

(4)

Defending officer submits that no *prima facie* case has been established, based on the following points:

1. Mr. Dakes was being called upon to perform a duty in which he was not trained.

2. Bdr. Hannah, who was with the accused all day, considered him sober.

3. Capt. Black only saw accused for a short time.

4. Accused walked, talked, and climbed into the back of the vehicle in a normal manner.

Court allows this submission.

H. I. A.