

and not in action against the enemy.  
C. Rfn. Russell was not warned, fairly  
move.

The Prosecution submits that regarding the  
first point - this does not enter into the picture.  
They were in an operation at the time & the  
fact that the unit was already ~~disrupted~~  
after the loss of bearing on the charge.  
Due to the method of forming the line we  
cannot prove that Russell was warned to  
be on that parade, <sup>unit</sup> we have evidence that  
Russell's duty was to be in <sup>that he</sup> around his  
quarters & was not there. ~~###~~ ##  
Under AA sec 15 fm, it states that absence  
an exceptional element of desertion  
~~but if this charge may be proved, court~~  
"of from the place where it is his duty to be, and  
where he ought to be found if wanted."

End

R/R/S/H has been completed.

The Court does not allow the submission  
on the grounds that at least a case of absence  
without leave has been established.