

Q.202 Have you tried to contact him since?

A.202 I contacted him last Sunday. I telephoned and asked him to be here this morning. He told me he will be down but I don't see him around yet.

THE PROSECUTOR DECLINES TO CROSS-EXAMINE

IN THE OPINION OF THE COURT AND THE JUDGE ADVOCATE IT IS NOT NECESSARY TO COMPLY WITH R.P. 83 (B)

THE WITNESS RESUMES HIS SEAT.

Second witness for the Defence

ZC-2223, Capt. F.X. Bergeron, A/Administrative Officer No. 4 Section A & T Staff, being duly sworn, is examined by the Defending Officer:-

Q.203 Will you identify yourself to the Court?

A.203 I am ZC-2223, Capt. F.X. Bergeron, A/Administrative Officer, No. 4 Section A & T Staff.

Q.204 Do you recognize this file?

A.204 I recognize this file as being the personal file of SD-61589 CQMS Boyer, Marcel.

Q.205 Will you turn to letter No. 105 and read it to the Court, please?

THE PROSECUTOR

I have an objection to that.

THE COURT

This is a confidential report made on the accused himself and the accused has consented to its reading and I do not see why we should refuse this privilege to the Defence.

THE PROSECUTOR

I feel that a confidential report prepared by an Army Examiner should be presented to the Court by the person who made the report and in the second place if this report should be given wide circulation the purpose of the report itself is defeating for the future. I repeat my objection.

THE COURT TO THE PROSECUTOR

But it will not be circulated.

PROSECUTOR TO THE COURT

As a Prosecutor, I make my objection. I am explaining the entry of the document I happen to know.

DEFENCE TO THE COURT

I would like to instruct Capt. Bergeron to produce certified true copies of the following letters: folio 105, 109 and 112.