

CWS 47

Defending Officer's Address:

The Defending Officer reviewing the evidence stated that the accused had had too much to drink. His ability to demonstrate the mechanism of a machine gun has no significance, as sometimes a person remains physically capable when so intoxicated that the mental processes are obscured.

The only logical explanation for his conduct is the one he has given that he had so much to drink that he suffered a mental blackout. That is consistent with the other evidence which showed his behaviour to have followed a pattern typical in such cases, that is:-

- (1) Obvious drunkenness.
- (2) Actions performed without signs of drunkenness with no logical purpose.
- (3) A hang-over.

There can be no reasonable purpose in the conduct of the accused as he had a leave coming up in the ordinary way and had arranged financing for that leave. Therefore there was no need or sensible reason for him to do any of these acts of violence.

Summing up by Judge-Advocate:

The Judge Advocate in summing up explained the respective duties of the Court and the Judge Advocate. In dealing with drunkenness as a defence he read MME, Chap VII, paras 6, 8 and 9; Chapt III, para 48; and AA 130 (2) and explained the same, also presumption of innocence, onus of proof, and reasonable doubt.

The Court is closed for the consideration of the finding.

FINDING.

The Court find that the accused, A-55191, Tpr.(L/Cpl.) George Howard Farris, 6 Cdn Armd Regt (IH) is guilty of all three charges.

The Court being re-opened, the accused is again brought before it.

Captain D.F.Seabrooke, 6 Cdn Armd Regt (IH), the Prosecutor, sworn, states:- I produce M.F.B. 355 and certified true copy of M.F.M. 6, which I have compared with the Regimental Books and which are true statements as to character and particulars of service of the accused. Documents read, marked "y" and "z" respectively, signed by the President and attached to the proceedings.

No cross-examination.

The accused states he does not desire to give evidence or to call witnesses as to character, or in mitigation of sentence but that he desires the Defending Officer to make a plea for leniency.

The Defending Officer made a plea for leniency based on:

- (1) Length of good service.
- (2) Previous apparent desire to get ahead. Promoted to L/Cpl.
- (3) Position of trust in Tech Stores.
- (4) Voluntary enlistment in the Canadian Army while not a citizen of Canada.