

Q.52 Did he strike you again?

A. No, just once, in the vegetable room and once in the hall.

Q.53 After you had hit him the first time.

A. While he was swinging with me, but none of them caught me. We were trading punches.

Q.54 What was your intention?

A. To knock him out and carry him to the Guard Room.

In the opinion of the Court it is not necessary to comply with R.F. 83(B).

The witness withdraws.

Second witness for the prosecution

R.45310 Bdr. Daniels, R., R.C.A., A.1 C.A.T.C., Petawawa Military Camp, having been duly sworn is examined by the prosecutor.

Q.55 What is your duty at A.1 C.A.T.C.?

A. I am attached to the School of Instruction as P.T. instructor.

Q.56 Do you know the accused in this case?

A. I know him since the night of the goings-on.

Q.57 Do you see him here this morning?

A. Yes, sir (indicates accused).

Q.58 Do you recall seeing him early in March of this year?

A. I saw him on March 10th, sir.

Q.59 Will you describe to the Court the circumstances under which you saw him, and where?

A. He was in Hut L.11 kitchen on "H" Bty side. Bdr. Waterfield and myself were going back from the Grenade Theatre about 2130 hrs on the 10 March. On passing L.11 kitchen we heard a disturbance and entered to see what was going on. Gnr. Lecompte was molesting L/Cpl. Richmond. Bdr. Waterfield and myself stepped in between them, trying to stop the fight. Bdr. Waterfield ordered Lecompte to return to his hut. Lecompte refused and rushed at me, throwing me against the wall. I applied an arm lock on him and put him on the floor, and he promised if I let him up he would settle down. After letting him up he again rushed at Cpl. Richmond and forced him into the ration room. Bdr. Waterfield, Bdr. Hughes and myself decided that we would take Gnr. Lecompte to the Guard Room by force. We went into the ration room. Bdr. Waterfield again stepped in between them. Gnr. Lecompte hit him on the face. Waterfield did not hit him back. In the hall Gnr. Lecompte again struck him in the face and Bdr. Waterfield, in self defence, hit him back. He struck him about four or five times. Gnr. Lecompte dropped his hands and slumped to the floor. We picked him up and carried him half way to the Guard Room. He walked the rest.

Q.60 After you and Bdr. Waterfield separated Cpl. Richmond and the accused, Gnr. Lecompte, did you notice the physical condition of the accused?