

7all

THIRD WITNESS FOR THE PROSECUTION (Continued)

- Q. Was there any smell of alcohol on his breath?
A. I didn't smell his breath.
Q. But you were of the opinion any way that he was drunk?
A. Yes sir.

QUESTIONS BY THE DEFENDING OFFR

- Q. When you took Foster to his bed, did you undress him?
A. Only his boots.
Q. Did Foster say anything to you?
A. No sir.
Q. The few words he spoke in your billets were intelligible?
A. Yes sir.
Q. He didn't fuss, he just sat down?
A. Yes sir.
Q. Did you notice any odor of alcohol on his breath?
A. No sir.

QUESTIONS BY THE COURT

- Q. Why didn't you try to wake him when he was on your bed?
A. I thought he was drunk.
Q. What gave you the opinion?
A. I have seen men like that before, having been in the army a while now.
Q. You didn't attempt to awaken him, did you?
A. No sir.

RULES OF PROCEDURE 83(c) have been complied with.