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DEFENDING OFFICER'S STATEMENT IN MITIGATION

May it please the Court, the documents submitted by the Prosecution show that there are no entries on the accused's M.F.M. 6. He has a clean record as far as character is concerned, and also his M.F.M. 105 shows the man was trying to soldier. He was a little slow, but was trying hard, as Mr. Harte has stated, and never caused any trouble whatsoever in his Platoon. His M.F.M. 196 shows that he is below average in mental, a slow thinker, but is a very determined type of lad. When he makes up his mind to do a thing he follows it until it is done.

Another point in regard to character is that this man had no deficiencies in kit, which is a point in his favor. He was away ninety-eight days but during that time he was fully occupied. As the accused stated earlier, the haying had to be done on the farm, which he attempted to do, and it took him three weeks. He also stated earlier that his family was not being housed very successfully on the farm; they were living in a small shack and he assisted in the building of a new home for his parents, brothers and sisters. During the harvest season he did the threshing and tried to take the crop off but had to stop owing to bad weather, which he had no control over, so he continued to construct this house. In fine weather he went on to his land, finished up the harvesting and after the harvesting was done commenced the Fall plowing. He was so occupied when he was apprehended by the Mounted Police and brought back to the Army. The only time he ever left the farm was to go to Selkirk, Manitoba, which is a few miles from his home, for the sole purpose of getting supplies to construct the house and other supplies needed on the farm. Private Dudeck was determined to assist his parents to the best of his ability. It was a large family, and he did not want to see his parents stuck in the cold weather before the new house was constructed -- the shack was not suitable for cold weather. Therefore, the accused had no intention of deserting His Majesty's Service: that is the reason why I pleaded Not Guilty, Sir.