

C

PROCEEDINGS ON PLEA OF NOT GUILTY

Q.5 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?

A. No, sir.

THE PROSECUTION DECLINES TO MAKE AN OPENING ADDRESS

The prosecutor proceeds to call witnesses.

First witness for the prosecution A.105003 Edr. Waterfield, J.F., R.C.A., "G" Bty, A-1 C.A.T.C., Petawawa Military Camp, being duly sworn, is examined by the prosecutor.

Q.6 What is your duty at A.1 C.A.T.C.?

A. I am working in "G" Bty as an instructor.

Q.7 Do you know the accused in this case?

A. Not until the night of the happening. I never knew him before.

Q.8 Do you see him here this morning?

A. Yes, sir. (Indicates accused).

Q.9 Do you recall having seen him early in March of 1944?

A. Yes, sir.

Q.10 Do you remember the date?

A. I think it was March 10th.

Q.11 Would you describe to the Court the circumstances under which you saw him on that occasion?

A. I was returning from the Grenade Theatre with Edr. Daniels and going by L.11 kitchen we heard a disturbance in the kitchen and we went in to investigate. We went in and saw Gnr. Lecompte attacking L/Cpl. Richmond, and it looked rough and we thought Cpl. Richmond might get injured, so we stepped in between them and broke it up. I told Gnr. Lecompte to return to his hut and he attacked Edr. Daniels who was holding him. Edr. Daniels got Lecompte on the floor and he said he'd be quiet if he let him up, so he let him up and once again I told him to return to his quarters.

Q.12 You told who?

A. Gnr. Lecompte. At this he once again broke loose and shoved Edr. Daniels. We were in the kitchen at the time and he shoved him into the vegetable room. I told Edr. Daniels and Edr. Hughes we were going to put him in the Guard Room, so we broke it up once again and told Gnr. Lecompte that he was going to the Guard Room. He hit me and then we got shoved out into the hallway just outside the vegetable room, and he hit me again so in self defence I hit him back, four or five times. He went to the floor and Edr. Hughes, Daniels and myself carried him to the Guard Room.