

- Q45. - You made no mention of this manipulation, you say, because you weren't asked. Who asked you today?
- A45. - Since the happenings of that evening, nearly a months time has passed and the Summary of Evidence was taken shortly after and I could give the story out much better then.
- Q46. - You were asked to tell the whole story at that time?
- A46. - Yes sir. I was not as explicit in my story then as at this Court Martial.
- Q47. - Manipulation of the penis would present a rather strong point of evidence?

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- A47. - Yes, sir.
- Q48. - Two soldiers occupying the same blankets, one might put his hand in the proximity of the other soldiers private without there necessarily being anything of an indecent nature intended?
- A48. - Yes, sir.
- Q49. - And if by chance one soldier thought something improper about the intent of the other soldier and threw back the blankets and called for another party ten feet away to come and take a look, would not the natural and most reasonable thought be with a person of a guilty mind to remove his hand and therefore the evidence of indecency?
- A49. - In this case no, sir.
- Q 50. - Why?
- A50. - Due to something said earlier in the evening by the accused.
- Q 51. - If there is anything you have left out, I have a whole sheet of paper here in front of me on which to write.
- A51. - During the early part of the story, when the accused spoke to me the latter part of which is "I am going to blow you", the accused then went over to Pte SHIELS and said, "This is between the three of us, do not say anything.
- Q52. - So the suggesting is that you would like to leave with the Court is that the accused propositioned you into an indecent act and made SHIELS a party to keeping the whole thing under cover. That is what it seems to imply, so that if the Court believes this implication they would come to the general understanding that the other was an accomplice to?

JUDGE ADVOCATE - His answer to your question will not bind the court.

DEFENDING OFFICER- His answer is to the affect that this man was as he says brought into the picture with the intent of keeping this purpose quiet, this brings him into the picture and makes it a question of fact. Accomplice becomes an accomplice no matter how small the degree.

CROSS-EXAMINATION BY THE DEFENCE (Continues)

- Q53. - Did you say the Sgt, once the blankets were down, continued to work the penis backwards and forwards?
- A53. - Yes, sir.
- Q54. - And all the while SHIELS was watching?
- A54. - Yes sir, from where he was sitting on his bed.
- Q.55 - After throwing back the blankets you gave this signal and you have a conversation, agreeing that JOHNSON might not know, but he could certainly hear, if he had any sense at all, your request to SHIELS to come over and view the picture?
- A55. - Yes, sir.
- Q56. - SHIELS did eventually come over?
- A56. - Yes, sir.
- Q57. - Do you still maintain that Sgt JOHNSON proceeded in the manipulation of your penis?