

B 94887 Pte. Mc Namara R.A.

Plea in Mitigation

may it please court, the accused Pte Mc Namara has pleaded guilty for being A.W.L. for a considerable period. It is not my intention to attempt to whitewash the accused and have him appear as a paragon of virtue. He is only too willing to admit that he has made a mistake and is ready to pay the penalty. I submit that if justice is to be dispensed in this case, it is necessary to examine very closely the circumstances leading up to Mc Namara's going absent without leave. You have in your possession a statement of character regarding the accused and his M.F.M.6. You will note gentlemen, the accused in June 1940 and came overseas in Dec 1940 and has been separated from his family since that date. As you know, the war finally finished in May of this year and a point system was originated which was intended to give priority to long service personnel. The accused's position at that time when war finished was that he was having trouble in Canada with his family. He desired to return as soon as possible and according to his computations he had a pt. score of 208 points at the same time it was necessary that he return to Canada immediately. What actually happened was that instead of being repatriated the accused was transferred from one unit to another three successive times eventually arriving at this unit. I'm not putting that combination of circumstances up as a defence but I earnestly enjoin the members of the court to take into consideration the mental condition of a man who has been humiliated and as the accused. Place yourself in his position and I believe you will agree that despite