

President to accused:-

"Do you intend to call witnesses on your behalf?"

Answer:-

"No."

FIRST WITNESS FOR THE DEFENCE ON THE 5TH AND 6TH CHARGES.

The accused having been previously sworn, states:-

"About 1130 p.m. 19th August 1943 I got off an American truck on the main road from Amesbury to Carter Bks. I was with Paisley and Lanthier and we proceeded down the first road past the Garrison Theatre towards camp. We kept on going down the road toward Carter Bks. and did not have any encounters or fracas except the little fracas with Sgt. MacIntyre and we did not change our direction en route to Carter Bks. That's all sir."

"I had ~~never~~ seen Sgt. Wallace previous to being paraded before him for identification a few days after the 19th. I did not change direction or get into any fracas after the encounter with Sgt. MacIntyre. I was drinking the night of 19th August. I was not drinking whiskey. I had some beers, I can't say how many but not enough to make me drunk. I had between five and seven pints of beer, somewhere around there."

By the Court.

"I could not say that feeling good at 1130 on the evening of the 19th August."

The evidence is read over to the witness.

The case for the defence is closed.

Closing address for the Prosecution:-

The Prosecutor reviews the evidence and submits that the evidence of Sgt. Wallace should be believed.

Closing address for the defence:-

The defending officer submits it would be impossible for a man on a night as dark as this to be hit on the eye and knocked down and to identify his assailants.

The Court is closed to consider the finding.

Address on mitigation of punishment:-

Attention is directed to Field Conduct Sheet and Statement of Character and Services which speak for themselves, also to the fact that the accused has been in custody eighty-eight days awaiting trial. During that time has performed fatigues seven days a week for eight to ten hours a day and that this should be sufficient punishment for the offences.

The Court is closed to consider sentence.