

REVIEW SHEET

GCM - 18, 19, 24 & 25 Jun 45  
 D-57409 Pte Brisson P.E.  
 R 22e R

## I

1. The accused was charged with murder. The plea was not guilty. He was found not guilty of murder but guilty of manslaughter and was sentenced to be imprisoned without hard labour for one year. Finding and sentence were confirmed 6 Jul 45. Promulgation was effected 7 Jul 45.

2. The accused was on duty driving a lorry to deliver ammunition. He consumed some liquor which he had procured from a fortress - presumably German loot from occupied countries. Upon reaching a point on the road near the scene of the killing he stopped his vehicle and upon getting out fired some shots at a 13 year old girl who was riding a bicycle. This was with a revolver. Place was in Holland. The girl abandoned her bicycle and ran for assistance to some civilians who hurriedly entered a nearby house. The accused then returned to his lorry and procured a sten gun. He then went to the house where the girl had disappeared and poured some shots into the house through the doors and windows. He then went to the house where the actual killing occurred and poured more shots into said house through doors and windows and even entered the house screaming at the top of his voice and let off more shots. One Vogel was in this house was struck by several shots, the injuries being such that Vogel died subsequently the next day in hospital. The accused while in the house played the piano for two minutes and then left.

3. There was considerable evidence that the accused was blind drunk and also some that he was suffering from amnesia. A defence of insanity was not put forward.

4. The defending officer referred to an analysis of liquor which did not arrive in time for use at the Court. It was agreed by all concerned that such analysis should be forwarded with the proceedings to the reviewing officer. The analyst's report did come forward. It is given in chemical terms. It is stated by the ADJA 1 Cdn Inf Div that the ADMS of his HQ reports that the liquor analysed was of an excellent brand of cognac.

5. It is considered that there is no legal reason why this conviction should be quashed and that same is supported by the evidence.

6. Pass.  
 12 Jul 45

*W.H. Naugh*  
 (W.H. Naugh) Major  
 DJA-Rev

## II

1. I have read the proceedings and agree with Min I.

2. The report of the analyst (dated 22 Jun 45) and a copy of letter of DJA 1 Cdn Inf Div dated 9 Jul 45 should be forwarded to CMHQ with the original proceedings. Copies of these documents should be passed with the certified copy of the proceedings to DAAG(Dis).

12 Jul 45

*H.C. Gordon*  
 (H.C. Gordon) Lt Col  
 ADJAG