

EXAMINATION BY THE COURT

Q. In connection with the variation of limp of the accused could that be due to any other reason than the one you mentioned?

A. Yes it could.

Q. You said no organic disability, would there be any other cause.

A. I was distinguishing between organic and functional. Yes it could be functional.

*Defense*

FIRST WITNESS No. D21320 Pte Barrette J. Reg de Chaud, 3 C.D.I.R.U., a soldier of the Canadian Army Overseas, having been duly sworn and identified the accused, states as follows:

Q. You see the accused here?

A. Yes.

Q. Were you with him in Canada?

A. I was.

Q. Have you ever noticed him having a ~~xxx~~ bad leg or hip in Canada?

A. He complained to me but that depended on the weather.

Q. Have you ever seen the accused's leg?

A. Yes.

Q. Have you had occasion to see both legs when undressed or bare?

A. Yes.

Q. How did they compare?

Objection by the Prosecutor

The prosecutor contends that the witness is not qualified to give evidence on a medical subject and furthermore the defence have all the facilities to call medical witnesses if he wants to do so.

The Court overrules the objection on the grounds that the witness is not offering medical evidence.

A. One of his legs was larger than the other - swollen.

Q. Do you remember if it was the right leg?

A. I think it was the right leg.

Q. Do you live ~~xxx~~ with him in the Camp, in the same hut?

A. In the same wing but not the same hut.

*Prosecutor declines to cross-examine.*

Q. The accused was cautioned as follows: Do you wish to give any evidence on oath or do you wish to make any statement not on oath. You do not have to do either. Everything on oath carries more weight than a statement but if you give evidence on oath, you will be cross examined.

A. The accused replies that he wishes to give evidence on oath.

The accused, D63456 PTE VACHON F, R de Chaud, 3 Cdm. Div. Inf. Reinf. Unit, a soldier of the Canadian Army Overseas, having been duly sworn, states as follows:

Q. You had an accident three years ago when your leg was caught by a tree and injured?

A. Yes.

Q. Have you been to a hospital or treated by a Doctor for that accident?

A. No.