

a superior officer. I state that there is no foundation of finding that the accused had any intention of deserting that service or leaving his post. I suggest that he felt the job was well in hand and he had to be attended to because he was ill. Therefore, I suggest there is no guilty intention on his part, he is not conscious of committing any offences against the army rules and on those grounds I would submit that the accused be acquitted on both charges."

THE PROSECUTOR MAKES A CLOSING ADDRESS

Prosecutor:

"Mr. President and Members of the court, it has been the duty of the prosecution to produce before you all the witnesses who knew anything of the material facts here, this we have endeavoured to do. The first charge against the accused person so far as the prosecution are concerned amounts to practically this, that the prosecution must establish an absence from a place where it was his duty to be together with an intention to avoid that further service that night or the charge goes on - if the accused did not do that then the prosecution has alleged at least he left that place which it was his duty to be without orders from his superior officer. Now, there are throughout the evidence a number of conflicts on minor points, there are certain conversations that are alleged to have taken place and some difference of opinion as to who was present when these words were said, and where they were said. There is no doubt quite a bit of this is due to stress of battle and disturbance and I quite appreciate SS's being used against anyone on a ground role is very disturbing to and close infighting and a number of things that were necessarily going on in this company action could quite possibly account for these conflicts. On