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PROCEEDINGS ON PLEA OF NOT GUILTY

Q.5 Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

A.5 No, Sir.

The Prosecutor does not wish to make an opening address.

The Prosecutor proceeds to call witnesses.

First witness for the Prosecution

ZD-2532, Capt. M. Perusse, No. 4 Section A & T Staff, attached to Les Fusiliers de Sherbrooke, being duly sworn is examined by the Prosecutor.

Q.6 Will you please give to the Court, your number, rank, name and appointment?

A.6 ZD-2532, Capt. M. Perusse, No. 4 Section A & T Staff, attached to Les Fusiliers de Sherbrooke.

Q.7 Capt. Perusse, do you know SD-61589, CQMS Boyer?

A.7 I do.

Q.8 Do you see him anywhere in this Court?

A.8 Yes, right here (The witness points the accused)

Q.9 Could you explain to the Court what you know in relation to an alleged charge of desertion, in the case of CQMS Boyer?

A.9 On 26 Feb 49, at about 1100 hours, I received a telephone call from CQMS Boyer who was then calling from his home in Montreal. CQMS Boyer was telling me at the phone, that he had just come back from Winter Training School, Valcartier, that he was in Montreal and he was asking me if it was all right for him to report on Monday, 28 Feb 49. I told him it was all right. On 28 Feb 49, in the morning, CQMS Boyer was not back in Sherbrooke and the Officer Commanding Les Fusiliers de Sherbrooke received a letter from the Offr Commanding No. 4 Section A & T Staff with the instructions that CQMS Boyer was to report to Montreal to Major F de S Robert, Officer Commanding No. 4 Section A & T Staff, on 28 Feb 49. I called CQMS Boyer at his home and repeated those instructions to him and sent him the warrant, which was in the morning mail for him. On 3 Mar 49 as I had not heard from CQMS Boyer, I telephoned Major F de S Robert, Offr Commanding No. 4 Section A & T Staff to ask him if he had given instructions for CQMS Boyer to remain in Montreal, and I told Major Robert that CQMS Boyer had not reported in Sherbrooke. I have never seen CQMS Boyer in Sherbrooke after that.

Q.10 For the benefit of the Court, would you please repeat the date of this telephone conversation with Major Robert?

A.10 On 3 Mar 49, Sir.