

QUESTIONS BY THE COURT

Q115. - Was the Battalion Orderly Room were you usually slept?

A115. - Yes sir, I sleep there every night.

Q116. - Why did you not make down your own bed?

A116. - When I was asked by the accused to go to bed with him I became suspicious of his motive.

DEFENDING OFFICER - Unless he had reason for not doing something, it is not evidence against the accused as a thought. "Why did you not make down your own bed", witness takes this question as accused, and again, this evidence about suspicions is already ruled out.

JUDGE ADVOCATE - I would suggest that the Court does not press this question.

"WBB" The Court and the Judge Advocate are of the opinion that it is unnecessary to comply with RP 83(B).
JA

SECOND WITNESS FOR THE PROSECUTION - B-52451 Pte SHIELDS, J P "B" Company, 1 BATTALION, 1 Canadian Base Reinforcement Depot is duly sworn.

EXAMINATION BY THE PROSECUTING OFFICER

Q117. - Tell the Court what you know about this Charge?

A117. - "In the Battalion Orderly Room at approximately 2245 hours on the night of 19 December 1943, the accused was sitting down and appeared to be pretty drunk and after I entered the Battalion Orderly Room I received a message to take out as I was Battalion Runner at that time, and I took the message out and returned and I got a package for the lunch; we are entitled to tea and sandwiches. DOUCET was not in the Battalion Orderly Room at the time and I met him as I was going into the kitchen. He entered the Battalion Orderly Room and when I came back JOHNSON and DOUCET were having a conversation. I was sitting at the desk and the conversation was taking place at my back."

JUDGE ADVOCATE

Q118. - Could you hear what was being said?

A118. - Yes, sir.

EXAMINATION BY THE PROSECUTING OFFICER
(Continues)

"Sgt JOHNSON says, "DOUCET, you can do anything to me, fuck me, anything you want, and I will blow you. DOUCET, you will sleep with me". DOUCET then came over and squeezed my arm. DOUCET went out of the Battalion Orderly Room and came back again and Sgt JOHNSON offered him a drink which he took and spit out. After awhile Sgt JOHNSON made his bed and I went to bed about five minutes before Sgt JOHNSON did. After I had been to bed I got up and went out to Urinate. I came back in approximately four or five minutes time and Pte DOUCET called me. I was over at my bed and nodded my head that I could see everything. I went to the head of the bed and Sgt JOHNSON slept at the right of DOUCET and DOUCET was on my left and I could see that Sgt JOHNSON was playing with Pte DOUCET's penis, working it backwards and forwards. I said "yes" when DOUCET asked me if I had seen it. He then got up and told me the time was approximately 2325 hours and went over to see the Orderly Officer and laid a complaint. I then went back to bed.

"WBB"
JA

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