

B. J. ...
SUBMISSION NON PRIMA FACIE

IN THE CASE OF

F.39699, Sdr TURPIN G.L.

1 Cdn Road Constr Coy., R.C.E.

Gentlemen, the prosecution has failed to present any evidence worthy of carrying on this trial. The accused should not be called upon for his defence. The burden of proof is on the prosecution to give evidence showing the commission of the offence and connecting the accused therewith.

The accused was employed in the kitchen and in such capacity would have access to all the rations. If he had intended to steal; there would be no necessity to bother with one single can which had been retrieved from the garbage. The last time the accused was seen near this particular can, as given by evidence, was 1800 hrs Sat. From that time until 0800 hrs a guard was near under direct instructions to watch for somebody who might try to remove the can. Nobody was apprehended removing the can yet 14 hrs later the can is found on the bed of the accused. A number of people were aware of the location of the can and anyone could have removed it to the billet. I am certain also that anybody could have placed the can on the accused's bed on being aware that the can was being searched for by a party. Too many people had knowledge of this particular can, too many had access to it and all could be under as much suspicion as the accused. From the evidence as submitted by the prosecution how can the accused be connected with the commission of the offence more so than the guard or any other person in the same billet as the accused. Therefore the accused should be acquitted of this charge.

W. H. ... Capt R.C.E.