

DISTRICT COURT-MARTIAL
B.16984 Gnr Walter Wesley HAMMER, R.C.A.
Attached C.A.T.C. (A2), C.A.

- (a) The amendment to Convening Order, XI, has not been lettered. ✓
- (b) On page A in the footnote the word 'charge' should be pluralized. ✓
- (c) On page B it is shown that the accused pleaded guilty to the first and second charges, but at the bottom of the page the last paragraph has been deleted. This should not have been deleted, but Rule of Procedure 35(B) should have been complied with. ✓
- (d) In the Charge Sheet the second charge should not have been laid, since the more serious charge in connection with the action of the accused was that of desertion.
- (e) On page C the word "states" should be added after the words "being duly sworn" and the deletion and the addition properly initialled. ✓
- (f) In exhibit G, M.F.B.375, the accused is not properly described and Petawawa is only shown, whereas it should be Petawawa Military Camp. Further, the unit of the officers forming the Court of Inquiry is not shown and the hour that the accused went absent is not shown. ✓
- (g) No notation is made that the exhibits were read over to the accused. ✓
- (h) Reference Exhibit H. It is stated Part II Order is dated 4th December, 1941, whereas Part II Order 156, which applies to the accused, is dated 5th December, 1941. This is no doubt a typographical error. ✓
- (i) Exhibit I is dated 13th June and not the 17th March, 1942, as shown on the production. ✓
- (j) Exhibit J, M.F.B.1481, does not state whether the officer who signed, issued or authorized the transportation. ✓
- (k) At the end of the evidence for the Prosecution it should be stated that the Prosecution has no further witnesses. ✓
- (l) The accused pleaded guilty to the second charge and the Prosecution called the third witness who gave evidence ~~for~~ required only for that charge. ✓
- (m) On page D5 the Court cross-examined the accused which is properly the duty of the Prosecutor. Clarification of the evidence is the duty of the Court and not the Prosecution of the case. In addition, the Court should not question the accused until Defending Officer is given opportunity to re-examine. ✓
- (n) Appendix K is not signed by the President.
- (o) In appendix L, reference is made to question put by the Court as proving desertion. ✓
- (p) Reference page E; the second page should be shown as E3.
- (q) On page E the words "having been already" were inserted and should be initialled.
- (r)