

W. B. Lusk
President, D. C. M.

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THE PROSECUTOR ADDRESSES THE COURT

Mr. President and Members of the Court:

The charge in this case is Conduct to the Prejudice of Good Order and Military Discipline and the particulars in support are set out in the body of the charge.

The evidence appears to establish that these facts took place on the day and at the approximate time set out in the Charge-sheet. There is evidence that the accused had been drinking, and whether or not he was drunk at the time, is for the Court to decide. The evidence of both Capt. Tritt and Capt. Ruttle is that he was admitted to Petawawa Military Hospital shortly after the event and was hospitalized for a period of some 42 days, for which a charge has been made of \$3.00 per day.

Sir, I would like to make a reference to Bdr. Waterfield. In the circumstances, I don't know whether it is subject to your approval. Simply, sir, that, regardless of the legal position of Bdr. Waterfield in regard to any offence he may have committed, the issue in this case is to be decided simply whether or not this accused is guilty of the charge against him as stated in the Charge-sheet.

A.S.P.