

A175. - Yes, both physically and mentally.

Q176. - With what result?

A176. - A psychiatric disposition prevails in this case.

(No cross-examination).

(The Court and the Judge Advocate are of the opinion that it is unnecessary to comply with RP 83(B)).

"WBB" (See paras E1, E2 & E3 CFA96 p.3)

JA

DEFENDING OFFICER

I have here a discharge certificate which the accused just handed to me on his services in the last war. Up to now only his services in this war have been brought to light and as there is no replacement for this document I think it would be quite in order to read what is on this certificate. It shows his complete military service.

"Discharge Certificate Class 4, 3254th, this is to certify that 282038 L/Cpl JOHNSON, J V, 249 Bn, Canadian Expeditionary Force, from 29 February 1916 had continuous service with 85 Battalion in FRANCE. Discharged on 15 June 1919, a total of three years and five months".

"This is to certify that 282038 L/Cpl JOHNSON, J V made a most excellent record for himself in FRANCE as a soldier and gave very fine service. I have much pleasure in recommending his excellent character."

(sgd) J L RALSTON
Lt-Col, Comd
85 Bn,
Canadian Expeditionary Force

20 October 1919

The court is aware of the fact that due to our move from NORTH AFRICA here there was a delay in this matter coming to trial which delay has necessitated the confinement of this NCO for 32 days and should be taken into consideration. The accused has intimated that he has an aged father, 89 years of age, and a sister 55 years of age who are dependant on him. Now that the Court has seen the record of the former FCGM in which indecent conduct was the charge, it would appear that this individual undoubtedly suffers from a psychiatric condition which is aggravated when he is drinking. I would also like to draw your attention to the fact of the Medical Officers opinion as to this psychiatric condition and from known facts it would appear that this individual does suffer from this psychiatric condition. I fail to see why, after the former Court Martial, they kept this individual in the ranks, when suffering from this condition, they might kindly have considered it was inadvisable to continue his services. If the psychiatric experts of the Medical Services agree that there is no cure for this condition then of what value is this punishment. The Sgt appears to have performed, with satisfaction to his superior, his military duties in two wars, and I am hopeful that further consideration in this case will result in a minimum of punishment, as punishment will do no good and no-one can suggest that severe punishment should be effected as an example to other soldiers of the Canadian Army because this weakness pertains to this particular soldier. I feel sure that final consideration will result in this NCO being permitted to leave the service.

(See paras E4 & E5 CFA 96 p 3)

"WBB"
JA

"LAG"
"WBB"
JA