

*Instruction
(See R. P. 39
(A))

Question.

Q.5

*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 for preparing your defence?

Answer.

A.5 No sir.

The prosecutor makes an opening address ~~reads in a written address~~
~~which is read aloud~~ signed by the President, and attached
~~to the proceedings~~
The prosecutor proceeds to call witnesses.

OPENING ADDRESS BY PROSECUTOR:

Mr President, Members of the Court:- In these two charges against Capt Fuller, the 1st charge I wish to prove, and hope to prove, that the accused on 23rd December did cause without authorization to have procured for his own personal use a WD Veh from the Transport Offr of HQ CRU. That he procured said Veh from the TO without a work ticket. That having in mind that the Standing Orders for HQ CRU provided that a department veh may NOT go out for the purpose of recreational transport beyond 20 mls without the signature of the AQMG, he did cause the veh to go beyond the 20 miles. Further, that having procured the veh for the purpose of going to Winchester did cause the veh to go instead to Brighton. The 2nd charge I intend to prove that during the course of the trip of this veh that the accused was improperly concerned in giving spirituous liquours to the driver in that he permitted in his presence the giving of spirituous liquors to the driver of this veh and that in so doing he was guilty of an act of conduct to the prejudice of good order and military discipline which it was in his power to stop.

The prosecutor proceeds to call witnesses:-

1st Witness) Capt James Bell, RCASC, Transport Offr, HQ CRU, being duly
Prosecution) sworn, is examined by the Prosecutor:-

- Q.6 What is your Corps and attachment?
A.6 RCASC, HQ CRU.
Q.7 In what capacity do you serve?
A.7 T.O.
Q.8 On the morning 23 Dec 44 did you have any transaction with the accused, Capt Fuller?
A.8 Yes sir.
Q.9 What was the nature of that transaction?
A.9 We had a conversation. During the conversation Capt Fuller asked