



DEPARTMENT OF THE ARMY
HEADQUARTERS, THIRD UNITED STATES ARMY
FORT MC PHERSON, GEORGIA 30330

AJAJA-C

20 February 1970

SUBJECT: Request for Deferment of Sentence to Confinement at Hard Labor

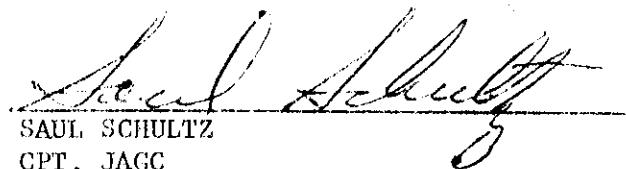
Commanding General
Third United States Army
Fort McPherson, Georgia 30330

1. On 17 February 1970, Specialist Four James C. Scott was tried by a General Court-Martial and convicted of the offense of desertion. The sentence imposed was a Dishonorable Discharge, confinement at hard labor for one year, forfeiture of \$50.00 pay per month for twelve months, and reduction to the grade of Private E1. After the trial, the Military Judge who heard the case and imposed the sentence signed a letter addressed to you recommending that the consideration be given to suspending the execution of the punitive discharge and the confinement for a period of time sufficient to allow the accused to demonstrate by performance his expressed desire to soldier.
2. At the trial Specialist Scott's Commanding Officer, two sergeants from his unit and the apprehending FBI agent testified that in their opinion, Specialist Scott could soldier and complete his service. Specialist Scott expressed a desire to return to duty. Prior to the absence involved in this case, Specialist Scott had completed nearly two years of excellent service including a tour in Korea. He has been performing duties at Special Processing Detachment here at Fort McPherson since 22 December 1970 when he was released from pretrial confinement. His superiors testified that he has performed in an outstanding manner. Since his release from pretrial confinement, Specialist Scott could have absented himself without authority, but he has made no attempt to do so. It is unlikely that he would absent himself in the future. Specialist Scott has shown by his prior good record of almost two years and by his performance since his release from pretrial confinement that he can soldier and make a worthwhile contribution to the Army.
3. Based on these factors, it is requested that you exercise your power, under the provisions of paragraph 88f of the Manual for Courts-Martial, 1969, and defer the execution of the sentence to confinement

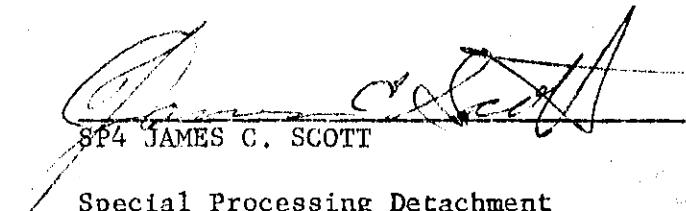
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at hard labor until such time as you take your action in the case. If this is done, it will enable Specialist Scott to continue to serve in a useful capacity and would be beneficial to both Specialist Scott and the Army.



SAUL SCHULTZ
CPT, JAGC
Defense Counsel



SP4 JAMES C. SCOTT

Special Processing Detachment
Fort McPherson, Georgia