

- A. 9 - Yes, he drew the pistol from the case, held it in his hand and said "do you see this pistol? Are you afraid of it?" and then the pistol was handed over to Johnny.
- Q. 10 - He didn't point it at you; he just held it in his hand?
- A. 10 - He didn't point it. He only had it in his hand and showed it to me.

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

THE WITNESS WITHDRAWS

2nd Witness for the Prosecution, Untoffz Rudolph Plank, Sandhorst, Kreis Aurich, having been duly sworn in German is examined by the Prosecutor through the interpreter.

Q. 11 - Would you tell us if you have seen the accused before and where and under what circumstances?

A. 11 - I didn't see him before the night. This was the soldier who was standing in the doorway. I couldn't give any statement about the soldier because he only stood at the doorway and didn't do anything.

DEFENDING OFFICER DECLINES TO CROSS-EXAMINE THIS WITNESS

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

THE WITNESS WITHDRAWS

*THE PROSECUTION HAS NO FURTHER EVIDENCE TO SUBMIT*

Certified to be a true transcript of the shorthand notes taken by me at the FGEM described on p. 1 of CF A96

16 Oct 45

(F. J. Nethercut) S/Sgt  
Court Reporter  
HQ 3 Cdn Inf Div (CAOP)