

and while that statement was made voluntarily and he was not cross-examined on it you cannot even find the mention of the word, "dazed" in it nor does he complain of anything when he went to the RAF except abdominal discomforts. I simply leave that thought with you, there is absolutely no mention of it there. It is my submission that the prosecution here have fairly proven that the accused was guilty of one of these charges. If in the mind of the court it is determined that he did not have the intention of avoiding further service when he returned to the rear area then I cannot see how the court can avoid considering very seriously the second charge, which I submit has been well proven by the evidence that has been brought before you. I do not believe I need go further, the evidence of the various witnesses is too fresh in your minds and I do not intend to elaborate the point on reviewing any of it here."

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THE JUDGE-ADVOCATE SUMS UP

Judge-Advocate:

"Mr. President and Gentlemen, you have listened with a great deal of patience and attention to the story of this case.

*And* The circumstances are most distressing, yet it is your duty still to make a finding on the matter. It is my duty to sum up for you the facts and arguments on both sides and advise you on the law which you will consider. Upon matters of law you must be guided by my opinion and will not disregard that opinion except for the weightiest of reasons; upon matters of fact, however, you must form your own conclusions and will not interpret any of my remarks on those facts as intended to interfere with your judgement. My remarks on points of fact are intended only to define issues or point out specific pieces of evidence which I consider may be important