

Prosecutor sums up:

Evidence of Pte Faulkner denies that there was any fall either of Pte Favarik or his rifle after the shot thus showing that Pte Favarik was seated as I demonstrated earlier to the Court. The accused had been long enough in the Army to know the proper way of cleaning his rifle and if he had been cleaning his rifle and properly, he could not have inflicted the wound to which Capt Maley testified. Evidence of Pte Powell shows that Pte Favarik was emotionally upset which condition led to him to shoot himself willfully.

Defence sums up:

Re first charge: there is no proof that Pte Favarik willfully injured himself or that he was in the state of mind to do so.

Re second charge: I would ask the Court to divorce from its mind the fact that an injury was done and consider whether there was negligence. I submit that since the accused was apparently seated that ~~he~~ he could have shot himself accidentally in the manner he did and that this is more likely than that he would intentionally injure himself in the same manner.

Sherry
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