

PLEA IN MITIGATION OF PUNISHMENT BY THE DEFENDING OFFICER

What I might say in the way of mitigation is as follows:-

I think there should have been a more thorough examination of the accused before he was deemed unfit for duty. The only examination which the accused was subjected to was while he was asleep, and the sentry didn't awaken him as was the usual procedure. It might have had some effect on whether or not he could go on duty depending on how rigorously the duty NCO enforced the regulations. However, apparently the Duty NCO found it incumbent upon himself to deem the accused unfit for duty.

I would like to point out that the accused has had service for over three years with only one charge of AWL, which is a non-related offence. He is married and has two children and the results of the Court Martial might have a tragic effect on his army career and it is possible on his re-establishment in civil life. In view of that and in view of what I have previously mentioned with regard to his state at the time I think the accused should possibly receive a token punishment in the way of punishment.