

did not come in. The other three of us were there. We came in the office and CQMS Naylor spoke to Stanley and explained that we were investigating the loss of cigarettes from the hut where he lived. He asked him if he knew anything about it. Stanley said no he did not know anything about it at all as he had lost his own cigarettes from the hut too. Naylor said then that "You have no cigarettes at all then" and Stanley said "No." He said he had had 400 but they all disappeared. He did not say what brand they were, at least not as I remember. CSM Weir spoke to him and asked him if he had seen anything out of the way around the hut and he said he knew nothing about it at all. He said he had been smoking a pipe and that was what he was smoking then and he pulled out a tin of tobacco. He was asked what time he left camp and he said he left at approx 1745 hours. He was asked where he had been from the time he left camp and up to the time of catching the bus. He said he had gone to a chemist and bought some scabia lotion and then he had gone to the tobacco shop and bought the tobacco. He was then asked how much he paid for the tobacco and he said he thought it was 2/4. CQMS Naylor then asked me what I wanted to do. I told Naylor I thought I had better take him along with me. I turned to Stanley and told him that the story he had told did not sound true to me. I told him that I was placing him under arrest and would take him along with me to the Detachment.

Q. What were your exact words?

A. "The story you have told us does not sound true to me. I am placing you under arrest and taking you up to my Detachment." I then told him to empty his pockets of all he had and put it all on the table. After he had emptied his pockets I asked him if that was everything he had in his pockets and he said everything is there. I then proceeded to search him.

IN THE OPINION OF THE COURT AND THE JUDGE ADVOCATE IT IS NOT NECESSARY TO COMPLY WITH RP 83 (B)

WITNESS AS TO SEARCH

G-44733 Spr Stanley CL, 7 Cdn Artizan Wks Coy, RCE, the accused, having been duly sworn, is examined by the Judge Advocate:

Q. You know with what we are now concerned with. It is not whether you are innocent or guilty of the charges but whether this search was legal or not. You have heard the two witnesses say how they picked you up at the bus?

A. That's correct, sir.

Q. You came back to camp for questioning?

A. Yes sir.

Q. They took you to CQMS Naylor's office. Who was present?

A. Naylor, CSM Weir and S/Sgt Miller.

Q. What took place?

A. The SIS said to me to empty my pockets which I did.

Q. What time did you come into the office?

A. About 5 to 7.

Q. They asked you some questions?

A. They asked me about the loss of the cigarettes and I