

C-17

- Q.85 Capt. Theriault, do you know CQMS Boyer?
 A.85 Yes, Sir.
 Q.86 Do you see him anywhere in this Court?
 A.86 Yes, Sir.
 Q.87 Will you point to him?
 A.87 The witness points to the accused.
 Q.88 Did you take the Summary of Evidence on CQMS Boyer?
 R.88 Yes.
 Q.89 What was it for?
 A.89 For deserting His Majesty's Service
 Q.90 I suppose at the Summary of Evidence you interviewed a few witnesses?
 A.90 Yes, Sir.
 Q.91 After you have interviewed witnesses, did you tell anything to the CQMS Boyer?
 A.91 Yes, I read to him the warning.

JUDGE-ADVOCATE TO THE COURT

Before we go any further, it is my duty to tell the Defence what is going on. I can realize now that the Prosecutor is trying to introduce before the Court a statement made by the accused at the Summary of Evidence. This is what is called evidence on "voir-dire". The evidence which will take place now is this: the witness will not be called upon to give evidence on the statement itself, it will be up to the Prosecutor to show to the Court that the statement made by CQMS Boyer at the Summary of Evidence was voluntary. When the witness is through, you may cross-examine him, and may call the accused. He will not be questioned on evidence but on the circumstances surrounding the taking of the statement.

First witness on
"voir-dire"

- Q.92 Capt. Theriault, did you give this warning to the accused (presenting a sheet of paper to the witness) and if you did, will you please read to the Court the warning that you gave to the accused?
 A.92 Yes, I did give this warning, Sir. (The witness reads the warning).
 Q.93 Did you threaten CQMS Boyer?
 A.93 No, Sir.
 Q.94 Did you use force or violence in order to obtain a statement from him?
 A.94 No, Sir.