accused, are leaved a reasonable anoth as so his instructions of ruduring to the army, It was in civi have clother, glandy of many and running a good pusiness. would be have returned to the army if not affer hended. The Court will decide if he is guilty of deservion. In · Kacicop Lt. In the Bill Belgium 7 hay 45.

Summary of Evidence in the case of C-100797 Pte QUINTAL X4 List (GIC), attached to 1 din Disciplinary Centre, a soldier of the Canadian Army Oversess,

( 1 charge ) (1) Deserting His Majesty's Service (2) Improper possession of (51,780) Belgian France

etions of the CO the evidence is taken on cath.

The following documents are read over to the accused, marked as Exhibits and are attached to the proceeding

Exhibit "A" - Certified true cony of Extract from Pt II Order No 35 dated 23 Mar 43

certify that in my crimion the attendance of this ritness is, oring to the extencies of the service, not resultly procurable and a written statement of his evidence, signed by him has been read to the accused and is attached hereto as Exhibit Wow.

Officer detailed to take Superry of Byidence.

The Edward

2 can L of G Fromost Coy A/Capt J TWEEDIR I certify that in my opinion the attendance of this offices is, owing to the exigencies of the service, not resulty procureds and a written statement of him evidence, signed as Exhibit when read to the accused and is attached hereto

Caption Educated Capt of the Sun ary of Patennes.

. regular the attendance of A/Capt TWIDDLE for the of eross-examination.

Capt M E ARCETRONG Paymester No 10 Bn CBR Gp

certify that in my opinion the attendance of this officer is, owing to the exigencies of the service, not readily procurable and a written statement of his evidence, signed by him has been read to the accused and is attached hereto as Exhibit "2".

Officer detailed to take Sumary of Evidence

I do not require the attendance of Capt ARISTRONG for the purpose of cross-examination.

(the accused)

I certify that in my opinion the attendance of this officer is, owing to the exigencies of the service, not readily procurable and a written statement of his evidence has been read to the accused and is attached hereto as Exhibit "F".

Officer detailed to take Summery of Evidence.

I do not require the attendance of Capt ALLENDORF for the

(the accused)

Mojor N C DAWSON states:att to 1 Cdn Disciplinary Centre

On the Two day of Apr 45, I interviewed the accused C-100797
Pte Romeo CONTAL, attached to 1 Cdn Disciplinary Gentre,
whom I new recognize. After making known my identity I
cautioned him as follows: "You are not obliged to say
anything unless you wish to do so but anything you do say will,
be taken down in writing him may be used in evidence." The
accused understood the califf and staned his name to the
statement which was read over them. It is attached to
these proceedings as Exhibit "G"

The accused declines to cross-examine this witness.

Mille August Hage.

(M C DANBON) Major

Rocky Mountain Rangers

att to 1 Can Disciplinary Cont.

- Q. Do you wish to make any statement or to give evidence on oath? You are not obliged to say anything or give evidence unless you wish to do so but whatever you say or any syidence you give will be taken down in writing and may be given in evidence.
- A. I have nothing to say.

The accused does not call any witness.

I certify that the foregoing Summary of Evidence consisting of four pages was taken down by me in the presence of the accused and that RP 4 (C) (D) (E) (P) and (G) have been complied with.

Officer detailed to take Symmetry of Evidence

Dated in the Field

### LIST OF WITHESSES

#### CUTION

M-10608 Cpl FARQUHARSON A
A/Capt J TWEDDLE
Capt E ARMSTRONG
Capt C J ALLENDORF
FAIOT N C DAWSON N.R.
X-72919 S4t WELLOR V C N.R.
L-77849 B S1t HARROF J N.R.
S4t Fred R do DESSO N.R.

7 Sec 2 Cdn L of C Provest Coy CC 2 Cdn L of C Provest Coy Paymaster No 10 Bn CBR Gp DAPM 1 Cdn Disciplinary Contre > P.

1 Can Disciplinary Contro to P.
1 Can Disciplinary Contro to P.
1 Can Disciplinary Contro to P.
1 Can Disciplinary Contro to P.

THE STREET,

NIL

#### CIST OF MENTERES

Certified true copy of Extract from Pt II Order No 35 doted 23 Mar 45	
Certificate of av rehension dated 10 Mar 45	aBa
Statement of M-10608 Cpl FARQUHARSON A	"C"
Statement of A/Cept J TWEDDLE	вЪч
Statement of Capt M E ARMSTRONG	нЕп
Capt C J ALLENDORF DAPM	при
Statement of accused taken by Major DANGON N. R.	という とう こう

I, G-100797 Ptc OFINTAL R, hereby acknowledge receipt of one cony of charge sheet and one copy of summary of evidence free of charge on April 45

O- Quintal B

mitigation metaling Mea in C100797 Pa Quental R The accused joined the army as a lad of Ibyrais and todate is only 19 years of age. as he has stated under out he had no intention of desirting, boins out by his statement that were a polybush and he had one when apprehended, bapt allenders in atationent as to the accused being dressed in civilian clothing is not correct in its enterely civilian clothing is not correct in its enterely as the accused was wrawing a metetage Quale by which he was recognized as you have heard the accused a any that he gave his statement to Capt allement of a being a comadian Soldin. he was told that he would have to stay in Dolitary confinement and his ataliment was then given underlyinfluence, Pares 74075 1990291 m.m.h. are quite clear and in new of the fact that the accused was reliant from artain confimment immediately after the statement was given it further proves his statement regarding The accused has stated that he had two intended surrending himself on V Doug. On the of his previous aux's he gave himself up and thus is no reason to suppose ma is there any proof was refultanized his cotagon would be about MS.
judged by the manum in which he around all that the accused had intended to ideant.

The prosecution in all cases has not definitely proven that the accused has no intertor of the returning to his duty. The accused has returning to his duty, I won two of the voluntarily surrendered himself on two of the On riewing the accused m 7116 it will be a chot deviation and also it will be noticed that the punishments have also been light. Had this young been handled correctly or rather differently he would have realized that a. w. L. is a arious thing but such was not the ease as the accused is only a young lead still in his teens I respectfully ask that he guilty of Aw.h. instead of desition Johander copt

# Statement as to Character and Particulars of Service of Accused.

(For Use at Trials by Field General Courts-Martial only).

Number.	Rank.	Name.	Regiment (or as the	case may but	
9100797	Pte	QUINTAL R	FUS MR		
NOTE.—The Field Conduct Sheet is to be produced in Court with this statement but is not to be annexed to the pro- ceedings. The numbers	1. The following is a fair and true summary of the entries in the Field Conduct Sheet of the accused, exclusive of convictions by a court martial or a civil court:—				
berein stated should correspond with the number of Estudia in the Field Con-		For AA 15 (1)		times.	
heine street, prominence		For AA +O	+	times.	
entry. If the charge is for draukenness or absence		For		times,	
without leave, the entres for drunkenness or absence, as the case may be, should		For		times.	
be stated separately. Act resugnized special acts of gallantry or distinguished	Date of fi	rst entry in Field Conduct Sheet	12 Mar 43		
roaduct recorded on the Field Conduct Sheet should also be inverted here.	Date of la	st entry in Field Conduct Sheet	6 Jul 44		
		evious convictions of the accused hedule overleaf.	by a court martial or a civ	il court are set out	
Pictibe out If not applicable.	*3. 11	ne accused at the present time is m	nder sentence for III	IL	
	beginning	the N/A day of	day of N/	A	
	days in which	civil costedy, and for 5  No first is open arrest,  No first is open arrest,  no present age of the accused is !!	SI days in milit	ary custody, i.e.,	
		he date of his calling up for milits	0 23 Jul		
	7. Ti	he service which the accused is allo			
1State the military deporations (if any)	8. The accused is in possession of: CVSM & GLASP				
held by accused.	<ol> <li>(If the accessed is a warrant officer or N.C.O.). The accessed has served continuously without reduction, to the present date—</li></ol>				
		In the substantive rank of			
		In the war substantive rank o	1 1111		
		In the acting rank of	111		
		DUTTE TO THE TAXABLE PARTY OF THE PARTY OF T			

from the regimental books the paragraph must be struck through.

# SCHEDULE OF CONVICTIONS BY A COURT-MARTIAL OR CIVIL COURT,

Court by which tried.	Date and Place of Trial	Charges upon which convicted.	Sentence of the Court	sentence suspended.
	19 Aug 43	Civil offence / stealing \$208 and wellet	+ mos imp.	

I HEREBY CERTIFY that the foregoing particulars, which have been extracted from the regimental books in my custody, are correct to the best

of my knowledge and belief. Signed this 12 th day of Coppin 1945

Julio 6 Cept

Summary of Evidence in the case of C-100797 Pte QUINTAL R. K4 List (QIC), attached to 1 Cdn Disciplinary Centre, a soldier of the Canadian Army Overseas.

Charge - Deserting His Majesty's Service

By directions of the CO the evidence is taken on oath.

The following documents are red over to the accused, marked as Exhibits and are attached to the proceedings.

Exhibit "A" - Certified true copy of Extract from Pt II Order No 14 deted 3 Mar 45

- Q. Do you wish to make any statement or to give evidence on oath? You are not obliged to say anything or give evidence unless you wish to do so but whatever you say or any evidence you give will be taken down in writing and may be given in evidence.
- A. I have nothing to say.

The accused does not call any witness.

I certify that the foregoing Summary of Evidence consisting of one page was taken down by me in the presence of the accused and that RP 4 (C) (D) (E) (F) and (G) have been complied with.

Officer detailed to take Survey of Evidence

Burth & But Allan

Dated in the Field

10/4

# THE OF EXHIBITE

Certified true coup of Extract from Pt II Order No 14 dated 3 War 45

I, C100797 Pte CVINTAL R hereby acknowledge receipt of onf copy of Charge Sheet and one copy of Summary of Evidence free of charge on April 45

C-10099 To The II I

Summary of Evidence in the case of C-100797 Pts QUINTAL R, X4 List (CIC), attached to 1 Cdn Disciplinary Centre, a soldier of the Canadian Army Overseas.

Charge - Deserting His Majesty's Service

By directions of the CO the evidence is taken on oath.

The following documents are read over to the accused, marked as Exhibits and are attached to the proceedings.

Exhibit "A" - Certified true copy of Extract from Pt II Order No 45 dated 26 Dec 44

- and may be given in evidence.

I certify that the foregoing Summary of Evidence consisting of one page was taken down by me in the presence of the accused and that RP 4 (C) (D) (E) (F) and (G) have been complied with.

36 Apr 45 m.7.

Certified true cory of Extract from Pt II Order No 45 dated 24 Dec 44 Centificant

I, C-100797 Pte QUINTAL R, hereby certify that I have received one copy of Charge Sheet and one copy of Summary of Evidence free of charge on to April 45.

Parintal Colors

Summary of Dvidence in the case of C-10079? Pte Quintal R, K4 List (CIC), attached to 1 Cdn Disciplinary Centre, m soldier of the Canadian Army Overseas.

Charge - Deserting His Majesty's Service

By directions of the CO the evidence is taken on oath.

The following documents are read over to the accused, marked as Exhibits and are attached to the proceedings.

Exhibit "A" - Certified true copy of Extract from Pt II Order No 45 dated 26 Dec 44

- Q. Do you wish to make any statement or to give evidence on eath? You are not obliged to say anything or give evidence unless you wish to do so but whatever you say or any evidence you give will be taken down in writing and may be given in evidence.
- A. I have nothing to say.

The accused does not call any witness.

I certify that the foregoing Summary of Evidence consisting of one page was taken down by me in the presence of the accused and that RP 4 (G) (D) (F) and (G) have been complied with.

Officer detailed to take Submary of Evidence

Dated in the Field 76 Apr 45 Summary of Evidence in the case of G-100797 Ptc QUINTAL R, K4 List (CIC), attached to 1 Cdn Disciplinary Centre, a soldier of the Canadian Army Overseas,

Charge - Deserting His Majesty's Service

By directions of the CO the evidence is taken on oath.

The following documents are rold over to the accused, marked as Exhibits and are attached to the proceedings.

Exhibit "A" - Certified true copy of Extract from Pt II Order No 14 dated 3 Mar 45

- Q. Do you wish to make any statement or to give evidence on eath? You are not obliged to say anything or give evidence unless you wish to do so but whatever you say or any evidence you give will be taken down in writing and may be given in evidence.
- I have nothing to say.

The accused does not call any witness,

I certify that the foregoing Sweary of Evidence consisting of one page was taken down by me in the presence of the accused and that RP 4 (C) (D) (E) and (O) have been complied with.

Officer detailed to take Surmary of Evidence

Dated in the Field Ab Apr 45

Summary of Evidence in the case of C-100797 Ptc QUINTAL R, X4 List (CIC), attached to 1 Cdn Disciplinary Centre, a soldier of the Canadian Army Overseas.

- Charges (1) Deserting His Majesty's Service ( 1 charge )
  - (2) Improper possession of (51,780) Belgiam Francs
  - (3) Attemptime to escape

By directions of the CO the evidence is taken on oath.

The following documents are read over to the accused, marked as Exhibits and are attached to the proceedings.

Exhibit "A" - Certified true copy of Extract from Pt II Order No 35 dated 23 Mar 45

Exhibit "B" - Certificate of apprehension dated

PIRST VIYINGS

M-10608 Opl FARQUHARSON A 7 Sec 2 Cdn L of C Provest Coy

I certify that in my opinion the attendance of this witness is, owing to the exigencies of the service, not readily procurable and a written statement of his evidence, signed by him has been read to the accused and is attached hereto as Exhibit "C".

Officer detailed to take Rumary of Evidence.

I do not require the attendance of Gol PANGUHARSON for the purpose of cross-examination.

(the accused)

SPECIED MITHESE

A/Capt J TWEDDLE OC 2 Cdn L of C Provest Coy

I certify that in my opinion the attendance of this officer is, owing to the exigencies of the service, not readily promurable and a written statement of his evidence, sigmed by him has been read to the accused and is attached harreto as Exhibit "D".

Officer detailed to take Survey of Pvidence.

I do not require the attendance of A/Capt TOUDLE for the purpose of cross-examination.

(the acquised)

THIRD WITHESE Capt M E ARMSTRONG Paymaster No 10 Bn CBR Gp

I certify that in my opinion the at endance of this officer is, owing to the exigencies of the service, not readily procurable and a written statement of his evidence, signed by him has been read to the accused and is attached hereto as Exhibit "E".

> Taurice Rousseau) Capt Officer detailed to take Summary of Evidence

I do not require the attendance of Capt ARMOTRONG for the purpose of cross-examination.

(the agouged) intol

NTH WITHERS Capt C J ALLENDORF

I certify that in my opinion the attendance of this efficer is, owing to the exigencies of the service, not readily procurable and a written statement of his evidence has been read to the accused and is attached hereto as Exhibit \*F\*.

Aurice Rousseau Capt Officer detailed to take Surery of Syldence.

I do not require the attendance of Capt ALLENDORF for the purpose of cross-examination.

a Quintal

TH WITHESS

Major H C DAWSOH att to 1 Cdn Disciplinary Contre srown states:-

On the 19th day of Apr 45, I interviewed the accused C-100797
Pte Romee GUNFFAL, attached to 1 Gdn Disciplinary Cemtre,
whos I now recognize. After making known my identity I
cautioned him as follows:- "You are not obliged to say
anything unless you when to do so but anything you do say will
be taken down in writing and may be used in evidence." The
accused understood the caution and signed his name to the
statement which was read over to him. It is attached to
these proceedings as Exhibit "G"

The accused declines to cross-examine this witness.

(H C Dawson) Major Rocky Mountain Rangers att to 1 Cdn Disciplinary Contre

- Q. Do you wish to make any statement or to give evidence on eath? You are not obliged to say anything or give evidence unless you wish to do so but whatever you say or any evidence you give will be taken down in writing and may be given in evidence.
- A. I have nothing to say.

The accused does not call any witness.

I certify that the foregoing Summary of Evidence consisting of four pages was taken down by me in the presence of the accused and that RP 4 (C) (D) (E) (P) and (G) have been complied with.

Officer detailed to take Survey of Widones

26 Apr 45 Dated in the Field Charge Sheet a 1.

Pin here Loose Sheets of Record.

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

sing to	President to accused: Do you wish to apply for an adjournment on the ground that any of the rules a 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.  (i) (i) If 'yes', see RP 37(A) for procedure. Statement or evidence, if any, is recorded per Notes.)
D2.	The Prosecutor makes (mm) (no) opening address.(1) (1. RP 39(8), &O(A) (8), 90, 92(C) (D). Record oddress per Nates, subject to RP 95(C)  The evidence for the Prosecution is taken.(1) Liquid was distributed as a lightle of the Prosecution of taken.(1)
D3.	The evidence for the Prosecution is taken.(1) Legrand v caller had a Lifthout (1. RP 39/C), 114. KR Con 555. Record evidence per Notes. As to Prosecutor giving evidence himself see RP 39(D) (E).)
	The Prosecution is closed.(1) The Defending Offs submits that the evidence for the Prosecution does not

stablish a prima facio osso 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 closed, and considers the submission charge(s), and allowed on the charge(s) and that, accordingly, the trial will proceed on the former, but the accused is (are) found Not Guilty of

the latter charge(s). (1)

(1. Delete remainder of this para, if submission not made. 2. Arguments an submission, answer and reply are recarded per Notes. 3. RP 40 fn 1. See MAML 9.72 paras 12-14 and p.81 para 42. 4. Delete part not used. If occused acquitted an all charges, use second alternative in para D8.)

on all charges, use second alternative in born DE).

B. If trial innecest, accused must be allowed great latitude in making his defence, and the Court should not stop his defence solely on ground of irrelevance. (NP 60(c), 114, 115.)

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.(2) You may, however, make a statement without being sworn, and you will not be subject to cross-examination.(2) But a statement which could have been made or oath will not carry with the Court the same weight as sworn testimony.(4) You may call witnesses in your defence and as to character, whether you give evidence or make a statement of the

D6. Consequent on the answers recorded in pars D5 the appropriate procedure for the defence is followed.(2)
(1. RF 114, 115, 116. For procedure see Notes on bock of Convening Order, CF A85. Evidence for accused as to his character should, if in his interest, be given before the finding. See RF 46(A) for 1, 86(C). Note the firster approximation pare E1 of Record Ferm E. Record for Notes addresses, natement, evidence and on summing up by the ph under RF 42, (ONe).

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

(I. RF 43, 117(A). See Notes in Part I of Schedule. 2. RF 44(F))

DS. The President amounts the finding(s), if any, of Not Guilty, and states to the accused that the findings

of the Court on the charge(), being subject to confirmation, will be promulated later.

On, The President amounces that the accused as found Not builty on all charges and is to be released for the sound that the processing are accordingly terminated. Fart I of the Sobedolo is dated and closed on

(). AA SRS) (6), 89.45, 120(A). 2. AA 54(2), NP 45, (17. This observative unnouncement is his applicable when there are places of Gunty customling and draft with under Recard Parm B or C.)

D9. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using Record Form R below.

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

	PART I		
Accused :			
Charge.	Piea.	Finding.	
(Insert " alternative " where opplicable.)	(See Instrs p Z.)	(See note below.)	(Space for use as required for further charges, accused charged jointly, special findings, etc.)
1st			
2nd			
3rd			
4th			
5th			
At present under senter	nce for a being served, or de awaiting present A) fo 2. beforeaction	tete. E nez opplicable	heginning on (600)  See RP 46(A). Information abused by found on AVE 8355 or AVE 8296.)  days, of which  "days were apont in hospitality 8355 or AF 8796 admitted in evidence under EL)
			(Sgd) President. (RP 45, 50.)
(Sgd) Bodge-Adv	peate, if any.	Dal Convening Green or t	is awarded.  a assembly and disposal of record after trial)

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

D1. President to accused: Do you wish to apply for an adjournment on the ground that any of the rules ting to procedure before trial have not been complied with, and that you have been prejudiced thereby, or see

round that you have not had sufficient opportunity to prepare your defence ! Ans No. (I. If "res", see AP 39(A) for procedure. Statement or evidence, it opposits recorded per Notes.)

D2. The Prosecutor makes (as) (no) opening address.(1) The evidence for the Prosecution is taken (1) Lignest & altriched as Lyhibil

(I. P.P. 39(C), 114. KR Can SSS. Record evidence per Notes. As to Prosecutor giving evidence himself see RP 39(D) (E).)

D4. The Prosecution is closed.(1) The Defending Offr submit that the evidence for the Prosecution does not establish a prima facie case against the accused on the language and Charge (2) The Court is re-opened, and considers the submission. (1) The Court is re-opened, and the President anneances that the submission and the President anneances the President anneanc charge(s), and allowed on the

rehargons, and that, accordingly, the trial will proceed on the former, but the accord is (ate) found Not Guite the latter-chargeinich

(1. Delete remainder of this para, if submission not made. 2. Arguments on submission, answer and reply are recorded per Notes. 3. RP 40 ft 1. See MML p.72 paras /2-14 and p.81 para 42. 4. Delete part not used. If accused acquitted

NB If trial proceeds, accused must be allowed great latitude in making his defence, and the Court should not stop his defence on all charges, use second alternative in para DB.) solely on ground of irrelevance. (RF 60(C), 114, 115)

President to accused: You will now proceed with your defence.(1) You may, if you wish, give evidence yourself on outh as to the facts or your character or both, in which case you will be subject to cross-examination of

dent to accused. Do you wish to give evidence yourself as a witness, make a statement, or do neither i Ans Decurred gives evidence and each Do you intend to call witnesses on your Are they witnesses as to character only? Ans N/E No.1 2. RP 40 fn 10.

D6. Consequent on the answers recorded in para D5 the appropriate procedure for the defence is followed (\*) 2. RF 40(A), see 80(D). (1. RF 114, 115, 116. For procedure see Notes on back of Convening Order, CF 895. Evidence for occurred as to his character should, if in his impress, be given before the finding. See RF 46(A) in 1, 86(C). Note the further opportunity in para El of Recard Form E. Record per Notes addresses, statement, evidence and any summing up by the JA under RF 42, 103(e).

D7. The Court is closed to consider the finding(a).(2) The finding(a) of the Court is (asset recorded in Parts of the Schedule.(2) The Court is re-opened.

(I. RP 43, 117(A). See Notes in Part Lef Schedule 2. RP 44(A).)

De. The President appropries the findings, if any, of Not Guilty, and states to the accused that the findings, charge(s), being subject to confirmation, will be promulgated later of around is found Not timity on all obargon and is to be rejunted for of the Court on the June re-accordingly to commuted. Fact 1 of the Schedule is dated and signed of On The President of the AA 54(7) (0). AP 45, 120(4). Z. AA 54(7), AP 43, 117. This discretive summarcement is not opplicable when those and that the perior of the are pleas of Guilty substanding and dealt with under Recard form B or C.)

Do. The accound having been found Guilty on one or more of the charges, the proceedings are concluded by using Record Form E below.

# SCHEDULE.

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

Charge.	Plea.	Finding.	
(Insert " alternative " where applicable.)	(See Instru p Z.)	(See note below.)	(Space for use as required for further charges, accused charged jointly special findings, etc.)
st			
ad			
rd			
th			
th			
ith			
At present under senter (), intert senter	nou for a being served, or de	ets, if not appropriate	; (indings on discreptive charges som MML p 483 fn 4 pans 2, 8F 44 ; se KF 44 (n 6.)  beginning out (date)  See FF 44(A), information should be found on MY 8355 or AF 8396.)  days, of which  Alsys were spent in bospits  6355 or AF 8296 admitted in evidence under E2.)
Sentence Awarded by			

#### SCHEDULE.

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

Accused: C100797 Pte Romeo QUINTAL (X-4 List CIO) att 1 Cdn Disciplina Centre

	Charge.	Piea.	Finding.	
	Insert " alternative " where CHA applicable ART	(See Instra p 2.)	(See note below.)	(Space for use as required for further charges, accused charged jointly, special findings, etc.)
ls	. AA 15 (1)	Not Guilt;	Guilty	
20	nd AA 15 (1)	Not Cuilt	Cullty.	
ECON	# ### \$# 50 818 SERIES		yNot Guilt Guilty	

charges see MML p 483 fn 4 page 2, RP 44 ;

(i. Intert sentence being served, or delete, if not applicable. See RP 46(A). Information should be found on MF B355 or AF B296.)

(I. See RP 46(A) for 2. Information should be found on MF 8355 or AF 8296 admitted in evidence under E2.)

Sentence Awarded by the Court: To suffer penal servitude for a period of seven (7) years and to be discharged with ignominy from his Majesty's Service.

PART IL MINUTE WHERE CONFIRMATION RESERVED. (AA SHIS), RF (20(F), MARE & TAC.) I RESERVE THE FINDING & SERVENCES FOR CONFIRMATION

Date 3 Jul 45 (8gd) " J S Lind " Brig Commanding 3 CSR GP

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

For duties and powers see AA SA, ST, RF 37(D) to 6.46(A), SI-S6, 120, MARL to 759-761, KR Can S67-577. Acquisitation and connot be resided to AA 54(3). Sending back finding or antistice for revision by Caust: AA 54(2), RF 130(G), RF is and confirmed, accused may be treed again: AA 151, MARL, p. 64. Minute of confirmed on non-confirmation may be observed before premising time: RF 51, MARL, p. 63. Quality of the promising time: RF 51, MARL, p. 64. Minute of confirmed on non-confirmation may be observed before premising on: RF 51, MARL, p. 64. Minute of confirming on non-confirmation may be observed before premising time: RF 51, MARL, p. 64. Minute of confirming on non-confirmation may be observed before premising times. RF 51, MARL, p. 64. Minute of confirming times and premising times of the second process of the second proce

My decision on the finding(s) and sentence set forth in Part I is "I confirm the findings of the Scourt. I mitigate the sentence so that it shall read as follows: To suffer penal servitule for a period of four years and to be discharged with ighominy from His Majesty's Service" and I confirm the sentence as so mitigated. The finding of the court that the plea in bar of trial is not proved is confirmed to purpose the court that the plea in bar of trial is not proved in the sentence which we have been proved in the sentence which we will be the sentence with the please in the sentence which we will be the sentence with the please in the sentence which we will be the sentence with the please in the sentence which we will be the sentence with the please in the sentence will be the sentence with the please in the sentence will be the sentence with the sen

Date 20 Jul 45.

(Sed) "DG Crerar" (H D G Crerar) General Commanding GOC-in-C First Cdn Army

PROMULGATED AND EXTRACTS TAKEN. (89 52, KR Can 576, 577.) Signature of Offr. Accused.

2100797 Ate Romes Quintel

60 I rendeman Carl popon Can Bec

11 a Brusse Garren ALL DELETIONS AND ALTERATIONS WILL BE INITIALLED. PIETO GENERAL COURT-MARTIAL

Sent d by Order of Brig J S B Lind DSO Comd 3 CBRG dated 30 Jun 45

4 399

ACCUSED.

0445 As to the triol of two or more charged jointly see RP 16, 71, 109. As to reasons for showing (a) permanent or confirmed and (b) appret. Alrenk or Alappent, if any, see AA 182, 183, fns. KR Con 308, 128, 130.)

Number. (a) Prunt R. (b) Appent, A/R or A/Appent. Full Christian Names. Surname. Unit. C100797 Pte Certified true cony of grid nal QUINTAL (X-4 List CIC) Romen att 1 Cen proceedings herein. Centre

"R Livermore 19 Mad 1905 Kith PROCEEDINGS OF TRIALAG STANCH C.M.

4 & 5 Jul 49 Held in the Fd in (country)

# RECORD FORM A-OPENING PROCEEDINGS AND ARRAIGNMENT. 14/148

A1. The President, Members, waiting Maraber, JA, if any, and Office under inste, if any, assemble, and the

PRINTED WATTER, NOT IN ITALICS FOR GUIDANCE, WILL BE DELETED, IF NOT USED OR APPLICABLE, AND INITIALIED

(i. As to use of Summary of Exidence see AP 17 in 6. 2. AA 47. 50. AP 105-107. 3. AP 11-13, 23, 24.)

A3. The Court is opened. The accused is the brought before the Court. At 1440 hours trial commences.

A4. The Prosecutor produces a Medical Certificate that accused is (are) fix to undergo trial by court-martial (b) GBC

(). KA Can 557. 2. NA 46(8), RP 60 for I. For effect see KP. Can 563(c). Delete. If not applicable

A6. The Convening Order and names of the President and Members of the Court are read to the accused?)

President to accused: Do you object to be tried by me as President or by any of the Members of the Court 1

(I. RF 170. 2. If no obsection, woiling mamber natives. RF 68(E). If objection, one procedure AA 51. RF 25, 71, 10, MAKE to TW23

A7. The President, Members, Jay if any, and Office and ranks, names and units of the offes comprising the Court, etc.

Con C M Centre att 3 CHBG RCA P S Osler Member Can C M Centre G T Clark Member Budge-Advocate Cdn C H Camtre D B MacKanzie Cant Con C H Centre D W Rose Capt Defending Offr

Questions by President : Is the Prosecutor a lawyer ! Ans Yes Is the Defending Offe a lawyer ! Ans Yes (9)

(1. RF 28. 27. 109, 111. List of offer under mate will be returned separately with proceedings for information of Core (10th) (2. If From a lawyer and Def (10th) out, occurred is entitled to an adjournment when RF 69 (20 and fn 2 were not followed. See 20 p 23).

A8. The accurace \$100797 Pro Roman authors as a subject to the second and to 1 ware an fairness as \$23.

A8. The accurace \$100797 Pro Roman QUINTAL 1100 Belling arrangement makes (s) (set in \$20.

AB OR THE ATOMANS THAT THE BECAUSE LATTIN HAVE A TO INTEREST THE ARRANGE AND A TOWARD A STATE A STATE AND A S

A9. The accused is there arraigned (separately) on all charges in the charge sheet.(\*) The accused flow (do.) object to any charge.(\*) There is no amendment to be made to the Charge Sheet.(\*) The President records the pleas in Part I of the Schedule.

RP 21, 112. See journ 1 of leates p. 2. When more than one Charge Sheet see RP 62; when several occused to be tried: separately use RP 71(C), and was suparate cipies of CF A96 to record precessings.
 ASF 32, RP 33. If subnewise, delete and moke appropriate record pur Philips.)

A10. The Court is alound and considers the Instrs on Procedure after Armigument at top of p 2. The pro-JBC residings are continued on Record Form.

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

The accused may not plead or be found Guilty on more than one of two or more charges laid in the alternative. (RP 37(4).) As to withdrawal 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 plac of Guilly to leaver, etc. offence. (RP 44(H).) Accessed may change a plac of Not Guilly to Guilly to Guilly that (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

- 1. 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 U below, (RP 37(A).)
  - (b) Such mixed pleas accur in a set of two or more charges laid in the alternative, see RP 37 (A) and fn 2 us to discretion of Court, (i) to try the accused on all such alternative charges as if he had pleaded Not Guilly thereto, or, (ii) to record the pleas as the findings of Court. After deciding between (i) and (ii). Court will proceed under foregoing instructs as may be appropriate to result of its decision. See MML p 744 instructs (2).

# RE CHARGE SHEET W.

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

B1. The President or 1A, 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). RP 35 fb 3. 2. MML p 54 perc 47.)

B2. President to accused: The Court will now receive any statement you desire to make in reference to the B2. President to accused. The Court will now receive any statement you desire to make in reservate to the charge(s).(1) If it appears from your statement that there are circumstances which indicate that you do not understand the effect of the plea of Guilly(?), or which show provocation or extenuation in respect of which in your interest the witnesses for the Prosecution should be examined(?), we shall advise you to change your plea to Not Guilly. In making a statement you will not be severn or subject to cross-examination; and anything you say will not be used in exidence against you after you change your plea. If, however, it appears to the Court that your statement affects only the amount of punishment 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.(\*)

President to accessed: Do you wish to make a statement ! Ans

(1. 88 31(6). 2. 88 37(0) to 6. 3. 88 35(8) to 5 pare 3, MANL p. 54 pare 47. 4. See pare £3 of Record Rem E.

5. Seesment, if any, recorded per Notes.)

B3. The Court considers the accused's statement (1). The Court divides his (their) pleases on Chargesia. Part I of the S (I. Court may be closed to consider the statement. Desets whole or part not used.)

B4. On the charge(s) to which the plea(s) of Guilty is (are) not changed the President records finding(s) of Guilty in Part 1 of the Schedule.(1)
(1. RP 35(B). If any plea(s) is (are) changed, use Record Form C or D as appropriate.)

B5. The Summary of Evidence is marked Ex. 

initialled and read aloud by the President.(1)

(I. If there is no Sammary, or if it is modequeste, comply with RF 37(8). If there is ony evidence inconsistent with ony pice stooding as Gally. Court will advise occased to change such pice and. If changed to Nat Gally, my such charge(s) by use of parts DI to DB inclusive of Record Form D on p. 1. RF 37(D).)

B6. The accessed 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 accessed pleaded NOT GUILTY the trial is continued by using paras DI to D8 inclusive of Record Form D on p 3 before proceeding with C 2.(1)

C2. The charges on which accused pleaded GUILTY are read to him (them) again, and the trial is continued by using paras B1 to B3 of Record Form B above.(1)
(I. Under B3 such perts sate of the Summary of Evidence are read as relate to the charges dealt with under C2. If any pine is changed to Net Guilly, trial thereas proceeds by complying with pares D1 to D2 inclusive in Record forms D on 9.3 and making on appropriate record thereof on a separate sheet.)

C3. 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.

# PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

RECHARGE SHEET. ~ 11 Pin hore Lieue Sheets of Record.

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

21. President to accused: Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on 

D2. The Prosecutor makes (\*\*\* (no) opening address (\*) & & C (1. RP 29(8), 40(A) (8), 90, 92(C) (D). Record address per Notes, subject to RP 93(C).)

133. The evidence for the Prosecution is taken ( recorded as exhibited A, B, C, D & E attached.

(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 Prosception is closed (\*) The Defending Offr submits that the evidence for the Prosception does not establish a prima facie case against the accused on the FOURTH charge M (\*) The Court is closed, and considers the submission. (\*) The Court is re-opened, and the President announces that the submission of the charge M (\*) The Court is re-opened, and the President announces that the submission of the charge M (\*) and that accordingly the trial will consider the charge M (\*) and that accordingly the trial will consider the charge M (\*) and that accordingly the trial will consider the charge M (\*) and that accordingly the trial will consider the charge M (\*) and that accordingly the trial will consider the charge M (\*) and the charge M (\*) and the charge M (\*) and the charge M (\*) are charge M (\*) and the charge M (\*) are charge M (\*) and the charge M (\*) are charge M (\*) and the charge M (\*) are charge M (\*) and the charge M (\*) are charge M (\*)

Arrowsh), and that, accordingly, the trial will proceed on the former, but the accused is (are) found Not Guilty on the property of the process of the former, but the accused is (are) found Not Guilty on the property of the personnel of the per

DS. President to accused: You will now proceed with your defence. (1) You may, if you wish, give evidence yourself on eath as to the facts or your character or both, in which case you will be subject to cross-examination. (2) You may, however, make a statement without being sworn, and you will not be subject to cross-examination. (3) But a statement which could have been made on eath will not carry with the Court the same weight as sworn testimonly (4) You may call witnesses in your defence and as to character, whether you give evidence or make a statement or do

President to accused: Do you wish to give evidence yourself as a witness, make a statement, or do neither ?

NEITHER Do you intend to call witnesses on your behalf t N/A /VO Are they witnesses as to character only ! Ans (I. RP IIS. 2. RP 40(A), see 80(D). 3. RP 40 fo IO. 4. RP 40 for 2, 9.)

D6. Consequent on the answers recorded in para D5 the appropriate procedure for the defence is followed. (\*)

(I. RF 114, 115, 116. For procedure see Notes on back of Corvening Order, CF A95. Evidence for occased as to his character should, if in his interest, be given before the finding. See RF 46(A) in I. 86(C). Note the first recognizing to pens E1 of Record Form E. Record per Nation observes, environment, evidence on one parameter by a under RF 42, 103(a).

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 (\*) The Court is re-exemed.

(i. RF 43, 177(R). See Noise in Fert of Schedule. 2. RF 44(A))

DS. The President announces the finding(s), # way, of Net Guilley, and states to the accused that the finding(s) of the Court on the FIFT, \$ 600 MON THIND charge(s), being subject to confirmation, will be promalgated later. ( for The President agreement and the crownel is founded by Limiter on all charges and in to be released further

11. At 54(2) (c), PF 45, 120(4). 2. At 54(2), RF 45, 117. This distinctive consecument is not applicable when there are pleas of Guitz outstanding and dealt with under Receive Form 6 or C.)

Dit. The accessed having been found Guilty on one or more of the charges, the proceedings are concluded by using

#### RECORD FORM E-PROCEEDINGS ON CONVICTION BEFORE SENTENCE.

E1. President to accused: Do you wish to give evidence yourself or to call any witnesses as to your character 1(2) NO

(1) If evidence has already been given by occused or his witnesses as to his character, delete this pore. AP 17(C) In 4, 46 ft (... Accused and witnesses are swarn. Evidence reserved per Names.)

E2. The Prosecutor produces Statements as to Character and Particulars of Service(1), and certified the expe (copies) of Conduct Sheet(s)(\*), 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 

pere 1.3

E3. President to accused: Do you wish to address the Court on the Statement(s) and Conduct Shest(s), and in

mitigation of punishment 1(1) And Lead, Low consultation to the source of the source o

E4. The President states that the Court is closed to consider 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 (2) (1. AA 5460, RF 120(AL)

ES. The Court considers the sentence.(1) The President records the sentence in Part I of the Schodule, which

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

# CHARGE SHEET NO. 1.

The accused C100797 Pte Romeo QUINTAL, X-4 List CIC, attached to Cdn Discipline Centre, a soldier of the Canadian Army Overseas, is charged with:-

FIRST CHARGE WHEN ON ACTIVE BERVICE, ABSENTING HIMSELF WITHOUT LEAVE Sec 15 (1)

Army Act in that he

in the Field, absented himself without leave from 1630 hrs 6 Jul 44 until 1215 hrs 6 Sep 44. (Total absence: 61 days 19 hrs 45 minutes)

SECOND CHARGE WHEN ON ACTIVE SERVICE ABSENTING HIMSELF WITHOUT LEAVE Sec 15 (1)
Army Act in that he

in the Field, absented himself without leave from 2300 nrs 24 Oct 44 until 0001 hrs 30 Jan 45. (Total absence: 97 days 1 hr I minute)

THIRD CHARGE THEN ON ACTIVE SERVICE DESERTING HIS MAJESTY'S SERVICE See 12(1)(a)

Army Act in that he

in the Field, with intent to socid joining his unit, absented nimself without leave from 1600 hrs 3 Feb 45 until apprehended in civilian clothes in BRUSSELS, Belgium ht 1600 hrs 9 Mar 45. (Total absence: 29 days.)\*

Gec 40 ORDER AND MILITARY DISCIPLINE

Army Act

in that he

in the Field, at 1525 hrs 9 Mar was found in improper possession of fifty-one thousand seven hundred and eighty (51730) Belgian francs.

" W E J Richmond "

In the Field 18 Jun 45 ( V S J Pichmond ) Lt Col Commanding 1 Cdn Discipline Centre

To be tried by Field General Court Martial.

" J S LIND "

In the Field 30 Jun 45 ( J S H LIND ) Brigadie/ Commanding 3 Cdn Base Rft Gp The accused, C-100797 Pte Romeo QUINTAL, X-4 List CIC, attached to 1 Cdn Discipline Centre, a soldier of the Canadian Army Overseas, is charged with:-

PIRST CHARGE WHEN ON ACTIVE SERVICE ABSENTING HIMSELF "ITHOUT LEAVE Service ABSENTING HIMSELF "ITHOUT LEAVE Army Act in that he

in the Field, when in arrest, absented himself @ithout leave from 1610 hrs 18 May 45 until apprehended in BRUSSLE, Belgium at 0015 hrs 23 May 45, we ring US Army Military Uniform. (TOTAL Absence: 4 days 5 hrs 5 minutes)

SECOND CHARGE THEN ON ACTIVE SERVICE RESISTING AN ESCORT WHOSE Sec 10 (3) DUTY IT WAS TO APPREHEND HIM Army Act

in the Field, at approximately 0015 hrs 23 May 45, while being arrested by K97931 Cpl St Clairs F J, 7 Sec 2 Cdn L of C Frovet Cov, resisted the said Corporal by threatening his with a loaded German pixtol.

( V S J Richmond ) Lt Col Commanding 1 Can Discipline Centre

In the Field 18 Jun 45

To be tried by Field General Court Martial.

# FIELD GENERAL COURT-MARTIAL

CFASS (In lieu of AFAS)

(Whether the accused to be tried is under his comid or not, a FGCM may on application as him be covered by any offer of Cdn Army Oversecs, or of any other force if outhorized in law, in immediate comid of troops on active service, subject to RP 105(C) and restrictions imposed by oppropriate outhy, AA 49, 30, RP 104-107, 114. As to the duties and privileges of the Conversing Offer in dealing with the application see MML Chap V paras 20 and 23, RP 37(8).

There should be a separate Convening Order for each person to be tried separately by the same Court. RP 71(C), 109. As to asporate charge sheets see RP 62, ord as to separate it in an energy in the same charge sheet see RP 108. As to two or more accused charged jointly use RP 16, 109.

As to reasons for showing (a) permanent or confirmed rank, and (b) appmst, Alrank or Alappens, if any, see AA 182, 183, fns. RR Can 308, 328, 330.)

#### ACCUSED.

Number. (a) Prmnt R. (b) Appmt, A/R or A/Appmt.

Full Christian Names.

Surname

C-100797

(X-4 List CIC) att 1 Cdn Discipline

## CONVENING ORDER.

Martial"

And whereas I am of opinion that it is not practicable that such offence(s) should be tried by an ordinary General Court-Martial; (and that it is not practicable to delay the trial for reference to a superior qualified offic)
(Delete part in brockets when and required for compliance with RF 105(C)-)

3. I hereby convene a Field General Court-Martial to try the said person(f), and to consist of the Offrs appointed or detailed hereunder.

4. I am unable to appoint (a) three Office to form the Court, (b) a Fd Offices President, for the reasons I have attached hereto. (AA 49. RP 106(B), 107(A). Delete the whole or port. If not applicable.)

5. I also appoint as Judge-Advocate therest the Offer mentioned here (RF 106(F). Delete, if some apparatual)

## PRESIDENT.

(Must be named. PF 106.) MEMBERS. Cdn C M Centre G T Clark (Named or detailed. RP 106.) (Rank.) WAITING MEMBER. (Named or detailed, if any. RP 106.) (Rank.) JUDGE-ADVOCATE (Must be named, if any. RF 106.) (Runk.) On Active Service in the Fd (Rosik.) RP 105 fo 2.) (Country.) Commanding 3 Cdn Base Rft Gp 4 Jul 45 Date Convening Officer.

CONVENING OFFR WILL INITIAL ALL DELETIONS AND ALTERATIONS

(See averies) for master and notes for use on trial.)

# I cortify that F have this day examined C-100797 Pte Quintal R. and in my opinion he is itt/xxxxx to undergo trial by Court Martial. Station Field A A Toms \* Capt (Sgd) Date 4-7-45 L Con Discipling Centre

I certify that I have this day examined C-100797

Pte QUINTAL R. and in my opinion he is fit ANNOCO to undergo

Station Field "A A Tome " Capt Station Plan Capt

trial by Court Martial,

te 5-7-45 1 Can Disc Centre

C-100797 Pte Quintal R, X-4 List CIC.

Special Plea in bar under chap 5 para 95 MML. accused stood previous trial not confirmed. He has disclosed his defence para cited.

Argued on above grounds that 1st charge sheet he treated as if he had been convicted or acquitted previously.

Accused C100797 Pte Quaital R, X+4 List CIC, snorn states:

I recall 7 May last I was court martialed on 4 charges. First was that he in the field deserted His Majesty's Forces under 12 (1) A.A. from 1630 hrs 6 July to 1215 hrs 6 Sep 44. 2nd same charge from 2300 hrs 24 Oct 44 until 0001 hr 30 Jan 45. 3rd charge wheet had 2 charges. In this sheet sec 40 A.A. conduct to pred etc in that at 1025 hrs 9 Mar 45, we found in improper poss of 51,780 Belgian Francs.

I gave evidence on each of these charge sheets and was cross examined.

RP 83 (b) complied with.

DEFENCES plea disallowed.

Defence

2nd Special Flea on Ath charge 1st sheet

Nothing disclosed in particulars to snow offence. More possession of money is not enough.

Prosecution submits this cannot be discussed till evidence in. Charge is not one of improper possession but conduct to the prejudice at

Ples not allowed.

Defence states summary very bad and that a witness, Capt Allendorf is being produced and Def Officer has no idea of whit he is roing to say. Not asking for adjournment on this ground movever.

Prosecution

Produces Pt II Order Extract d/13 Mar 45 from Z-4 List CIO.

Admitted as Exhibit "A" and so initialed by president.

Produsces Pt II Order extract d/10 Mar 45 from Des Füsilers Mont Boyal. Pt II Order Bo 14 d/3 Mer 45.

Admitted as exhibit "B" and so initialed by president.

Produces Pt II Order extract d/22 Mar 45 from I-3 List Fus M.R. Pt II Order No 35 d/23 Mar 45.

Admitted as exhibit "C" and so initialled by ores.

Produces certificate of arrest of accused at Brussels at 1600 are 9 Mar 45 sign d J. Tweddle A/Capt, OC 2 Cdn L of C Pro Coy d/10 Mar 45.

Admitted as exhibit "D" and so initialed by president.

Pros states he has not been provided with any evidence tending to prove phrase in particulars of 3rd charge "with intent to awoid joining his unit."

Pros 1st Witness Capt C J Allendorf DAPM sworn states:

I know the accused - met him in custody in St. Giles prison, Brussels in Mar. I went there to see him. I wanted an explanation of certain things from him. I had a talk with him. I gave him usual caution verbally. Accused made a statement taken down in writing and signed by him. I was pracent and he signed under statement and also under caution. This was about 12 Mar 45. I do not remember who else was present. I wrote it out myself. I know a statement is of no value unless free and voluntary. He was in solitary confinement and he was taken out into a room used for this purpose and interviewed, there. He was then returned to solitary confinement. I was talking to nim about an hour. to him about an hour.

6 80

Cross examined.

After caution we talked matter over. I asked him to clarify certain matters. I did not cross exam him. I asked him a few questions It was not a g a A period. I rote approx 2 pages. Caution was written on original which was forwarded to 1 Cdn Disc Centre. I have not seen it since them. I believe one of the military escorts was

Questioned by Court.

Did you make any promise, threats, or inducments to accused.

Ans.

I wrote certified on copy of 7th May. I did not make copy myself but it was typed in my office, I compared a type written copy make in my office with the original statement and the statement I certifies on 7 May was a copy from my office. I signed the one I took to court with me but cannot swear that is one produced here as I may have signed another.

Defence makes submission 1stly that accused in solit confinement. He was not a soldier under sentence. He was taken out and statement made by Q & A and returned to cell being released from solit confinment the next day. Events leading up to taking statement vague. Cannot recall whether or not escorts in room. Pros should produce escort as everyone present should come before court.

Draws ets attention chap 6 para 76 pg 92 inst and in particular sub-para 7. Def suggests questions made amount to cross examination. Original not in court for ct to see and no explanation has been given, as raid, for failure to produce original. Duty of Pros to prove exer-thing before present document to ct, this the have failed to do.

Prosecution.

Cant explain absent of original. Original statement was established as being properly obtained. Ro improper conduct of offices taking statement has been shown and cust be taken that statement given in free full manner. Original not have today and tending signed cartified true copy purportedly signed by accused. This is best evidence provided for me and if necessary I would ask for as journment to try to fine it.

At 1645 hrs 4 Jul 45 the ct adjourned until 0930 hrs 5 Jul 45. At 1000 hrs 5 Jul et reassembled arsuant to adjournment. Present seme members as of 4 Jul 45. The court is opened. The accused is brought before the court at 1000 hrs trial resizes. Witness called by court under RP 86 (d) K91659 Cpl Campbell D.M., 1 Cdn C M Centre att 1 Cdn Dis Centre, I work in legal office at 1 Dis Centre preparing summary of evidence and applications for C.M. I see all socuments of soldiers waiting trial. I handled the documents in Quintal case and put them together for this trial. There is a statement there made by the Quintal to Capt Allendorf. We did not have original statement but sired typewritten copy signed by Capt Allendorf. A letter was forwarded sired typewritten copy signed by capt Allendorf a week arter this. The original has not been received due to fact that typed copy signed by original has not been received due to fact that typed copy signed by capt Allendorf we submitted it in fairness to the accused in order that Capt Allendorf we submitted it in fairness to the accused in order that the original. It was have at 1 Cdn Dis Centre to my knowledge. If it has original. It was have at 1 Cdn Dis Centre to my knowledge. If the original. It was have a though about it unless the postal people had been there I would have known about it unless the postal people I searches for this document but did not find it. This was the statement alleged to have been made by Quintal to Allendorf. We did not get a reply from our letter to Allendorf. I have been there can be not get a reply from our letter to Allendorf. I have been there can be not get a reply from our letter to Allendorf. I have been there can be not get a reply from our letter to Allendorf. I have been there can be a statement was double spaced and signed by Capt timusly since yeb. The atatement was double spaced and signed by Capt timusly since yeb. The atatement was double spaced and signed by Capt timusly since yeb. The atatement was double spaced and signed by Capt timusly since yeb. The atatement was double spaced and signed by Capt timusly since yeb. The atatement was double spaced and signed by Capt timusly since yeb. The atatement was double spaced and signed by Capt timusly since yeb. The atatement was double spaced and signed by Capt timusly since yeb. The atatement was double spaced and signed by Capt timusly since yeb. The atatement was double spaced and signed by Capt timusly since yeb. The atatement was double spaced and signed by Capt timusly since yeb. The atatement was double spaced and signed by Capt timusly since yeb. Def points out that statement received was doubled spaced and that no search made a Prov Office and submitted not shown as lost or destroyed. Evid of DaPM original stat forwarded to 1 Dis Cantre when used sent there. Pros tends statement as exhibit "R" admitted and so initialed by Subsidesions on 4th charge pg 74 Prima facts case established by fact that accused came into possession of money by illicit means is smuggling. Reply by Prosecution. Submission is allowed on 4th charge. Prosecution does not sam up. Defence sums up - ch 1 & 2 purely documentary and on 3rd charge pros-umable to prove particulars wintent to avoid joining his unit and so

unable to prove particulars "intent can establish AWL but not desertion.

Flea in mitigation 32

Submi ston of no prima facte case on 4th charge.

Ladicrous charge - to convict or even allow to go on to trial is simply prepostrous - a man could be convicted of having a mere 5.0. francs on his person according to prosecution. No proof that possession wrongful. No order produced. This is an army court and not the Exchequer court - suggest that this ladicrous charge be washed out now - court cant add to charge and military knowledge doesnt cover this.

Court

Ct closed to consider the finding on the 1st charge sheet

Ct reopens and commences the trial on the 2nd charge sheet.

" G B Cox " Major President. Exhibit "A"

Exhibit 'A'

ART II AREME TO THE W ROUSSEAU Capt
Exhibit "A"

OR XX34/X-GICY1(A5C) GBC

EXTRACTS PTOM: UNIT: ... X4.List (GIG) .................

Part II Order House, 45 Mars . ... anten, 26 Dec. 44

ASSENT WITHOUT LEAVE AWE from 1630 hrs 6 Jul 44. Ret fr AWD at 1215 hrs 6 Sep 44. AWE from 10 Sep 44. Ret from AWL 25 dep 44. (nours unknown)

the regimental books and due ments in my

con see die 2 Feb 2. Army 35

attached. Plane ack receipt on att duplies

required, these forward cand

originating clarks initials .. \$47. ... . ... (.J.E.1205108 ) .GAPT for

Exhibit "B"

ARL

TO: OC

1 Cdn Disciplinary Centre
Cdn Army Overseas.

EXPRACTS FORM: UNIT. LES FUGILIERS MONT-ROYAL

Part II Order "C. 14 dated. 3 Mar 45

(a) A'Ll from 2300 hrs 24 Oct 44 Ret from AWL 0001 hrs 30 Jan 45. (Arbitrary date) clo0797 Pte QUINTAL R

custody

" J F Fenelon " Capt

" icer IC Mercras."

Odn wo Olly 2 Reh 21 Army Sp

e following documents are required to Place Forward was

originating clarks toltimis. JRRR.....

anadian section NRO as Eshelen

Exhibit 'C' 22 Mar 45 ..... 10 ..... UNIT .... X-3 List FUS MR. ABSENT WITHOUT LEAVE AWL from 1600 hrs 8 Feb 45 (X-3 List Y C100797 Pte QUINTAL R.

# GERTIFICATE IN ACCOMPANGE TEXT P.C. 2797 of 10 Apr 42

I CHREEPY THAT HoC-100797 Henk Pte Harse QUINTAL R.

Unit Fus Mais Begt 2 Con Div was aven tod at Brussels (Place)

et 1600 (hour) on 9 Mar 45 (deta) and that at the time of his arrost he was wearing tooks accommon (dividien clothes)

Someture of Provost-Hershell, Andemnt Provost- archell or other officer of the Commanding Officer of the portion of his helpaty's officer or the officer, variant officer or non-sommissioned officer in charge of the determinant of the Cametian Provost Corp., Constanting in the charge of the determinant of the Cametian Provost Corp., Constanting into whome custody thereby we need portion was taken on access.

" J Tweddla "

( J Tweddle ) A/Capt Officer Commanding 2 Cdn L of C Provost Cop

Exhibit 'D'

Exhibit "D"

Exhibit 'D

STATEMENT BY: C-100797 Pte QUINTAL R

Fus Mont Royal I have been cautioned that I am not oblied to say anything unless I wish to do so, and whatever I do say will be taken down in writing and may be given in evidence. To show I understand this caution, I sign my name. Sad R QUINTAL.

on 24 Oct 44 I went absent from my Unit F.M.R. while we were in rest near ANTWERP. For about a month I made my living by buying cigarettes in Canteens and selling them to civilians. I came to Brussel and after a few days I surrendered to the CMP and was sent to 2 CBEG. and after a couple of days I scaped from the Guard Room and went to ANTWERP After a couple of chaps I dont know their full names. Robert from F.M.R. I met a couple of chaps I dont know their full names. Robert from F.M.R. AND OTHER I dont remember his name, we bought about 5000 (five thousand AND OTHER I dont remember his name, we bought about 5000 (five thousand frencs) tobacco at about one hundred francs per kilo (1000). We then to France and sold it at one thousand francs per kilo (1000). We then to France and sold it at one thousand francs per kilo (1000). We then to France and sold it at one thousand francs (15000) for this trip. About received fitteen thousand made in a ford 15 cwt driven by Robert. I to Belgium. This trip was made in a ford 15 cwt driven by Robert. I to Belgium. This trip was made in a ford 15 cwt driven by Robert. I to Belgium. This trip was made in a ford 15 cwt driven by Robert. I to Belgium. This trip about the trip. About received fitteen thousand made in a ford about the trip. About this time I was arreated by an Officer near a petrol dusp in Antwert, this time I was arreated by an Officer near a petrol dusp in Antwert, this time I was arreated by an Officer near a petrol dusp in Antwert, this time I was arreated by an Officer near a petrol dusp in Antwert, and Ecolombia Thousand the Mallo School Received the following morning. In December I (2000) Trancs them. I secaped the following morning. In December I and Ecolombia Thousand Relation Thousand Relation Thousand Relation Thousand Relation Thousand Relation Thousand Relation T and turned over to the Cdn Prevoit. I had about twenty hims themsand (2000) frames them. I except the following morning. In December I and Roland Fournier (R de Kain) stole a jeep from the Merth Station Tail and Roland Fournier (R de Kain) stole a jeep from the Merth Station Tail and Roland Fournier (R de Kain) stole a jeep from the Merth Station Tail and Roland Fournier (R de Kain) stole a jeep from the Merth Station Tail and Roland Fournier and two border. We were paid three thousand (2000) frames the border. We were paid three thousand (2000) frames. We came back to MPUSSELS and stole a 15 own from behind (2000) frames. We came back to MPUSSELS and stole a 15 own from behind by running tobbaco over the border. In January Roland and I met an by running tobbaco over the border. In January Roland and I met an American soldier in Cafe Blighty. He had a jeep and so we went with him American soldier in Cafe Blighty. He had a jeep and so we went with him and started toward (OUVAIN. On Chaussee Louvain we had an accident and and started toward (OUVAIN. On Chaussee Louvain we had an accident and and started toward (OUVAIN. On Chaussee Louvain we had an accident and and started toward (OUVAIN. On Chaussee Louvain we had an accident and and started toward (OUVAIN. On Chaussee Louvain we had an accident and and started toward (OUVAIN. On Chaussee Louvain we had an accident and and started toward (OUVAIN. On Chaussee Louvain we had an accident and and started toward (OUVAIN. On Chaussee Louvain we had an accident and and started toward (OUVAIN. On Chaussee Louvain we had an accident and and started toward (OUVAIN. On Chaussee Louvain we had an accident and and started toward (OUVAIN. On Chaussee Louvain we had an accident and and started toward (OUVAIN. On Chaussee Louvain we had an accident and and accident and ac was going to get me a Belgism identification card. I was apprehended by Bergsant Mathason. At this time I had fifty one thousand seven hundred and eighty (51780) Beigian Francs on my person.

TAKEN AND TITNESSED BY C.J. ALLENDORF - CAPT, DAPM at 1120 hrs 12 Mar 45.

Certified true copy
" J Allendorf " Capt
DAPM Can Sec HQ Brussels Carrison

T have read over exhibit "B" and it is the same as the original which I signed by 12 Mer 45. " S Quintal " ASL

Summary of Evidence in the case of C-100797 Pts QUINTAL R. X-4 List CIC, attached to 1 Cdn Disciplinary Centre, a soldier of the Canadian Army Overseas.

Charge (1) Absence without leave.

(2) Resisting an escort whose daty it was to apprehend him.

By directions of the CO the evidence is taken on oath.

The following documents are read over to the actused, marked as Exhibits and are attached to the proceedings.

Exhibit "A" - Certificate of apprenention d/23 May 45.

PIRST ITHESS M02232 Set Kergan W.L. - 1 Cdn Discipline Centre, sworn states:

At 1300 hrs 18 Ms, 45 I called the roll of personnel in the cell block and C-100797 Pte CURTAL R was present. He was turned over to Pe Comean on a working party at that time, Arter the escape that day at approximately 1610 hrs 18 Msy 45 I again salts the roll of all personnel of the cell block and found C-100979 Pte CHEAL R, of all personnel of the cell block and found C-100979 Pte CHEAL R, was missing. I checked everywhere in the camp and astablished the rest that he had sacaped. The next time I saw him was at approximately that he had sacaped. The next time I saw him was at approximately 1630 nre 23 May 45 when he was handed over to me at the cell block by Staff 3gt HacDonald.

The accused declines to cross examine this witness.

" T L Kergan "

M62232 Sgt Kergan W.L.

WOND MIXHESS M97931 Cpl St Clairs P.J., 7 Sec 2 Cdn L of S Pro Coy.

I certify that the attendance of this witness, in my opinion is not readily propurable and a written statement of his extende, signed by him has been read to the a cused and is attached to these proceedings as Exhibit "B".

(Maurics Rousseau ) Capt Officer detailed to take Summary of Evidence

I do not require the attendance of Cpl St Clairs for the purpose of cross examination.

( the accused )

THIFD WITNESS Sgt Van DeWalle, HQ 2 Cdn L of C Provost Coy

I certi y that in my opinion the attendance of this witness is, owing to the exigencies of the service, not readily procurable, and a written statement of his evidence, signed by him has been read to the accused and is attached hereto as Exhibit "C".

(Maurice Rousseau) Capt Officer detailed to take the Susmary of Syldence.

I do not require the attendance of Sgt Van DEWALLE for the purpose of cross examination.

" R Quintal "

( the accused )

Desirez-vous faire une declaration ou rendre temoignage sous serment? Vous n'etes pas oblige de dire quoi que ce soit ni de rendre temoignage a moins que vouse ne le desirez mais tout ce que vous direz temoignage a moins que vous ne le desirez mais tout ce que vous direz ou toute deposition que vous ferez sera pris ecrit et pourra servir de preuve.

Je n'ai rien a dire.

The accused does not call any witness.

I certify that the foregoing Summary of Evidence consisting of two pages was taken do n by me in the presence of the accused and that RP 4 (c) (d) (e) (f) and (g) have been complied with.

" M Rousseau " Capt

( Maurice Rousseau ) Capt Officer detailed to take Summary of Evidence

Dated in the Field

M Rousseau Capt

I CERTIFY THAT HOC-100979

Unit No 1 Cdn Discip Centre pas arrested at Bruss ls (Place)

army, into whose custody the couse a god person was taken on agreet.

Exhibit "B" RE: C.100979 Pte Quintol R.. No 1 Cdn DiscCentre 21 A Go 1. At Brussels, at approx 0015 hrs 23 May 45. On information received accompanied by 5gt Van de Walle, Belgium CLD, I proceeded to 192 Rue D'Aershot, where I found the m/n soldier. 2. On arriving at the a/m address Sgt Van De Walle rang the door bell. A woman living at the address opened the door and standing behind her I saw the m/n soldier. I stepped in Front of the soldier to prevent his escape, it was then that me pressed a pistol against 4. The m/n soldier was dressed in an American Army Uniform at the tile of his arrest. I placed him under close arrest and secorted him to Coy HQ Guard Room to be detained awaiting escort to his whit. 5. The a/m pistol was confiscated and later handed into Coy HQ., For your information, Please. " P J St Claire " ( P J St Claire ) Cpl K97931 No 7A Sec 2 Cdn L of C Provost Coy

HQ2LofC/5-4 Orlicer Commanding 2 Cdn L of C Provost Coy RE: ARREST OF ESCAPEE C.100979 Pte Quintal, 1 Cdn Disc Centre 1. On the 23rd May 45, at about 0015 hrs, according to information received that very evening, accompanied by Cpl St Claire, I was at SCHAERBEEK, BRUSSELS, 192 Rue D'Aerschot. In view of arresting an escaped soldier from 1 Cdn Distriction of the contract on entering the house, following Cpl St Clairs, I saw Pts Quintal aim an automatic pistol, size 7.60 at Cpl St Clairs stom on. I heard Cpl St Clairs clearly sive the order "Drop that sun on the floor, as Quintal die not execute the order, Cpl St Clairs forced him to draw the gun by a bending of the hand. When the wearon was examined, it was colly leaded and made to fire rully loaded and ready to fire. 4. After this, Quintal was put under close arrest and brought to the RQ of 2 4 of C Provost Coy, under escort. 5. Por you information, plasse

## SERVICE OF AN TO THE ACTUAL PROPERTY OF SERVICE OF ACCURATE

(For Use at Friels by viola General Courts-Hartiel only)

Number Aunk C-100797 Pte	QUINTAL R X-4 CIC - 1 Cdn Disc Centre
MOTT - The riold Conduct Sheet is to be produced in Court with this state- ment but is not to be	1. The following is a fair and true summary of the outries in the field Conduct Short of the Assumet, ox-clusive of convictions by a court martial or a sivil court:
minored to the presentings.	For .AA Sec. 15.(1)
	For .AA 600 40
visia Comence these, pre- minuse being given to the most serious offence in	For times
each entry. If the charge	For times
tithout leave, the entries for drunkemous or absence, as the case may be, shuld	2. Previous convictions of the accused by a court martial or a civil sourt are set out in the schedule everloaf.
be stated scentately. Any	5.K The assured at the present time is under
recognized special acts of gall arry or distinguished conduct recorded on the	sontoneo fer
The state of the s	
also be inported here.	Regiming on the tay of
# Strike out if not .	
	present charges for AQ days in civil custodrs and
	For All, days in military sustedy, a ring a table of
	13. days of which d ye were sport in heap.
	5. The present ups of the needed to .19.775.5.508
	6. The date of his attestation is 23.774.57
	T. The aprice which the accused is liouse to
	rocken is
# State the military decerations (if my) held by accord.	8. The accused is in persussion of # CYSH & Chasp
	9. (If the according warrant efficient of 100). The
	accused her served continuously, without reduction,
	to the present ints - Date of Framedian
	In the substantive rank of
	In the wr substitutive rank of
	In the sting rank of
	instruction - if any matter in any of the above prographs sanct be stated from the regimental books the prograph must be street through.

SCHEDULE OF CONVICTIONS BY A COURT \* HARVIAL OR CIVIL COURT

which tried	plos of Chaptrial		n convicted		ponded	
	29 Jul 43 London, England					
regimental be	TIPY that the fo	regaing parts dy, are correct	mlars, which	h have been so	structed from	the
Signed this ,		day of	July .45			

Date of last on Company Cone	Data of offence		Cases of drunken-		Names of Witnesser	Panishmens awarded	finte of award or of order disper- sing with trial	By whom awanted	Kemurks
Petawawa Petawawa 9.3.		Spr	Ress	20 minus	Doc Evid	u ) days CB		Pol Brisset des Nos Major RCE	
Petawa 20.3.		Spr		A'L from 0700 hrs 18-3-43 till 0030 hrs 20.3.43 Absent 1 day 23 hrs 30 mins.	Cpl St Jean Doc Evid L Srt Legau	7 days CB AA Sec 15(1) ht Apr 43 " HO La		Pol Brissed des Nos Mjaor RCE Lt. Lt Col CH	F 2.d.
Field 14.6.	43	Spr		-6-43 till 1930 hrs 10-6-43	4 Doc		27.40.4.7	Mitchell	
Field 29.7	.43			Absent 3 days 21 hrs 30 mins. Civil Offence: Stealing P208 and wallet		4 mos imp We	st London		F 21.d

The state of the s

	ate of	Cases of	OFFERCE	Names of Witnesses	Punishment swarded	Entr of award of of order disten- sing with trial	Hy whom awarded	Remarks
	-03 Spr	Trink	AA15(1)AWL from 2200 hrs 22-11-4 to 2300 hrs 25-11-43 (6 dy 1 hr) AA15(1)AWL from 1700 hrs 4-12-43	Doc Evd Set Dore	14 sys PP F 14 d.p. 12 days summ		Lt Col AS Butherford Maj JP Morazain	TF 143 d. F 7.d.p. F 0.d.p.
eld 19-12	-43 Sp1		Corps at 1420 hrs 12-12-43.  Absent 7 days 21 hrs & 20 mins.  AASec 1 (1) AWL from 2300 hrs 19- 43 till appre by CMF at 1400 hr.	12- Doc Evd	Admonished	8-1-44	Lt Col GW Smith	F 13 d.p.
ield 2-2-	14 Spr		15(1) AWL 9 hrs	L Sgt Marte	2 d.p.	24-2-44	Maj JF Worazain Lt Col GW Smith	F 1.d.p.
ield 19-2 ield 20-2		C	15(1) A/L 170m 2312 in 15 to 1030 hrs 20-2-44. (11 hr 15 135(1) A/L 170m 1045 us 29-2-44 1200 hrs 28-2-4 (1 hr 15 min) 2)15(1) A/L 170m 0230 hrs 29-2-44	to Col Micha	ud 25 days FP neau		Ws i Dussault	F 6.d.p. F 20.d.p

			TAIM AT	В	Sqn. Battery, Corps ROE		=7=42 GC   Badges   Signature GC   Company, win	Service or Profesency		MFM 6 (AFB 122) (AS/136 (6418
	Date of last en	sev. 10			or Company  Period not reckoning towards and date ge drunk  Precoon from extra fine	Sheet No 2	Penishment awarded	Inits of award on of order dispose- sing with treal	by whom swarded	Negrostie
	Place	Dicto of odense	Hauk	Cases of strankers; noss	15(1) AUL from 1700 hrs to 2300	Cpl Deschene	7 days fort		Maj Dassault Capt KR	F 1.d.F
Fiel Fiel			Spr. Pte		15(1) A'L from 1700 the hrs 7-5-44 (6 hrs) Sec 40 Neglect etc - did appear on pde with dirty rifle  CERTIFIED RUS COPY OF ORIG RESERVED OF THE A Cooke "Captor Daving custod	ER ER	n my custody	6=7=44	Taylor	
					U.I.Z.					

Summary of Evidence in the case of C-100979 Pte QUIETAL B, K4 List, (CEC) attached to 1 Cdn Discipline Centre, a soldier of the Canadian Army Overseas.

Charges: - (1) Absence without leave (two charges)
(2) Deserting His Majesty's Service (one charge)
(3) Improper possession of (51,780) Belgian France

By directions of the CC the evidence is taken on cath.

The following documents are read over to the accused, marked as exhibit and are attached to the proceedings.

Exhibit "A" - Certified true copy of Extract from Pt II Order No 45 dated 26 Dec 44.

Exhibit "B" - Certified true copy of Extract from Pt II Order No 14 dated 3 Mar 45.

Exhibit "C" - Certified true copy of Extract from Pt II Order No 35 dated 23 Mar 45.

FIRST WITHESS - Capt C J ALLENDORF, DAPM

I certify that in a opinion the attendance of this officer is, owing to the exitencies of the service, not readily procurable and a written statement of the accused witnessed by Capt Allendorf and signed by the accused, has been read over to wim and is attached hereto as

" M Rousseau " Capt

( Maurice Rousseau ) Capt O ficer detailed to take Summary of Evidence

I do not require the attendance of Cept Allendorf for the purpose of cross-examination.

STRESS A/Capt J THEODLE, OC, 2 Cdn L of C Frovest Coy

I certify that in my opinion the attendance of this officer is, owing to the exigencies of the service, not readily procurable and a writen statement of his evidence, signed by him has been read to the accused and is attached thereto as exhibit "P".

" A Rousseau " Capt

( Maurice Rousseau ) Capt Officer detailed to the Summary of Svidence.

I do not require the at endance of A/Capt Tweddle for the purpose of cross-examination.

" R Quintal "

( The accused )

WITHERS Capt M E ARMSTRONG, Paymaster, No 10 Bn CBH Gp. I certify that in my opinion the attendance of this officer is, owing to the exigencies of the service, not readily procurable and a written statement of his evidence, signed by him has been read to the accused and is attached hereto as Exhibit "D". " M Rousseau " Capt Maurice Rousseau ) Capt Officer detailed to take Summary of Evidence. I do not require the attendance of Capt Armstrong for the purpose of cross-examination.

" R Quintal "

( The accused )

FOURTH WITNESS MICOOS CPI FARQUHARSON A, 7 Sec 2 Cdn L of C Provost Coy.

I sertify that in my opinion the attendance of this witness is, owing to the extrencies of the service, not readily procurable and a written statement of his evidence, signed by his has been read to the accused and is attached herete as Exhibit \*Ho.

( Maurice Rousseaur) Capt Officer detailed to take Summary of Evidence

I do not require the a tendance of Cpl PARQUEARSON for the purpose of cross-examination.

" R Quintal "

( The accused )

Desirez vous faire une declaration ou rendre temolguage sous serment? Vous n'etes pas obli e de dire quoi que ce soit ni de rendre temoignare a moins que vous na la desirez mais tout ce que vous direz ou toute deposition que vous ferez sera pris ecrit et pourra servir

Je n'ai rien a dire.

The accused does not call any witness

I certify that the foregoing Summary of Evidence consisting of two pages was taken down by me in the presence of the accused and that PF 4 (c) (d) (e) (f) and (g) have been complied with.

" M Rousseau " Capt

( Naurice Rousseau ) Capt Officer detailed to take Summary of Evidence.

Dated in the Field 18 June 45

Exhibit "F"
" M Rousseau " Capt RECEIVED FROM CAPT J TWEDDLE THE SUM OF 51,780 France (Belg) (Fifty one thousand, seven hundred and eighty Belgian Francs) the property of: C-100797 Pte QUINTAL R. P.M.R. Regt. SGD " T & CONLON " Sgt 15 Mar 45 Officer Commanding 2 Can L of C Provost Coy MFM503 - Cash receipt No 24 issued to Cl00797 Pte Quintal R by Capt N.F. Armstrong Pmr 10 Bn 2 CBR Gp. Acknowledges receipt of 51780 Belg Francs.

6-5/MFM 503 7 Apr 45

Legal Dept 1 Cdn Pisc Centre

## Attention: Capt M Rousseau

C-100797 PTE QUINTAL R - Fus MR

1. Ref your letter d/4 Apr 45.

2. Herewith cortified true copy of MFM 503 receipt No 24.

CAMADIAN ARMY OVERSEAS Financial Receipt

name Receipt No. 24

16 Maren 1945

Received from C190797 Pte QUINTOL R FRA The sum of fifty-one thousand, seven numbered and eighty fracs Belgian currency, being

MANUS RECEIVED FROM ABOVE SOLDIER UPON HIS ENTERING

" A Gordon Helb " Capt Command For or Field Caption

16 Harch 1945

CERTIFIED TRUE COPY " ME Armstrong " Capt

(M.E. ARUSTRONG ) Paymaster No. 10 Cdn Base Hft Bn.

Exhibit "H" HQ2IO 5-4 Officer Commanding 2 Cdn L of 6 Provost Coy C-100797 Pte QUINTAL R 1. At approx 1625 hrs 9 Mar 45 I was NCO 1/c Coy HQ Guard Room when the a/m soldier was handed over to me by Sgt Matheson of this Coy. 2. He was dressed in Civilian Clothes and upon searching him I found him to be in possession of fifty-one thousand seven hundred and eighty francs (Belg) (51,780) 3. This money was subsequently handed over to Capt Allendorf, DAPM Cdn Sec Brussels Carrison, and a signature for same entered opposite the soldier's name in the Property Book in Coy Guard Room. ( A Farquharson ) Cpl M-10608 7 Sec 2 Cdn L of C Provost Coy Field 31 Mar 45

#### PLEA IN MITIGATION

Draw atten to age of accused - enlisted at 16 and now only 19 years.

Somehody slipped and acc arrived oversons long before he was

Ct must realize that a young lad is either broken or made by the srmy - fault of system and lack of care on officers and senor ECO'S ruin a young lad.

Record while not clean has nothing bad except trial in English Civil Court.

Suggest Ct exercise lediency bise that they advise confirming officers to have see recategorized as I feel the answer to his treatles arises from something we cant or are in a position to juige as we have no medical guidance.

Officer Commanding 2 Gdn L of G Provost Coy

: Arrest of Escapee 0.100797 Ate Quintal 1 Cdn Disc Centre

1. On the 23rd May 45, at about cold hrs, according to information received that very evening, accompanied by Cpl St Claire, I was at SCHARRENK BRUSSELS, 192 Rue D'Aerschot. In view of arresting an escaped soldier from 1 Cdn Disc Centre.

2. When the door was opened for us by a young women, I saw a soldier dressed in American Uniform. I recognized this soldier as the wn as I had previously seen his picture.

On entering the house, following Opl St Claire, I saw Pre Quintal aim an automatic pistol, size 7.60 at Opl St Claire's stomach. I heard Opl St Claire clearly give the order "Drop stomach. I heard Cpl St Claire clearly give the order "Drop that gun on the floor". As Quintal did not execute the order opl St Olaire forced him to drop the gun by a bending of the hand. When the weapon was examined, it was fully loaded and ready to fire.

h. After this, Quintal was put under close arrest and brought to the HQ of 2 L of C Provost Cop, under escort.

For your information, please.

Field 9 Juny 45

"R VAN DEWALLE" Nerechal Legis Belgium Gendarmerie

Certified true copy of Exhibit "C"

M Rousslaw Coaps

RECOLD D AT IMPO IN AB 1604; D To 96-97 Col free CHARDE SHELL HOL The secured, C-100797 Pto Nomeo QUINTAL, X-4 List CTC, attached to 1 cdn Discipline Centre, a soldier of the Caradian Army Overseas, is charged with: THUN ON ACT IVE SEVICE ADDRESS OF MINERIP WITHER THAVE in that he in the Field, absented himself without leave from 1630 hrs 6 Jul 44 until 1215 hrs 6 Esp 44. Array Act (Total absence: 61 days 19 hrs 45 minutes) THEN OH ACTIVE DESIVICE ADSPIRED HIMDELP WITHIN THAVE in the Field, absented himself without leave from 2300 hrs 24 Oct 44 until 6001 hrs 30 Jan 45. in that he es 15 Army Act (Total absences 97 days 1 he 1 nimita) -WHITH OH ACCIVE OFFFICE PROPERTY HIS VAJENTY ! STRYLOS in that he Sec 12 (1) in the Field, with intent to swold joining his unit; absented hispelf without leave from 1600 hrs 8 Feb 15 melgium until apprehended in civilian clothes in numaris, helgium Army Act at 1600 hrs 9 Mar 45. (Total absence: 29 days) VALUE ON ACTIVE SERVICE COMBOCT TO THE PREFICION OF GOOD Array Aut in that he in the Field, at 1625 hrs 9 Mar 45 was found in improper passagation of fifty-one themselves seven hundred and eighty (51,780) Belgian francs. In the Field / Sun 45 Gen Discipling Centre To be tried by Field General Court-Martiel

#### CHARGN SHEET No. 2

The accused, C-100797 Pte Romeo CULWFAL, K-4 Mist CTC, attached to 1 Con Discipline Centre, a soldier of the Canadian Army Oversons, is charged with:-

PINOT CHARGE Sec 15 (1) Army Act WHEN ON ACTIVE SERVICE ABSENTING HIMSELF WITHOUT LEAVE

#### in that he

in the Field, when in arrest, absented himself without leave from 1610 hrs 18 May 45 until apprehended in new cours, Belgium at 0015 hrs 23 May 45, wearing US Array Wilitary Uniform.

(Total absence: 4 days 8 hrs 5 minutes)

Bec W (1) Army Agt TO MAN TO ADDRESSED HIM AN ENGOIS WHOSE DETE

'in that he

in the Field, at a preximately 0015 hrs 23 May 47, while being arrested by K-97911 Cpl St Clarks P J, 7 Sec 2 Gen L of C Provent Goy, resisted the said Corporal by threatening him with a loaded German pistol.

In the Field

Organitag 1 Cen Discipline Centre

To be tried by Field Cemeral Court-Martia 1

Summary of Evidence in the case of C-100797 Ptc QUINTAL R, X4 List (CIG), attached to 1 Cdn Discipline Centre, a soldier of the Canadian Army Overseas.

Charges -(1) Absence without leave (two charges)
(2) Deserting His Majesty's Service (one charge)
(3) Improper possession of (51,780) Belgian Francs

By directions of the CO the evidence is taken on oath.

The following documents are read over to the accused, marked as Exhibits and are attached to the proceedings.

Exhibit "A" - Certified true copy of Extract from Pt II Order No 45 dated 26 Dec 44

Exhibit "B" - Certified true copy of Extract from Pt II Order No 14 dated 3 Mar 45

Exhibit "C" - Certified true copy of Extract from Pt 71 Order No 35 dated 23 Mar 45

Exhibit "D" - Cortificate of apprehension dated 10 Mar 45

PIRST WITHERS Capt C J ALLEROORF DAY

I certify that in my opinion the attendance of this officer is, owing to the exigencies of the service, not readily procurable and a written statement of the accused witnessed by Capt ALLEMORF and signed by the accused, has been read over to him and is attached hereto as Exhibit "F".

Officer detailed to take Sugary of Fyldence

I do not require the attendance of Capt AL EMPONE for the purpose of cross-exemination.

(the accused)

BECOMD WITHEST

A/Caut J THEDER O C 2 Con L of C Provost Coy

I certify that in my opinion the attendance of this officer is, owing to the exigencies of the service, not readily procurable and a written statement of his evidence, signed by him has been road to the accused and is attached hereto as Exhibit "Fo".

Officer detailed to take Summary of Evidence

I do not require the attendance of A/Capt YOUDER for the purpose of cross-exemination.

(Con acousing)

THIRD WITHIRS Capt M R ARMSTRONG Paymenter No 10 Bn CBR Op

I certify that in my opinion the attendance of this officer is, owing to the exigencies of the service, not readily procurable and a written statement of his evidence, signed by him has been read to the accused and is attached hereto as Exhibit "C".

M Rousslan Cash

Officer detailed to take Summary of Evidence

I do not require the attendance of Capt ANUSTRONG for the purpose of cross-examination.

(Class accused)

TOURTH WITHERS M-10608 CPI MERCUHARDON A 7 Sec 2 Can L of C Prevent Cov

I certify that in my opinion the attendance of this witness is, owing to the exigencies of the service, not readily procurable and a written statement of his evidence, signed by him has been read to the accused and is attached hereto as Exhibit "H"

Officer detailed to take Summery of Evilence

I do not require the attendance of Cal Pangulandon for the purpose of dross-examination.

(the secured)

Desirez vous faire une declaration ou remdre texcignege sous derment? Yous n'otes pas oblige de dire quel que ce soit ni de rendre tempignege a moins que vous ne le desirez mais seut ce que vous direz ou toute deposition que vous ferez mera pris sorit et pourre servir de preuve.

Je n'el rien a dire

The accused does not call any witness.

I certify that the foregoing Sussary of Swidence consisting of two pages was taken down by he in the presence of the accused and that RP 4 (C) (D) (E) (F) and (G) have been complied with.

Officer detailed to take Survey of Svidence

Dated in the Piels

#### PART II ORDER EXTRACT FORM

(( 99/34/X GIG/1(A5G)

13 Mar 45

EXTRACTS FROM:

UNIT X 4 list (OIG)

Part 11 Order No 45

dated 26 Dec his

AML from 10 Sep 44 Ret from AWL 25 Sep 44 (hours unknown)

Cloo797 Pte QUINTAL R

Certified to be a true extract from the regimental books and documents in my custody

Office Con Control

"FENELON" Capt
Officer to Records C
Odn Sec 2 Ech H Q 21 A Gp

Certified true copy of Exh "A"

M. Kousslaw Ceapt

### PART II ORDER EXTRACT FORM

201 00 I Can Disciplinary Centre Cdn Army Oversens

99/20/FMR/1(A.50) 10 Mar 45

EXTRACTS PROMI

LES FUBILIERS HOST ROYAL TIMU

dated 3 Mar 45 14 Part 11 Order No

#### ABSERT WITHOUT LEAVE

(a) AWL from 2300 hrs 24 Oct 44 Ret from AWL 0001 hrs 30 Jan 45 (Arbitrary date) C100797 Pte QUINTAL : R

Certified to be a true extract from the regimental books and documents in my oustody

"FENELON" Capt officer to Records C Gdn Sec 2 Ech HQ 21 A Go

Certified true copy of Exh "B"

M. Krusslau Cap A

Part 11 Order Extract Form 22 Mar 45

EXTRACTS FROM:

X-3 List Fus MR TIMU

Fart 11 Order No 35 dated 23 Mar 45

ABBERT WITHOUT LEAVE AWL from 1600 hrs 8 Feb 45 Cloorer Pte QUINTAL R

(X-3 List)

Certified to be a true extract from the Regtl books and documents in my custody "RSC WILLIAMS" Lt

M. Kousseau Capt. Can Sea 2 Ean Ha 21 A G. Certified copy of Exh "C"

CERTIFICATE IN ACCORDANCE WITH PG 2797 of 10 Apr 42

fortify that No C-100797 Hank Pte Name QUINTAL R Unit Fus Mais Regt 2 Cdn Div was arrested at Brussels at 1600 (Haur) on 9 Mar N5 (date) and that at the time of his arrest he was wearing civilian clothes.

Field 10 Mar 45 "J THEDDLE" A Capt
Officer Commaning
2 Gdn L of C Provest Coy

Certified true copy of Exhibit "D"

M. Rousseau Bast

BY AS STREET, BY :

C-100797 PTE QUINTAL R Fus Mont Royal

I have been cautioned that I am not obliged to say smything unless I wish to do so, and whatever I do say will be taken down in writing and may be given in evidence. To show I understand this caution, I sign my nave.

#### Bgd /R QUINTAL

"On 24 Oct 44 I went absent from my Unit

7.M.R. while we were in rest near ANTWORP. For about
a month I made my living by buying eigarettes in canteens and selling them to civilians. I came to Brussels
and after a few days I surrendered to the CMP and was
sent to 2 CMBC. After a couple of days I escaped from
the Guard Room and went to ANTWORP. I met a couple of
chaps I don't know their full names. ROSMAT from F.M.R.;
and cas other I don't remember his name. We bought
shout five thousand Francs (5,000) of tobacco at about
one handred Francs a Kilo (100) took it across to France
and sold it at one thousand Francs par kil (1000).
We then bought watches, pencils, cigarette papers and
brought that staff across to Belgins. This trip was made
in a ford 15 cart driven by ROBMAT. I received fifteen
thousand Belgian Francs (15,000) for this trip. About
this time I was arrested by an Officer near a petrol
dump in ANTWORP and turned over to the Cdn Provost. I
had shout twenty nine thousand (29000) Francs then.
I escaped the following moverning. In December I an
Felman Fall staff (3 de Mais) stole a Seep from the North
Station, TAC sign (274). He went to BOULION Belgium
and wan numerous loads of tobacco across the border.
We were built three thousand (3000) Francs per load and
made three trips. The fourth trip we only sot two
thousand (2000) Francs. We came back to MTANGES and
stals a 15 CVT from behind aome houses. I made about
fifty thousand (50,000) Francs with this truck by running
tobacca over the border. In January Rolland and I set was
hardlean seldier in Gafe Blighty. He had a Jeep and so
we went with him and started toward Lovalin. On Chausane
Lovavin we had un accident and Younging mail about six (6)
days later. I left about two (2) days after him.
YOURTIME and I made about five (5) trips nore across the
line with tobacco. I came back to MTANGER and not have
last up miform there. Robert was roing to get he u
left my miform there. Robert was roing to get he u
left my miform there. Robert was roing to get he u
le

Sgd/ R QUINTAL

DANE AND WITHFROOD BY G J ALLENDORF - Capt

Certified true copy of Exhibit "E"

M. Reusseau Capt

(Fifty one thousand, seven hundred and eighty Belgian Francs)

The property of: C-100797, Ptc QUINTOL, R.

F.M.B. Regt

Field 15 Mar 45 (sob) of E costos" (sgt)

The above is a certified true copy of the Original receipt which is retained on File this HQ.

"J TWYDDLE" A/Capt
Officer Commanding
2 Cdn L of C Provest Cay

Field 30 Mar 45

ups 503 Cash receist No 24 issued to C100797 Pte Quintol R by Capt M H ARESTRONG P Mr 10 Bn 2 CERGp acknowledges receipt of 51,780 Belg Francs

3 Apr 45

"A HOOD" Lt col

Certified true copy of Exhibit "P"

M. Kousslau Class

Legal Dept 1 Cdn Disc Centre

#### Attention: Capt M. Rousseau

#### C 100797 Pto QUINTOL R. (Fus MI)

1. Ref your letter 0/4 Apr 45.

2. Herewith certified true copy of MPM 503 Receipt No 24 d/16 Mar 45, as requested.

#### CANADIAN ARRY OVERSEAS Financial Receipt

Cash Received from C100797 Ptc WIFFOL R FMR 1945

The sum of Fifty-one thousand, seven hundred and eighty francs Belgian currencey being

Funds received from above soldier upon his entering No 1 Cdn Disciplinary Centre

signed "A CORDON REID" Capt Command Per of Field cashier

16 March 1945

Certified True Copy "M E ARUS ROMG" Capt
He 10 Cdn Base Bft En Paymaster
Certified true copy of Exhibit "Character Capt

Ofricer Commending 2 Can L of C Provost Coy

## G-100797 Pte QUINTAL R

1. At approx 1625 hrs 9 Mar 45 I was NOO 1/c Coy HQ Guard Room when the s/m soldier was handed over to me by Sgt. Matheson of this Coy.

2. He was dressed in UVillan Ulothes and upon searching him I found him to be in possession of fity-one thousand seven hundred and eighty france (Belg) (51,780)

- 3. This money was subsequently handed over to Capt Allencorf, DAPN Con Sec Brussels Carrison, and a signature for same entered opposite the soldiers name in the property Book in Coy Guard Room.
- r. For your information, please,

Field 31 Mer 45 ta Famounameon" Cpl M-10608 7 Sec 2 Cdn L of C Provest Coy

Certified true copy of Exh "H"

M. Rousslave Capot

Survey of Evidence in the case of G-100797 Pto GUTIFAL R. K-A GIG, attached to 1 Gdm Discipline Contro, a soldier of the Canadian Army Oversons.

- Ghorse (1) Absence without leave
  - (2) Resisting on Recort whose duty it was to apprehend him.

By directions of the GO the evidence is taken on oath.

The following decrements are read over to the accused, parted as Exhibits and are attached to the proceedings.

Schibit "A" - Cortificate of apprehension dated 23 May 45.

M-62932 Hit DOMEAN W L 1 Gdm Discipline Contro

At 1300 hrs 18 May 45 I called the poll of percentel in the call block and 6-100797 Fto 10 15 12 8 was present. To use turned ever to the count on a working party at that time. After the escape that day at ammoralisately 1610 hrs 18 May 46 I amain called the roll of all percentel of the cell block and form C-100797 Fto 15 15 8, was missing. I checked everywhere in the comp and established the fact that he had escaped. The next time I can him was at approximately 1830 hrs 23 May 45 when he can handed ever to me at the cell block by Staff 63t MadDOMAID.

The accused declines to erose-examine this witness.

W. L. huga

K-77031 Cpl Of CLASS D J 7 See 2 Con L of C Pro Coy

I cortify that the attendance of this witness, in my opinion is not readily procurable and a written statement of his evidence, signed by him has been read to the accused and is attached to these proceedings as Emilbit "D",

Maurico hous can Cart

Officer detailed to the Surmary of Swidence

I do not require the attendance of del se class for the

(Cho securous)

THE COUNTY

But VAN DISTALLE MO 2 Con L of C Provest Coy

I certify that in my opinion the attendance of this witness in, owing to the exigencies of the service, not readily procurable and a written statement of his ovidence, signed by him has been read to the accused and is attended horoto as Exhibit age.

Officer detailed to take Strangy of Pyldence

I do not require the at orderes of Set Van Devalue for the purpose of cross-exemination.

( 2 intal

Desirez-vous faire this declaration ou rendre tomoigname sous serment? Yous H'etes pas oblige de dire cuoi que ce soit ni de rendre temoignage a moins que vouse ne le desirez mais tout de que vous direz ou toute deposition que vous ferez sere pris ecrit et pourra servir de preuve.

Je n'oi rien a dire.

The ascused does not call any witness.

I costify that the faregoing Durary of Dvidance consisting of two pages and taken down by so in t presence of the secured and that BP 4 (C) (D) (D) and (C) have been complied with.

(Marsiae Monassous) Supe Officer dotailed to take Survey of Pvidence

Doted in the Field 2-5 May 45 -- X

## CERTIFICATE IN ACCORDANCE WITH PC 2797 of 10 Apr 42

I certify that NO: Gloo797 Rank Pte Hame QUINTOL R
Unit: No 1 Cdn Discip Centre 21 A Sp was arrested at Brussels
at CO15 hrs 23 New W5 and that at the time of his arrest he was
vering US ARMY (Hilitary Uniform)

"J TEEDDLE" A/ Cept Officer Commending 2 Gdn L of G Provest Coy

Pield 23 Ney 15

Cortified true copy of Exh" A" m. Rousseon least

Officer Commanding
2 Odn L of C Provost Coy
2 Odn L of C Provost Coy
Re: C.100797 Pte Quintol, R., No 1 Odn Disc Centre 21 A Gp
Escapes

- 1. At Brussels, at approx 0015 hrs 23 May 45. On information received accompanied by Sgt Van De Walle, Belgium CIC, I proceeded to 192 Rue D'Aershot, where I found the m/n soldier.
- 2. On arriving at the a/m address Sgt Van De Walle rang the door bell. A woman living at the address opened the door and standing behind her I saw the m/m soldier. I stepped in front of the soldier to prevent his escape, it was then that he pressed a pistol against my stomach.
- J. I ordered the soldier to drop the pistol and when he did not, I forced it from his hand. Examining the pistol a German automatic, Cal 17.65 P. Model 2T No 74902. I found it to be fully cocked with a round in the chamber.
- 4. The m/n soldier was dressed in an American Army Uniform at the time of his arrest. I placed him under close arrest and escorted him to Coy H4 Guard Room to be detained avaiting escort to his unit.
- 5. The s/m pistol was confiscated and later handed into Coy HQ. For your information, please.

Field 6 Jun 45 "PJ ST CLAIRE" Opl K.97931 No 7 A Sec 2 Can L of C Pro Coy

Certified true copy of Exhibit \*g\*

M Rousslaw Coff

Officer Commanding 2 Gan L of G Provest Coy

# RE: Arrest of Escapee 0.100797 Pte Quintal 1 Odn Disc Centre

on the 23rd May 45, at about 0016 hrs, according to information received that very evening, accompanied by Cpl St Clairs, I was at SCHAERBEEK BRUSSELS, 192 Rue D'Asrachot. In view of arresting an escaped soldier from 1 Cdn Diss Centre.

2. When the door was opened for us by a young woman, I say soldier dressed in American Uniform. I recognized this soldier as the m/n as I had proviously seen his planure.

On entering the house, following Cpl St Claire, I saw
Pte quintal air an automatic pistol, size 7.60 at Cpl St Claire's
Stomach. I heard Cpl St Claire clearly give the order
that gun on the floor. As Quintal did not execute the order
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that gun on the floor are gun by a bending of the hand.

4. After this, Quintal was put under close arrest and brought to the HQ of 2 L of 0 Provost Coy, under second.

For your information, please.

Field 9 Jun 3 45 \*R VAN DEWALLE" Marechal Logie Belgium Gendermerie

Gertified true copy of Exhibit \*C\*

M Koussian last

My Kenedlan Capt

dertified true copy of Editote "O"

at yan terakile Mercohal lests

Str Sung 6

Non home juloumetron, please.

-29

bits for the sale of the put under close arrest and brought to the MA of the revert Cor, under escent.

on entering the house, following Opl St Clairs; I saw fee Quintel sim an ambometic pietol, size 7.60 at Opl St Clairs's steemesh. I heard Opl St Clairs olestly give the order "Dram that Cun on the floor" As Quintel did mor execute the order that Course four the gun by a bending of the hend. Opl St Clairs floor, to drop the gun by a bending of the hend. Opl St Clairs for the steemed him to drop the gun by a bending of the hend.

S. Soldley dressed in American Uniform. I recognized this soldier as in the door was opened for us by a spound as in the previously seen his picture.

1, for the Syrd Mey 45, at shout cold hrs, adoording to intermetion received that very evening, accommand by dpl st Claire, I was at schemens semisating, 192 has been contrast of clairs in view of extresting an escaped soldier from 1 ddn Disc Centers.

extrest of Escaped I odn Dies dentre

officer dominanding

,	C100797		THE AT		sqn, Battery, Corps or Company and date Tits or drunk Period not reckoning towards or drunk freedom from extra fine	Is Sheet No 2	Signature OC Company, etc	Jne Dunes	his apont anexped	Sanarka
	Date of last en Company Cond	inct Sheet	2942		at drunk ) OFFENCE	Names of Witnesser	Ponishment awarded	all ander dispen- ning with trus	Total and annual and	
	Place	Date of silvery		Cases of dranker and		(Com) 1524	(a) (1)			
	Petersons (				ANIL from 0700 hrs 9 Mar 43 till 0630 hrs 11 Mar 43 Absents 1 day	Spr McDon Doc Dvid Cpl Brosse	nold 5 days CB	12.3.43 Po	NOS Wajor	nos auto f 2 days under
	Patamin	20.3	43 8	1152	AUL from 0700 hrs 18 har 43 til 0630 hrs 20 har 43 Absents 1 de	12 12 2 10 may			Major ROB	2 days under F
					Verified to date Mar 26 1943 Roylewed in accordance with C	Ano 2084 16	Apr 43 "I 0 E	AND SIZE #	TR.	(Pros

	Tarrel		Cases of drunken-	OFFENCE	Names of Witnessa	Presidencul Awanted	PA June 43 TA Co	3 09
Piace	Date of offence	Rank	nist	and box	Doc	4 days PP	21 Am 43 Lt Co	it.
Field	14 Ju 43			AA 15 (1) WOME AL From 2200 HPS 14 Jun 43 till 1930 HPS 18 Jun 43 (Absent 3 days 21 hrs 30 mins Civil Offencot Stanling 1206 and	1	z mon impri	TO THE OWNER OF THE OWNER OF	mer 21 dys may nor 189(1)(e)(1) orf 192 dys may
Field	29 301	Spr		wallet	my Doc	14 days PP Fifts 14 dys	po How 43 IA o	ol AS (1)(b)
Molf	22 Not 43	Spr		AA 15 (1) ANT. from 2000 hrs 22 N 43 to 2300 hrs 28 Nov 43 (Absent 6 days 1 hr)		Thy		Total forf 143 dys Fifts 7 dys say FR I 149(1)(a)
Fiold	4 mag	S107		22 (23 AUX Pages 1700 hrs	Dec Dvd Sjt Doro	12 days Sun feef of toy That 140(2)	19 Doe 43 No.3	of days make main forf of pay field to the pay field to t
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	No. 010079 Name QUI		No. and date	Corps PCE	Date of Penlisteneza	3-7-12 GC Badges Signature OC Company, ste	Bervice of Proficiency	Mary Control	7 MFM 6 (AFR 122) (PAN/128 (Nach
	Company Conduct Sheet	Rank druit	of last drunk	freedom from extra fine	Names of Witnessen	Parishment awarded	Their of a ward or my order allegant- sing with trial	Fr whom awarded	Remarks
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eppear on pde Certified true copy of original MFM 6 in my custody	
A double Cape & Adju	

Regiment (or as the case may be)

## Statement as to Character and Particulars of Service of Accused.

		L R	Xm4 CIC **	A NAME OF	ise Court	74 M
1. The followin	g is a fair and true summary ed, exclusive of convictions by	of the entries in the	ne regimental and	squadron, bat	tery or compu	ny con-
Army Act, and of ca	ses in which trial has been di	ispensed with :				
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eld general cours artial this sum- ary may be com- led from the nobl	* Wi	ithin last 12 months.			* Since Emilia	tment.
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2. Print - Million	ions† of the accused by a co			marks under	section 47 of	the Arms
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Schedule of Convictions by a Court Martial or Civil Court, of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with of accused. OF THAL R of New CIG Regiment (or as the case may be) No. 0300707 Rank (INSTRUCTION - A perhatin extent from the regimental banks, stating these experiences and dispensations with trial, must be interest.) Description of court by which Dute and place of trial, or Sentence of the court or authority disposing of the charge, med, or status of summary award under Charges upon which convicted, or in respect of which Punahment officer disposing of A.A. 47, or of order dispensing trial was dispensed with remitted. the charge or diswith reial order of the dispensing authority. penning with trial West London 39 Mil 43 Steeling 2008 and wallet 4 mos impelsorment Police London England . Court

I HEREBY CERTIFY that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 18 day of JUNL

Moore It

Ditte of Promotion

Summary of Evidence in the case of C-100797 Pta GUIRTAL R. X4 List (CIC), attached to 1 Cdn Discipline Centre, a soldier of the Canadian Army Overseas.

Charges -(1) Absence without leave (two charges)
(2) Deserting His Majesty's Service (one charge)
(3) Impreper possession ef (51,780) Belgiam France.

By directions of the CO the evidence is taken on oath.

The following documents are read over to the accused, marked as Exhibits and are attached to the proceed ings.

Exhibit "A" - Certified true copy of Extract from Pt II Order No 45 dated 26 Dec 44

Exhibit "B" - Certified true copy of Extract from Pt II Order No 14 dated 3 Mar 45

Exhibit "C" - Certified true copy of Extract from Pt II Order No 35 dated 23 Mar 45

Exhibit "D" - Certificate of approbension dated

Capt C J ALLEMDORF

I certify that in my opinion the attendance of this officer is, owing to the exigencies of the service, not remaily procurable and a written statement of the accused witnessed by Capt ALLEMORF and signed by the accused, has been read over to him and is attached hereto as Exhibit "D".

Rousslate Rousseau Officer detailed to take Suppary of Myldence

I do not require the attendance of Capt ALTENDORS for the purpose of cross-examination,

SECOND WITHESE A/Capt J TWEDDLE O C 2 Cdn L of C Provest Coy

I certify that in my opinion the attendance of this officer is, owing to the exigencies of the service, not remaily propurable and a written statement of his evidence, signed by him has been read to the second and is attac as hereto as Exhibit \*F\*.

Officer detailed to take Summary of Evidence

I do not require the attendance of A/Capt TOTALE for the purpose of cross-examination.

nocusod)

HIRD WITNESS Capt M E ARMSTRONG Paymaster No 10 Bn CBR Gp

I certify that in my opinion the attendance of this officer is, owing to the exigencies of the service, not readily procurable and a written statement of his evidence, signed by him has been read to the accused and is attached hereto as Exhibit "C".

houssiale! aurice Rousseau) Officer detailed to take Susmary of Evidence

I do not require the attendance of Capt ARMSTRONG for the purpose of cross-examination.

HTH WITHERS M-10608 Cpl PARQUHARGON A 7 Sec 2 Cdn L of C Provest Coy

I certify that in my ominion the ettendance of this vitness is, owing to the exigencies of the service, not readily procurable and a written statement of his evidence, signed by him has been read to the accused and is attached hereto as Exhibit "H"

Maurice Rousseau Officer detailed to take Survey of Evidence

I do not require the attendance of Cpl FAROCHARSON for the purpose of cross-examination.

Desirez vous faire une declaration ou rendre temoignage sous serment? Yous n'otes pas oblige de dire quoi que ce soit ni de rendre temoignage a moins que vous ne la desirez mais tout ce que vous direz ou toute deposition que vous ferez sere pris ecrit et pourra servir de preuve.

Je n'ei rien a dire

The accused does not call any witness.

I certify that the foregoing Summary of Mwidenes consisting of two pages was taken down by me in toresence of the accused and that RP 4 (C) (P) (F) and (G) have been complied with.

Officer detailed to take Sum ary of Evidence

Dated in the Field /8 Jun 45

#### PART II ORDER EXTRACT FORM

(( 99/34/X GIG/1(A50)

13 Mar 45

EXTRACTS FROM:

UNIT X 4 list (GIG)

Part 11 Order No 45

dated 26 Dec 44

ABBENT WITHOUT LEAVE AVL from 1630 hrs 6 Jul h4. Ret fr AWL at 1215 hrs 6 Sep 44

AWL from 10 Bep 44 Ret from AWL 25 Sep 44 (hours unknown)

C100797 Pte QUINTAL R

Certified to be a true extract from the regimental books and documents in my custody

\*A\* Cdn Sec F Ech H Q 21 A Cp

Certified true copy of Exh "A"

m Rousseau Gapt

## PART II ORDER EXTRACT FORM

Gan Disciplinary Centre ·/ TO # 00 Cân Army Oversess

99/20/FMR/1(A.50) 10 Mar 45

EXTRACTS PROM:

LES FUSILIERS MONT ROYAL UNIT

dated 3 Mar 45 14 Part 11 Order No

WWL from 2300 hrs 24 Oct 44 Ret from AWL 0001 hrs 30 Jan 45 ANSENT WITHOUT LEAVE (a) (Arbitrary deta)

C100797 Pte QUINTAL R

Certified to be a true extract from the regimental books and documents in my custody

"FENELON" Cant Officer ic Records C Gan Sec 2 Ech HQ 21 A Gn

Certified true copy of Ed "8"

M. Kousslaw Caps

## Part 11 Order Extract Form 22 Mer 45

EXTRACTS FROM: X-3 List Fue MR

Part 11 Order No 35

dated 23 Mar 45

ABBENT WITHOUT LEAVE AWL from 1600 hrs & Feb 45 (X-3 List)

G100797 Pte QUINTAL R

Certified to be a true extract from the Regtl books and documents in my custody "RSC WILLIAMS" Lt

Certified copy of Exh "0"

Officer ic Records X Gan Sec 2 Ech HQ 21 A Gp

M Kousseau leap A

### CERTIFICATE IN ACCORDANCE WITH PO 2797 of 10 Apr 42

I certify that No C-100797 Rank Pte Name GUINTAL R
Unit Fus Mgis Regt 2 Cdn Div was arrested at Brussels
at 1600 (Hour) on 9 Mar 45 (date) and that at the time of his
arrest he was wearing civilian clothes.

Field 10 Mar 45 "J TWEDDLE" A Cept
Officer Commaning
2 Gan L of G Provest Coy

Certified true copy of Exhibit "D"

M. Rousseau Capo

STATEMENT BY:

C-100797 PTE QUINTAL R Fus Mont Royal

I have been cautioned that I am not obliged to say anything unless I wish to do so, and whatever I do say will be taken down in writing and may be given in evidence. To show I understand this caution, I sign my name.

### Sgd /R QUINTAL

"On 24 Oct 44 I went absent from my Unit
F.W.R. while we were in rest near AMTWERP. For about a month I made my living by buying digarettes in canteens and selling them to civilians. I came to Brussels and after a few days I surrendered to the CMP and was sent to 2 CRRG. After a couple of days I escaped from the Cunrd Room and went to ANTWERP. I mot a couple of chaps I don't know their full names -ROWENT from F.W.R., and one other I don't remember his name. We bought about five thousand Francs (5,000) of tobacco at about one hundred Francs a Kilo (100) took it auross to France and sold it at one thousand Francs per kil (1000). We then bought watches, pencils, cigarette papers and brought that stuff across to Belgium. This trip was made in a ford 15 cwt driven by ROBERT. I received fifteen thousand Belgian Francs (15,000) for this trip. About this time I was arrested by an Officer near a petrol dump in ANTWERP and turned over to the Cdn Provost. I had about twenty nine thousand (2000) Francs then.

2 escaped the following morning. In December I an Folland Furnitz (R de lais) stole a Jeep from the North Station. TAC sign (274). We went to BOULLOW Belgium and ram numerous loads of tobacco across the border. We were baid three themand (3000) Francs per load and made three trips. The fourth trip we only not two thousend (2000) Francs. We came back to BREETIS and about fifty thousand (50,000) Francs with this truck by running tobacco over the border. In January ROLAMB and I were taken to LIL British Seneral Hospital. The Jeep was taken by the CMF. FURRIER escaped from Hospital about six (6) days later. I left shout two (2) days after him. FURRIER and I made about five (5) trips morn across the line with tobacco. I came back to BRESSEIS and met ROBERT and another Canadian in sivilian clothes. They stay at 172 or 192 me Britanch and source and loft my nniform there. ROBERT was going to get me a Belgian I dentification Gard. I was surrehemied by Sergent Matheson. At this time I had fifty one thousand seven hundred and e

SEC / R QUINTAL

TAKEN AND WITHESSED BY G J ALLENDONY - Capt DAPM at 1120 hrs 12 Mar 45.

Certified true copy of Exhibit "E"

To Rousseau leap A

### COPX

RECEIVED PROM CAPE J INCODER THE SUM OF: 51,780 France (Belg.) (Fifty one thousand, seven hundred and eighty Belgian Francs) The property of: 6-100797, Ptc QUINTOL, R.

F.M.R. Regt

Field 15 Mar 45 (SGD) "T E CONLON" (Sgt)

The above is a certified true copy of the Original receipt which is retained on File this HQ.

"J TWEDDLE" A/Capt Officer Commanding 2 Cdn L of C Provost Coy

Field 30 Mer 45

MFK 503 Cash receipt No 24 issued to C100797 Pte Quintol R by Capt M E ARMSTRONG P Mr 10 Bn 2 CBRCp acknowledges receipt of 51,780 Belg Francs

3 Apr 45

"A HOOD" Lt col

Certified true copy of Exhibit apa M Kousseau Gapa Legal Dept 1 Cdn Disc Centre

### Attention: Capt M. Rousseau

### C 100797 Pts QUINTOL R. (Fus MR)

1. Ref your letter d/4 Apr 45.

2. Herewith certified true copy of MFM 503 Receipt No 24 d/16 Mar 45, as requested.

### CANADIAN ARMY OVERSEAS Financial Receipt

Cesh
Receipt No 24
Received from Cl00797 Ptc GUINTOL R FNR

The sum of Fifty-one thousand, seven hundred and eighty france Belgian currencey being

Funds received from above soldier upon his entering to 1 Cdn Disciplinary Centre

signed "A GORDON REID" Capt Command Pur of Field cashier

16 March 1945

Certified True Copy "W F ARUSTRONG" Capt
No 10 Cdn Base Rft Bn Paymaster

Certified true copy of Exhibit non costan Coapt

### Officer Commanding. 2 Cdn L of C Provest Coy

# G-100797 Fte QUINTAL R

- 1. At approx 1625 hrs 9 Mar 45 I was NGO 1/o Coy MQ Guard Room when the a/m soldier was handed over to me by Sgt. Matheson of this Coy.
- 2. He was dressed in Civilian Clothes and upon searching him I found him to be in possession of fity-one thousand seven hundred and eighty france (Belg) (51,750)
- 3. This money was subsequently handed over to Capt Allendorf, Dapu Con See Brussels Carrison, and a signature for same entered opposite the soldiers name in the property Book in Coy Guard Room.
- r. For your information, please.

Field 31 Mar 45 ta Fangumanson" Cpl M-10808 7 Sec 2 Cdn L of C Provost Coy

Certified true copy of Exn "n-

M. Rousseau Ceafet

Summary of Evidence in the case of C-100797 Pte OUTSTAL R, K-4 CIC, attached to 1 Cdn Discipline Centre, a soldier of the Canadian Army Overseas.

Charge - (1) Absence without leave

(2) Mesisting an Escort whose duty it was to apprehend him.

By directions of the CO the evidence is taken on eath.

The following documents are read over to the accused, marked as Exhibits and are attached to the proceedings.

Withibit "A" - Cortificate of apprehension dated 23 May 45.

FIRST ENIPSS

M-62232 Sit KORCAN W L 1 Cdn Discipline Centre sworm states:-

At 1300 hrs 18 May 45 I called the roll of personnel in the sell block and C-10079? Pto CHEEL R was present. He was turned over to Pto COM AU on a working party at that time. After the escape that day at approximately 1610 hrs 18 May 46 I spain called the roll of all personnel of the cell block and found C-100797 Pto UNITAL R, was missing. I checked everywhere in the ensy and established the fact that he had escaped. The next time I saw him was at approximately 1830 hrs 23 May 45 when he was handed over to me at the cell block by Staff Sit MacDOMAID.

The accused declines to cross-emmine this witness.

av. L. Kerga

SECOND WITH SE

K-97931 Cpl Of CLARE P J 7 See 2 Con L of C Pro Coy

I certify that the attendance of this witness, in my opinion is not readily procurable and a written statement of his evidence, signed by him has been read to the accused and is attacked to these proceedings as Exhibit "F".

(Mario Rous eau) Capt

Officer detailed to take Susmary of Evidence

I do not require the attendance of Cpl ST CLAIME for the purpose of cross-examination.

(the accused)

THERE EXTERNS

Set VAN DEWALES HO 2 Can L of C Provent Coy

I certify that in my opinion the attendance of this witness is, owing to the exigencies of the service, not readily procurable and a written statement of his evidence, signed by him has been reed to the accused and is attached bereto as Exhibit "C".

Officer detailed to take Survey of Syldence

I do not require the attendance of Sgt VAN DEWALLE for the purpose of cross-examination.

teno agregadi

Desirez-vous faire une declaration ou rendre temoignage sous serment? Vous N'etes pas oblige de dire quoi que se soit ni de rendre temoignage a moins que vouse ne le desirez mais tout se que vous direz ou toute deposition que vous ferez sera pris esrit et pourra servir de preuve.

Je n'ai rien a dire.

The appused does not call any witness.

I certify that the foregoing Suspany of Evidence consisting of two pages was taken down by me in the presence of the accused and that RF 4 (C) (D) (E) (F) and (G) have been complied with.

Officer detailed to take Survey of Rylance

Dated in the Pield

## CERTIFICATE IN ACCORDANCE WITH PC 2797 of 10 Apr 42

I certify that NO: Gloo797 Rank Pte Name QUINTOL R
Unit: No 1 Odn Discip Centre 21 A Op was arrested at Brussels
at 0015 hre 23 May 45 and that at the time of his arrest he was
wearing US ARKY (Military Uniform)

"J TREDDLE" A/ Capt Officer Commanding 2 Gdn L of G Provest Coy

Field 23 May 45

certified true copy of Exh" A" m. Rousslave bapt

HN-60 Pt Guirk 7.

1

The Deputy Judge-Advocate General, Canadian Military Headquarters, having advised that the conviction on the charge in these proceedings is invalid, I hereby the charge in these proceedings is invalid, I hereby direct the record of such conviction be and the same is hereby removed and the accused relieved of all consequences of his trial thereon.

In the Field, 18 Jan 45.

Cdn Rft Units

IM accordance with CMHQ lo/Quirk F/l (DJAG) 20/Quash/1/2 of 13 Jan 45, the decision of the Deputy Judge-Advocate General, and the concurrence of the Commander, CRU, were promulgated to the accused. Extracts were taken and published in our Part II Order No.7 d/22 Jan 45.

(R M Harvie) Colonel, Officer Commanding, B. N. & P. S. Hospital.

Mu Hame

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

Charge.	Plea.	Finding.	
ert " alternative " where applicable.)	1000	(See note below.)	(Space for use as required for further charges, accused charged jointly, special findings, etc.)
AA Sec 40	401617		
(Note : As to	findings for lasser offen	ces see AA 55, 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 an 1921 of #16 and	
prompt-major sorts	ones for	es. If not abplicable.	See RF 45(A). Information should be found on MF B235 or AF B196.
. In auniformaniant	awaiting present t	rial-a total of	13 days, of which NIL days were spent in hospital (
(1. See RP 45)	(f) for I. information the	ould be found on MF B	1355 or AF B296 admitted in evidence under E2-)
tence Awarded by	the Court :	4/100	pages of lay until
ve pr	1 mil		-7-3 a porting the a
ma	regov	ひ よ とも	-1-3 a portunity
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d) Judge-Adv	ocaže, if any.	Date	awarded. (8gd) President. (## 45.59.)
d) Judge-Adv	ocules, if any. (See back of Ca	Dister	awarded.  Seembly and disposal of recard ofter trial.)
Judge-Adv	(See back of Ca	shrening Greer as to s	ritempt, and antional of secure after many
Judge-Adv	(See back of Ca	shrening Greer as to s	AATION RESERVED. (AA 54(5), AP 120(F), MAL 9 760.)
Judge-Adv	(See back of Ca	shrening Greer as to s	ritempt, and antional of secure after many
PART II.	MINUTE WHI	shrening Greer as to s	MATION RESERVED. (AA 54(5), RP 120(P), MML 9 760.)
Judge-Adv	(See back of Ca	shrening Greer as to s	ritempt, and antional of secure after many
PART III.	(See book of Co	ERE CONFIRM	AATION RESERVED. (AA 54(3), RP 120(P), MAL p 760.)  Commanding  NG OFFR ON FINDING(S) AND SENTENCE.
PART III.	(See book of Co	F CONFIRM	Commanding  OFFR ON FINDING(S) AND SENTENCE.
PART III.  (For duties and p confirmation and not confirmed on	(Sg4)  DECISION O Overs are AS 51, 7c opinion for revision 1 AS 51, 7c opinion 1 AS 51,	F CONFIRMIN  F CONFIRMIN  F 37(D) fo 6.46(A). 5 54(B). Sending bad  or As 157, AMAD p. 6.	Commanding  NG OFFR ON FINDING(S) AND SENTENCE.  1.56. 120, MML p 757.76, KR Can 567-577. Acquisteds require me finding or sentence for orderious by Govern 1: As 540, JR 120(G). If M. Mindle of confirmation in non-confirmation may be citered assisted.  M. Mindle of confirmation in non-confirmation may be citered assisted.  M. Mindle of confirmation in non-confirmation may be citered assisted.
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Do 96 d 29 Dec 44

ALL DELETIONS AND ALTERATIONS WILL BE INITIALLED.

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(As to the trial of two or more charged jointly see RP is. 71, 109. As to reasons for showing (a) permanent or confirmed rank, and (b) apprint. Alreak or Alaphint, if any, see AA 182, 183, fms, KR Can 308, 328, 330.) Number. (a) Prmnt R. (b) Appmt, A/R or A/Appmt. Full Christian Names. Surname. Unit.

Francis Private PROGEEDINGS REVIEWED

QUIRK Basingstoke Neuro & Plastic Surg Hosp RCAMC

MAN JAG PA g Held in the Fd in (country)......

PROCEEDINGS OF TRIAL.

England on (date()) 18 Dec 44

## RECORD FORM A-OPENING PROCEEDINGS AND ARRAIGNMENT

Al. The President, Members, waiting Member, JA, if any, and Office under instry if any, assemble, and the

(PRINTED MATTER, NOT IN ITALICS FOR GUIDANCE, WILL BE DELETED, IF NOT USED OF APPLICABLE, AND INITIALLED AT FRES OR IA. The Schedule referred to thoroghout is on p. 4. Critistina to NOT include all relevant from ROs. For guidance are pessedure when a variation in this fairm arises, see form for GCM in MMI, by Tel. to TSF. A brief record of such records and green on number horing reference to abpropriets on proceeding pairs number herein. See back of Contening Direct. CT RES, for outto well aims so hor as record addresses, evidence, exc., which insters are hereafter scaled. "Notes", As to general previous for conducting the Unit see AR SL RF 50, 63-70, T2, T4, 94, (03, 119, (22.)).

A2. The President initials and lays before the Court the Convening Order and Charge Short(s) attached thereto,(1)
The Court is entistied that it is properly convened and constituted(1), accused is erre) amonable to military law, and each charge discloses an offence.(\*

(). As to use of Summary of Evidence see RP 17 fn b. 2. AA 49, 50, RP 105-107. 3. RP 11-13, 23, 24.)

A3. The Court is opened. The accused is (ere) brought before the Court. At /OOO hours trial commences.

A4. The Prosecutor produces a Medical Certificate that accused is (acc) fit to undergo trial by court-martial.(4) The Procession informs the Court that occuped elected to be tried by court-martial instead of being dealt with summany by the ('t)

(I. KR Can 337. 2. AA 46(8), RF 60 fn I. For effect see KR Can 563(c). Delete, if not applicable.

M Al. President to accused: Do you object to P.28126

[The Interpreter is accused:) Do you object to SJT &M SINCLAIR as shorthand writer! Ans No. (1. RP 72. Delece, if none amployed.)

Ad. The Convening Order and names of the President and Members of the Court are read to the accused.(4) President to accused: Do you object to be tried by me as President or by any of the Members of the Court !

Ans No. Sin(\*)

(I. AP 110. 2. If no objection, working member retires. RP 68(8). If objection, see procedure AA 51, RP 25, 71, IR. MANL p 742) Al. The President, Members, Liv. of any, and Office under instr. if any, are sworn (1) The following are the ranks, names and units of the offrs comprising the Court, etc.

D.L. REDMAR HQ CRU Lt-col President. W.G. HOLMES HQ CRU Member H.W. PURCELL 1 CITE Member A CITE Capt M. ROUSSEAU Capt H.C. REES Defending Offir

Questions by President : Is the Prosecutor a lawyer ! Ans Yes Is the Defending Offr a lawyer ! Ams Yes (4) (I. BF 26, 27, 109, 11). List of offre under instr will be returned separately with proceedings for information of Care Offs.)

[2. If free a lawyer and Def Offs and, occusion is entitled to an adjournment when RF BF (8) and Sn 2 wate not followed. See Di p 2) before arraignment make(s) (no) (# plea As. The accessed ....

(i) If a special size is mode for separate trial on one or more charges (RP 62/E), 100), or as to the jurnaliction of the Casers (RP 62/E), 112b, as in her of trial (RP 36), or as to occuse's mental (Stores to stand trial (RA 10), RP 55), as in occused therefore the plants to be trial separately (RP 64, 71), such plan, the oddresses made in support or against, the evidence, of one, and finding or recorded per Notes. For fluence of necessary the trial results only some of the assumed making the plan.

AS. The accused is [area arraigned (asparately)] on all charges in the charge sheet.(\*) The accused does (4a) not object to any charge.(\*) There is no amendment no be made to the Charge Sheet.(\*) The President records the pleas in Part I of the Schodule.

RP 31, 1/2. See pore 1 of instru p. 2. When some than one Charge Dept are RP 42; when several occupied to be tried impaintedly see RP 72(C), and use separate aspins of CP RPs to record proceedings.
 RP 32, RP 33. If atherwise, delete and make appropriate record per hisses.)

Alto. The Court (seedened and) considers the Instes on Procedure after Arraignment at top of p 2. The proceedings are continued on Record Form ""D"

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

The accused may not plead or be found Guilty on more than one of two or more charges laid in the alternative. 1. 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 withdraucal of alternative charges by Prosecutor see RP 35(C). No other charge can be withdrauca for any reason without authy from Convening Offr. If Convening Offree concurs, Court may accept plea of Guilty to lesser, etc. offence, (RP 44(H).) Accused may change a plea of Not 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(A).)
  - (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 Gwilty thereto, or, (is) to record the please as the findings of Court. After deciding between (i) and (ii), Court will proceed under foregoing instructs as may be appropriate to result of its decision. See MML p 744 Instructs (2).

3. As to responsibility of President to accused see RP 50, 60(C); powers and duties of JA see RP 103; duty of President to accused and Defending Offr see RP 60(L), 87(C), 91, 92; securing and withdrawest of witnesses from Court see RP 81, 82; questioning of accused see RP 80, 87(C), 92(B), and of witnesses see RP 83-85; calling or re-calling of witnesses by Court, etc., see RP 75-79, 80, 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 35 fn 2. 2. MML p 54 pere 47.)

B2. President to accused: The Court will now receive any statement you desire to make in reference to the B2. President to accused: The Court will now receive any statement you desire to make in reference to the charge(e).(1) If it appears from your statement that there are circumstances which indicate that you do not understand the effect of the plea of Guilly(2), or which show provocation or extenuation in respect of which in your interest the witnesses for the Prosecution should be examined(1), we shall dvise you to change your plea 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 significantly you other your change your plea. If however, it appears to the Court that your statement affects only the amount of punishment 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.(1)

President to accused : Do you wish to make a statement 1 Ans (1. RP 37(8). 2. RP 37(0) fo 6. 2. RP 35(6) fn 5 pars 3. MML p 54 pars 47. 4. See pars £3 of Record Form £.

5. Suppose 8. 9 any, recorded per Notes.)

B3. The Court considers the accused's statement.(1) The Court decides (not) to advise accused to change his .....charge(s). The accused is (are) so informed, and he (they) (their) plea(s) of Guilty to Not Guilty on ... 

B4. On the charge(s) to which the plan(s) of Guilty is (are) not changed the President records finding(s) of Guilty in Part I of the Schodule.(1)
(1. 89.268). If any pico(s) is (are) changed, use Second form C or D as appropriate.)

B5. The isummary of Evidence is marked Ex..., initialled and read aloud by the President.(1) (1) if there is no Summary, or if it is inadequate, comply with 89 37(8). If there is any evidence inconsistent with any pine standing as Guilty, Court will advan occused in change such pine and, if thought to be because of Securit from D on p 3. No 37(0).)

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 accused pleaded NOT GUILTY the trigit of continued by using paras Dl to D8 inclusive of Record Form D on p 3 before proceeding with C 2 (3)

C2. The charges on which accused pleaded GUILTY are read to him (them) again, and the trial is continued by using paras B) to B5 of Record Form B above.(1) \( \)

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The accused baying been found Guilty on one or more of the charges, the proceedings are concluded by using Record Form E on p.8.

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

Pin here Loose Showts of Record.

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

Df. President to accused: Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity to prepare your defence ! Ans. NO, I P(t) (1. If 'yes', see \$P 39(4) for procedure. Sustement or evidence, if any, is recorded per Notes.)

D2. The Prosecutor makes (Mg) (no) opening address.(1)
(1. RP 39(B), 60(B), 50, 92(C) (D). Record address per Notes, subject to RP 95(C).)

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 f  $\rightarrow$  charge(s).(2) The Court is closed, and considers the submission.(2) The Court is re-opened, and the President announces that the submission .....chargè(s).(\*) The Court chargele), and allowed on the

M is disallowed on the \_\_\_\_\_\_ oharge(s) and that, accordingly, the trial will proceed on the former, but the accused is (are) found Not Guilly on the latter sharge(s) (4)

the «diasys(a)-(\*)

(\*) Delete remainder of this para, if submission not made.

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

3. RP 40 fn 1. See MML p 72 para 12-14 and p 81 para 42.

4. Delete per not used. If occured acquitted an all charges, use secund alternative in para 50.

NB : If trial proceeds, occupied must be allowed great latitude in making his defence, and the Court should not stop his defence solely an ground of irrelevance. (RP 60(C), 114, 115.)

D5. President to accessed: 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 call witnesses in your defence and as to character, whether you give evidence or make a statement or do

President to accused: Do you wish to give evidence yourself as a witness, make a statement, or do neither ! Ans 10 7 mm witnesses on your behalf! Ans. V ... Are they witnesses as to character only ! Ans. N.
(1. AP 115. 2. RP 40(A), see SO(D). 3. RP 40 fe 10. 4. RP 40 fes 2. P.)

D6. Consequent on the answers recorded in para D6 the appropriate procedure for the defence is followed. (1)

(1) RF 114, 115, 116. For precedum see Notes on back of Convening Order, CF A85. Evidence for accused as to his character should, if in his interest, be given before the finding. See RF 46(A) for 1, Sec(C). Note the further opportunity in para E1

of Record Form E. Record per Notes admisses, sustainent, evidence and any summing up by the jA under RF 42, 103(e).)

AF 7 (1)

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

(1. 8F 43, 117(8). See Notes in Part I of Schedule. 2. 8F 44(8).)

DS. The President announces the finding(s); if any, of Not Guilty, and states to the accused that the finding(s) charges's), being subject to confirmation, will be promulgated later.(!)
The President announces that the accused is found Not Guity on all charges and is to be released forthwith,

and than the proceedings are accordingly terminated. Part 1 of the Schedule is dated and signed:(1)
(1. AA 543) (6): 89 45, (20(6). 2. AA 543), 89 45, (17. This alternative association is not applicable when there are piece of Guilty outsiending and dealt with under Record Farm B or C.)

D9. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using

### RECORD FORM E-PROCEEDINGS ON CONVICTION BEFORE SENTENCE.

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

(1. If evidence has almost been given by accused or his witnesses as to his character, delete this pera. RF II(C) in 4. 46 in 1.

Accused and witnesses are swarm. Evidence recorded per Notes.)

E2. The Prosecutor produces Statemential as to Character and Purniculars of Service(1), and certified true copy (comiss) of Conduct Sheet(#1"), 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 examination, and then to the Court for admission in evidence. The Court is satisfied that these documents riter to the assumed, 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(h having the same number, rank, name and corps as the accused. Admitted in evidence and marked Ex. 2 and Ex. respectively (?)

MFB 255 to MFB 256. 2 MFB a. 2 MFB a. 3 MF 46 KR Con 558. If these document not produced, see NF 46 fo (

E3. President to accused: Do you wish to address the Court on the Statement of and Conduct Sheet and in mitigation of punishment 1(2) Ann. The m. of the m. by the set of the first (NOTE ATT) on not onlying been at previously fracted which which office the focus of finding or but in the coasts to price on not english great at previously fracted which which office the focus of finding or 18 18 for 7)

E4. The President states that the Court is closed to consider 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)

(i) AA 54(s), 8P (20(6))

E3. The Court considers the sentence. (9) The President records the sentence in Part I of the Schescule, which

Cated and signed by him and them the street of the second of the punishment or punishment in the second area and the second area and the second of the punishment or punishment of the second of the s

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

## CHARGE SHEET

The accused.

D 77363 Private Francis QUIRK,

R.C.A.M.C., Basingstoke Neurological and Plastic Surgery Hospital, a soldier of the Canadian Army Overseas,

is charged with:

FIRST CHARGE A.A. Sec 40.

When on Active Service,

NEGLECT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE,

in that he,

in the Field, between 1 July 44 and 11 September 44, when employed as Steward of the Basingstoke Neurological and Plastic Surgery Hospital Canteen, so negligently performed his duties as to be unable to account for cash and / or stock to the value of £52.14.6d.

7 Dec 44. Remanded for Summary of Evidence.

m. Hama

(R.M. Harvie) Colonel, Officer Commanding, Basingstoke Neurological and Plastic Surgery Hospital.

To be tried by Field General Court Martial.

(J.H. Roberts) Maj-Gem Cond

Can Rft Units

Farmborough, Hants

10

# FIELD GENERAL COURT-MARTIAL

(Whether the accused to be tried is under his comd or not, a FGCM may an application to him be convened by any offr of Cdn Army Oversacus, are of any other farce if authorized in law, in immediate comd of triops an active service, subject to RP 105(C) and restrictions imposed by appropriate authorized. AA 49, 50, RP 104-107, 114. As to the duties and privileges of the Convening Offr in dealing with the application see MML Chap Y paras 20 and 23, RP 87(8).

There should be a separate Convening Order for each person to be tried separately by the same Court. RP 71(C), 109. As to separate charges sheets see RP 108. As to two or more accused charged jointly see RP 16, 109.

As to reasons for showing (a) permonent or confirmed rank, and (b) appint, Ajrank or Ajappint, If any, see AA 182, 183, fins, KR Can 308, 328, 330.)

### ACCUSED.

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

QUIRK Basingstoke Francis D77363 Private Neuor & Plastic Surgery Hosp

RCAMO

### CONVENING ORDER.

1. Whereas complaint has been made to me, the undersigned, that the person(a) named above as the accused, being subject to military law, has the accused, being subject to military law, has the committed the offences) set forth in the Charge Sheet(s) attached and on (date) 1.1 Dec \*\*\*

endersed by me, (or hand, offences), "To be tried by Field General Courts Martial".

And whereas I am of opinion that is not practicable that such offences; should be tried by an ordinary General Court-Martial; (and that it is not Practicable to delay the trial for reference to a superior qualified offr.)
(Objects port in brackets when not required for compliance with 88 105(C).)

I hereby convene a Field General Court-Martial to try the said person(s), and to consist of the Offrs appointed

or detailed hereunder. 4. I RECOMMENDED HE REPORTED HAVING SECOND RECOMMENDED AND RECOMMENDED FOR SECOND RECOMMENDED FOR SECOND RECOMMENDED.

LLL . (AA 49, RF 106(B), 107(A). Delete the whole or part, If not applicable.) attrackydotrewax. t aben any minut maxical general minutes thereout xined life and utaken's heromalia x

### PRESIDENT.

HQ CHU D.L. Redman VD

### MEMBERS.

HQ CRU W.G. Holmes Capt

1 CITE To be detailed by OC (Named or detailed. RF 106.)

### XXXXXXXXXX MEMBERS X

cul (Named or detailed, if any. RF 106.) (Unit.)

### 

(Must be named. (f any. RF (Ob.) On Active Service in the Fd

England

Maj-Gen sonolly. AP 105 (to 2.) (J.H. Roberts) Canadia a Reinforcement Units Commanding Convening Officer

CONVENING OFFR WILL INITIAL ALL DELETIONS AND ALTERATIONS

(See searlast for ooths and notes for use on trigit)

4/38A FAR JUNE MAN

Date 14 Dec 1944

Etimit 3

Medical Officers' Certificate KR (Can) Para 557

I certify that I have this morning examined No. D.77363

Pte. Francis QUIRK, R.C.A.M.C., Basingstoke Neurological and Plastic Surgery Hospital, and in my opinion he is to undergo trial by Court Martial

Medical Officer R.C.A.M.O

Basingstoke 18 Dec 44 CASE OF

. . . . .

D.77363

Private

UIRK F

Basingstoke Neuro & Flastic Burg Hosp R.C.A.M.C.

### -PROSECUTION-

### FIRST WITHESS

H/Gept W.B.G. HOLLINGWORTH, Cdn Chap Services, on strength Dasingstoke Neurological & Plastic Surgery Hospital, RCAMO, having been duly sworn, states:

as Chaptain I am the Sec Treasurer of the Canteen Committee, being appointed to that posh I see 42, and I've hold that posh ever since. I recognize the accused. The administrative organization of the canteen is as cutting the accused. The administrative organization of the canteen is as cutting of in the Rules for Messes and Canteens which consists of a Canteen Committee of 2 offra and 2 offs, the 2 offra being appointed by the 30 and the 3 offs are elected by the men themselves, the ren of the PR of the unit.

During the conths of ful, Ang and Sep 44 the steward of the canteen was the accused. His duties were to surchase under my supervision the canteen supplies and to receive same into the canteen. He was IO of the alleanling ess of the canteen and was IC of the other two Ptes who worked in the canteen. The canteen is operated by three of the staff including the accused teen. The canteen is operated by three of the staff including the accused as Canteen teward. All three men are on duty each morning, one man is relieved at 1330 hrs for the day, the second man is relieved at 1350 hrs for the day, the second man is relieved at 1350 hrs and they alternate on various days. The accused was appointed as toward and they alternate on various days. The accused was appointed as toward and they alternate on various days. The accused was appointed as toward and they alternate on various days. The accused was appointed as toward and they alternate on various days. At the close of the canteen the zero on which records the daily sales. At the close of the canteen the zero on duty only bring restrict sales of the day, the cash, together with the sales which records the daily sales. At the close of the canteen the zero on duty only bring restrict sales of the day, the cash, together with the sales which recorded in a special coln. The sales amount is then recorded in the deposit books. I set this represented in the cashly. In the interry deposit in Lloyds Benks, Basingstoke, shout twice weekly. In the interry of the cash to t

- Is there any money left for change with the man IC?

  A. Until the I ame the sum of 48, and from I Ame on this amount was increased to 115. Prior to the Court of Inquiry the amount of 18 change was liven back at the same time to the man who had brought the cash to me, but after the Court of Inquiry my attn was drawn to this rule, and since then the cash has been alwen by me to the man IC on the following morning.
- would there be some nights when you could not be available to receive the coney?

  A. If I was going to be eway overnight arrangements would be made for the Assistant of to beld the somey over for me until next day.
- a. Did you ever find any discrepancy between the cash and the Eules Slip.
  A. Oh, perhaps a sinor error once in a shile, but nothing that would amount to anything, perhaps 6d in the counting.
- . Would you produce this book you mention to the Court of Exhibit 19 A. Yes.

STREAMER CASH BOOK OFFICES AND REC. IVID IN EVIDENCE AND PARKED EXHIBIT 1.

Who made those entries in that book? The dally sales entries in exhibit 1 are made by me as well as the entries of the patients sales. I now hand to the Court the Minute Book of the Committee. The Minutes of the Committee Meeting are signed by me as Sec Treasurer. MINUTE BOOK OFFERED AND RECEIVED IN EVIDENCE AND VARGED EXHIBIT &. What does it say for B1 Dec 43?

In the minutes of the meeting held on B1 Dec 43 there is the following entry: "It was moved by Ite Sloams, seconded by Capt Johnston that in the event of Col Papineau being transferred, Pte Quirk be appointed by the committee as Canteen Steward and that his salarky be 14/10/0 monthly. Carried" On 8 Jan at a meeting it was reported that Col Papineau was being transferred and that the accused was about to take full What does it say for 21 Dec 43? charge of the canteen. The assused. He would phone his order to the Naarl, and the following day the amount of the order would be phoned to me so that I could issue a cheque. Then the day after the accused would go to the Naarl with the truck and bring back the goods and the receipt. Att to the receipt was an invoice of the goods and their prices and the totals of the 2 had to agree. Was it the accused who invariably picked up the cheque and the goods? Except when on leave, yes, As Were goods bought from any other firm or person or MAAFIT Yes, on 3 occasions I've purchased from one firm in London. The only other exception has been when the accused purchased from the ECRDON MAAFI. The method was that he would come to me and that he had run short of certain articles which he could not secure from the Earton-Stacey NasFI near Handover, and he would receive an amount in cash from me and proceed to MasFI, return within 2-5 hrs with his receipt and change, if any, and then I would have a cheque which the Colonel would sign. I always reed a temporary receipt from the accused for any money he took to BORDON. This occurred perhaps once a month. Was the document on leave between 1 Jul and 17 Sep #47 I cannot answer that question. As Who would sign the invoices? By the man who got the goods, the accused. Ar You have the invoices for the months of Jul, aug and sep? Yes. Yes, here are the invoices for goods purchased for the month of Jul. There is contained in the same parcel the cash sales slips for the month of Jul 44 and receipts with relation to matters other than the curchase of goods and sale of same. PARCEL AND RECEIPTS FOR THE MONTH OF JUL OFFERED AND RECD IN EVIDENCE AND MARKED EXHIBIT 3 BY THE COURT Was the accused the only one who signed on the invoices the receipt for goods in the month of July Not always. He has a dyr IC who went with him sign on a source when Not always. He has a dyr IC who ment with him sign on a courle of these I notice, but the practice was that he would sign the forms and most of them are signed by him. In the month of A.

What was the procedure when the goods were coming into the canteen The York Hoos and raced by They were unloaded at the entrence to the large quentity of them they were unloaded at the entrence two keys to the secured binnest; and owing to only they are two keys to the Stock Hoos of the Workingt. The Stock Hoos between 3 sen, the Stock and the Montribur. The security is the Stock was the Stock Hoos of security the Stock of the Sto what were the strength of this place of that time? I began to quorry in the first meek in Sep the amount of eight being but to the fact that there some 176,000 eight in the month of Aug. and was all aminated and beauses and that and the new nov bid told and bloom brames farrod and beamstee now that area willowness for the property of the second and the sec Took in 20001 a rate of the new real to the the court of a states, saints and in med such and another state and a real such a state and a In Aug old you have more rationts here than in the spring as I note from said a your sales which among about 1900 did questry on one or two occasions the fact that the accessed idd questry on one or two occasions the fact the source that duestry on one or two occasions the source that duestry on one or two occasions the source that duestry occasions at the source that the source occasion were not because the source and the correct occasion which I learned were on points, and the eartennament of the terms the true the source occasion was not the true the source occasion was on the large amount of oke being purchased at the source of the true the true the head of the source orders that he was purchasing the distance and of aux a large stock and that he was purchasing the true of the true source orders that he was purchasing the fact the sould have to out fown as I needed the ready cash was and that he would have to out fown as I needed the ready cash we mouth the would have to out fown as I needed the ready cash we would now a large to out fown as I needed the ready cash with the would not down everything but ofge which he sold were greatly in demand, I queerled the amount of olgs being purchased as the total was jumping very replaint. Forties anything abnormal on the part of the accused about anything - ans your suspicion ever aroused about anything - and your suspicion over accused about the tay of the control of the desired over the control of t PARGEL AND EMCELITE FOR THE MONTH OF EMF GOUNT. Would you produce the involoce for the month of dep together with the daily solve alips?

Tes, the same remarks apply as for the month of aug, except of course, up to the 25 dep, at which date the scened was relieved of his duties. SATORIOS VID AVEGED EXHIBIT 4 BK LHE COURT MI GAVINDAS CIL CHRATASO DUA TO HTRION ART HOR STRINGAR CTA Would you produce the involves for goods surphesed in the month of Aug together with the daily sales slips for the month of Aug?

For the majority of them are signed by the scoused and some by the dars, Cpls brown and Everetts. \* 15 Tasaloval nais Did you ever suthorize anyone else other than the eccused to Did you set any goods from Aux Services free or otherwises Wo. except there had been times when I had purchased utility. . If then kept it. Jul he was always there, and was the responsible person in responsible person in responsible to the receipt of these goods, included the receipt so would arrive back in camp be would hand me the receipt

Sep the accused came to me and reported a shortage of £80 or the ef ciga. He stated "I we pulled a bloomer yesterday and left £60 worth of cigs for which we have paid for in Bahl". I reported this at once to the CO and on his instructions phoned the manager of Maski at marton-dtacey and he informed me that the cigs were there and said he would appreciate it if we would instruct the accused to be more thorough in checking his goods. These cigs were brought in the following day.

- what is the price you pay to NAAFI for eigs?
  The most popular of our cigs are 1/6 less 10% discount to which we are entitled, and we cell them at 1-5. There is a slight variation in the price of other brands.
- When the goods are purchased is there any record book kept of the purchases?

There wasn't at the time, merely the involges

Was there any special inventory or stock taking made?
There was a regular stock inventory taken following the closing of the centeen on the last day of the month. This was inversably taken by myself, assisted by the Steward. After the ctock taking shoots are prepared they are passed on to the bookkeaper who checks example the involves less the sales already made. He also

The signs the inventory sheets? I and the accused sign the monthly stock taking sheets.

What kind of goods are purchased?

- The usual goods to be found in canteens. You will note a corpy of the stock taking sheets which were taken on 30 Sep in Exhibit 5, and this will show the Court the diff kind of goods which are purchased and sold in the canteen.
- To your personal knowledge did you ever notice any goods the male of which is slow in the canteen?

No. I haven't.

definite evidence of negligence.

None that I saw directly. There had been things reported to me on diff occasions, but I cannot say these here.

- I understand that up until the end of Jul everything was in order. At the end of Jul you took your usual inventory and your subsequent checkup showed that everything was in good shape up until that time. The stock taking was correct a the end of each month, yes.
- There was no shortage up to the end of Jul in stock or money? No.
- So that any difficulty that did occur did occur during the mounth of Aug or the first 11 days of Sep?

A. Yes.

- And the accused was working at this came canteen before you came there in Sep 427
- Yes, as an emm as an assistant, how long he was there before my time I'm mot
- He has nothing whatsoever to do with the meetings of the conteen? That's right. 20

- And he doesn't know what goes on at these mostings? He does if they affect the policy of the canteen.
- He keeps no books whatever?

No. 14

There are three men working there?

A

And each one works an average of 10 nights a month and whoever is on at night goes to you with the sales slip and each, and that sales slip in initialled by the party who actually brings this and not necessarily by the accused?

Then sometimes at the end of the month you have the secured in and he initials all the items irrespective of whether he brought the money and sales slips in or not? That's right.

Jul was perhaps the next? Yes, probably, I would assume so,

Did the number of eigs sold in the month or Jul amount to 88. 190?

That's correct. 4.

In the month of Aug they were 150,690, correct?

Tes.

For the month of Sep the amount was screething like 100,000?

Sometime in Jul or Aug the indent was increased \* 1100?

Yes.

Although that each book is called the Steward's Cash Book he really never had it in his control did he?

24

and the ledger is kept by the accountant?

Yes.

There was nothing purchased at the BOHDON MAAYI during Aug? On 10 Aug there was I see by Exhibit 4. Also again on 22 and A. 29 Aug.

with regard to these cigs left behind, the accused was quite agitated about that and effered to make up the money if you could not get the cigs?

Tes, he did.

20

What kind of digs were they?

K 4's.

You are aware that the shortage has been called diff arounts . at diff times by diff people?

Yes. A.

Somebody called it at £90 then someone called it £807

I think so. At one time there was found to be a surplus for Jul of ther

This was caught by our accountant as his mistake and \$44 was made up.

- You have a record for what each man turned in to you? Yes. Pee Jurk in the month of Aug 44 out of the total sales of £1197/19/10, turned in to me £451/4/9, McArthur who was on eleven nights turned in £417/5/1, and Gauthier who was on ten nights, £549/4/0.
- with regard to the purchasing of beans that was carried on by Cpl Papineau in his time?
- In his day we dealt with Bordon NAAFI and we got beans there,
- Those signatures that occurred on invoices of goods by people other than the accused were simply those of who would go along with him in the truck from the Steward's Stores which come under M Stores?
- Yes. 14 .
- When this shorters was found you immediately took it up with
- No, with the CO and the CO suggested that I get the assistance of 2 other offrs in the unit, and a special stock taking was

- You were present when the accused gave certain evidence on oath elsewhere that he had no knowledge of how this shortage
- Yes. A.
- Towards the end of Aus was Pepsi-Cola sales falling off because you could not get pepsi-cola?

- Yes it is.

- To what extent, if any, was the accused responsible for having the other B men at the canteen sell goods and making a correct accounting on the nights they were in charge?
- The accused was in effect, the manager of the canteen. He reed a special selary, 16/10 per month originally, which was increased to 15/10, and it was explained to him by myself that the reason for this salary was because he had the full responsibility of the centeen. In my opinion he was in the same position as the An manager of a store.
- How far away is the canteen from his bed? He sleeps in it. h.
  - Did he ever bring over the other men's takings at night? Each of them always brought their own.
- How often is there an inventory of your goods made? At the end of each nonth normally There's a daily sheek now.
- I find that in Exhibits 3-4-5 that there are bills from such people as Uglows, Tabour and Hackwood Estates, what are these goods purchased for?
  Those are not purchased for sale in the canteen, they are paid for out of the canteen funds for extra messing for personal
- of the unit.
- The accured has nothing to so with that at all? No, it is something quite outside of this case altogether. A.z

- Who takes the inventory at the end of the month? I personally take the inventory.
- I notice by the sinutes that the accused was originally appointed that his salary was \$4/10 and if his services proved to be satisfactory he was to be raised? Yes.

- I take it then that his services were entirely satisfactory? Up until the end of Jul, that is correct, apart from the usual checking up that one has to do with almost anybody.
- I observe from what you told us that the accused in the month of Aug turned in 7451 odd and that Gautheir turned in only 1349, did you give any circumstances as to how that difference might be explained?
- It was explained to me by the large number of cigs that were sold on the evenin s that the accused was on duty.

Capt W WOOD, Cen List, presently on strength RFB, CMH., having been duly sworn, states:

I have been an accountant in the army ever since I joined, in \*30. About the present case, there was a phone gall on behalf of the OC of the unit asking us to come down here to make an audit. We duly visited the hosp and audited the books and records of the Canteen and made an inspection of the remainder of the of the remainder of the premises, that is the messes, and my report on the Canteen was to the Premises, that is the messes, and my report on the Canteen was to the Premisent of the RFB d/3 Oct 46. I have have the report covering the period from 1 Jul 46 to 11 Mep 44, and financial statement of the Canteen for that period with supporting schedules,

REPORT AND FINANCIAL STATES OF FROM DERIOD 1 JUL 44 to 11 SEF 44 OFFERED AND RECOIVED IN EVIDENCE AND MARKED EXHIBIT 6 BY THE COURT

- Are the statements made in your report, and are the facts and figures in Axnibit 6, true and correct to the best of your knowledge?
- Yes, they are, Sir. A.
- what was the nature of the shortage?
- According to the records it was a stortage of cash or stock.
- Will you please road Exhibit 67 Yes. [Witness roads Exhibit 6]

### CROSS-EXAMINED

- Why, particularly, was that period from 1 Jul to 11 Sep, chosen? We had to arrive at a date on which it occurred. Our first intimation was that it was in the month of Aug and then after checking Aug we checked Jul and we did in fact, find an overage in Jul. Previous souths werein good condition and did not require an audit
- How big was that overage for the month of Jul?
- The overage in accounting was \$14/9/5. 24
- The loss that is claimed now is £56/14/6, why was the rigure of BC changed to 50?
- The figure was not changed. I have another report after the Court A.

of Inquiry which shows an overage of £29/17/1, which, if subtracted from the previous shortage of £82/11/7 gives the figure of £52/14/6 as being the net shortage for the period 1 Jul to 21 Oct. Pursuant to a request from a Gourt of Inquiry in relation to this matter I prepared a further statement for the period 12 Sep 44 to 31 Oct 44. This is the statement together with my report thereon, dated 17 Nov 44, which I will now read to the Court and tender as an exhibit. (Witness reads statement)

RECEIVED IN EVIDENCE AND MARKED EXHIBIT 7 BY THE COURT.

Are the statements made in this report, and are the facts and figures in Exhibit 7, true and correct to the best of your

Yes.

Do you know whether the Regtl Accountant found an overage of £54 during Jul?

There was one previous month in the same year for which there was a shortage rether than an overage?

If you belenced all the overages during the period the accused was Steward your total loss was something like 4s? I haven't checked into that,

Did you establish that up until the end of Jul there was no serious shortage of either goods or money?

So that if anything went arong it must have been in the month of Aug or Sep?
In the month of Aug everything was bad, very bad.

Would there be any possibility that this 129 odd might mow appear on account of a faulty inventory taken for the period ending 11

Definitely not, because we took that inventory outselves, and I befinitely not, because we took that inventory outselves, and I haven't the fairtest idea how this extra £29 got into the stock or the money. It came in either as stock and/or cash. I have examined the overages and shortages in the monthly accountability statements for the period from 1 Feb to 51 Oct 44 and fime that the nat shortage for the period amounts to £47/8/3, and I might all the theretage in aug was £94/17/5, and there was also a short-that the chortage in aug was £94/17/5, and there was also a short-age of £3/8/0 in the month of May. All the other months showed overages and by substracting the two the above result is arrived at. A.

This \$25 overage that you found in Oct, can you tell us what proportion of that applies to the period after 23 Sep? Tes, the overage from the period 12 to 30 Sep was \$15/11/7, and the overage for the month of Oct was \$14/5/6. At this the I the overage for the month of Oct was £14/5/6. At this the I would like to point out that there are some small differences between the figures as shown for monthly sales on the statements propered by the Unit and the sales as shown on both of my reports. These differences were occasioned by losses on containers being charged directly against the total sales instead of being shown as an operating expense of the Canteen which procedure is in accordance with sound accounting principles. The loss as shown on the unit's copy of the statement was 191/8/11 to which should be added #3/8/6 for breakages in containers which will them show a total of 184/17/5, as shown on Exhibit 6.

SOT MARCHANT, L., RFB, CMH, having been duly sworn, states:

I am a clerk with the RFB, and during the months of Jul and Amg 44 I had this same appointment. I was here at this hosp with Cart #000 of the RFB on 11 Sep 44, and assisted him in making up Exhibit 6, and the rigures in it are true to the best of my knowledge and belief. From the reriod 12 Jul to 1 Sep the shortage was #82/11/7. I was also here in low with Capt Wood when a further statement, Exhibit 7, was prepared, and that showed an overage of #29/17/1, which leaves a net shortage of 152/14/6.

NO CROSS-EXAMINATION

IN THE OPINION OF THE COURT IN IS UNDECESSARY TO COUPLY SITE ET 63(B).

B.57159 Pte BOYES, CM, RCANO, on strength Basingstoke Neuro and Flastic Surg Hosp, having been duly sworn, states:

I recognize the accused, During Jul, Aug and Sep 44 I was Regtl Accountant and had been since 10 Aug 43. I did the accounting of all the unit's accounts and made a financial statement for the canteen. During the month of Sep for Aug while doing the Profit and Loss Statement for Aug I noticed a profit was 4.4 when it should ordinarily be to 12 to 14%. Right away I knew there was something group with it. I completed the statement and then I did the Accountability sheet and that showed it up. I found an apparent shortens of fel odd. I found an apparent shortage of £91 odd.

- That was the nature of the shortsgot

Do you have any books or papers from the centeen? Yes, and I can produce them all. I now produce a true copy of the financial statement of the centeen for the month of Asg. the original being on file. I prepared this one I now produce myself and it is a true copy and the figures in it are true and correct.

PINANCIAL STATEMENT FOR THE MONTH OF AUG 44 OFFERED AND RECEIVED IN EVIDENCE AND MARKED EXHIBIT 8 BY THE COURT

- Are you a chartered accountant? No, but I have had 20 yrs experience in accounting in civil No, but I have had 20 yrs experience in accounting in civil life, being an accountant for an oil company previous to en-listing. This, Exhibit 8, shows a surplus in the Accountability statement of £91/8/11. As
- Do you know the usual procedure in purchasing goods for the canteer. The Steward went to MAAFI to purchase the goods but before getting them he brought a cheque signed by Capt Hollingworth for it. A.
- Did the accused borrow somey from you during the month of Jul? No, but he maked to borrow \$100.00.

A.

### CROSS-KIAMINED

What date was this loan asked of you? Approx 3-4 Jul, Sir.

Did you prepare a statement at scentime or other showing the overages from Jam of this year? Yes, and it showed a shortage of £45 odd.

That is if you correct your figure of 154 overage for Jul?

Yes

- You were satisfied that that was an error of 154 overage for July

  - Can you tell us the total sales for Jul? Yes, I see by examining Exhibit 1 that the figure is £1034/6/0. A
  - And for Aug? £1197/19/10.
  - You kept the stock book yourself, the ledger? Yes, and the accused had nothing to do with it. As
  - and you and Capt Hollingworth get together occasionally and he hands over to you the invoices and sales?

- Did the Regtl Accounts Board suggest at one time that you
- change your estimate? Yes, but I said that in view of the splendid record the canteen had I did not think it adviseable,
- This loan the accused asked you for, he was going to give it back to you in a week when he got it from Canada?

Yes.

### CUESTIONS BY THE COURT:

- When the accused asked you for a loan, had there been any

IN THE OPINION OF THE COURT IT IS UNDECESSARY TO COMPLY WITH RP 85(B).

### FIFTH STIMESS

B.63803 Pte McARTHUR, CF, RCANC, on strength Basingstoke Neuro & Plastic Surg Mosp, having been duly sworn, states:

I'm employed as asst Steward in the Unit Canteen here at the hosp and I know and recognize the accused, Pte suirk. I have been employed with him since a year ago this time in the same canteen and he was IC. He surchased the goods, the procedure being that they were purchased from urchased the goods, the procedure being that they were purchased from MAAVI. He went there and brought them back. I have went with him. Then the social were brought in the curtage no check was made of them. There were 3 of us in the cantsen. Ine day in three one man was on duty from 8 to 11.30 at night. His next day would be at 6, and his next day and day at 1 and 1 an inaly we did it.

- During the months of Jul, Aug and the beginning of Sep until the lith Sep, did you ever take anything at all belonging to the canteen for which you did not pay the list price for? VALE
- No. never.
- Did the accused give something to you at any time during this period?
- No. h.

### CROSS-EXAMINED

- The accused would buy from time to time things for himself from the canteen?
- And what was his attitude? He'd pay for it himself.

- Do you know of any occasions when he gave anything to people who were working there?

  I know we've had a few patients at times cleaning windows As and they were awarded a pepsi-colar.
- Did he pay for that as well? Not that I know of.
- Sometimes when you took the money to Capt Hollingworth he wasn't in Mo, so we'd leave it in a drawer in a cupboard in his bedroom.

- - Did you bet any receipt for the money you took over?

  - Wasn't there some arrangements whereby Wards 17 and 18 of the hosp would send over and make purchases for the ward, and have you known of such a sale to be handled and handled that type of sale yourself?
    Yes, from 300 to 400 to 450 cigs.

  - You knew that around Jul or Aug the indent was increased? I knew there were more sign coming in.

  - As moon as goods had been brought over from the NAAFI by the accused the invoice was taken immediately to Capt Hollingworth?
  - Yes.
  - It would be quite possible for any one of the three of you to withhold 3 or 4 or 5 pounds a night that you were taking over to Gapt Nollingworth?

    I don't think that high amount would be possible.
  - As
  - But he'd have nothing to stop that?

  - It would be quite difficult to take any stock out of there without
  - help? Stock couldn't be taken out of there without whoever was there not knowing it.
  - All three of you had an equal chance?
  - A.

### IMESTICAS BY THE COURT:

- Do you know how this shortage of 152 odd occurred?
- No. 150
- Did you have anything to do with it?
- 20

B.102705 Pte CAUTHIER, CP. RCAMC, on strength Busingstoke Neuro & Plastic Surg Hosp RCAMC, having been duly sworn, states:

I recognize and know the accused, Pte juirk. In Jul of this year on a Sat I started to work in the centeen and in the months of Aug and Sep I was still working in the centeen. The accused was IC of the centeen and purchased goods at the NAAFI, and I never went with him. He went alone. When the goods came back they were taken from the truck and put in the centeen, no check being made on them. When I started to work there I took instructions from the accused, wiping tables and the counter, and then a month or so later I served at the counter.

- Can you explain the shortage at the canteen?

- No.

- He paid for anything he bought for anyone else?
- Yes.
- All 3 of you men about 10 mights a month collected the money for the Fadre and gave it to him?
- On those occasions would it be quite possible to put aside 4 or nounds?
- Not quite that much, it would depend on the day.
- Aug was a big month? There were more patients here in Aug than there are now.
- You say he took no one with him when he went to purchase goods nt the WAAFI?
- No one from the canteen, Sir, I don't know what went on when he got to the NAAPI.

### RE-EXAMINED

- Did you ever take money from the cash from the months Jul to Uct and put it in your pocket?
- No.

IN THE OPINION OF THE COURT IT IS UNNECESSARY TO COMPLY WITH HE 65(B).

THE PROSECUTION IS GLOSED

### SUBMISSION BY THE DEF OFFR

sir, I submit that no case has been made out by the Prosecution which requires to be answered. The charge is essentially the charge of criminal negligence, and the important words of the charge are "so negligently performed his duties as to be unable to account for cash and/or stock to the value of £52/14/6". I would point out at the beginning that we are not told, and nobedy knows, whether it is each or whether it is stock that is missing.

With regard to the charge under Sec 40, the former footnote with rein judgment or inadvertance. By an amendment made in '62 neglect has been given a further definition, the effect of which I submit is that it depends on whether the accused is blameworthy under all the circonstances. I submit in this connection that the term neglect covers so many fields that what is meant by this arondment is to cover pases of negligence which would be negligence at civil law, that is to say, negligantly operating a vehicle, or the negligent looking after of explosives or dangerous substances, and that in dealing with a came of this kind where the charge is essentially one of criminal negligence that the older and higher standard of wilfulness or culpability should be applied. This case is entirely distinct from one of such negligence as might be involved in driving a vehicle. The effect of a conviction hore for negligence in accounting for goods and money will be to leave the accused with a criminal record if found guilty which I submit would provent him for the rest of his life from obtaining a bond for future employment or from having any credit given to his evidence in any future proceedings, and I submit ugain that the Court should apply the highest standard of proof of wilfulness and sulpability in this case. We have it that the accused was doing a good lob for approx a year and no shortage occurred up until the end of Jul and that he was in no sense a manager of this canteen. The wording of para 45 in Ewles for the Management of Messes and Canteens makes it clear that he is in no way to be regarded as a ranager of the canteen and I subset that

that simply follows out the evidence we have here which shows that he did not keep any books, and took no part in the meetings, he was only IC of the monies to the same extent as the other 2 assistants and that they all had the equal opportunity for robbing the canteen as far as money went at least and we are left absolutely in the dark as to whether it was goods or money that accounts for the shortage and I submit that the Court could not possibly, if the case were to rest now, find the accused guilty, and we already have it that he did give evidence on outh denying the in hearing further evidence.

### WEFLY TO DEP OFFR'S SUBMISSION BY THE PROSECUTOR

May it please the Court, in reply to the Def offr's submission I would like to read Chap 6 on Page 73 MAL. (PROSECUTOR QUOTES THIS CHAPTER). It is absolutely impossible for the witnesses to prove whether it was in each or in stock that there was a shortage, but with the documentary evidence given before the Court it is quite true that a shortage exists and that shortage is f52/14/6. As long as the Prosecution has established that fact the burden of the proof now shifts on the shoulders of the Defence and it is the duty of the Def Offr to prove that there is no shortage.

Secondly, the duties of a steward are clearly explained in R of W and C 45 (PROSECUTOR (MOTES THIS DARK FROM R OF M AND C). The accused had to account for all that he received, including the shortage. This has not been done and for those two reasons I think that even if there were irregularities of the Committee the principle of the responsibility lies and rests on the shoulders of the accused, and I think he should be called upon to explain about the shortage of £52/14/6.

THE COURT IS CLOSED TO CONSIDER THE SUBMISSION
THE COURT IS REOFERED AND THE PRESIDENT ADMOUNCES THAT THE
SUBMISSION BY THE DEP OFFR HAS BEEN DISALLOWED.

M

### FIRST WITHESS

The accused, D.77363 Pte WIRK, F. RCAMC, Basingstoke Meuro and Plastic Surg Mosp, having been duly sworn, states:

Sir, before I cam o/s I worked in the Western Canada Flour Mills from '86 to '40 and I was with them for all those 14 years, finishing up as a miller and sheeker, and my job with them is guaranteed when I get back. Sefore I came o/s I had ho experience whatever in keeping a store or centeen. I arrived o/s in Sep 40, and came here to this umit in Jun 41, first startism to work around Sep 41 and have been in the centeen ever since, with the exception of when I was Mess Steward in the Officer's Mess and while I was in hosp. I became a steward in Sec 43 and prior to becoming steward there were A other sen in the canteen, but when I went in there first for a greater portion of the time it was Cpl Papineau. When we were there together the system was pretty much the same as I have operated since. When he was there Cast Boulden

or money which occurred?
No, I can't understand it at all, Sir, not to such an extent as
its odd. It is a mystery to me. I can understand at the end of
a month a shortage of 10s or so, but not such an amount as its odd.

Please continue? I would take the stuff from the NAAFI, Sir, into the truck - or rather, I would check it into the truck, and I can see no way of how anything could have become lost even.

How about this 160 or cigs? On that particular day there were 2 boxes and they were identical one was chocolate bars and the other K 4's cigs. I was almost
our we put them both on, but I came back and put all the things
in the room and then I brought the invoices over to Capt Hellingmorth to see and that was my evening off and I went downtown.

Next morning when I opened the chocolete bar box it was not the
cigs and I reported it right away. I tried to get the awitebboard
to put me through, but Capt Bollingworth best me by getting his
call through on the corridor phone. However, I found out lamer
the the cigs were at the MANT alright. It was too late that
morning for the truck to pick them up as the ration truck had left.

If you bought anything yourself in the Baafi? I would pay for it, Sir. 1.0

Ever buy anything for others? For a few patients who would be sent down to give us a handaut in the norming - I would pay for this as well.

Any idea of how money was being turned in by the other 2 chaps who were working there as tell?

Did you check up at all?

No.

Mid you compare? Then lapineau was there he kent a small book and marked down the date and the month and amount what he took in. I tried to meet a book like this, but Mearthur complained to Capt Hollingworth that I was trying to keep a record and Capt Hollingworth told me that records were being kept and it wasn't necessary for me to keep a record.

I've not drawn any ordinary pay since Lest Apr. Sir. Louis of House work not Bulavon You sent home about 120 put by you then, deducting the other? I see getting various soldiers to send noney to my Mother and I would new them in English currency here. what was the nethed you were using? \*spunoi usa zo satz AUDIN MOST when wes the last time you sent money home? Jul all the first part of Aug. Sir. Are you spending or seving your money agend bone, I might have been short or something. Said-yes and to work a of saines by her for lead a show or the sail and the creating of the sail for the sail and the sail for the sail \*410 \*053 Ho. such money did your lady friend here advance for you to send? + 10 \*euluom >T Franca sidd Salbman nov summ said to boltes a gaof wor tor 100 your ordinary per? For how many months have you been drewing 15/10 in mailtion to Did you yourself take any money or goods without paying for them?

He, sir, about this felt worth of oles, I told dapt Hollingworth that I don't did not to the lime, and the serve not relumned. I had sing in my prybook at the time, and my lady irlend fown town here would have fixed me up with the remelader. I have a letter here signed by Capt Loringer of legal Ald which teals me that at one time my divorce comes through. I have a letter here signed by Capt Loringer of legal Ald which teals me that at one time my divorce comes through. I have a letter here signed by Capt Loringer of legal Ald which teals me that at one time my divorce comes through. I have a letter here alone of a sent money home country that I could now get it for \$500.

I sent money home towards this dovorce, \$666, over a period of I sent money home towards this dovorce, \$666, over a period of I sent money home towards this dovorce, \$666, over a period of the sent money home towards this is the form the form the form the form of a sent money had been to the form t What about the increased eigerette said?
Yes, on an indent to the MAANI, olgs like every other commodity
are only allowed so much per man. August was exceptionally
hery because we had some English lade here and in Aug they all
bery because we had some English lade here and in Aug they all
bery because we had some English lade here some ell the time
atriced on leave. In this confeen of ours olgs rose all they time
up to a point where in Jul I had to increase it corp then we ever
had before in the history of the senteen. MAANI saked why id I
not take my full allowance because if there was weeks when i
would run short, all the others that drew there, if they drew
would run short, all the others that drew there, if they drew
that Tull quots it is only natural they would get the preference
if I did not draw what I was entitled to, when I had the openttrait full quots it is only natural they would get the preference
if I did not draw what I was entitled to, when I had the opent-When did Cauthler start to work there? In Jul, Sir, I gould not tell you the exact date now. Yes, I was told that my pay was to be increased from bi to to \* 17 Where have you been getting your spending money then? Out of my canteen pay, Sir, and then Mrs Strachan advanced me rive to 10 bob from time to time. She wanted me to save the money in my paybook and to spend hers.

When you took charge of the canteen did you know you were responsible for the goods? For the goods I brought in, Sir, yes.

Isn't it right that when you were going to the MAAFI, in coming

back you sto ped at a few places?
The stopped at once place, Sir, the Blue But Gafe, on the rd from Barton Stn, to got a cup of tea and a bun, and I left the truck outside the door with the back of it facing the window so that I could see everything that was soing on,

see what is left, Sir,

ore you IC of the canteen? Yes, as far as ordering goes, Sir,

- What was the salary of the others? 2/10 each. Then I first sent there all I got there was 10 bob a A.A
- What were you getting F5/10 a week then fort for making lists of compodities brought in, going and getting them, and bringing them in, Sir.
- There might have been a few minor thin s that I went to see him

About Gauthlar? I followed out orders about him, Sir, A.

Did you at a fine cell or keep at the canteen any kind of goods that were not permitted? I didn't introduce the sale of any new erticles in the canteen, Sir. he

Is it not right that you sold stockings to nurses? No, Sir, I did not,

You swear to that? Yes, I swear to that.

How many passes did you have during the month of Jul-Aug? Passes were a ware commodity, Sir, I might have had one sleeping out pass in 9 months. I got afternoons off, but I haven't had As leave since Mar.

### QUESTIONS BY THE COURT:

Here you told that you were responsible for all monies and stock? I might have surmised it, Sir, but I never knew it, or was told so. That ranual on the sunagement of messes and canteens only came out at the Court of Inquiry. lefore that nobody knew of its existence Ar 据写图(\$10.m)

IN THE OPINION OF THE COURT IT IS UNNECESSARY TO COMPLY SITH RP 85(8).

## SECOND WITHESS "

Mrs E STRACHAN, BASINGSTOKE, howing been duly sworn, states:

At the moment I am living in BASINGSTOKE, but I am working in BRAMLEY for the Great Western Hailway Company. I advanced £90 to the accused, for the Great Western Hailway Company. I advanced £90 to the accused, Pie wirk, to be ment home to Canada by him. Between 18 months to a year ago was the first lot and the last money I sdvanced to Canada was on 15 apr 44, £23. I am advancing this money for the accused's divorce on 15 apr 44, £23. I am advancing this money for the accused's divorce with a view to getting married subsequently. Other than money sent to with a view to getting married subsequently. Other than money sent to want a law given him pocket money of a £ or 30 shillings when he canada I have given him pocket money of a £ or 30 shillings when he wants it, when we so cut in the evening to see a show or anything.

- Do you know anything about the possibility that he might meed \$50 to make up for eigs a short time ago? I know nothing at all about it.

- when did you come to live in BASINGSTONEY
- I have been here approx 4 months.
- Did you or have you discussed your financial affairs theroughly
- with the accused?
  No. He would save his pay, and I provided all the spending money as I wanted him to get his divorce.

## NO CROSS-EXALIMATION

IN THE CUINION OF THE COURT IT IS UNDECEMBER TO CONTEX SIZE OF \$3(B).

Capt CL PALL, RCAMC, Essingstoke Neuro and Plastic Surg Hosp, ECAMC, having been duly sworn, states:

- After this shortage of goods or money occurred for the month of Aug, sid you have occasion to check at the MAAFI to rind out how thoroughly goods were checked?

  Yes, I went to the MAAFI, and saw the manager there. They have a wicket arrangement sort of about the length of the have a wicket arrangement sort of about the length of the tables the Freshdent and Members of this Court sit at, and tables the Freshdent and Members of this counter, the orders for each unit are all piled up on this counter, the orders for each unit are all piled up on this counter, the orders for each unit are all piled up on this counter, the orders for each unit are all piled up on this counter, the orders for each unit are all piled up on this counter, the orders for each unit are all piled up on this counter, the orders for each unit are all piled up on this counter, the orders for each unit are all piled up on this counter.
- Was there any chance of large quantities being lost?
  They said no. On one occasion 2 large K4's eigs were left behind but they were laid aside and later were picked up by the right Darty.
- You have been here how long Capt Pall? Three years.
- Bow in the accused's service considered? Very activiactory. I checked into the books syself after this shortage was found and I was never able to determine what had nontage was found and I was never able to determine what had nontage was found the books and finencial atstements each cont and from everything that I chald see there appeared to be

a definite shortage, but there have been several changes in the figures since.

## NO CROSS-EXAMINATION

IN THE OPINION OF THE COURT IT IS UNHECKBEARY TO COMPLY WITH HP 83(B).

THE PROSECUTOR ASKED TO RECALL CAPT HOLLINGEGRTH TO REBUT OFFTAIN EVIDENCE GOVERNMENT IN STATEMENTS MADE BY THE ACCUSED IN HIS EVIDENCE, WHICH MINISTER FROM STATED HE DID NOT APTICIPATE THE ACCUSED MOULD

Capt DG MCLLINGWORTH, first witness for the Prosecution, being recalled, on his former oath, states:

Will you tell the Court what specific instructions you gave the accused when he took sharps of the canteen Capt Hollingworth? Tes. My instructions to him were most specific and definite. He was informed that he had full responsibility for the canteen, its operation, and for stock and cash, and on numerous occasions its operation, and for stock and cash, and on numerous occasions when complaints were made to me regarding the policy of the when complaints were made to me regarding the policy of the canteen staward I stated both to the complainants and the accused that he IC of the canteen. WAS

- Do you mean to say that he was responsible for the each of that
- I 00.
- Although he was only taking in 1/3 of it at night to you? I do not mean the cash at the end of each day.
- Then you surely did not mean to say that he was responsible for ALL of the cash?
- Certainly, for the variation at the end of each south. A.

## TO SKREEN SEED STATES OF SKREEN

#### RE-EXAMINED

The accused said something to the effect that he had started to keep something of an account but that you stopped him?
This is absolutely untrus.

# UNSTIONS BY THE CAF OFFR (THROUGH THE COURT)

- There was more little friction between Mearthur and the accused that you know of, and Mearthur perhaps as you were aware, was not particularly friendly with the accused?
- That is corract.
- Well them can't you well imagine that Mearthur would not scoperate with the accused in telling him what he had taken you in momey? That's possible.
- 24
- You have no resollection of being told anything about this little account that the accused manted to keep?

A. Did you know that the previous chap there had kept an account?

A. I didn't know that he had kept a cash book as came out in swidence today, other than what was arranged among themselves.

IN THE OFINION OF THE COURT IT IS UNDECEMBERT TO COMPLY WITH RP 83(E).

#### STATEMENT BY THE DEPENDING OFFR ON THE FINDING

Sir. I repeat all that I said on my submission and wish to a there is no evidence here on which the Court can convict this man beemployers want to keep him. In civil life he worked for 14 years in a mill and unded up as a shipper and is guaranteed his job when he returns. Since coming o/s he has been at this same unit for 3-4 yrs and right in the same canteen for approx 3 yrs and the evidence is to the effect that for these 3 yrs everything as gone smoothly until some strange reason the accountants spread the loss into 3 months rather than finding it or confining it to the month in which it abviously occurred. The rules of the canteen are clear in that this private soldier is not a manager of the canteen and if he was told that he is responsible for all the cash I submit that on the evidence as we have had it that this is a ridiculous responsibility to put on his shoulders in view of the system which he did not originate and which he simply carried on with and which it was not for him to change. There were 2 other men who had an equal opportunity to rob this cantoen as far as money went and it is impossible for the Court I submit to decide which of the three did it. Then there is the loose manner in which the money was handled after it left the centern, there was no receirt given, there was no record kept by the men the handed it in, and I submit that it is quite impossible for the Court to decide as between these parties who should be responsible for this loss. It may be still some error in the accounting and nothing size, although

that seems unlikely now.

The purchases were made by the accused and only to that extent did his responsibility seem to be greater than that of the other two workmen there and the evidence of Capt Tall is quite clear and of the accused hirself that there could not possibly have been a loss of a large quantity of goods from the time of the purchase until they were hundled at the canteen, so that the double check of the goods at the MAAFI and at the canteen seemed to the accused to be unnecessary and he immediately took the invoices over to Capt Hellingworth who could in turn have checked case there was an equal opportunity for three parties to create the shortage or it was in goods in which case again it was between three parties but with a greater possibility perhaps on the part of the accused in as much as he slept in the building, but there has been no suggestion in the evidence that any goods were made away with, and surely this would have been possible if such a large quantity of goods had been stolen Sirectly. It is intimated that eigerattes might have been the item particularly involved because there was a sale of 150,000 for Aug as egainst 86,000 for Val, but the accused has explained that in his evidence, we have had also about the sale of pepsi-cola and this has also been explained in the evidence. Then we have this interesting item about turned in in Aug by the accured and that as you know has been well explained also. In conclusion, there is nothing in the evidence to point to the accused any more than to those other two men who worked in the centsen also.

## STATES ENT BY THE PROSECUTOR ON THE FINDER

I will not repeat again the remarks I made in reply to the submission of the Def Offr before the accused was asked for his Defence, but the case is very simple under Sec 40, and the particulars to be proved I think, have been proven. The books of the canteen, Exhibit 2, have been brought before the Court, and it is quite clear that his appointment was regular. Ab ut the negligence to the value of fad odd, I am

witnesses for the Prosecution have been expert in that matter, they spent many days here, made a careful checkup, and both concluded that the shortage existed and that the shortage is now £52/14/5. About negligence on the part of the accused - as I explained before the burden of the proof belongs to the Prosecution but in certain cases it shifts from the Prosecution to the Defence when such as this one, the shortage has been established.

The shortage has been established and I think that the Defence has failed to prove that there was no shortage at all. "ore than that I will submit to the Court that in performing his duties the secused that was in the canteen at the end of each month. From Jan up to Aug he did his job very well, but in Aug he made mistakes, mayte he had made mistakes before, but was lunky enough to get away with them, but this time he was caught. The first mistake he made was in not checking the stock when it was coming into his canteen and if a man does not check what is coming in he cannot say what he has there from one day to another, and you cannot blune the Prospection not to be able to establish whether it is each or stock that makes the shortege. The accused should have taken steps to know what was in his centeen at all tires, but no, he did not do that, he didn't even care about that, and although be may not be entirely responsible. I do think because he was paid more than the others he should take more responsibility and this was his responsibility. For all these reasons I think the Prosecution has proved the charge as laid.

AT THIS POINT, AND AT THE CONCLUSION OF THE FROSECUTOR'S STATEMENT ON THE PINDING, THE DEF OFFE SAID TO MISHAD TO FOINT OUT TO THE COURT THAT ALTHOUGH THE CURBEN OF FROOF SHIFTS THE ONUS OF PROVINC THE ACCUSED GUILTY ALMAYS RESTS TITE HE PROSECUTION.

THE COURT IS CLOSED TO CONSIDER THE FINDING THE COURT IS REOFERED

## PLEA IN MITIGATION

Sir, I'm not prepared to say anything in mitigation because

I did not expect that the accused would be round guilty - to

say the least I'm shocked. However, I do take it that you

have treated this as a civil affair to end up on the right

side. The accused as we all know may have been robbed by

any one of his clerks and the Court cannot possibly distinguish

between any three of them there, and therefore I ask the Court

to consider as light a punishment as possible for the accused.

M

18 december 1944 Received from the Escert exhibits 9101 up to and including 8, to be left by Gapt Paul, R. G. F. M. G. adm off is 1 B.N. P.S. H. Maurice Tousseau Cast

# Statement as to Character and Particulars of Service of Accused.

Number.	man.		STATE OF THE PARTY			
77365	Private	Pronois	QUIRK	ROAMO	(B.N.S. P.S.	. Houn.)
	into a la a fala and	American designation of the Control	of the entries in	the regimental	and sanadron ba	ttery or company con-
1. The folis	owing is a fair and	true summary	or the entries in	etial or a civil or	met of summary a	wards under section 47
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f the Army Act,	and of cases in wh	ich that has be	en dispenseu w	min		
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2. 116: 46.	aged has not been	The second beautiful to	PART BUILD	or a civil court	sommars awards	under section 47 of the
Frevious	convertions of on	e sickness by th	- Ann of the Asses		encence and a second	makes to this statement
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3. The ac	cused is not under	sentence at th	e present time.	on The avensed	at the present tin	ne is under sentence for
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				she research chara		mil days
4. The aic	cused has been in					
in civil custody.	and of	2 4	eys in military	costody, making	· 是 包括4E QE	/ R days,
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			record	of service _ 135	years 5 m	onths
ő. The ga	resent age of the a					
6. The d	ate of his attestat	specified in	his record of s	ervice is 27 J	rume 40	
7. The se	ervice which the ac	cused is allowed	i to reckon tow	ands discharge o	r transfer to the res	serve is n/B
	ecused is entitled					service.
	ccused is entitled					termining his pension, etc.
				ilitary decoration	n or military awars	d (or is in poneraion of or
	to any military de					
11. (If )	the accused is a wi	erant officer.)	The accused be	dore he was made	le a warrant office	r tast held the regimental
rank of.	n/a					
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and in his regi	mount (or corps or	department) th	so rank of		dated	
(*100-10) W. D.D.	methods to how the	THERITA CO.			£*	M
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Company Co	entry in n/onduct Sheet n/	M of	e, and date   n/s. Period not reckening towards   last drunk   n/s. Freedom from extra fine	names of Wisnesses	Punishment sestraed	Date of award or of order dispen- sing with trial	By whom swarded	Asmarks
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#### EVIDENCE SUMMARY

Summary of Evidence in the case of

D 77363 Private Francis QUIRE,

R.C.A.M.C., presently on the strength of Basingstoke Neurological and Plastic Surgery Hospital, a soldier of the Canadian Army Overseas.

FIRST WITNESS

Captain W. D. G. Hollingworth,
Canadian Chaplein Services, presently on the strength of Basingently on the strength of Basingently on the Surgery Hospital, having been duly sworn, depasses as follows:

On 1 Sep 42 I was appointed secretary-treasurer of the Mens' Canteen Committee, by the then Commanding Officer, Lt.-Col. R.C. Mortgomery, and I have held this appointment to date. I present herewith the Minutes of the meeting of that date, showing my appointment.

(This extract, tuly certified as correct, is attached as Appendix "A".)

I did not seek the appointment, and on several occasions have asked to be releived of it, because of the pressure of my duties as Chaplain.

Q1: Will you please explain, in detail, the administrative organization of the Centeen, with particular reference to the duties laid down, and the responsibilities of

Al: There is a committee, three of which are appointed by
the Commanding Officer, and are officers, and three
other ranks elected by the man. With the exception
of the secretary-treasurer, these are changed every
of the secretary-treasurer, these are changed every
six months. This committee meets once monthly, to six months. This committee meets once monthly, to receive the financial statements, to order bills pais, and to decide matters of policy. The secretary-treasurer issues all cheques, which are countersigned by urer issues all cheques, which are countersigned by the Commanding Officer, and because of the fact that the Commanding Officer, and because of the fact that he has been in office for over two years, has dealt he has been in office for over two years, has dealt with matters of administration, leave, etc., on the with matters of administration, leave, etc., on the part of the cunteen staff. The canteen is operated by the canteen steward, and one or two assistants, and by the canteen steward, during the belief in the hospital. The carteen steward, during the belief in the hospital. The carteen steward, during the belief in the purchase of stock has held himself responsible for the purchase of stock and the maintenance of the carteen. Un a few occasions and the maintenance of the carteen. Un a few occasions has held himself responsible for the purchase of stock and the maintenance of the cantaen. Un's few occasions I have purchased a small amount of stock from a whole-sale drug taken in London. The mounthly inventory was taken in every case by mysolf, with the assistance of taken in every case by mysolf, with the assistance of the canteen steward. The books of account and the ranken is statements are prepared by the unit accompandate, per Boyes, with the exception of the daily register. All the cash from daily sales is brought to me at the close of the day's business, and I deposit this in the bank. benk.

(Continued)

RST WITNESS

Is this organization in accordance with the Rules for the Management of Messes and Canteens?

AR: Yes.

Was the accused appointed by the Commanding Officer? Yes, on the recommendation of the canteen committee. I present the minutes of the meeting of the canteen committee of 21 Dec 43, showing his appointment. Q3:

(This extract, duly certified as correct, is attached as Appendix "B".

Have you, as officer directly in charge of the opera-tion of the canteen, ever read and explained paragraph 45 of the Rules for the Management of Messes and Can-

So that he must have known that he was personally accountable for all the stock and eash?

Yes. It was further explained to him that it was because of this responsibility that his salary was set at a higher figure than the other members of the canteen staff.

The accused declines to cross-examine the first witness for the prosecution.

6 & Theelingworth of cast

WITNESS Prosecution

B 57159 Pte Boyes, C.M., R.C.A.M.C., presently on the strength of Basing-stoke Neurologisal and Plastic Surgery Hospitel, having been duly sworn, deposes as follows:

I have been employed as regimental accountant at Basingstoke Neurological and Plastic Surgery Hospital since August 1945.

When, early in September, I was making out the financial statement for the canteen for the month of August 1944, I discovered a discrepancy of about £95.

The matter was at once reported to the efficer in charge of the canteen, Cept. Hollingworth, who, in turn, reported it to the Commanding Officer. C.R.U. were notified, and a pepresentative from C.R.U. audit board, Lieut. Ward, came here at once. He examined the books, and couldn't find any appreciable difference. Then Paging the Product of the points of the product of the points. ference. Then Regimental Funds Board were notified in turn and Sgt. Marchant, of that department, came down and did a complete audit, up to and including Sep 11. He found no appreciable difference. Then Regimental Funds Board were notified in turn, . Together this out is received a day of the . . . (Continued) and the continued a day of the sent that

SECOND WITHESS For the Prosecution

At a Court of Inquiry into the matter, convened by the Commanding Officer, I stated that in my opinion, there was an actual shortage of stock or cash. A second Court of Inquiry was convened by H.C., C.R.U., where I gave of Inquiry was convened by H.C., C.R.U., where I gave of Inquiry was convened by H.C., c.R.U., where I gave of Inquiry was convened in Factor of the same evidence. This Court ordered a re-check, which took into consideration certain overages which had occurred in previous months, bring the figure down to curred in previous months, bring the figure down to spent four days here and Sgt.Marchant of the same depart. spent four days here and Sgt Marchant of the same department spent eight days here, working on a careful breakfown of every commodity handled in the canteen, and in their opinion, and mine, an actual shortage of approximately 252.14.6 exists at the present time.

Owing to the method adopted for handling the Pepsi-Cola bottles, there is sure to be a small overage each month, but the greater part of this will be suight up the follow ing month, except in the case of broken bottles, so that an exact figure is impossible to compute.

The accused declines to cross-examine the second witness for the Prosecution.

HIRD WITHESS for the Prosecution

B 65803 Pts McArthur, C.F., R.C.A.M.C., presently on the strength of Basingstoke Neurological and Plastic Surgery Rospital, having been duly sworn, Ceposes as follows:

I am at present employed as assistant steward in the Regi-mental Canteen at Basingstoke Neurological and Plastic Surgery Hospital.

QI: How were you appointed to the job? Al: I was detailed by the R.S.M. to my present duties.

02: Just what are your duties?

A2: I assist in the ramning of the canteen, serving the customers, and keeping the place in order and clean.

AS: Are there times when you are in sole charge? AS: Sometimes, about one evening in three, I am on duty

04: At such a time would you feel that you are responsible for all the stock and cash on hand?

A4: I am responsible to the extent that I protect it, seiling goods at list prices, and receiving the cash for them.

QB: Are your as we want of any enters may for these duties? A5: Yes, sir, £2.10.0 per month.

Q6: In your opinion, and from any instruction on the subject that you may have had, who is the responsible person?

A6: The man in charge is the responsible person.

(Continued)

For the Prosecution

(Continued)

Q7: Who was the man in charge during the summer?
A7: Pte. Quirk was. But in justice all round, I can't see, where there are three men, working at different times, in a place like that, where all the responsibility rests on one pair of shoulders.

The accused declines to cross-examine the third witness for the prosecution.

B 102706 Pte, Gauthier, C. F., R.C.A.M.C., presently on the strength of Basingstoke Neurological and Plastic Surgery Hospital, heving been duly sworn, decises as follows:

Q1: What do these duties consist of? Al: I help with the cleaning, and serving at the counter.

A2: How did you get the job; that is, who appointed you?
A2: I went to the R.S.M's office, and he took me to the padre, and from there they put me in the canteen.

Q3: Are there times when you are in sole charge? A5: Yes, sir. Every thrid night.

Q4: Do you then feel that you are responsible for the stock and each on hand?

05: Are you in receipt of extra pay for these duties? A5: Yes, £2,10,0 per month.

Q6: Who, in your opinion, is the individual responsible for all the stock and cash?
A6: I believe it would be the man in charge. He is responsible for everything.

Q7: During the summer months, who was the men in charge? A7: Pte. Quirk.

38: Do you know if there have been any moticeable shortages since Pte Quirk was removed from the job of camteen steward?

AB: We have a new daily inventory system working now, and if any small error occurs, it will be noticed the next day, and traced down and rectified at once. There have been no large shortages.

The accused declines to cross-examine the fourth witness for the prosecution.

(or Genthier)

The accused does not desire to call any witnesses at this

The evidence having been concluded, the accused is cautioned

The evidence having been constant as follows:

"Do you wish to give any statement, or to give evidence upon oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say, or any evidence you give will be taken down in writing, and may be given in evidence."

The accused declines to make any statement or to give evidence Stert Junks upon oath.

I hereby certify that the foregoing Summary of Evidence, consisting of five pages, was taken down by me in the presence and hearing of the accused, and that Rules of Procedure 4 (G)(D)(E)(F) have been complied with.

Officer Taking Summary. Captain,

Dated at Basingstoke, Hampshire, this 8th day of December 1944.

## AN EXTRACT FROM THE MINUTES OF THE CANTEEN COMMITTEE BASINGSTOKE NEUROLOGICAL AND PLASTIC SURGERY HOSPITAL

Sept.1st 1942 1400 hrd.

Meeting in O.G's room. Present: Major Richardson, chairman, Major Raymond, Gapt.Hollingworth, Pts. Lafrance and Blight -- also Padres Dunbar and Boulden.

The minutes of the last meeting were read and approved. Father Dumbar reported that a dance had been arranged for Sept 11th.

Major Raymond reported progress in the matter of unit Christmas

The secretary-treasurer reported that some of the work of reconstruction had been completed in the recreation room, but that the stock had still to be moved, and a store room built. The Registrar expressed his willingness to speak to the Engin-

The secretary-treasurer reported for August as follows:

Liabilities:
NAAFI (Pepsi a/c) 2137. 9. 6
Balance 173.10. 5

Spent on behalf of personnel and patients, £34.8.1. He explained that the estimate of £65 for stock was a temporary and conservative one, the stock-taking not being quity completed. On motion of Major Raymond this pertial report was accepted. The President and Major Raymond expressed appreciation of the work of the secretary-treasurer. Major Raymond moved that the committee's appreciation be recorded in the minutes. Seconded and carried.

H/Capt, Hollingworth succeeds Padre Boulden as secretary-treasurer

Some discussion took place as to the payment of some n.c.c. to keep the books. On motion of Fadre Boulden, Opl.Mayo was instructed to keep the books of the centeen for which he will be paid (from the canteen books) the sum of 25s per day. A suggestion to pay the telephone operator and the postmen from the canteen funds, ended in the general expression of the meeting that any such payment would be better made by the Regimental institutes.

The matter of telephones was discussed, and Major Raymond will look into the possibility of providing a telephone in the recreation room.

Radios. Pte Lafrance was asked by the committee to inquire into ways and means of obtaining radios for the mens' barrack rooms.

The meeting adjourned.

(Signed)
R.C. Montgomery, Lt. Col.

(Signed) C.H. Boulden, Sec. Treas. (Chaplain,

CERTIFIED TRUE COPY

(G L Paul) Captain, Officer taking summary.

## AN EXTRACT FROM THE MINUTES OF THE CANTEEN COMMITTEE BASINGSTOKE NEUROLOGICAL & PLASTIC SURGERY HOSPITAL.

The regular monthly meeting of the Men's canteen committee was held in the office of the Commanding Officer on Tuesday Bepember 21st 43 at 1415 hours. Those present included Major Eaglesham, chairman, Colonel R.M.Harvie, Capt.H.Johnston, Ptes. Sloan, Campbell, and the secretary. Minutes of the previous meeting were read and approved. Capt. Johnston was welcomed as a new member of the committee.

The secretary then presented a financial statement for Nov 43 which showed an operating profit of £57.14.5. It was moved by Pte Sloan, seconded by Capt. Johnston, that in the event of Cpl. Papineau being transferred, Pte. Quirk be appointed Canteen Steward, and that his salary be £4.10.0 monthly. Should his work prove entirely satisfactory, the question of an increase in salary will be considered later. Carried.

The President and Secretary were authorized to pay accounts for beer for patients and personnel for Christmas. There being no further business, the meeting adjourned on the motion of Ptes Campbell and Bloam.

(Signed) Stewart Gordon, IA.Col. (Signed) R.M. Harvie, Colonel. (Signed) W.D.G.Hollingworth/Capt

CERTIFIED TRUE COFY

(G L Paul) Captain, Officer Taking Summary.

Sylulix "B"

#### APPENDIX "C"

The Prosecution intends to call, as a witness for the Prosecution, Captain W. Wood, presently on the strength of the Regimental Funds Board, C.M.H.Q.

The following is an abstract of his proposed evidence:

"I am a Chartered Accountant by profession. Together with D 83037 Sgt Marchant, P.R., of R.F.B., I visited Basingstoke Neurological and Plastic Surgery Hospital, and we made a careful study of the books of the Canteen, particularly for the period 1 July to 11 Sep 44.

In my opinion these books disclose that an actual shaorage of 252,14.6 exixts."

Having regard to the exigencies of the service, the attendance of this witness cannot be readily procured.

(G L Paul) Captain Officer Taking Summary

The Prosecution intends to call, as a witness for the Prosecution, D 83037 Sgt Marchant, P.R., prosently on the strength of the Regimental Funds Board, C.M.H.Q.

The following is an abstract of his proposed evidence:

"I am an accountant, on the strength of R.F.B. I was detailed to proceed to Basingstoke Neurological and Plastic Surgery Hospitel, to make a complete audit of the books of the Canteen, with particular attention to the period I July to the date I arrived there, il Sep 44. Cash on hand was verified by actual count and reconciled with the cash book balance. The balance in the Bank was reconciled with the cash book. Inventories of merchandise and containers were taken, Accounts payable were verified with creditor's statements and invoices. A complete audit of the books and records was made.

In my opinion these books and records show that an actual shortage of £52.14.6 exixts."

Having regard to the exigencies of the service, the attendance of this witness cannot in my opinion be readily procured.

(G I Faul) Uaptain, Officer Taking Summary.

The accused does not demand the attendance of these witnesses for cross-examination.

- Me Fluires Sunce

47-33 Pte Guissey E. PART I. PLEAS, FINDINGS AND SENTENCE

	PART I.	PLEA(S), FIND	DING(S) AND SENTENCE.
oused: X 3814	April 1	de Ernes	
Charge.	Plea.	Finding.	
insert " alternative " where applicable.)	(See Instrs p 2.)	(See note below.)	(Space for use as required for further charges, accused charged jointly, special findings, etc.)
(1) SIRR	Guilty	Guilty	
d			
l managamatan			
			The second secon
(Note : As to fit special findings are A	ndings for lesser affen eff 44 and MML p 753	cus see AA Sa, RP 44; L, and in less of kit see	Findings on ditemptive charges see MANL p. 482 fn 4 para 2. RP 44 ;  AP 44 (n n)
t present under setten (1. Insert sentence	being strength or dele	in. If not applicable, 5	(1) Lee RF 46(A). Information should be found on MF 8355 or AF 8296.)
ine in confinement as (J. See RP 46(A	waiting present to for 2. Information sh	tria\—a total of ould be found on MFB	\ \( \text{days, of which } \) \( \lambda \) days were spent in hospital.(1) 255 or AF 8296 admitted in evidence under E2.)
To underg	no Court	ution for	or nine (9) wouths
		1 1	
E. 19		26 fa	445 moto a sunt 7
Judge-Advo	(See back of C		sseeably and disposal of record after stiel.)
PART II.	(See book of C	unienting Orde/ as to a	Samply and disposal of record after trial.)  MATION RESERVED. (AA S4(5), RP (20(F), MAL p 760.)
Judge-Advo PART II.	(See book of G	energy Order as to a	Samply and disposal of record after triel.)  MATION RESERVED. (AA 54(5), RF 120(F), MML p 760.)  Commending
PART II.	(Spot)  MINUTE WH  (Spot)  DECISION O  sens are AA 54, 57, 8  month be revised. AA  street or tried age 52, AMAL 9, 65 Och  Exceptions Office Confirming Office	F CONFIRMING STATES TO STA	Community and disposal of exceed after trial.)  (AA 54(5), RF 120(F), MML p 760.)  Community  (AG OFFR ON FINDING(S) AND SENTENCE.  (See 120, MML pp 759-761, KR Con 567-571, Acquittain require no fooding at sentence for remission by Court - AS 54(2), RF 120(G). He disposed to the sentence of minimum may be aftered before them. (SF Con 573. Devices and pawers of remission may be aftered before them.)  (In Part I is:  (In Part I
PART III.  For duties and positional and confirmation and conformation and conformation on the STA, RF SIA, SA.  My decision on the state of the sta	(Sgot).  MINUTE WH  (Sgot).  DECISION O  sens are AS 51, 57, 8  amount be revised: AS  52, AMA, p. 65. Qu  the Confirming Off or finding(s) agust.	F CONFIRMIN  F 27(D) fo 6.46(A), 5 54(B). Stading both in A 157. MM p is coloning after primalige man sign here person coppletion set forth for the coloning forth (1. As 57A. De	Commanding  INTION RESERVED. (AA 54/5), AP 120(F), MML p 760.)  Commanding  ING OFFR ON FINDING(S) AND SENTENCE.  1.56, 120, MML pp 759-761, AR Con 567-577. Acquitain require no finding an sentence for mentions by Court - AS 54/0, AP 120(G). If 4. Minute of confirmation or non-confirmation may be aftered before tone in SE 60 573. Duties and powers at reviewing offs: AA 52, My. AA 172 (n.1.)  IN 1971 1 is:  In 1971 1 is:  In 1971 1 is:  In 2011 1 is:  I
PART III.  (For duties and po- confirmation and or nec confirmation and nec confirmation and nec confirmation  I direct thint the	(Spot)  MINUTE WH  (Spot)  DECISION O  seem see A St, ST, B  spot of the spot	F CONFIRMIN  F CONFIRMIN  F STOD fo 6.46(A), 5.  SALIS, Sending back  m. An 157, MM, p.  subming alor promising must sign here person comparation set forth  (1. An 57A. De	Commanding  NG OFFR ON FINDING(S) AND SENTENCE.  1.56. 120, MM pp 759-761, RR Con 567-577, Acquitatis require no finding as sentence for revision by Court AS 400, Ph 120(C). If 4. Monute of confirmation or non-confirmation may be aftered before tone in RG on 573. Duties and powers of reviewing offin: AS 57, and 171 (n 1).  1.11 Part 1 is:  1.12 Part 1 is:  1.13 Part 1 is:  1.14 Part 1 is:  1.15
PART II.  PART III.  (For duties and post and confirmation and a not confirmed accommend, accommend, accommend accom	(Spot)  MINUTE WH  (Spot)  DECISION O  seem see A St, ST, B  spot of the spot	F CONFIRMIN  F CONFIRMIN  F ST(D) fo 6.46(A), 5 (A)  SA(1,5) Sading back  MA (157, MM, p 6 (A)  SA(157, MM, p 6 (A	Commanding  IG OFFR ON FINDING(S) AND SENTENCE.  I.S. 120, MM pp 759-761, KR Con 567-577, Acquittals require no finding or sentence for rescone by Court. As S4(3), B 120(G), K 4. Moute of confirmation on powers of reviewing offin: As S7, By As 171 (n 1).  In Part 1 is:  In Pa

ALL DELETIONS AND ALTERATIONS WILL BE INITIALLED.

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\*\*Process and (b) appear to the part of the process of the part of t EE 08 REAL STATE AND ADDREST, See AA 182, 183, fas, KR Con 308, 328, 320)

Land State Control of the State Control K 25 149 OFFICER, JAG BRANCH C.M.H.Q. PROCEEDINGS OF TRIAL. in (date N) 1 26 Jan 19430 Held in the Ed in (country) 11 1 1 RECORD FORM A-OPENING PROCEEDINGS AND ARRAIGNMENT. Al. The President Members, waiting Member. Facilities, and Offre under sists, if any, assemble, and the it is closed.

(PRINTED MATTER NOT IN ITALICS FOR GUIDANCE WILL BE DELETED IF NOT USED OR APPLICABLE AND INITIALIED A2 The President initials and lave before the Court the Convening Order and Charge Shell A attached thereto D A3. The Court is opened. The accused to the brought before the Court. At \$5 0 0 hours trial commences.

A4. The Prosecutor produces a Medical Certificate that accused a trial for the produce in the court. At \$5 0 0 hours trial commences.

A5. The Prosecutor produces a Medical Certificate that accused a trial of the undergo trial by court martial.(7)

The Prosecutor informs the Court trial accused elected to be tried by court martial instead of bone dealt with A5. President to accessed: Day object to the state of the 27. RP 72. Delete, if none employed.) A6. The Convexing Order and names of the President and Members of the Court are read to the accused. Am Ma Dir (1) 0. 99 (10. 2. If no objection, wasting trafficer recens. 29 (5)(8). If objection, less proceeding As 11 20 25; 71, 18, MARL 9 742.)

A7. The President Members, discussioned also Office under instr. of any, are sworm 0, Citivating are the ranks, masses and units of the offrs comprising the Court, etc. A Arnoldi 18 64 Care Monubee -64 Bu Julge Advocate 4 Challet Km Prosecution Defending Offr Questions by President: Is the Prosecutor a lawyer ! And La Is the Defending Offr a lawyer ! And Do (4) 13. AP 25, 27, 108, 111. List of office under instruction of the returned reportation with precendings for information of Comm Offic. (2. If Pres a lawyer and Def Offic not. account is entitled to an edjournment when RP 89 (5) and 50 2 were not followed. See DI 9 3.3 As The accused \$ 9.5 ( 94 PA . Gwiss & before arraignment make(s) (too) in plea (1) If a special piec is made for imported trial or one or rose charges (RP 62(E), 10E), or as to the paradiction of the Court

(RP 24, 15(A), 11(B), or is her of most (RP 36), or as to occured's mental florest to stand trial (A4 12), AF 50), or
by one of several occuracy charged pentity to be tried expectatory (RF 16, 71), such piec, the addresses made in special or expenses to be
mindence, if any, and finding one recursion per Notes. For forms of record one references in form AP cape.

AB. The accussed of the accused in fining the pinch.

AB. The accussed form of the accused does (No. 1) and control of the charge sharet.

(1) The accussed does (No. 1) pinch or one of the Schoolstile. (i. 89 3), i.2. See part i of leases p.2. When more than one Charge Sheet use RP 82; when several accused to be tried impainted to be Filed, and as important control of Filed. See The Section and make appropriate record for Nation.

A10. The County to accuse the second conjugates the Institute on Proceedings after Accusingments at top of p.2. The pro-

RECORDED AT CMHO IN M 160 HZ -33

2 APR 1945

FIELD GENERAL COURT-MARTIAL

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

gs are continued on Record Form

K

#### 2 +2 1 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 withdrawal of alternative charges by Prosecutor see RP 35(C). No other charge can be withdrawen for any reason without authy from Consensing Offre, If Convening Offre concurs, Court may accept plea of Guilty to lesser, etc, offence (RP 44(R)). Accused may change a plea of Not Guilty so Guilty during trial. (RP 38.) As to refusing to plead or not pleading intelligibly see RP 35(A). As to plea when sensence may be death see RP 35(D).

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

- 1. 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(A).)
  - (b) Such mixed pleas occur in a set of two or more charges laid in the alternative, see RP 37 (A) and fn 2 ax

3. As to responsibility of President to accused see RP 50, 60(0): powers and duties of JA we RP 103, duty of Presidents see RP 60(A) (B), duty and privileges of accused and Defending Offr see BP 60(C), 87(C), 91, 92; meaning and solid-aural of universal fun. Court see RP 81, 82, questioning of universal are RP 80, 87(D), 93(B), and of utilisesses see RP 83-85; calling or re-alling of universals by Court et see RP 107-70, 86, 115; not of Sannary of Evidence at Trust 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 Javita complies with RP 35(B) by expanining to the accused the nature and meaning for the charge of (1), and that on his piece 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 call witnesses as to character and make an address in mitigation of punishment. (2) (1. RP 35 fn 3. 2. MML p 54 pero 47.)

B2. President to accused: The Court will now receive any statement you desire to make in reference to the charge (\*). If it appears from your statement that there are circumstances which indicate that you do not under-stand the effect of the plea of Guilty(\*), or which show provocation or extenuation in respect of which in your interest the witnesses for the Prosecution should be examined(\*), we shall advise you to change your plea to Not Guilty. In

President to accessed: Do you wish to make a statement | Ans No Say

(i. RF 37/8). 2. RF 37(D) to 6. 3. RF 35(B) to 5 para 3. MML g 54 para 47. 4. See para E3 of Record form E. 5. Sotement, if any, recorded per Napies.)

R3. The Court considers the accuracy's statement (!) The Court decides (more to advise accuracy to all (their) please) of Guilty to Not Guilty on

charge(a). Part I set the Schedule is any

(). Court may be freed to consider the statement. Delete whole of part not used.)

B4. On, the chargest to which the please of Guilty is basis not changed the President records findingly of Guilty in Part I of the Sch (1. RP 398). If any plea(s) is (are) entinged, use Record Form C or D as appropriate.)

B5. The Summary of Evidence is marked Ex. ... initialled and read aloud by the President. (\*)

(1. If there is no Summer, or if it is inodequate, comply with RF 37(B). If there is not exception incurtated with any plan standing as Guilla. Court will obtain mixinged to change such pice and. If changed to Not Guilla, any such charpels) by inn of parts (\*) in DB inclusives of fector form D on p 2. BP 20(D).)

Fig. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by

#### RECORD FORM C-PROCEEDINGS ON MIXED PLEAS OF GUILTY AND

Cl. As to the charges on which accused pleaded NOT GUILTY the trial is continued by using paras DI to D8 inclusive of Record Form D on a 3 believe proceeding with C(2, (1))  $(I - R^2D) \otimes (D)$ 

C2. The charges in which accused pleases will TY are read to him (them) again, and the trial is continued by using paras 81 to 25 of Record Force 6 above (1)

(i. Linker Mi such parts only of the Summonry of Evidence are real Branchs to the charges death with solder Cl. If any place is upon to the Ministry and theretoe presented by complying with parts D1 in the Thomason in Recent form D to p 3 and making an reported reserved deemed as a subjection when C.

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

#### PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

Pap here Loose Sheets of Record.

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

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

D2. The Prosecutor makes (an) (no) opening address (1) (1. RP 37(B), 80(A) (B), 90, 92(C) (D). Record address per Notes, subject to RP 95(C).)

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

D4. The Prosecution is classed (1) The Defending Offr submits that the evidence for the Prosecution does not charge(s).(\*) The Court is disallowed on the charge(s), and allowed on the... charge(s), and that, accordingly, the trial vill proceed on the former, but the accused is (are) found Not Guilty on

(1. Delete remainder of this pare, if submission not made. 2. Arguments on submission, answer and reply are recorded per Notes. 3. R # 40 fn 1. See MMIL p.72 parsh [2-14 and p.81 pars 42. 4. Delete part not used. If accused acquitted an all charges, use second alternative in para 0.61 per 0.61 NB. If total proceeds, accused must be allowed greatly subject in making his defence, and the Court should not step his defence salely an ground of irrelevance. IRP 60(C), 114, 115.

D5. President to accused: You will now proved with your defence.(1) You may, if you wish, give evidence

President to accused: Do you wish to give evidence yourself as a witness, make a statement, or do neither 1 ... Do you intend to call witnesses on your behalf ? Ans

(I. RP 155. 2. RP 40(A), see 80(D), 3. RP 40 fn 10. 4. RP 40 fns 2, 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 bock of Consuming Order, CF A95. Bejdence for occased as to his character should, if in his interest, be given before the finding. See RF 46(A) for 1. 86(C). Note the Pather opportunity in para E1 of Record Fee Notes addresses, statement, evidence and any summing up by the 1A unique FF 42, 103(e).)

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

(1. RP 43, 1/7(A). See Names in Part i of Schemule. 2. RP 44(A).)

D8. The President announces the finding's), if any, of Not Guilty, and states to the accessed that the finding's charge(s), being subject to confirmation, will be promulasted later (\*)

Or, The President announces that the accused is found Not Guilty on all charges and is to be released forthwith and that the proceedings are accordingly terminated. Part I of the Schedule is dated and signed. (\*)

(\*) AS 54(1) (6), 87 85, 125(3), 2. AS 54, 87 85, 117. This diametrie announcement is not applicable when there are place of Guilty outstanding and dualt with under Securi Form 8 or C;

Do. The accused having been found Guilty on one or more of the harm-net proceedings are concluded by usual sed Form E below. Becord Form E below.

#### RECORD FORM E-PROCEEDINGS ON CONVICTION BEFORE SENTENCE.

E1. President to accused: Do you wish to give evidence yourself or to call any witnesses as to your character h(\*)

(). If evidence has offered been given by occused or hig witnesses as to his character, delete this pare. RP 37(C) fo 4, 46 fo 1. Accused and witnesses are aware. Evigence recorded per fectors.)

F2. The Prosecutor produces statementa and Character and Particulars of Service<sup>(1)</sup>. And extiline traps properly of Content Shesting purporting to refer to the accused, which he submits to the Defending Offr service accuration, and then to the Contribution of Contribution and the contribution of the Admission in evidence. The Court is satisfied that these documents refer to the accurate Determine (hit has purport to be signed in the manuer required by AA 163(1) (2) (b), and (ii) there purport to refer to (a) soldier that ing the same number, rank name and corps as the accused. Admitted in evidence and

E3. President to accused : Do you wish to address the Court on the Statement () and Conduct Sheet(s), and pf

milligration of punishment 1(1). Ann.

(). RF 27(C), 66(D): 2. Address. Puper, recorded per Notes. Court should permit occused or his witnesses to prove an acts another per or previously stated which would affect the crosses of punishment. RF 27(F) fo 7.)

E4. The President states that the Court is closed to consider 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. ( $^{3}$ ) proceedings in open court are ac

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

. CHARGE SHEET THE ACCUSED, NUMBER K98149 PRIVATE ERREST QUISSY OF 1 CONV DEFOT ROAMC, A SOLDIER OF THE CANADIAN ARMY OVERSEAS, ALLIED ARMIES IN ITALY, IS CHARGED WITH: WHEN ON ACTIVE SERVICE ABSENTING HIMSELF WITHOUT LEAVE 1ST CHARGE A Sec 15 (1) in that he In the Field, in Italy, absented himself without leave from 0800 hrs 13 Dec 44 until surrendering himself at approx 0920 hrs 11 Jan 45 (29 days 1 hr 20 mins). (W a Reed) Captain/ Commanding Melaria Wing 1 Conv Depot HCAMC - GF In the Field 22 Jan 45 TO BE TRIED BY FIELD GENERAL COURT MARTIAL

(Gordon A.Sinelair) Brigadier D.D.M.S. 1 Cdn Corps

In the Field,

don

I am unable to appoint an officer of Field Rank as president of this Field General Court Martial as, due to the exigencies of the service, no offrs of that rank are at present available at 4 Cdn Rft Bn to so act.

In the Field 25 Jan 45. (Gordon A. Sinclair) Brigadier
DIMS 1 Cdn Corps
Convening Officer.

#### FIELD GENERAL COURT-MARTIAL

CFARS (In Res of AFA2)

(Whether the accused to be tried is under his comit or not, a FGCM may an application to him be converted by any off; of Cdn Army Oversman, or any other force if authorized in law, in immediate comit of troops on active service, subject to RH 105(C) and restrictions imposed by appropriate authy, AA 49, 50, RP 104-107, 114. As to the duties and privileges of the Currenting Off; in dealing with the application see MAM. Chap't parts 20 and 23, RP 87(B).

There should be a separate Convening Order for each person to be full separately by the same Court. RP 71(C), 107. As to separate charge sheets see RP 62, and as to separate trial on charges in the same charge sheets. As to reasons for showing (a) permanent or confirmed rank, and (b) appmit, Alrank or Alapprat, if any, see AA 162, 163, (ns. KR Can 308, 328, 330.)

#### ACCUSED.

Number. (a) Prunt R. (b) Apput, A/R or A/Apput, Full Christian Names. Surname.

K98149

Irivate

Ernest

Quissy 1 Conv Depot

RCAMO

#### CONVENING ORDER.

a made to me, the undersigned, that the person 20 named above as the acco being subject to military law, has EXEC committed the offence(Z set forth in the Charge Sheet& stached and on the Sh. Jan 45 endowed by me, EXECCONTRACTION EXECUTION ... To be tried by Field General Court.

 And whereas I am of opinion that it is not practicable that such offence (2) should be tried by an ordinary Court-Martial: (2012 No. 1) The Court PRESENCE OF THE COURT OF THE rackets when not required for compliance with AF 105(C).)

3. Thereby convene a Field General Court-Martial to try the said personon, and to consist of the Offrs appointed

am unable to sopt and office as president for the reasons I have 4 . I

(AA #9, RF 108(B), :07(A). Delete the whole or part, if not applicable.) o bendo carran or bake advents rich rocks offer not had becoming

4 Cdn Rft Bn

Capt

Inkster

4 Con Rft Bn

Lieut (April.) Munro

4 Cdn Rft Bn

(Named or detailed. RF 106.)

(Crist.)

WAITING MEMBER.

Lieut

A Boldue

4 Cdn Rft Bn

(Ronk.)

(Named or detailed, If any, 89 (04.)

(Albeit )

JUDGE-ADVOCATE.

On Active Service in the Fd

Italy (Country.)

(Gordon A. Sinolair) - Brigadier (Signed personally. NP (US for 2.)

CONVENING OFFR WILL INITIAL ALL DELETIONS AND ALTERATIONS
(See overland for maths and across for use an small)

MEDICAL OFFICER'S CERTIFICATE

JAN 26

1945

I hereby certify that I have this morning examined NoK 98149

On strength 4 Cdn

Rft Bn, 1 C B R Gp, and in my opinion he is FITAMETE to undergo

trial by Court Martial

Medical Officer 4 Can het Bo

## FLEA IN MITIGATION IN THE CASE OF K98149 PRIVATE QUISSY E

Mr Fresident and Members of the Court, Gentlemen; the accused, K98149 Frivate Quissy, E, cwlisted in July 10, 1940. On July 13, 1943 landed in Sicily with the Seaforth of C, from then on he conducted himself as a soldier and fought up to the Hitler Line and Gothic Line and across the Sangro River where he was wounded. He was sent to hospital and when he was sufficiently recovered sent to Conv Depot. Conv Depot, was put om Staff. Exactly how long we don't know, about two months. Them before he was going to be moved he went absent without leave. This man, the accused, my client, has done his soldierly duties while in the field, I would say he kept going and did what was expected. He is a fairly tall chap and fairly clean cut. After he had been in a soft job for a while a few things started framing. He definitely went AWI from Conv Camp and not from his unit therefore, I ask the Court, seeing that this man done his lob with the Seaforth of C they be lenient, he can suill co his job I am sure if he was with his regiment.

Acoll

Fx 1. 1. 1. C.

AN HOME WITH THE TANKE TO AN INTERNAL

K. 98149 Fte. WILDST M.

THE STREET OF THE CONTRACT STATE OF THE ASSESSMENT AS

let "ioness out" ... said o.c. helaris wing I conv bopus

I am Ca pt "... Raid C.S. is lark wing.

I wony super Kesse Cast. I produce a certifical
true copy of the seclaration of a yourt of
angulry purporting to relate to the socused and
showing that health rie. William, E. illugally absence
himself without leave from OSO has on the loth day
of seconder 1944, and was still absent on the day
of seconder 1945, and was still absent on the sound of
the notices and studied marked exhibit "A" shown to
the notices and studied hereto.

Thirties by dee a continuate in accordance, thirties a content to relate to the content and anything the relate to the control of the control of the content and anything the relate to 195165 ...... In the field at approx 0520 hrs 11 eat 45.

\*\*roanced marked exhibit "B" shown to the scoused and attracted exhibit "B"

A for X Willy

The accused deplines to question this withess.

bearing to the sources

to you wish to give evidence yourself or to make a statement on oath. You are not obliged to say unything, but anything you do say will be them down in writing and may be produced in evidence.

such or are recovered nothing to set at this time.

have been couplied with the that this squared was taken down by me in the presence and hearing of the squared.

Officer caking the stemast.

Exhibit A" Form B 115

## Record of the Declaration of a Court of Inquiry on the Illegal Absence of a Soldier

RECORD of the Declaration of a Court of Inquiry assembled at MALARIA WITC, 1 CCD, RCA on the FIRE day of January 19-4 5 for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. K 93149 DRIVATE OUTSEY E. (SWAP OF C)

#### DECLARATION

The Court declare that No. K 90149 PRIVATE QUISS V.S. or the Sear of C Rept illegally absented himself without leave from 0800 hrs at Malania Wind 1 CCD. RGAMC. on the Thirteenth day of December 1944, that he is still so absent, and that on the fith Jan 48, he was deficient, and that he is still deficient of the Tollowing articles.

APPLI

Names of President and Members - President Major J E Haker RCAMC

Members Capt L J Saunders CDC

Capt J Pearce RCAMC.

Signature of Commanding Officer A. Recol Capt MALARTA

CENTIFIED TRUE COPY. (N.A. REED) Capt MALARTA

Signature of Officer having custody of the

## DESTINIONE OF SUPERIDER

EAP. P. J. B.

	though At	my 608 263	(1)(1)
GERTIFICATE OF STEREMONE	ry that No. K 98149	Rank	175
	of SEAFORTH MIGH	ES OF CAN	
Name 20735V E			T.A.
The same of the sa	NAT STED 1 CCD	and the second state of the second second	
11 Jan 45 19	45, as a soldier absent wit	thout le ave	1/40E0E0000000

doop

Miss prop Carls in Missaure of Office of the Soldier on taken upon survivaler.

## Statement as to Character and Particulars of Service of Accused.

31.49 F	rivate Quissy, Ernest	1 Conv Depot R	CAMC
	s a fair and true summary of the entries in the regiment		
uct sheets† of the accus	ed, exclusive of convictions by a court martial or a civil	court, of summary awards to	nder section 47
f the Army Act, and of	cases in which trial has been dispensed with :		
	* Within last 12 months.	*hincs	
	For NO MEN SOLVETTORIES	times	timis,
			Airma
The second second	Number of instances of gallantry or distinguishes		
Improvenas - II. Der	reminer of instances on generally in messaginess		
States separately and Rases.	There are no entries in the conduct sheets of the	accused.	
0.73	sas not been previously convicted, or		
2. The accused t	Mrs Dist rucer Straumont, someone	and a supply and a supply and a supply and a supply a sup	- AT of the
Previous convict	tions of the accused by a court martial or a dvil courtions with trial under section 75 of the Army Act, are set of	t, summary awards mides a	CETTINE AS OF PAR
4. The accused (	beginning on the day the basis was been in continuously awaiting trial on the present cha	from 0920 hrs	11 Jan 45
			days
in civil custody, and of which n11			
5. The present :	age of the accused according to his record of service	26 yrs	
	attestation specified in his *** *******************************	10 Jul 40	N/A
	shich the accused is allowed to recken towards discharge	or transfer to the reserve is	
8. The accused	is entitled to deferred pay or granuity in respect of	N/A set	rvice.
9. The accused	is cutified to reckon N/A service to	or the purpose of determining	g his pension, etc
10. The accuse	d is in possession of, or entitled to, no military decorate	on or military award (or is i	n possession of a
	military decoration or eneard) 3. B/A.		
11. (If the acce	ned at a warrant officer). The accused before he was ma-	ede a warrant officer last he	id the regi <del>posit</del>
rank of N/A			
12. Un the case	of an officer.) The accused holds in the army the rank of	N/A	dateă
	er corps or department) the rank of N/A	dated	
(*L8000 9:13800:186 E	Disse Sul A.F.E.N.Liv. Graffs		
0			

ele

K98149 Rank Frivate	49 Bank Lilymove to the regimental books, stating more server accounted to possible fundamental account of the change.	water and the count	Fundabanett		365 M	10.8	103
exceptions of Date and place of treet, or early section of Date and place of treet, or early sections of the summary as and unifor summary as an order depending of the A.A.47, or of order depending or the	Charges were which convected, or in respect of which that was dispensed with	of the disputating authority.		paine pain a fe see at myroi (no fi	ARREST CHE ST		
ing with trial				400.004	-		
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sat' so spe because

## \*RECEIPT FOR CHARGE SHEET & SUMMARY OF EVIDENCE

I	hereby	certify t	hat I h	ave this	date_	25 3 000	1945
						of Charge	Sheet and
Summery (	or Barde	nigo rerer	rang oo	onar go		12(1)	

for which I was remanded for Court Martial.

(Sig of Accused)

#### REQUEST FOR DEFENDING OFFICER

(Sig of Accused)

Pursuant to Chap V Sec V Sub Sec 75of MML, I hereby certify that I have been duly warned that the Prosecutor is an officer possessing legal qualifications.

(Sig of Accused)



COUNTER	NUMBER_	46	53	71	
HOUR	/3	50			
OPERATO	RIS IN17	IALS	0	9.	
RELIEVI	NG OPER	TOR _			

## Affidabit

PROVINCE OF ONTARIO

ONTARIO

OF the City of Ottawa, in the County of Carleton, an employee of the Department of National Defence, make oath and say:

 THAT I am presently employed as a camera operator moking microphotographic copies of Departmental documents for the purpose of providing a permanent record of same.

- THAT on the date indicated therein I did make microphotographic copies of files listed in Appendix "A" hereto and of all documents contained thereon.
- THAT the said microphotographic copies may be identified from the indexing data and the job and reel numbers contained in Appendix "A".

SWORN before me at the City of Ottawa, in the County of Carleton, this day of A.D. 19

CAMERA OFFICE

A MINTARY PUBLIC

DEC.5

19 52

APPENDIX "A" TO THE AFFIDAVIT

#### CAMERA OPERATOR'S REPORT

		JOH NO 1211 MEEL NO	5
		воок но. 18 13-4	
PRODUC	STION DATA	101-80A HARMANA DAYA	144-806
	DATE HOUR	MEGING WITH CUENNEVICLE L.	QUINN EW.
STARTED			
EQTAL NO OF HOURS	15 MIN.		
POTAL NO OF IMAGES	551	ANDS WITH QUINN J.J.	QUISSEY E.

# END

SECOND =

SIDE

REEL NO.