

THE DEFENCE IS CLOSED

PROSECUTOR'S STATEMENT ON THE FINDING

I have no doubt as to the facts in this case. The severity of the crime is one that can only be dealt with by the Court from the standpoint of degree and the evidence brought forward there seems to be no question that the offence was deliberate by the accused with his eyes open and from that standpoint it would ordinarily be dealt with with the utmost severity, though from his own evidence and from the character evidence given of which there is no question whatsoever, it shall be for the Court to decide the degree of responsibility for which he must be held accountable.

DEFENDING OFFICER'S STATEMENT ON THE FINDING

There is evidence that the accused was under the influence of liquor in connection with both charges. There is the letter from his wife which shows that the accused was greatly worried and under great mental stress which probably would explain to some extent at least his actions. There is evidence that the accused is considered to be the most valuable fire NCO in the Can Service. This is given by the officer from CMH, responsible for such services. On a visit recently from Brig Sager a recommendation was made that an AD officer should be present at the fire depot. Perhaps had this all been in effect and the vehicle traced during the morning there would have been no offence committed with respect to the second charge.

THE COURT IS CLOSED TO CONSIDER THE FINDING

PLEA IN MITIGATION

(NOTE ATT)

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