

*Instruction
(See R. P. 39 (A))

Proceedings on Plea of Not Guilty

Question. Q.4 * Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

Answer. A.4 "No, sir".

The prosecutor makes an opening address [hands in a written address, which is read, marked "K", signed by the President, and attached to the proceedings.]

The prosecutor proceeds to call witnesses.

M-37106 Cpl. MacDonald, D.M. Attd. I.(R)T.C.

First witness
for
prosecution.

being duly sworn, is examined by the prosecutor.

"On the 16th of April, 1940, I was Instructor i/c "Mons" Platoon and on calling the Roll on the morning of 16th April, I found M-16788 Pte. Elkowich, G. absent. I reported his absence to the Company Orderly Sergeant. I did not see the accused from that morning until Sunday morning, June 2nd, at the mens' Mess Currie Barracks, under Escort." "I called the roll at 0600 hours

Defending Officer declines to cross-examine.

R.P. 83B is complied with.

2nd Witness for Prosecution K-37033 L/Cpl. Helgason, W., D.C.O.R. Attd. I.(R)T.C.
being duly sworn, is examined by the prosecutor.

"I was Company Orderly Sergeant on 16th April, 1940, and M-16788 Pte. Elkowich, G. was reported to me by Platoon Commander as being absent. I checked this, found him to be absent and turned his kit over to the C.Q.M.S. I saw him at a later date in civilian clothes, but I do not remember the exact date.

Q.5 "What time was his absence reported to you?"
A.5 "At Reveille, April 16th, 1940, sir".

Defending Officer declines to cross-examine.

Q.6 (By the Court) "Corporal, you say you saw the accused later on, in civilian clothes, where was this?"
A.6. "In the quarters in the Barracks, here, sir".

R.P. 83B is complied with.