

*H. Pinnell
A. E. Pinnell*

- A.50 - Yes, sir
- Q.51 - Where?
- A.51 - There, sir (Points to accused)
- Q.52 - And you identify him as the man you are referring to?
- A.52 - Yes, sir

CROSS-EXAMINATION BY DEFENDING OFFICER

- Q.53 - Did you know the Staff-sergeant before this evening?
- A.53 - No, sir, I didn't
- Q.54 - Never had any dealings with him before?
- A.54 - No, sir
- Q.55 - And you state that the S/Sgt was very drunk that night?
- A.55 - Yes, sir

4th Witness for the Prosecution, M.68048 Gnr. Pinnell, A.E., 96 A/Tk Bty., 5 A/Tk Regt. R.C.A., 1 C.S.R.U. having been duly sworn is examined by the Prosecutor.

- Q.56 - Pinnell, will you say to the court your regimental number, rank, name, initials and your unit?
- A.56 - M.68048 Gnr. Pinnell, A.E., 96 A/Tk Bty., 5 A/Tk Regt
- Q.57 - Do you remember the night of the 13 Aug 42 or rather the early morning of the 13 Aug 42?
- A.57 - Yes, sir
- Q.58 - Our presence here is connected with a certain series of incidents which allegedly occurred on that evening. Will you tell us as briefly as possible what you saw going on that evening?
- A.58 - I was just outside of the guardroom at approximately 0030 hours on the night of the 13 Aug 42 and just standing there and I heard loud speaking going on at the gate and I saw with the light of trucks this blow struck and the guard who was on duty it knocked him back through the gate

CROSS-EXAMINATION BY DEFENDING OFFICER

- Q.59 - Do you know S/Sgt Vyvyan?
- A.59 - No, sir, I couldn't recognize him that night
- Q.60 - Can you recognize the soldier who struck the blow?
- A.60 - No, I couldn't recognize the soldier. I could see that it was a soldier.

QUESTIONS BY THE COURT

- Q.61 - Were you on duty at the time?
- A.61 - No, sir, I was not on duty
- Q.62 - Were you a member of the guard?
- A.62 - Yes, sir
- Q.63 - Where did this incident take place?
- A.63 - At Delville Barracks, Cove

The Prosecution is closed

The provisions of Rs.P. 40 and 41 is hereby complied with by the President

PRESIDENT TO ACCUSED

- Q.64 - Do you apply to give evidence yourself as a witness?
- A.64 - Yes, sir
- Q.65 - Do you intend to call any other witness on your behalf?
- A.65 - Yes, sir
- Q.66 - Is he a witness as to character only?
- A.66 - Yes, sir

1st Witness for the Defence, the accused, P.35151 Pte (A/Arm.S/Sgt) Vyvyan, having been duly sworn is examined by the Defending Officer.

- Q.67 - S/Sgt Vyvyan will you tell the court in your own words what happened that night as far as you know?
- A.67 - I had been out drinking something which I am not accustomed to, some wine, and I came back to the barracks not feeling very well