

DOCUMENT "L"

Harold B. Be
Chas. S. E. M.

ANSWER BY THE PROSECUTOR

I would suggest to the court, without offering the evidence of Cpl. Pheby who positively identified this soldier as being the soldier whom he arrested at 1045 hrs. on the 9th day of March and whom he escorted to the custody room, we have the evidence of one witness, Pte. Landrey and he saw the man in the custody room. Now he was there under close arrest and there is no contradiction to the fact that he was in that place, and the man before the court was in that custody room, the second witness did say that.

Then, Sir, take the evidence of Landrey, he went on duty at 0800 hrs. in the morning and he saw this accused there at that time. Having been on duty with the No. 5 Detachment, his duties were to look after the detention room. On several previous occasions he had taken prisoners across the road to St. Luke's barracks, and he saw this particular guard take the accused, Pte. Johnson, across the road and he (Landrey) remained on duty until 1600 hours and up until that time at least the accused had not come back but he saw the corporal guard between the time that he and the accused left that St. Luke's barracks proper and the time they should have arrived back. We suggest that there is no evidence whatsoever in contradiction and there is sufficient evidence to put the accused on his defence.

Apart from the fact that he was not back at 1600 hours and apart from the fact he was apprehended as indicated, that's all we have to say he had gone and he was still gone at 0600 hrs. days after or sixty-five days after. We also have the M.F.M. 216.

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76