

CROSS EXAMINATION BY THE PROSECUTOR

Q Did you ever work in the MT?

A No Sir.

Q Did you ever try to get a ride in a veh from MT?

A No Sir.

Q How long have you been in the army?
A Three years. I have been picked up and given a ride when I was walking along the road. This was the first time I have ever been given a ride from the MT office. Gendron said something about a car going out and we could ride in it. He said "come on kid this car is going our way and we do not need to walk". I did not know there was anything wrong with a car going out like that, I have never been in the tpt and do not know anything about how they work, I did not hear anything said either going up or coming back about the car should not be out. I heard Gendron say "It is OK" at the guard house coming back. I did not think it could have been illegal as there was a W/Cpl and a Cpl with us and I did not think they would be doing wrong.

In the opinion of the Court it is unnecessary to comply with RP 83(B)

PROSECUTOR ADDRESSES THE COURT ON THE FINDING

Sir,

I have brought evidence sufficient to show that a veh was improperly used on the night of 29 Sep 44 and that the accused rode in that same veh. He was taken to a public house and picked up later, is he under the impression that that is the purpose of mil vehs? to take GIs to pubs and bring them back. I contend that the accused knew that the car was being used improperly and is therefore guilty as he is charged.

ADDRESS BY THE DEF OFFR

Sir,

The charge against Sgr Menard is only of being concerned with the veh in question. In order to prove the charge the Prosecution should have brought forward the fact that Menard did know that the car was being used without authority, but I think that the Prosecution has failed to do so. It appears from the testimony of the accused that he was not with the men when they discussed using the car, and no body mentioned it to him, as far as he was concerned the car was going somewhere and as it passed by the Eli and returned by the Eli there was no harm in his riding in it. He also saw two WCOs taking it out and that was, if there was any suspicion in his mind, enough to answer the question of the legal use of the veh. I say that the Prosecution has failed to show that this man knew that the veh was out without authorization, and that he merely accepted a ride in it. I think he is innocent of the whole affair.

COURT IS CLOSED TO CONSIDER THE FINDING

COURT IS RE OPENED AND THE PRESIDENT ANNOUNCES THAT THE ACCUSED IS FOUND NOT GUILTY

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