

15. SUMMARY OF EVIDENCE

in the case of

No. B 75546, Pte. JOSEPH HENRY LeVEAR, of the Toronto Scottish Regiment (MG) on the strength of the No. 1 Canadian Machine Gun Reinforcement Unit, Canadian Army Overseas.

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

FIRST WITNESS: (For the Prosecution):- B 76355, A/Sgt. Craddock, D. (TSR) of No. 1 Canadian Machine Gun Reinforcement Unit, having been duly sworn, states:-

On 10 July 1942, I was the Orderly Sgt. of the "TSR" Coy. At 2300 hours that day I received a report that the accused, whom I recognize, was absent. I personally checked our lines and was unable to find him. From that time forward, I did not see the accused until this morning at Coy. Office.

I produce a certified copy of Part II Order, of No. 1 Canadian Machine Gun Reinforcement Unit. Order No. 9677 dated 13 July 1942, showing the absence of the accused.

(Received and marked Exhibit "A")

I produce a certificate under Sec. 163 (1) (j) of the Army Act, purporting to be signed by the Officer i/c Detention Room, No. 6 Provost Coy. (Cdn.), relating to the accused.

(Received and marked Exhibit "B")

The accused declines to cross-examine this witness.

D. Craddock. Sgt.

SECOND WITNESS: (For the Prosecution):- B 76969, A/L/Cpl. Armstrong, A.A. (TSR) Coy. of No. 1 Canadian Machine Gun Reinforcement Unit, having been duly sworn, states:-

I am an N.C.O. in the "TSR" Coy., and on 10 July 1942, I called the Tatoo Roll call for No. 3 Platoon at 2300 hours and found that the accused, whom I recognize, was absent. I looked through the lines, but did not find him. This is the first time I have seen him since that time.

The accused declines to cross-examine this witness.

A.A. Armstrong, A/L/Cpl.

The accused, after being duly warned in accordance with R.P. 4(e), as follows:- "Do you wish to make any statement or to give evidence on oath? You are not obliged to say anything or to give any 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 in evidence", declines to make a statement.

Taken down in writing in the presence of the accused, at Leipzig Barracks, Ewshot, Hants., this 20th and 21st days of July, 1942.

Certified Rs.P.4(c), (d), and (e) have been complied with.

John P. Palmer, Capt.  
#1 Cdn (MG) Rein: Unit.