

PROCEEDINGS ON PLEA OF NOT GUILTY

Question to
accused:

Q 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 of preparing your defence ?
A No, sir.

THE PROSECUTOR PROCEEDS TO CALL WITNESSES.

First witness
for Prosecution:

K.92149 S/Sgt. W.E.PHILPOTT, No. XI District Depot, CA. being duly sworn, is examined by the Prosecutor:

Q What are your duties at the depot ?
A I am employed in the legal office and part of my duties is the assembling of documentary evidence to be presented at courts-martial.

Q Will you identify this document ?
A Certified true extract No. XI District Depot Part II Order No. 94 dated 21st. April, 1945 relating to the accused.

PRESIDENT TO DEFENDING OFFICER:

Q Do you object to this document being received in evidence ?
A No, sir.
(DOCUMENT is read, marked "F" signed by the President and attached to the proceedings).

THE DEFENDING OFFICER DECLINES TO CROSS EXAMINE THIS WITNESS.

THE WITNESS WITHDRAWS.

Second witness
for Prosecution:

P.21365 SSM. A.M.HENRY, No. XI District Depot, CA. being duly sworn, is examined by the Prosecutor:

Q What are your duties in the depot ?
A I am sergeant major in the appraisal wing.

Q Do you know the accused ?
A Yes, sir.

Q Will you tell the Court what happened at approximately 0930 hours on the 17th. day of September, 1945 at No. XI District Depot ?
A At approximately 0930 hours on the 17th. September, 1945 I had Pte. Leduc brought from the guard room to the Q.M.Stores. I informed Pte. Leduc that he was a soldier of the Canadian army and I identified myself as a sergeant major in the Canadian army and as such was his superior officer. I then gave him a uniform and ordered him to put it on. He did not do so. I again ordered him to put on this uniform and he still did not do so and I gave him another two minutes to reconsider his decision. I again ordered him to put the uniform on and he did not so I then placed him under close arrest.

Q That was at No. XI District Depot ?
A Yes, sir.

Q How were you dressed at the time ?
A In my uniform, as I am now.

Q Wearing your badge of rank ?
A Yes, sir.