

DEPARTMENT OF THE ARMY
HEADQUARTERS, THIRD UNITED STATES ARMY
Fort McPherson, Georgia 30330

GENERAL COURT-MARTIAL ORDER
NUMBER 45

8 December 1969

Before a general court-martial which assembled at Fort McPherson, Georgia, pursuant to Court-Martial Convening Order Number 31, this headquarters, 21 October 1969, was arraigned and tried.

Private E-1 Charles W. Austin, SSAN: , US Army, Special Processing Detachment, United States Army Garrison, Fort McPherson, Georgia.

Charge I: Violation of the Uniform Code of Military Justice, Article 86

Specification: In that Private E-1 Charles W. Austin, US Army, Special Processing Detachment, US Army Garrison, Fort McPherson, Georgia, then a member of Headquarters and Headquarters Company, US Army Garrison, Fort Campbell, Kentucky, did, on or about 17 June 1968, without authority, absent himself from his unit, to wit: Headquarters and Headquarters Company, US Army Garrison, located at Fort Campbell, Kentucky, and did remain so absent until on or about 23 June 1968.

Charge II: Violation of the Uniform Code of Military Justice, Article 85

Specification 1: In that Private E-1 Charles W. Austin, US Army, Special Processing Detachment, US Army Garrison, Fort McPherson, Georgia, then a member of Headquarters and Headquarters Company, US Army Garrison, Fort Campbell, Kentucky, did, on or about 1 July 1968, without authority and with intent to remain away therefrom permanently, absent himself from his unit, to wit: Headquarters and Headquarters Company, US Army Garrison, located at Fort Campbell, Kentucky, and did remain so absent in desertion until he was apprehended on or about 9 July 1969.

Specification 2: In that Private E-1 Charles W. Austin, US Army, Special Processing Detachment, US Army Garrison, Fort McPherson, Georgia, then a member of Special Processing Detachment, Personnel Center, US Army Garrison Troop Command, Fort Bragg, North Carolina, did, on or about 5 August 1969, without authority and with intent to remain away therefrom permanently, absent himself from his unit, to wit: Special Processing Detachment, Personnel Center, US Army Garrison Troop Command, located at Fort Bragg, North Carolina, and did remain so absent in desertion until he was apprehended on or about 19 August 1969.

PLEAS

To the specifications and the charges: Not Guilty.

FINDINGS BY MILITARY JUDGE

GCMO No. 45, DA, HQ, Third US Army, Ft McPherson, GA., 8 December 1969
(Continued)

Of the Specification of Charge I and Charge I: Guilty.

Of Specification 1 of Charge II: Guilty, except the words and figures, "and with intent to remain away therefrom permanently," and "in desertion until he was apprehended on 9 July 1969;" substituting for the last excepted phrase the words and figures, "until on or about the 19 November 1968" of the excepted words: Not Guilty; of the substituted words: Guilty.

Of Specification 2 of Charge II: Guilty, except the words, "and with intent to remain away therefrom permanently," and "in desertion;" of the excepted words: Not Guilty.

Of Charge II: Not Guilty but Guilty of a violation of Article 86 of the Uniform Code of Military Justice.

SENTENCE

To be dishonorably discharged from the service, to forfeit all pay and allowances and to be confined at hard labor for one year. (One previous conviction considered.)

The sentence was adjudged on 10 November 1969.

ACTION

DEPARTMENT OF THE ARMY
HEADQUARTERS, THIRD UNITED STATES ARMY
Fort McPherson, Georgia 30330

8 December 1969

In the foregoing case of Private E-1 Charles W. Austin, United States Army, Special Processing Detachment, United States Army Garrison, Fort McPherson, Georgia, the sentence is approved. The forfeitures shall apply to pay and allowances becoming due on and after the date of this action. The record of trial is forwarded to the Judge Advocate General of the Army for review by a Court of Military Review. Pending completion of appellate review the accused will be confined in the United States Disciplinary Barracks, Fort Leavenworth, Kansas, or elsewhere as competent authority may direct.

/s/ A. O. Connor
/t/ A. O. CONNOR

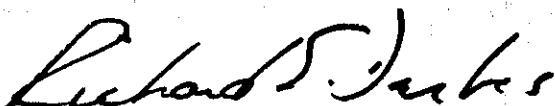
Lieutenant General, USA
Commanding

GCMO No. 45, DA, HQ, Third US Army, Ft McPherson, GA., 8 December 1969
(Continued)

BY COMMAND OF LIEUTENANT GENERAL CONNOR:

OFFICIAL

SAMUEL L. REID
Brigadier General, USA
Chief of Staff



RICHARD S. DERBES
Captain, JAGC
Acting Asst Adjutant General

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1-CO, US Army Pers Svcs Spt Ctr, ATTN: AGPE-F, Ft Benjamin Harrison,
IN 46249
1-CO, Ft McPherson, GA. 30330
10-TJAG, DA, Wash, D. C. 20315