

SUMMARY OF EVIDENCE

in the case of

A-85712 L/Cpl. HYMAN, D.J. on the strength of 65 Coy., 9 Bn., 2 C.B.R.G., a soldier of the Canadian Army Overseas, who is charged with:

WHILE ON ACTIVE SERVICE, ABSENTING HIMSELF WITHOUT LEAVE,  
A.A. Sec. 15(1)

The Commanding Officer directs that the evidence be taken on Oath.

FIRST WITNESS:

C-40632 Sgt. CARTWRIGHT, C.G., CIC, on the strength of 65 Coy, 9 Bn., C.B.R.G. (formerly 12 Bn), having been duly sworn states:

" I am C-40632 Sgt. Cartwright, C.G. of 65 Coy 9 Bn. I am Sgt Instructor on the P.E. At 1600 hours 8 Nov 44, I was handed a draft notice posting L/Cpl. Hyman, D.J., to No. 3 Re-Allocation Centre. I immediately checked Coy training parades, fatigue parties, barrack rooms, and Camp Area but was unable to locate L/Cpl. Hyman. The result was, the draft to No. 3 Re-Allocation Centre left without this man. This man was not previously warned for draft."

The accused declines to cross-examine this witness.

*C.G. Cartwright*  
C-40632 Sgt. Cartwright, C.G.

SECOND WITNESS:

Certificate under the Army Act, Section 165(1)(f) was shown to the accused, marked by me as Exhibit "A" and is attached hereto.

The accused declines to cross-examine this witness.

*V.D. Kenyon Lieut*  
(V.D. Kenyon) Lieut  
Officer detailed to  
take the summary of evidence.

The accused was cautioned as follows:

Do you wish to make any statement or to give evidence on Oath? You are not obliged to say anything or 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.

The accused declines to make any statement.

The accused does not call any witnesses in Defence.

I certify that the foregoing Summary of Evidence, consisting of one page, was taken down by me in the presence of the accused and that Rules of Procedure 4(c), (d), (e) (f) and (g) have been complied with.

*V.D. Kenyon Lieut*  
(V.D. Kenyon) Lieut  
Officer detailed to take the  
Summary of Evidence

In the Field  
26 Jan 45