

CROSS-EXAMINATION BY THE DEFENCE  
(Continues)

- Q6. - Quoting now from Page 3 of the Summary of Evidence, Question No. 3 and the answer to that question, and I am bound to read question and answer. "Q. Wasn't I pretty drunk? A. Yes". Did you make that answer during the taking of the Summary of Evidence?
- A6. - Not directly, sir.
- Q7. - Was that question put to you by the accused NCO?
- A7. - Yes, sir. "WAB"  
JA
- Q8. - You say that the answer yes is incorrect?
- A8. - No, I didn't answer directly.
- Q9. - Do you say that this answer is wrongly taken down?
- A9. - No, Sir.
- Q10. - Why does the answer to question No 3 of the Summary of Evidence read Yes?
- A10. - I did say yes after the Officer cleared up a question I made to him.
- Q11. - I am not concerned with that. Is the question and answer correct?
- A11. - As written, yes sir.
- Q12. - Why all the hesitation in answering to that?
- A12. - It is a question I did not want to answer yes or no, as I explained to the Officer, I do not feel capable of judging whether a man is drunk or not. He said answer yes or no and seeing the bottle on the table and knowing the accused had been drinking I had to say yes.
- Q13. - You are not in front of that Officer now, you are here in front of these Officers who form a Court, that understand your hesitation and former actions. I ask the same question again, was he pretty drunk?
- A13. - I do not know what the Court considers pretty drunk. As I have known the accused for some time I would say that in my own opinion he could carry out his duties, although I was quite sure he was under the influence of alcohol, he was capable of understanding what he was doing.
- Q14. - I take it then that the degree of intoxication was such that in your opinion he might not be responsible for any act he committed?
- A14. - No sir, I mean although the accused was under the influence of alcohol, and that knowing the accused the length of time I did and knowing his ability to consume alcohol without becoming paralyzed beyond reason, he was at the time quite capable of carrying out his duties as Battalion Orderly Room Sergeant.
- Q15. - I suppose you are aware that if he were completely drunk it would be a defence?
- A15. - I don't know, sir.