

OPENING ADDRESS OF PROSECUTOR: Sir, I intend to prove to the Court that Sappers Flynn and Long spent sometime together in the afternoon of the 28th of February, drinking and that in the course of the afternoon or evening that Flynn incited Long to go and get his rifle and shoot up the town, or similar words; that they did, in fact, go and get the rifle; that Flynn accompanied Long at the time and kept urging him on to get it and urged him to load it, and then they went out, passing L/Cpl. Holland who, when he found out what was going on, attempted to stop them, and when L/Cpl. Holland did order them to stop and come back Long fired his rifle at Holland, thus committing the offence with which he has been charged and Flynn as an accessory before the fact, in that he incited Long to take out his rifle, well knowing that if such an act was carried out, the crimes which were committed by Long might well have followed.

The 1st witness for the prosecution, CR426, Spr. Richard, M., 7 Cdn. Ed. Coy., R.C.E., having been duly sworn, is examined:

- Q 1 Spr. Richard, will you tell the Court in your own words what took place on the evening of the 28 February when you were in the MAAFI and Spr. Flynn and Spr. Long were present?
- A 1 We went to the MAAFI around 8 o'clock and we started to drink and we met two men from "I" Wing. We left there around half past eight and we went to the Crown Distillery Pub. We had a few beers in there and the two "I" wing men bought two bottles of wine. We drank that and we went back to the MAAFI about 9 o'clock and we met Spr. Flynn and we had a few beers with Flynn, Long and me and Spr. Flynn says to Long to get his rifle and we'll go and blow the town up.
- Q 2 And what happened after that?
- A 2 The time I went to get a bottle of beer and Spr. Flynn had Spr. Long by his hand, leading him away.
- Q 3 And did you see them again after that?
- A 3 No, sir.
- Q 4 And you are quite sure that you heard Spr. Flynn say to Spr. Long "go and get a rifle and we'll shoot up the town"?
- A 4 Yes, sir.

CROSS-EXAMINED BY THE DEFENCE:

- Q 5 Are you sure just what words you heard?
- A 5 Yes, sir.
- Q 6 Would you repeat them again?
- A 6 Spr. Flynn said to Spr. Long "go and get your rifle, we'll blow the town up."
- Q 7 Would it not have been possible that he said "go and get your rifle we'll go to town"?
- A 7 No, that is what he said.
- Q 8 "We'll blow the town up"?
- A 8 Yes, sir.
- Q 9 How did you hear any of these shots?
- A 9 Yes, sir.
- Q 10 How many shots did you hear?
- A 10 I couldn't say.
- Q 11 Did any of these shots pass close to you?
- A 11 Yes, sir.
- Q 12 Could you determine which shot that was-- was it the first shot?
- A 12 Two shots.
- Q 13 It was the second shot or the first shot, do you think?
- A 13 Two shots I heard.
- Q 14 And which one of the two shots do you think it was passed close by you, do you think?
- A 14 I couldn't say.
- Q 15 Try and think-- did you hear one shot and then did you hear the bullet pass you and then did you hear another shot? Or did you hear two shots and then hear the bullet pass you?
- A 15 I couldn't say.
- Q 16 Well, think-- this is very important?
- A 16 I just heard the bullet pass.
- Q 17 Yes, but with relation to the second shot-- the sound of the shot, the noise of the shot?
- A 17 Yes, I just heard the noise.