

SUBMISSION BY THE DEF OFFR

I submit sir, that the Prosecution have failed to give enough evidence to support the charges, namely 1 and 2. The two witnesses for the Prosecution, the 2 main ones I mean, have failed to establish that the goods found in the box were theirs. Furthermore you will find that there is a lot of difference between the statements of Lt Lowden and Lcpl Donofrio. Lowden said that Donofrio did not go to the Orderly Room and Donofrio says he did come to the Orderly Room. Another witness says the accused was carrying a box, while another says he had it on his shoulder.

REPLY BY THE PROSECUTOR

The witnesses definitely remember the box being carried into the hut by the accused - that is the main thing - and as to whether he had it on his shoulder or whether he carried it in his hand, is, I'm sure, easy to understand how witnesses would not remember such at this late date. Witnesses also saw him opening the box, and to open a box must show ownership. The articles in the box, Exhibit "A", are recognized as identical to the stock that has been on sale in the canteen. A witness proved that Exhibit "B" was passed over to the accused, and Sherry's name is on the box. That is all I have to say in reply, sir.

THE COURT IS CLOSED TO CONSIDER THE SUBMISSION.

THE COURT IS REOPENED AND THE PRESIDENT ANNOUNCES THAT THE COURT DISALLOWS THE SUBMISSION BY THE DEF OFFR.

EMM