

*J. H. ...*  
President, DC M

SUMMING UP BY JUDGE ADVOCATE

It is now my duty to sum up the evidence on the charge to which the accused has pleaded not guilty. The evidence brought by the Prosecution is the MFC 800, Clothing and Equipment Statement, which the accused admits the admission and the only item he disputes is the pack. There is no other evidence for the Prosecution on that point and it is a straight conflict between what the accused now says, that is, he didn't get more than one pack and the evidence of the 800. In that connection I might read you the note to section 24 of the Army Act, Note 6: (Note 6 read to Court).

In this case the Declaration of the Court of Inquiry does show that he was ~~not~~ deficient any pack and we should keep in mind that even though he did sign the 800 it is still the duty of the Prosecutor to prove him guilty beyond a reasonable doubt and unless you have a ~~firm~~ conviction that he is guilty of the charge, you must acquit him.

*J.H.*