

82. If we had not got into the trouble with the Station in Messina on Dec 7 1943 I am pretty sure we would have gone on our way back to the hills. There was no violence connected with my breaking away from Sgt Neitzel.

E.5. The Court deems the witnesses to have certain points not satisfactorily covered in the Summary of Evidence.

First Witness Capt. J. B. Donald 14 Fd Coy R.C.B. being duly sworn states: ∴ On Dec 7 1943 the accused was serving a sentence of detention in the unit lines that is the reason he was sent to the barracks in custody of Sgt. F. C. Neitzel. The accused was still in close arrest on Jan 9 1944. His sentence of detention terminated in Dec 43 and he was still in custody awaiting trial on the charges arising out of the offences committed on 7 Dec 43.

The accused declines to cross-examine

R.P. 83(b) complied with

Second Witness Sgt. F. C. Neitzel 14 Fd Coy R.C.B. being duly sworn states: The accused escaped from the custody on Dec 7 1943 at about 1630 hours.

The accused declines to cross-examine

R.P. 83(b) complied with

E.3. Depending on Officer's Statement in Mitigation the 1st four charges were committed when accused was drunk and at such times he was quite unaccountable for his actions.