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CDN SEC 1 ECH - HQ 21 ARMY GP

529/Petitions/1 (DJAG)  
510/Jones RC/1

6 Mar 45

DAAG (Dis)

Petition

FUGM - 8, 12 Feb 45

A.23406 Pte Jones RC

1. Herewith the m/n proceedings together with the petition of the m/n soldier.
2. The m/n soldier was convicted on three charges, first under AA 15 (1), absence of 33 days, to which he pleaded guilty; secondly under AA 40, creating a disturbance; and thirdly under AA 41 - stealing. He pleaded not guilty to the second and third charges and it is with respect to the findings on these charges he now petitions.
3. His petition is based on the ground "that the evidence produced by the prosecution did not establish a prima facie case against me." In my opinion a prima facie case was established. The accused, it will be noted, gave evidence in his own defence. With respect to the second charge, he remembered nothing. On the stealing charge, he admitted taking the clothing and bottles, but did not think it was stealing, as the goods when he picked them up were "just inside the door." There is no doubt that he was under the influence of liquor at the time but the evidence, especially of his own recollection of the events, does not suggest that he was under the influence so much so that he was not responsible for his acts.
4. I must therefore advise that the petition discloses no ground in law for redress.
5. If the GO I/C decides to refuse the petition he should endorse at the foot of the petition the words: "The prayer of the petition is denied," date the minute and sign it as GO I/C this Section over the words "A Superior Military Authority." The accused should then be advised that his petition has been denied.
6. May the proceedings and petition be returned after they have been dealt with by the GO I/C.

"T G Norris"  
(T G Norris) Col  
DJAG