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A3809 Pte. GFROERER, Joseph Anthony, The Royal Canadian Reg't.
The Accused having pleaded "Guilty" to the First Charge,

The Court carried out instructions as in R. of P.35(B).
The Accused then pleaded "Not Guilty" to the Second and
Third Charges, Questioned by the Court as laid down in
R. of P.39(A) the answer was - No.

The Prosecution then called the First Witness:-

A3436, Opl. SPURGEON, R.L. of the Royal Canadian Regiment,
Having been sworn, stated that he knew the Accused.

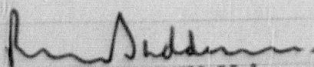
That he was Permanent Orderly Serjeant on the 3 Nov.1941.,
and that the Accused was Absent from billets at 2230 hrs.
3 Nov.1941. That the Accused reported back at 1000 hrs.
5 Nov.1941., and that he, Opl. Spurgeon told the Accused
"You are under Arrest". On checking the billets at 2000 hrs.
he found that the Accused was Absent, and did not see the
Accused until ~~at~~ 0100 hrs. 6 Nov.1941, when the Accused was
in bed.

The Defending Officer asked the Witness if he was sure he
used the words "You are under Arrest" and the Witness said
that he was. The Witness stated that nobody else was pres-
ent at the time, and when asked by the Defending Officer
whether there was any chance of the Accused not hearing him,
he said that later that same day he had warned the Accused
not to go out.

The Accused having been sworn stated he did not hear Opl.
Spurgeon say "You are under Arrest".

The Prosecutor then asked the Accused where he had gone and
what happened on the night of the 5th. Nov.1941. The Accused
said he had gone to his girl friend's to inquire if he had
misbehaved himself on the night of the 3 Nov.1941. He also
said he had not heard Opl. Spurgeon tell him not to leave
billets.

The Defending Officer asked the Court to be lenient.


R. H. BUDDEN, Major

Victoria Rifles of Canada A. F.

President of the Court martial.