

CLOSING ADDRESS FOR DEFENSE

in the case of Pte Giroux, P.E.

Sirs:

In summing up the evidence I would ask you to consider these points. Before Madame Simon left the house on the morning of the 27 of Nov she showed Pte Giroux a bottle of wine which she told him she had bought for that evening and that if he felt inclined, he could have a drink. That morning Pte Giroux had only had some coffee and no food. He had a drink of wine and I need not explain how that only made him feel that he should have another. I admit it was a weakness on his part - but a weakness he could not help at the time. Pte Giroux had more wine than cognac and the wine again and I am certain that the Court is aware of the effect that such a combination would have on an empty stomach. After having these drinks Pte Giroux does not remember what he did and is not responsible for his actions in the same way as a normal person is. I wish to draw the courts attention to Sections 8 and 9 of Chap VII of the M.M.L. I cannot quote for I have not an M.M.L. with me but the court will find words to the effect that that if the mind of a person is so affected by some disease that he is unaware of the nature of the crime and incapable of forming the specific intent necessary to constitute the crime he should not be convicted of it. Intoxication can affect the mind to such an extent and if the court consider the evidence brought out I am sure they will find that in this case the mind of the accused was so affected. In the first place the accused consumed approx a bottle of wine and half a bottle of cognac. That in itself should be sufficient proof. Secondly the witnesses will testify that he was very drunk he was so drunk that he couldnt even open the door but had to call for help.

And lastly I would ask the court to consider the articles found on the accused. What normal person would go taking a ladies handkerchief or what good to a soldier is a ladies nail file with green handle? Only a person so far gone that he absolutely didnt know what he was doing would take any such things. At the time that the accused did take them his mind was so far gone that he didnt even know what he was taking or was incapable of forming the specific intent that is necessary. In view of these facts I would ask the court to consider this as a special case and with reference to the M.M.L. as a guidance for such a special case I feel that the accused should be acquitted

Respectfully submitted

(sgt) A.T. Mann, Lieut