

The following is a transcription of evidence taken at a Field General Court martial assembled at H.Q. 7 Cdn A Tr Regt., A.C.A. on 1 May 42 for the purpose of trying one A-35108 Spr. Feldman, L., 1 Cdn Rd Const Coy, RCE.

The convening order was read by the President.

The accused had no objections to being tried by any of the members whose names he had heard read or whom he had seen.

The members of the Court, members attending for instruction, and shorthand writer had already been duly sworn.

The President of the Court then read the charge to the accused, who pleaded "Guilty". The President then cautioned the accused with reference to R.P. 35(B), but he (the accused) declined to change his plea.

The President then asked both the Counsel for the Defence and Prosecution if they agreed to taking the Summary of Evidence as it was and they replied in the affirmative.

First  
Witness

Lieut. J. S. Parker, No. 1 Rd Const Coy, RCE, having been duly sworn, states:

"I am Lieut. J.S. Parker, No. 1 Rd Const. Coy. I wish to produce copy of M.P.M. 6 of the accused, whom I recognize. It is a true copy of the Regimental Conduct Sheet."

The Defence did not wish to cross-examine.

The Prosecution then produced A.F.B. 296 and submitted it to the Court.

The Defence then calls Cpl Sommerville as character witness, who being duly sworn, is questioned as follows:

Q1: Did the accused at any time tell you he had attempted to join the Field Forces?

A1: He said he did.

Q2: Did he show you certificates of medical unfitness?

A2: Yes, sir, he did.

Q3: Were you an N.C.O. in the same Coy as the accused?

A3: Yes, sir.

Q4: Did you find the accused a good and willing worker, or otherwise?

A4: A good worker, sir.

Q5: During the period of training, did the accused seem to have any difficulty in absorbing instruction re training or was he a bright recruit?

A5: He seemed to have trouble.

At this point the Defence produced two M.P.'s M. 12 (Certificate of Medical Unfitness for Service in the Canadian Active Service Force. One, dated 1 May 40, stated that Louis Feldman had been found unfit for service by reason of defective teeth. The other, dated 3 Jun 40, states that he (the accused) was found unfit for service by reason of Mitral murmur and Deficient teeth. These certificates were examined by the court and returned to the accused.

The following is a brief summary of the address given by the Counsel for the Defence:

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