

EVIDENCE IN THE
CASE OF

A.28506

Gnr

Alva Franklin

WEAVER

1 CSRU

-PROSECUTION-

THE PROSECUTOR PRESENTED CERTIFIED TRUE COPY OF UNIT STANDING ORDERS FOR SENTRIES OF THE GUARD DRAWING ATTENTION TO SECTION 6 SUB SEC (2) AND TO SECTION 11. STANDING ORDERS ADMITTED AND MARKED EXHIBIT 1.

FIRST WITNESS

K.65560 Signa FOWLER WE, 1 CSRU, having been duly sworn, states:

On the night of 26-27 Aug I was on duty at the Delville Offrs Mess. I heard a shot about 2 o'clock in the morning and I went out to investigate. The accused, whom I now recognize, was lying on the ground outside the sentry box by the gate. I asked him what happened and he told me he was shot and I asked him where and he said in the leg. There were four live rounds and one empty in his rifle. Mr Carson came down and rendered first aid. The truck came later and took him away. The accused said at the time that he would get hell for having his rifle loaded. When I asked him how it happened he said something about taking his rifle down from the slung position.

CROSS-EXAMINED

- Q. Can you tell the Court where the rifle was lying at the time.
A. On the ground beside him, Sir.
Q. You are quite sure that Gnr Weaver said that he was changing the rifle from the slung position?
A. Yes, Sir.

IN THE OPINION OF THE COURT IT IS NOT NECESSARY TO COMPLY WITH RP 83(B).

SECOND WITNESS

B.31159 A/Sjt CURRIE RI, 1 CSRU, having been duly sworn, states:

About 0200 hrs in the morning I heard a shot, and then a call for help. I immediately got out of bed at the Delville Offrs Mess where I am Messing Sgt. I found the accused whom I now recognize lying up against the back of the sentry box. I looked down and saw his left foot was bleeding. I went in and phoned the FAP. In the meantime Mr Carson had come down and was attending the accused with first aid. By the time the ambulance came we had moved the accused into the kitchen for warmth. He made no statement.

NO CROSS-EXAMINATION

IN THE OPINION OF THE COURT IT IS NOT NECESSARY TO COMPLY WITH RP 83(B).

THIRD WITNESS

LT CC CARSON, 1 CSRU, having been duly sworn, states:

On the night of 26-27 Aug I was asleep in my quarters. At approx 0210 hrs I was awakened by a rifle shot followed immediately by calls for help. I got up from my bed and while sitting on the edge of it getting dressed I heard the sound of running feet and a voice asking "are you hurt lad?" I looked out and saw lights flickering around the sentry box 35-40 yds away. Assuming that there had been a person injured I took my first aid dressing and went to the gate. On reaching there Fowler said that the guard had been shot through the foot. I examined his left foot and found blood oozing from the eyelets and the lower seams of the boot. He lowered the guard to the ground and removed his boot and sock. I found a small puncture on the left right side of the ankle of the left foot and a large hole on the instep. The puncture and the hole had all the indications of a gunshot wound from a rifle. The large hole in the foot was bleeding profusely. I rendered first aid. During this Signa Weaver made a remark the substance of which that he would probably get into trouble because of this mishap. He was suffering from shock. I then asked if the FAP had been notified and was told they had been, and as it had been a few minutes I instructed Sgt