

Fourth Witness

K.76640 Gnr. Fyfe, D., 2 Cdn C.B.O. Staff, R.C.A. sworn states:

"I went down to the pub with Sgt. Brown and met Gnr. Gray, Pte Danard, L/Sgt. Carr, and L/Bdr. Stewart. I drank there until 2230 hrs and left about 2235 hrs with the others. We started off and split up as we walked. I found myself with Sgt. Brown. Just before we pulled off the main road to go up the trail I missed Sgt. Brown. I proceeded up the trail and met L/Bdr. Stewart. I spoke to him and kept on going. I went straight to camp and went to the latrine. I went over to the tent and saw L/Bdr. Penny on the way and went straight to bed.

Q. How far had you gone from the pub when you last saw the accused?

A. I didn't after we started up the hill from the pub.

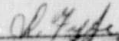
Q. Did you have anything to drink on the way home?

A. Yes sir just after we left the pub.

Q. Did you bring a bottle with you from the pub?

A. No sir.

The accused decline to cross examine the witness.


Signature of Witness

Fifth Witness

B.43919 L/Bdr. Penny sworn states:

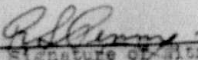
"I was on duty between 1800 hrs and 2400 hrs. Between 2300 hrs and 2350 hrs on my way to the latrine I met Gnr. Fyfe. He was going from the latrine to the tent. I went on to the latrine and then went back to the office. I was not away more than ten minutes.

Cross examined by Gnr. Gray one of the accused

Q. Did you go to the tent coming from the latrine or go straight to the office?

A. I went straight to the office.

Pte Danard the other accused, declines to cross examine the witness.


Signature of Witness

The accused declined to call any witnesses.

The accused were warned as follows:

"Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything or to give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing, and may be given in evidence."