

SUMMARY OF EVIDENCE

Ex "A" 18

Summary of evidence in the case of No. D-126883 Private Domplierre, J.L.G. of 31 Canadian Corps Troops Composite Company, Royal Canadian Army Service Corps, a soldier of the Canadian Army Overseas.

By direction of the Commanding Officer, the Summary of Evidence is taken on Oath.

First Witness
For the pro-
secution

No. D-91720 L/Sgt Luker, C., of 31 Canadian Corps Troops Composite Company, Royal Canadian Army Service Corps, a soldier of the Canadian Army Overseas, having been duly sworn, states as follows:

At "A" Platoon lines of 31 Canadian Corps Troops Composite Company, Royal Canadian Army Service Corps, on 4 Sep 44 at 0700 hours, acting in my capacity as Lance-Sergeant of the Platoon I went through the platoon lines checking to see if all the men were up, I found that D-126883 Pte Domplierre, J.L.G. was not in or around his tent and his bed hadn't been slept in. I couldn't find him in the platoon lines and reported him to Coy Hq Orderly Room as AWL as of 0700 hrs 4 Sep 44. I had not seen him in the platoon or company area until 20 Sep 44 when he was returned under escort.

E. Luker L/Sgt

The accused declines to cross-examine the witness.

Second Witness
For the pro-
secution

No. 6347918 Sgt Brooks, W. of C.M. Police. A written statement of this witness' evidence purporting to be signed by him and corroborated and signed by 5491964 L/Cpl Carrey, F. of C.M. Police has been read to the accused and is included in this summary of evidence and marked Exhibit "A".

Having regard to the exigencies of the service attendance of these witnesses cannot in my opinion be readily procured.

J.W. Stewart Capt.
(J.W. Stewart) Captain
Officer detailed to take the
Summary of Evidence.

The accused does not demand the attendance of this witness for cross-examination.

The accused was cautioned as follows: "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.

The accused was also cautioned in French as follows: "Desirez-vous faire une declaration ou rendre temoignage sous serment? Vous n'etes pas oblige de dire quel que ce soit ni de rendre temoignage a moins que vous ne le desirez mais tout ce que vous ferez sera pris en note et pourra servir de preuve."

The accused declines to make a statement and reserves his defence.

I certify that the foregoing Summary of Evidence consisting of one page was taken down by me in the presence and hearing of the accused, and that Rules of Procedure 4 (c), (d), (e), (f) and (g) have been complied with.

J.W. Stewart Capt.
(J.W. Stewart) Captain
Officer detailed to take the
Summary of Evidence

In The Field
21 Sep 44