

SECOND CHARACTER WITNESS FOR THE ACCUSED (CONT'D)

grounds. This man tells me that he is in a position to go back to a good position in Canada. He feels that if he goes back under escort his opportunities of re-instatement are nil and in view of the situation of his family back home it will be an added shock to his parents.

IN THE OPINION OF THE COURT IT IS NOT NECESSARY TO COMPLY WITH RP 85(B).

PLEA OF MITIGATION BY THE

DEFENDING OFFICER

I merely wish to re-iterate a few points which have been brought previously out.

This man has served in the Canadian Army for a period of eight years, two years of which was in the W.P.A.M., which he joined when 18 years of age. He enlisted in the Canadian Army Native in September 1949 and proceeded overseas in Jan 50. He served in Iceland and he served with the first division in the Mediterranean theatre of operations and then proceeded with his unit to the M.W.E. and from there he was repatriated to the United Kingdom. Spr Myer has the SS/46, Italy, and France Germany Stars, the Defence Medal and the OVM and clasp.

His parents are not yet aware of the fact that he is in detention and that fact coupled with the fact that they have lost their daughter only last January, his mother is well over 60 years of age, his father is a veteran of the last war on pension as a result of gas and therefore if the accused were to be sent home to Canada under Close Arrest, which may be the case, it would be a tremendous blow to his parents. This might also jeopardize his chances of returning to the job he has waiting him. Also he has had this trouble with the girl. N/Capt Cook has mentioned this trouble. I would also like to re-introduce to the court the fact that he has been held in close arrest for a period of 14 days in London by the Canadian Provost Corps and that he has also been held in the unit guard room for a period of 35 days prior to this trial. During those 35 days detention he has worked willingly and well as testified to by Sgt Pearce. I would appreciate it a good deal if the court would take that into consideration.