

6

On 3<sup>rd</sup> charge I submit court to make finding  
of not guilty. I say there is sufficient evidence  
before the court for say that the accused  
was drunk. Sgt Ferris said the accused  
was not drunk but that he had been  
drinking. Sgt Petrusse said that when vehicle  
was being driven by accused it was driven  
zig-zagging across the road. I refer to page 58-9  
M.M.L. para 7. I submit the expressions used by  
accused were nearly the course and abusive  
language a soldier will use when drunk and  
ought not to be construed as unbecomingly  
language. Therefore I ask court for a finding of not  
guilty on the 3<sup>rd</sup> charge.