

will come along with us as the officer gave us a direct order that you should do so" and "following these instructions you will keep yourself out of further trouble" The accused stated "we will talk this over first" and made a struggle to get free. He tried to get away from L/Cpl Lapointe and myself who had hold of an arm each. The struggle lasted about 2 mins, the accused ending up on the ground and requesting us to take it easy. We let him up on his feet, and replaced his cap. Then we continued down to the Police phone box. He struggled a bit on the way to the box but was quite in order by the time we got him to the box.

CROSS-EXAMINED

- Q. The struggle between you, the other Cpl and the accused only lasted a couple of mins, in that case he could not have put up much resistance?
A. If we had not have held him down it might have been longer, but in comparison with the other soldiers it was not.
- Q. Would you say the accused put up a fight?
A. It was a fair fight for one against two.
- Q. But you had no trouble?
A. No.

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

THE PROSECUTION IS CLOSED

SUBMISSION BY THE DEFENDING OFFR

I would like to make a motion under Note 1 RP 40 that the charges against the accused be dismissed on the grounds that Lt Stephen's own evidence "there was no disturbance on the part of the accused in the Inn, known as the Feather's Inn". As regards the second charge Mr Stephen himself states that he gave no order to the accused to leave the pub, he being only interested in having Tpr Stewart leaving at the request of the landlord. As regards the third charge the wording does not show that he put up any fight while under escort, or resistance, and I would furthermore submit that the evidence shows no reason or justification whatsoever for any order of arrest being made, and I would ask for a dismissal of these charge on these grounds.

REPLY BY THE PROSECUTOR TO SUBMISSION
MADE BY THE DEF OFFR

I am of the opinion that I have produced sufficient evidence to convict on each of the charges.

THE COURT IS CLOSED TO CONSIDER THE SUBMISSION.

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