

Ex "H" *Atchinson* 13

Summary of evidence in the case of No. D 3843 Trooper JOHN MATTHEW OSMUN of the 17th Duke of York's Royal Canadian Hussars (7th Rec'ce Reg't.) C.A.O.

By direction of the Commanding Officer the summary of evidence is taken.

1st Witness
for the
Prosecution

D 3372 Tpr. Pelletier, J.R. of the 17th D.Y.R.C. Hussars (7th Rec'ce Reg't.) C.A.O. states:-
At Haig Lines Barracks on the night of September 30th, 1941 Tpr. Osmun, J.M. was not in his bed at Lights-Out.
Question: Do you sleep near Tpr. Osmun?
Answer: Yes, I sleep opposite to him.

The accused declines to cross-examine this witness.

J.R. Pelletier
D 3372 Tpr. Pelletier, J.R.

2nd Witness
for the
Prosecution

D 3092 Cpl. Brennan, J.G. of the 17th D.Y.R.C. Hussars (7th Rec'ce Reg't.) C.A.O. states:-
At Haig Lines Barracks on 11 October 1941 I was Guard Commander when at 1508 hours the accused Tpr. Osmun, J.M. was delivered to me by D 3171 Sgt. Newbury, W.F. Tpr. Osmun was dressed in Blue Civilian Suit Coat, Khaki trousers and blue Regimental Sweater. He was searched by Sgt. Newbury and put in the Detention Room.
The accused declines to cross-examine this witness.

J.G. Brennan
D 3092 Cpl. Brennan, J.G.

3rd Witness
for the
Prosecution

D 3559 Tpr. Henders, B.K. of the 17th D.Y.R.C. Hussars (7th Rec'ce Reg't.) C.A.O. states:-
At Haig Lines Barracks on the night of September 30th, 1941 Tpr. Osmun, J.M. was not in at 2230 hours. I was not in charge of the Tattoo, but I am the Squadron Orderly Room Clerk and sleep opposite Tpr. Osmun. I looked again in the morning and he was still not in.

The accused declines to cross-examine this witness.

B.K. Henders
D 3559 Tpr. Henders, B.K.

D 76757 L/Cpl. A. Astrof	- Army Form B 252	- Appendix "A"
P.C. Henry Wood, A.R.D.	- A.F.O. 1618	- " " "B"
Sgt. L. Brint	- 163 (I) (M) AA	- " " "C"
Lieut. M.C. Byers	- Certificate showing	- " " "D"
	Cost of Apprehension	- " " "E"
B 21172 Sgt. J.R. Frost	- CMHQ 1000:74	- " " "F"

Written statements of these witnesses evidence purporting to be signed by them have been read to the accused and are included in this summary of evidence.

Having regard to the exigencies of the service the attendance of these witnesses cannot in my opinion be readily procured.

T.A. O'Hara
Captain T.A. O'Hara

The accused does not demand the attendance of these witnesses for cross-examination.

The accused having been duly cautioned in accordance with Rule of Procedure 4 (E) "Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence." reserves his defence.

Certified that Rule of Procedure 4 (C) (D) (E) (F) and (G) have been complied with.
Taken down by me in the presence and hearing of the accused this 17th day of October 1941 at Haig Lines Barracks.

T.A. O'Hara
Captain T.A. O'Hara