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Closing Address by the Prosecutor

WAB.

There is the question of whether the conduct of the accused might lead to other members of the Army conducting themselves in the same way. The accused, an officer, under open arrest who knows the meaning of arrest, awaiting promulgation of a Court Martial, taking an other rank and going to a dance, going for a pub crawl first, losing his vehicle and sleeping in a shop doorway, certainly is scandalous. The time stated in the first charge is correct. He was apprehended for breaking open arrest. He is found asleep, without a cap, admitted his battle dress was open. The second officer who saw him P.C. Baker stated it was undone. It must have been in disorder. It couldn't been in good order after sleeping on the street. He made a statement to the C.S.M. that he had a lot of fun. Those words are admitted having been stated, but that they were disjointed and have no relation to the Court Martial referred to. Those words coming right out of the blue would have no meaning. He wouldn't be likely to say it is a lot of fun waiting for an escort. It is the prosecution's submission in view of the evidence and the admissions of the accused himself, that the first charge has been supported.

Closing Address by the Judge Advocate

WAB.

WAB.

WAB.

There are one or two points it is my duty to draw to the Courts attention. There is no allegation set out in the particulars of the charges, of the accused closing his vehicle or being on a pub crawl. During the course of the trial the question was put to one witness as to whether the accused was warned. I would like to draw the Court's attention to page 92, paras 2,3,6, M.M.L. as to the law on warnings. Lastly I would like to refer the Court to M.M.L. page 648, R.P. 44(D). (reads). As to the definition of scandalous conduct there is nothing hard and fast laid down. Footnote 1 to Section 16 states (reads). It is for the members of the Court after hearing the evidence to make up their minds whether the facts have proved scandalous conduct.

The Court closes for consideration of the finding.

W. B. B.

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