

CHARGE SHEET

PLACE Fort Winfield Scott, Presidio of San Francisco, California		DATE 18 October 1960
ACCUSED (Last name, First name, Middle initial) (List aliases when material.) Garcia, Jerome J.	SERVICE NUMBER RA19666366	GRADE Private (E-2)
ORGANIZATION AND ARMED FORCE (If the accused is not a member of any armed force, state other appropriate description showing that he is subject to military law.) Headquarters Battery, 30th Artillery Group (Air Defense), Ft Winfield Scott, Presidio of San Francisco, California, U.S. Army	DATE OF BIRTH 1 August 1942	PAY PER MONTH
	CONTRIBUTION TO FAMILY OR QUARTERS ALLOWANCE (MCM, 126h (2)) None	BASIC \$ 85.80
		SEA OR FOREIGN DUTY \$ None
		TOTAL \$ 85.80

RECORD OF SERVICE

INITIAL DATE OF CURRENT SERVICE Enlisted 12 April 1960	TERM OF CURRENT SERVICE Three (3) years
PRIOR SERVICE (As to each prior period of service, give inclusive dates of service and organization in which serving at termination, if available.) None	

DATA AS TO WITNESSES

NAME OF WITNESS	ADDRESS	WITNESSES FOR	
		PROSECUTION	ACCUSED
Capt Thomas O. Hutchison	Hq Btry, 30th Artillery Gp (Air Def), Ft Winfield Scott, Presidio of San Francisco, Calif.	X	20
Sp4 Joseph W. Pavitt	Hq Btry, 30th Artillery Gp (Air Def), Ft Winfield Scott, Presidio of San Francisco, Calif.	X	20
Sp4 Robert G. Sandahl	Hq Btry, 30th Artillery Gp (Air Def), Ft Winfield Scott, Presidio of San Francisco, Calif.	X	20

DOCUMENTS AND OBJECTS

LIST AND DESCRIBE. IF NOT ATTACHED TO CHARGES, NOTE WHERE IT MAY BE FOUND.

True copy of Unit Punishment Record concerning Private E-2 Jerome J. Garcia, Headquarters Battery, 30th Artillery Group (Air Defense), date of notice to accused: 6 October 1960.

**HEADQUARTERS
6TH REGION, US ARMY AIR DEFENSE COMMAND**

Date *18 Oct 1960*

The record of trial in the above styled case has been reviewed in accordance with Article 65c, and the proceedings, findings and sentence, as approved by the convening authority, have been found correct in law and fact.

[Signature]
JAGG

Staff Judge Advocate

DATA AS TO RESTRAINT

NATURE OF ANY RESTRAINT OF ACCUSED Restriction	DATE 6 October 1960 through 19 October 1960	LOCATION Limits of Battery area, Hq Btry, 30th Artillery Gp (Air Def), Ft Winfield Scott, Presidio of San Francisco, Calif., and PX.
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Charge : Violation of the Uniform Code of Military Justice, Article 134

Specification In that Private E-2 Jerome J. Garcia, U.S. Army, Headquarters Battery, 30th Artillery Group (Air Defense), having been duly restricted to the limits of the battery area, Headquarters Battery, 30th Artillery Group (Air Defense), Fort Winfield Scott, Presidio of San Francisco, California, and the Post Exchange, Fort Winfield Scott, Presidio of San Francisco, California, did, at Fort Winfield Scott, Presidio of San Francisco, California, on or about 15 October 1960, break said restriction.

If this space is insufficient for all charges and specifications, they will be set forth numerically, front to back, on separate sheets attached to this page.

SIGNATURE OF ACCUSER

Thomas O. Hutchison

TYPED NAME AND GRADE

THOMAS O. HUTCHISON
Capt, AI(SigC)

ORGANIZATION

Hq Btry 30th Arty Gp (AD)

AFFIDAVIT

Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above-named accuser this 18th day of October, 19 60, and signed the foregoing charges and specifications under oath that he is a person subject to the Uniform Code of Military Justice, and that he either has personal knowledge of or has investigated the matters set forth therein, and that the same are true in fact, to the best of his knowledge and belief.

Robert Brabe

SIGNATURE

Maj, Hq 30th Arty Gp (Air Def)

GRADE AND ORGANIZATION OF OFFICER

Adjutant

OFFICIAL CHARACTER, AS ADJUTANT, SUMMARY COURT, ETC.
(MCM, 29e, and Article 30a and 136)

Officer administering oath must be a commissioned officer.

18 October 1960

DATE

I have this date informed the accused of the charges against him (MCM, 32f(1)).

Thomas O. Hutchison

SIGNATURE

Commanding

Capt, Hq Btry 30th Arty Gp (Air Def)

GRADE AND ORGANIZATION OF IMMEDIATE COMMANDER

Hq, 30th Artillery Gp (Air Def)

Ft Winfield Scott, PSF, Calif.

18 October 1960

DESIGNATION OF COMMAND OF OFFICER EXERCISING SUMMARY COURT-MARTIAL JURISDICTION

PLACE

DATE

The sworn charges above were received at 1500 hours, this date (MCM, 33b).

FOR THE ¹ COMMANDER:

Robert Brabe

Major, Arty, Adjutant

SIGNATURE, GRADE, AND OFFICIAL CAPACITY OF OFFICER SIGNING

1ST INDORSEMENT

Hq, 30th Artillery Gp (Air Def)

Ft Winfield Scott, PSF, Calif.

19 October 1960

DESIGNATION OF COMMAND OF CONVENING AUTHORITY

PLACE

DATE

Referred for trial to the Summary court-martial appointed by CMAO 2, this Hq

18 October 19 60

, subject to the following instructions:

2 NONE

BY ¹ ORDER

COMMAND OR ORDER

of COLONEL JOHNSON

Robert Brabe

Major, Arty, Adjutant

SIGNATURE, GRADE, AND OFFICIAL CAPACITY OF OFFICER SIGNING

I have served a copy hereof on each of the above-named accused, this _____ day of _____, 19 _____.

SIGNATURE

GRADE AND ORGANIZATION OF TRIAL COUNSEL

^{1/}When an appropriate commander signs personally, inapplicable words are stricken out. ^{2/}Relative to proper instructions which may be included in the indorsement of reference for trial, see MCM, 33j(1). If none, so state.

Fill in blank numbers of pertinent charges and specifications or "all specifications and charges," as may be appropriate for use unless departmental regulations prevent such election (MCM, 32f(2)).

THE ACCUSED HAS BEEN PERMITTED AND HAS ELECTED TO REFUSE PUNISHMENT UNDER ARTICLE 15 AS TO

THE ACCUSED HAS NOT BEEN OFFERED PUNISHMENT UNDER ARTICLE 15 AS TO **All specifications and charges**

GRADE AND ORGANIZATION OF OFFICER EXERCISING JURISDICTION UNDER ARTICLE 15 SIGNATURE

Capt, Hq Btry 30th Arty Gp (Air Def)

Thomas O. Gulickson

RECORD OF TRIAL BY SUMMARY COURT-MARTIAL

CASE NUMBER

3
(Inserted by convening authority)

TO BE FILLED IN BY THE ACCUSED

I CONSENT OBJECT TO TRIAL BY SUMMARY COURT-MARTIAL

SIGNATURE OF ACCUSED

George J. Garcia

TO BE FILLED IN BY SUMMARY COURT IF APPLICABLE

When an accused has been permitted and has elected to refuse punishment under Article 15, trial by summary court-martial may proceed despite his objection.

1. THE ACCUSED, HAVING REFUSED TO CONSENT IN WRITING TO TRIAL BY SUMMARY COURT-MARTIAL AND NOT HAVING BEEN PERMITTED TO REFUSE PUNISHMENT UNDER ARTICLE 15, THE CHARGES ARE HEREWITH RETURNED TO THE CONVENING AUTHORITY.

GRADE AND ORGANIZATION OF SUMMARY COURT OFFICER

SIGNATURE

2. WAS THE ACCUSED ADVISED IN ACCORDANCE WITH PARAGRAPH 79d, MCM, 1951? YES

SPECIFICATIONS AND CHARGES

PLEAS

FINDINGS

SENTENCE OR REMARKS

Sp.
Ch.

G
G

G
G

To perform hard labor without confinement for 30 days and to forfeit \$50.

NUMBER OF PREVIOUS CONVICTIONS CONSIDERED (MCM, 75b(2)) **None**

PLACE

Ft Winfield Scott, Presidio of San Francisco, Calif.

DATE

19 October 1960

GRADE, ORGANIZATION AND ARMED FORCE OF SUMMARY COURT OFFICER (MCM 4g)

**RAYMOND G. JOHNSON, Major, Arty, U.S. Army
Hq 30th Artillery Group (Air Def)**

SIGNATURE

Raymond G. Johnson

Enter after signature, "Only officer present with command", if such is the case.

TO BE FILLED IN BY CONVENING AUTHORITY (MCM, 89, and app. 14a.)

ORGANIZATION

Hq 30th Arty Gp (Air Def)

PLACE

**Ft Winfield Scott, PSF,
California**

DATE

20 October 1960

ACTION OF CONVENING AUTHORITY

Approved and ordered executed.

GRADE AND ORGANIZATION OF CONVENING AUTHORITY

**HAROLD O. JOHNSON, Colonel, Artillery
30th Artillery Group (Air Defense)**

SIGNATURE

Harold O. Johnson

ENTERED ON APPROPRIATE PERSONNEL RECORDS IN CASE OF CONVICTION. (MCM, 91c)

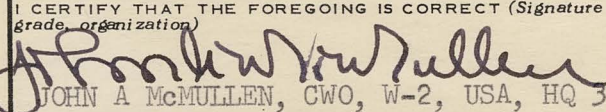
GRADE AND DESIGNATION OF OFFICER RESPONSIBLE FOR THE ACCUSED'S RECORDS

JOHN A. McMULLEN, CWO W-2, USA, Personnel Officer

SIGNATURE

John A. McMullen

NOTE: Summary of evidence, if required by the convening or higher authority, will be attached on separate pages.

NAME AND SERVICE NUMBER				<p align="center">RECORD OF COURT MARTIAL CONVICTION</p> <p align="center">(AR 640-201)</p>	
GARCTA, JEROME J. RA 19 666 366					
TYPE COURT MARTIAL	NUMBER	HEADQUARTERS	ARTICLE	UNEXECUTED PORTION OF CONFINEMENT/FORFEITURE/REMITTED/SUSPENDED PER ¹	
SUMMARY	3	Hq 30th Arty Gp (AD)	134		
SYNOPSIS OF SPECIFICATIONS, INCLUDING DATE OF OFFENSE				SIGNATURE AND TYPED OR PRINTED NAME, GRADE, ORGANIZATION	
Sp: O/A 15 Oct 60 break restriction to btry area.					
SENTENCE AS APPROVED, INCLUDING DATE ADJUDGED AND DATE APPROVED				ORDERS SUSPENDING SENTENCE VACATED PER	
To perform hard labor for 30 days and forfeit \$50.00					
ADJ: 19 Oct 60 APRV: 20 Oct 60					
I CERTIFY THAT THE FOREGOING IS CORRECT (Signature and typed or printed name, grade, organization)				SIGNATURE AND TYPED OR PRINTED NAME, GRADE, ORGANIZATION	
 JOHN A McMULLEN, CWO, W-2, USA, HQ 30th Arty Gp (AD)					
TYPE COURT MARTIAL	NUMBER	HEADQUARTERS	ARTICLE	UNEXECUTED PORTION OF CONFINEMENT/FORFEITURE/REMITTED/SUSPENDED PER ¹	
SYNOPSIS OF SPECIFICATIONS, INCLUDING DATE OF OFFENSE				SIGNATURE AND TYPED OR PRINTED NAME, GRADE, ORGANIZATION	
SENTENCE AS APPROVED, INCLUDING DATE ADJUDGED AND DATE APPROVED				ORDERS SUSPENDING SENTENCE VACATED PER	
I CERTIFY THAT THE FOREGOING IS CORRECT (Signature and typed or printed name, grade, organization)				SIGNATURE AND TYPED OR PRINTED NAME, GRADE, ORGANIZATION	
TYPE COURT MARTIAL	NUMBER	HEADQUARTERS	ARTICLE	UNEXECUTED PORTION OF CONFINEMENT/FORFEITURE/REMITTED/SUSPENDED PER ¹	
SYNOPSIS OF SPECIFICATIONS, INCLUDING DATE OF OFFENSE				SIGNATURE AND TYPED OR PRINTED NAME, GRADE, ORGANIZATION	
SENTENCE AS APPROVED, INCLUDING DATE ADJUDGED AND DATE APPROVED				ORDERS SUSPENDING SENTENCE VACATED PER	
I CERTIFY THAT THE FOREGOING IS CORRECT (Signature and typed or printed name, grade, organization)				SIGNATURE AND TYPED OR PRINTED NAME, GRADE, ORGANIZATION	

¹Delete words not applicable.