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STATEMENT BY THE DEFENDING OFFICER IN MITIGATION OF PUNISHMENT

This man has served up until the time of this absence for a period of one year and 10 months. During that time his conduct sheet shows a total absence of 23 days 20 hours and 45 minutes. On top of that there are a couple of other crimes under different sections. I submit to the Court that although this record may not be called good, on the other hand it still cannot be called bad. This soldier has worked at the Base Postoffice at Ottawa and to my knowledge they work very hard. However, to get to the facts of this absence. Here again is a case where there has been trouble because of the wife. For no apparent reason given the Accused soldier, no explanation at all, she just up and left him. This must have been quite a shock to this man. After having been married to the woman for 10 years, during which time they had no troubles at all. I would ask the Court then to consider the accused's state of mind. The foremost thought in his mind was to try to find his wife and get her back. He states he walked from one end of Detroit to the other, spending several hours at places where he thought his wife would be. This absence was not committed just for the joy of being absent from the Army. The Accused had a good reason for staying away. He claims he met an ex-Colonel in the Canadian Army who told him to go to see the GOC of Central Command; that is the Command that the Accused was stationed in. He told the Accused that General Potts would listen to his story and more than likely would be able to help him. However, he was apprehended at Windsor, Ontario, before he had the opportunity of carrying out that intention. I would also ask the Court to consider the length of time that he has been awaiting trial which is 14 days. Now this soldier Sir has requested me to ask the Court if he could be sentenced in some other place than a Detention Barracks. I don't favour this action as his Defending Officer but he gave as his reasons that he is nervous and he is not strong.