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- JA: You know the difference between having the accused give evidence first or last. There is a Rule of Procedure --
- President: It's normal to have the accused give his evidence first rather than after he has heard all the evidence - after the other witnesses.
- Def Offr: I'm not familiar with the particular rule you are talking about. If you will give me the reference I will re-draw my submission.
- JA: Footnote 3 to RF 41. "The accused is entitled to give his evidence at any time during the hearing of the evidence for the defence, although he has previously stated that he does not apply to give evidence himself. He should, however, usually give his evidence before any other witness for the defence, and should be warned that if he gives his evidence after hearing that of the other witnesses for the defence, the value of it may be considerably discounted." I just want to warn you to make sure that you understand that.
- Def Offr: It says it may be considerably discounted.
- JA: Yes, it's up to the accused and you to decide whether it may be considerably discounted. The idea is that the accused would be here while his witnesses will give evidence. That makes the difference. He isn't called to corroborate his witnesses. His witnesses will corroborate him.
- Def Offr: I'll put the accused in first. I thought it would be convenient to put him at the end because - I'm prepared to put him in at the beginning.
- JA: We're not asking you to do that.
- Def Offr: I appreciate that. Does the Court wish an opening address?
- President: As you wish.

The Defending Officer makes the following opening address:

The defendant, Captain Jessop, in this case, as you have all heard, is - was the 2IC of this particular squadron of the 2/7 Recce Regiment. There have been two witnesses called whose evidence you have heard. The defence proposes to call witnesses who will show first, that Captain Jessop was confined to his room and in his bed with the flu and was not out of his room during the period that these instructions were supposed to have been given on the Twenty-Seventh. Actually the defence will show that he was confined to his room by the Unit Medical Officer from the Twenty-Fifth till about the Second of March. The defence will also give evidence from one of the officers of the Unit that he was in the room during this week when one Lance-Corporal Tengum and one Corporal De Bartok called on Captain Jessop and his evidence will be to the effect that no monies were handed to Captain Jessop and they simply called on Captain Jessop to advise him that the rooms had been reserved for him down in Gronigen. There was some suggestion made in one of the witnesses for the Prosecution - by one of the witnesses for the Prosecution - that a telephone call went through from the squadron orderly room, made by Captain Jessop to some officer on the border, to allow this Jessop to go through. Lieutenant Potts, who is flying back from UK is the witness - who is the man who was on the border at the time and who will give evidence that no such telephone conversation took place with him. That, together with Captain Jessop's evidence will be the defence.

FIRST WITNESS FOR THE DEFENCE

The accused, Captain J.H. Jessop, 2/7 Cdn Recce Regt CACF, having been duly sworn, is examined by the Defending Officer: