

DEFENCE

FIRST WITNESS

The accused, having been duly sworn states:

I came to 22 CSEC and I was given No 5 Hut to sleep in. A week before the end of Mar I was told to move down with the RPS and Cooks into No 9 Hut. When I moved into the hut there was nobody in the hut to my knowledge that saw me come in. I took the only spare bed in the hut and there was a box underneath it. The box was locked and had the name Duthrie on it. I never tried to open the box, as I believed there was a man by the name of Duthrie in the unit. When the kit inspection took place I was in the hut when Lt Lowden came in with the Orderly Sgt, and Lt Lowden just said to throw all my kit out. I had 2 kit unlocked kit bags. I was searched for keys but no keys were found on me.

Q. Did you ever work at the "Y"?

A. Yes, voluntarily.

Q. Were you ever left alone in the "Y"?

A. Maybe for a minute or two, but no more.

Q. You couldn't get anything out of the "Y"?

A. No.

Q. Did this Cpl Sherry give you a cardboard box, Exhibit "B"?

A. No.

NO CROSS EXAMINATION

QUESTIONS BY THE COURT:

Q. How long were you in this hut that the box was under your bed?

A. About a week.

Q. Did you ever ask to whom the box belonged to?

A. I inquired from different fellows, sir, but no one seemed to know.

Q. From whom did you inquire?

A. Cocks in the hut, sir.

Q. Do you wish to say anything further?

A. I left Alton last Oct from my unit, my kit was turned in to QM Stores and when I drew it out in Feb of this year, sir I never had a box turned in and I didn't draw one out.

IN THE OPINION OF THE COURT IT IS UNNECESSARY TO COMPLY WITH RP 83(B).

THE DEFENCE IS CLOSED.

STATEMENT BY THE PROSECUTOR ON THE FINDING

I repeat all I said on the submission.

STATEMENT BY THE DEF OFFR ON THE FINDING

(NOTE ATT)

The Court is closed to consider its finding.

The Court is reopened and the President announces that the Court finds the accused not guilty on the second charge.

PLEA IN MITIGATION - NOTE ATT

EMM