

PROCEEDINGS OF A FIELD GENERAL COURT MARTIAL
HELD AT BAROSSA BARRACKS, ALBERTSHOF 30 MAR 41

TRIAL OF NO. A19419, Sapper Lorne Long, and No. A19425, Sapper
Mannice Francis Flynn, both of 7 Gdn Md. Coy., R.C.E.

PROSECUTOR: Capt. G. L. Bodwell, 7 Gdn Md. Coy., R.C.E.

DEFENDING OFFICER: Lieut. R. C. Garrett, 7 Gdn Md. Coy., R.C.E.

SHORTHAND REPORTER: D24030, S/Sgt. J. H. Spence, H. Q. 2 Gdn Div.

1. The Order convening the Court is read in the presence of the accused persons.
2. The Court asked the following questions:
 - A 1 Sapper Long, do you object to be tried by me as President or by any of the other members of the Court?
A 1 No, sir.
 - Q 2 Sapper Flynn, do you object to be tried by me as President or by any of the other members of the Court?
A 2 No, sir.
 - Q 3 Sapper Long, do you object to having the evidence taken down in shorthand by the shorthand writer?
A 3 No, sir.
 - Q 4 Sapper Flynn, do you object to having the evidence taken down in shorthand by the shorthand writer?
A 4 No, sir.
3. The President, Members of the Court and shorthand writer are duly sworn.
4. (a) The two accused persons answer to their respective names and numbers and are duly arraigned on the charges.
(b) Each of the accused individually pleads "Not Guilty".
(c) Sapper Flynn makes plea in bar autrefois convict. Plea allowed and referred to the confirming officer. The prosecution formally admitted that Spr. Flynn had been summarily convicted for the same drunkenness which was the subject matter of the third charge herein, and that he, the Prosecutor, was acting C. G. at the time of the summary conviction.
5. Each of the accused is asked, in turn, the question at the foot of page 2 of A.P.A. 3 and their individual answers, "no" is recorded at the foot of the question.
6. THE DEFENDING OFFICER: Sir, in connection with Spr. Flynn. He has already been charged by the A/C.O. and sentence has been passed on that last charge, and I would like to have the two accused tried separately.

THE COURT: Why?

THE DEFENCE: According to Rule of Procedure, at page 626-- the thing is that Sapper Flynn will be called upon to give evidence against Sapper Long and if they are charged jointly I don't see how it is fair to Sapper Flynn, in that way, because he may in due course, in the evidence required, be liable to commit himself on some charge.

THE PROSECUTOR: I don't intend to call Sapper Flynn.

THE DEFENCE: Well, then, if that is the case it is quite all right to try them both together.