

SUMMARY OF EVIDENCE

Summary of Evidence in the case of No. B-94887 Private McNAMARA, R.A.
63 Cdn Army Tpt Coy RCASC, charged with being absent without leave from
0630 hrs 3 Aug 45 until 2300 hrs 3 Nov 45 (AA Sec 15(1)).

By direction of the Officer Commanding the evidence is taken on oath.
FIRST WITNESS Lt J H Restall, 63 Cdn Army Tpt Coy RCASC, having been
duly sworn, states:

I am Lt J H Restall Adm Offr of 63 Cdn Army Tpt Coy RCASC, and as
such am in charge of the records of the Coy. I produce a certified true
copy of an entry contained in the Coy Regimental Book, stating that
B-94887 Pte McNamara R.A., whom I now recognize, did absent himself
without leave at 0630 hrs 3 Aug 45. I also produce a certificate of
apprehension from 8 Cdn Provost Coy, stating B-94887 Pte McNamara R A was
apprehended 3 Nov 45 at approx 2300 hrs.

The accused declines to cross-examine this witness.

The certified true copy of the entry in the Coy Regimental book, produced
as documentary evidence, was read to the accused, marked exhibit "A",
signed by me and attached hereto. The certificate of apprehension. (AFB 252)
produced as documentary evidence was read to the accused, marked exhibit
"B" signed by me and attached hereto.

.....Lt
(J H Restall)

SECOND WITNESS D-126577 Sgt Savage R A, 63 Cdn Army Tpt Coy RCASC,
having been duly sworn, states:

I am D-126577 Sgt Savage R A, 63 Cdn Army Tpt Coy RCASC. I was HQ
platoon Sgt when B-94887 Pte McNamara R.A. went absent on 3 Aug 45. Every
day since then I have called the roll of this platoon and Pte McNamara
did not answer his name nor have I seen him since that time.

The accused declines to cross-examine this witness.

.....Sgt
(R A Savage)
63 Cdn Army Tpt Coy RCASC

The accused was cautioned as follows:-

Q. Do you wish to make any statement or to give evidence on oath? You
are not obliged to say anything or give evidence unless you wish to do
so, but whatever you say or any evidence you give will be taken down in
writing and may be given in evidence.

A. No, I do not wish to make any statement

The accused does not call any witnesses.

I certify that the foregoing Summary of Evidence, consisting of one page,
was taken down by me in the presence of the accused and that RF 4(G) (D)
(E) (F) and (G) have been complied with.

.....Lt
(R A Cruikshanks)
63 Cdn Army Tpt Coy RCASC

In the Field
Nov 1945