

Case of D175515 Rfn Craig F (R Wpg Rifles)

Prosecution makes no opening address

FIRST WITNESS: 5341999 Cpl Parkinson R of 242 HQ Pro Coy CMP's sworn states:

I identify the accused as Rfn Craig. On 31 Mar 45 at about 0830 hrs I was called to #3 Transit Camp, Calais, where I saw the accused. I interrogated him and established the fact that he was AWL and in improper possession of a WD Jeep No CM 4282782. When I was questioning him I asked him if he had a vehicle with him and he said "yes" it is in the car park," where he accompanied me and identified the vehicle. There was a blue grey patch with a gold maple leaf in the centre on the vehicle also numbers in white and a red background. I then placed him under arrest and escorted him to the guard room.

Cross Examination:

The phone message came to the orderly room and I received a message to go there. I had been informed that the accused had a vehicle but had not seen it until the accused took me to it. I had been told by the CO of the Cdn Wing that the accused had a vehicle. I had at no time previous to my interview with the accused seen him in or near the vehicle. If the CO had not told me about the jeep the accused would have been arrested on a charge of AWL only. The jeep was taken back to my Coy HQ. I do not know what became of the jeep later but the accused told me himself he had taken it from his unit.

Court:

The vehicle had no key switch and had a turn switch. The vehicle was not immobilized. There were no documents or papers with the vehicle. When I first saw the accused I asked him what he was doing in the Transit camp to which he replied "I have been visiting some friends". I asked him if he could produce any written authority for the journey and he replied "No." I asked him if he had a leave pass to which he replied "No." I asked him how long he had been away from his unit. He replied "3 weeks." I asked him if he was in possession of a vehicle to which he replied "Yes." I asked him the type it was and he replied "Jeep". I asked him where it was, to which he replied "in the car park." I ordered him to accompany me to the car park. He voluntarily replied to all my questions. He had no reason to fear not answering my questions nor expect any benefits by doing so.

RP 83 (b) complied with. "GBC"

Prosecution closes.

DEFENCE

The accused elects to give evidence on oath. The accused sworn states:

I am 20 yrs old and joined the army in March 43. I served 6 months in action and was wounded once. I returned to my unit shortly after Xmas after being wounded. My unit was at Nijmegen. I was with my reg in the push for Cleves. On the 1 of March I was at Udem in Germany when I went to the Coy Comd and asked to go on sick parade. He replied "Yes" I went to BHQ ? SAW THE MO I asked to be allowed to go to "B" echelon for a week as my nerves were bad. He gave me some pills and told me to return to my Coy and return to him the next day. That afternoon we were under shell fire. I spoke to my Coy Comd so he called for the Coy QM and a carrier to take me back to the MO when we arrived at BHQ we found the MO had left. On our way back the carrier was dive bombed. I jumped off the carrier and went to my brother who was stationed at Udem. I remained there two days and then left to return Nijmegen where I got a lift to Tilburg. At Tilburg I got a lift from there to France arriving at Calais at 2330 hrs on 3 March. The driver of the vehicle then told me he was going to be there for sometime as he was going to work there. The driver of this vehicle was from the RHLL. The code of unit was 56. My unit code number is 55 on a red patch. On the morning of my arrest I was sleeping in one of the huts #3 Transit camp. At approx 0330 hrs the Coy Comd & Coy SM came into the hut and asked me if I had a pass to which I replied "No." They took me to the OR and questioned me as to where the other fellow was. I replied that I didn't know. He then called the provost. When the provost arrived he asked me about a pass and where the vehicle was. I told him it was in the vehicle park but he did not ask me if it was mine or not. I distinctly remember that the provost did not ask me if it was my vehicle. I never drove that vehicle at any time.

Cross Examination by PO

I saw the driver of the vehicle around the camp and town. I went out with him in the jeep to St Omer on two occasions and Adres on another, and used to meet him in town. I do not know his name only as "George". I never enquired into his work or what he was doing there. I just stayed around the town and used to go and see a girl there.

Court

I never saw this man working. I didn't ever ask "George" if he was in improper possession of this vehicle although at time I thought he must be but also thought it none