

EVIDENCE IN THE CASE OF K49849 Rfn RUSSELL, L C - R Wpg Rif

The President explained to the accused that as RP 89 (B) and Pn 2 had not been followed the accused was entitled, if he so desired, to an adjournment. Asked if he wished an adjournment the accused replied, "No Sir".

1st Witness for Prosecution

H9443 L/Sgt GOODALL, J, R Wpg Rif, sworn states:

"I am H9443 L/Sgt GOODALL, R Wpg Rif, 7 Sec 12 Pl "B" Coy. On 7 Nov 44 I was a Pl in charge of 6 Sec 12 Pl "B" Coy R Wpg Rif. I recognize the accused, here present, as he was a member of my section. When we went for breakfast 7 Nov 44, Sgt HRANKOWSKI, J warned us of a move from GHENT and told us to warn our sections. At 1000 hrs I went to the billets where we were staying and could find no trace of Rfn RUSSELL. At 1030 hrs I went back to the house and asked at the house for the accused. I went up to the rooms where the accused was billeted and found the accused's equipment there but no trace of him. I reported the absence to the Sgt. We waited around till dinner and after dinner reported for the parade for which we had been warned that morning. The roll was called and Rfn RUSSELL was absent. After the parade we loaded on our trucks and moved off. All this happened in GHENT. We moved into action. I next met RUSSELL at "A" echelon after he was returned under escort."

Cross Examination

If I had looked at the section billet the day before, I would have found all my section there after breakfast. There was no order that they must be there at 1000 hrs. We usually had a parade 0930 hrs. There was no parade that morning. This was the reason I went to the billets.

Re- Examination

No parade was held that morning because we were getting ready to move.

Examined by Court

I did not see the accused at anytime between 7 Nov 44 and the time I saw him at "A" echelon approx 17 Dec 44. We had been told we would be moving but had not been told where or when. The Coy had definitely been told we would be moving. The Pl Sgt told me at breakfast time and I warned my section to get their equipment ready. This was after breakfast. I could not find Rfn RUSSELL. The Bn was in GHENT for a rest. I had not been told what the Bn would be doing when it left GHENT. I did not hear what the accused say anything about going away and not returning to the Bn. I did not personally warn Rfn RUSSELL of a move because I could not find him.

RP 83 (B) has been complied with.

2nd Witness for the Prosecution

H43054 Sgt HRANBOWSKI, J, sworn states:

I am H43054 Sgt HRANBOWSKI, J and at present I am Pl Sgt of 12 Pl "B" Coy R Wpg Rif. On the 7 Nov 44 I was holding the same position. I recognize Rfn RUSSELL, here present as the accused and he has been in my Pl since the latter part of July.