

Several people gathered at the bottom, one of them came up and told the soldier to let go of me. Mr Foster then came down and tried to part us. When I was parted I told him I'd fetch the police, and he answered, "You can go and get the fucking police.". I went over into the High Street and brought two military police back. The soldier then denied being here to the military police. He then said, "Which was the fucker I tried to hit." After some arguing and wrangling I left him to the military police.

QUESTIONED BY OFFICER TAKING SUMMARY OF EVIDENCE

- Q.1 Was there any other soldier present when he first spoke to you with his penis out?
- A.1 No, the other soldier had turned his back and walked out.
- Q.2 Was Mr Foster present when he had hold of his penis and said, "Take a suck of this."
- A.2 Mr Foster was on the roof overlooking the yard.
- Q.3 Could you identify the other soldier if you saw him?
- A.3 No, I couldn't.
- Q.4 Did you at any time other than when he had hold of your tie have any physical contact with the soldier?
- A.4 No.
- Q.5 Who was present when the soldier said, "Are you the little fucker I tried to hit?"
- A.5 The military police, Mr Foster and a crowd of others unknown to me.
- Q.6 Had the soldier properly adjusted his clothing before he grabbed hold of you?
- A.6 No, Sir.
- Q.7 Was it light out?
- A.7 Yes, it was approximately 8.45.

QUESTIONED BY THE ACCUSED

- Q.1 Did you see Mr Foster on the roof?
- A.1 No, I saw him come out the yard door from that direction.

C. Counsell
(C Counsell)

The witness withdraws

THIRD WITNESS
For the
Prosecution

E-66747 L/Cpl Kennedy, D B having been duly sworn, states:-

"At approximately 2055 hrs Mr C Counsell approached me on High Street, Godalming and asked me to investigate a soldier, whom he wished me to put under arrest. I checked the soldier and found it to be E-62274 Pte Smyth G J. Mr Counsell laid his complaint and Pte Smyth denied the charge."

MS