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Title: [FINN Leslie Keith (Private) : Service Number - QX50347 : Unit - 'C' Company, 15th Australian Infantry Battalion, Australian Military Forces : Date of Court Martial - 6 September 1945]

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COMMONWEALTH OF AUSTRALIA



DEPARTMENT OF THE ARMY,
MELBOURNE, S.C. 1.

No. _____

MEMORANDUM FOR:

139505

The Secretary,
Attorney General's Department,
CANBERRA A.C.T.

DESPATCHED

23 OCT 1945

DCM QX 50347 Pte L.K. FINN
"C" Coy 15 Aust Inf Bn

I forward herewith the proceedings of the above Court-martial held at in the field on the 6 Sep 45 for record in your Department. "I would be glad if you would insert your registration number of the proceedings in the form attached and return it to my Department.

McHehir
for (F.R. Sinclair)
Secretary.

for *acked*
Attorney-General's Dept

20 NOV 1945

National Archives of Australia

NAA: A471, 73337

AUSTRALIAN MILITARY FORCES

47652

A.A.F. A117
(Revised Nov., '44)
L.H.Q. Use Only

RECORD OF COURTS-MARTIAL

No. F/2/2277

ACCUSED:

QX 50347 Bte L.K. PINN "C" Coy 15 Aust Inf Bn

COURT, PLACE,
DATE AND
FORMATION:

DCM in the field 6 Sep 45.
3 Aust Div (AIF)

CHARGES(S)

PLEA

FINDING

AA12(1) 'a) DESERTION 29 Jul 45 -

14 Aug 45

NG

0

SENTENCE
AND DATE:

DETENTION FOR ~~TEN~~ TEN (10) MONTHS. 6 Sep 45.

IN ARREST:

nil DAYS OPEN: 21 DAYS CLOSE:

CONFIRMATION
AND BY WHOM:

16 Sep 45. Maj Gen Bridgeford.

PROMULGATION:

18 Sep 45

DATE FOR REVIEW:

16 Dec 45

J.A.G.'s REPORT:

VALID AWG

ACTION ON REVIEW:

FILED IN ATTORNEY-GENERAL'S DEPARTMENT AND NUMBERED.....

L.H.Q. Press-1720-11/44-50m.

AWG/CB

F/2/2277

DEPARTMENT OF THE ARMY
MINUTE PAPER

SUBJECT: D.C.M., QX50347, Pte L.K. FINN, "C" Coy 15 Aust Inf Bn

A G

With reference to the above DCM I have read through the proceedings and advise that the findings and sentence are valid.

PS
10/10

D. W. Gill
JUDGE ADVOCATE GENERAL

17 Oct 45
National Archives of Australia

NAA: A471, 73337

AUSTRALIAN MILITARY FORCES

A70/20

HQ 3 AUST DIV (AIF)

GOC - 3 AUST DIV (AIF)

DCM : QX50347 PTE Leslie Keith FINN - 15 AUST INF BN
REPORT ON PROCEEDINGS PRIOR TO CONFIRMATION - AMR & O 573

OPINION: In my opinion both finding and sentence may legally be confirmed.

COURT: The Court was properly convened and constituted of the following officers each of whom was eligible and qualified to sit:-

President - Maj F.G.B. PULLEN (PPCM) HQ 3 AUST DIV
Members - Maj R.B. COLE 42 AUST INF BN
 Maj S.M. McDONALD 47 AUST INF BN

CHARGE SHEET: The Charge Sheet was correctly drawn and disclosed an offence against the Army Act by a person amenable to Military Law.

PROCEEDINGS: The trial was conducted in accordance with the Rules of Procedure and the proceedings are in order.

CHARGE, PLEA & FINDING: The charge, plea and finding were as follows:-

<u>Charge</u>	<u>Plea</u>	<u>Finding</u>
AA 12(1)(a) WOAS DESERTING HIS MAJESTY'S SERVICE in that he in the field at 1600 hrs on 29 Jul 45 deserted His Majesty's Service by absenting himself from his coy whilst it was engaged in active operations with intention to avoid taking part in such operations from 1600 hrs on 29 Jul 45 until 1830 hrs on 14 Aug 45.	NOT GUILTY	GUILTY

In my opinion there was evidence on which the Court could properly make the finding.

SENTENCE: The Court on 6 Sep 45 sentenced the accused to UNDERGO DETENTION FOR TEN (10) MONTHS, which is a valid sentence.

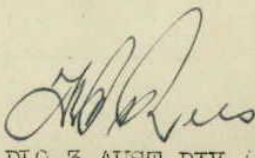
FORFEITURES: The accused will forfeit pay for 21 days while awaiting trial.

RECORD: The accused's record is as follows:-

Age - 23 years 7 months Date of Attestation - 17 Feb 42
Offences - NIL

REMARKS: Attention is invited to the evidence of the witnesses for the prosecution as to the accused's previous good record (Sheets No. 3-4).

It is recommended that the sentence be marked for review in three (3) months time and that his discharge be not recommended.


 J. B. LEWIS
DLC 3 AUST DIV (AIF)
 15.9.45



AUSTRALIAN MILITARY FORCES

****Form of Proceedings for General and District Courts-Martial.**

****All printed matter
not applicable to the
circumstances of the
case should be struck
out and initialed by
the President. See
also instructions on
back of this sheet.**

Proceedings of a District Court-Martial held at in the field
on the 6th day of SEPTEMBER 1945 by order of MAJ-GEN
W. BRIDGEMAN - COMD 3 AUST DIV (AIF)
dated the 3rd day of SEPTEMBER 1945

Rank	Name	Regiment	Date of first appointment to commissioned rank.
------	------	----------	---

President.

MAJ	E.G.B. PULLEN (PPCM)	HQ 3 AUST DIV	4 Jun 25
-----	----------------------	---------------	----------

Members.

MAJ	R.B. COLE	42 AUST INF BN	4 Mar 40
MAJ	S.M. McDONALD	47 AUST INF BN	3 Sep 39

Judge Advocate.

Trial of *OX59347 Pte Leslie Keith FINN - 15 AUST INF BN

*Here insert No., Rank, Full Name, Regiment or Corps, and Appointment (if any), or other description.

The order convening the Court, the charge-sheet, and the summary [abstract] of evidence are laid before the Court.

†Here insert Rank, Name, Regiment, or Corps, and Appointment (if any).

The Court satisfy themselves that:

‡Here insert reason.

is not available to serve owing to:

waiting member, takes his place as member of the Court.

The Court satisfy themselves as provided by Rs.P. 22 and 23, having due regard to the Defence Act and the Australian Military Regulations.

The accused is brought before the Court.

Prosecutor: Capt A.K. SANGSTER (AALC) HQ 29 AUST INF BDE

Counsel [Defending Officer]: Capt F. TREATT (AALC) HQ 15 AUST INF BDE

\$Here insert Rank, Name and Regiment or Corps and Legal Qualification (if any).

The order convening the Court is read, and [a copy thereof] is marked A2, signed by the president, and attached to the proceedings next after this sheet.

The names of the president and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Do you object to be tried by me as president, or by any of the officers whose names you have heard read over? Answer—NO

(N.B.—If objection is made it should be recorded, together with the consequential procedure on a separate sheet to follow this sheet.) (For procedure see M.M.L., p. 671.)

The president, members, and judge advocate are duly sworn.

The following officers under instruction are duly sworn:

Rank	Name	Regiment
------	------	----------

Question by the President to the accused.

Do you object to _____ as shorthand writer? Answer—

_____ is duly sworn as shorthand writer.

I have satisfied myself that none of the officers detailed as members of this Court has previously served upon any Court of Inquiry respecting the matters forming the subject of the charge [charges] before this Court-Martial.

President.

COURT-MARTIAL PROCEDURE

1. The Court assembles in closed court R.P. 22
 2. The convening order, charge sheet and summary are laid before the Court by the president R.P. 22
 3. The Court satisfy themselves that—
 - (a) the Court is duly convened;
 - (b) it consists of not less than the legal minimum, and, save as mentioned in R.P. 18, not less than the number appointed;
 - (c) each of the officers is eligible and not disqualified;
 - (d) the president is of the required rank and duly appointed;
 - (e) in the case of a General Court Martial that the officers are of the required rank;
 - (f) the judge-advocate is duly appointed and not disqualified. R.P. 22
 4. The Court satisfy themselves—
 - (a) that the accused is amenable to military law and to the jurisdiction of the Court;
 - (b) that the charge is properly framed and discloses an offence. R.P. 23
 5. The Court is opened and the accused is paraded. R.P. 24
 6. The prosecutor and defending officer or counsel take their places. R.P. 24
 7. The convening order is read aloud (each member answering to his name), is marked and signed by the president and attached to proceedings. R.P. 25
 8. The accused is asked "Do you object to be tried by me as president, or by any of the officers whose names you have heard read over?" Any objections by him will be heard and decided. R.P. 25
 9. The president, members, judge-advocate and officers under instruction are sworn. R.P. 26
 10. The accused is asked if he objects to the shorthand writer. R.P. 72
 11. The shorthand writer is sworn. R.P. 72
 12. The accused is informed of his right to call evidence as to his medical condition. A.M.R. & O. 532
 24. The subsequent procedure is as follows:—
 - I. If accused gives evidence himself but calls no other witness to the facts—
 - (i) accused gives his evidence; R.P. 40 (C) (i)
 - (ii) accused calls witnesses as to character; R.P. 40 (C) (ii)
 - (iii) prosecutor addresses; R.P. 40 (C) (iii)
 - (iv) defence replies. R.P. 40 (C) (iv)
 - II. If accused gives evidence himself and calls another witness to the facts;
 - (i) defence addresses; R.P. 41 (A) (i)
 - (ii) accused gives evidence and calls witnesses; R.P. 41 (A) (ii)
 - (iii) defence addresses; R.P. 41 (A) (iii)
 - (iv) prosecutor replies. R.P. 41 (A) (iv)
 - III. If the accused neither gives evidence himself nor calls a witness to the facts—
 - (a) when NOT represented—
 - (i) accused calls witnesses as to his character; R.P. 40 (D) (i) (a)
 - (ii) prosecutor addresses; R.P. 40 (D) (i) (b)
 - (iii) accused addresses; R.P. 40 (D) (i) (c)
 - (b) when represented
 - (i) accused makes statement; R.P. 40 (D) (ii) (a)
 - (ii) accused calls witnesses as to character; R.P. 41 (B) (ii) (b)
 - (iii) if the accused has made a statement the defending officer, or if accused has not made a statement, the prosecutor, addresses; R.P. 40 (D) (ii) (c)
 - (iv) the prosecutor or defending officer, according to circumstances, may reply. R.P. 40 (D) (ii) (d)
 - IV. When accused does not give evidence himself, but calls a witness to the facts—
 - (a) when NOT represented—
 - (i) accused makes an opening address; R.P. 41 (B) (i) (a)
 - (ii) accused calls witnesses; R.P. 41 (B) (i) (b)
 - (iii) accused addresses; R.P. 41 (B) (i) (c)
 - (iv) prosecutor replies; R.P. 41 (B) (i) (d)
 - (b) when represented
 - (i) accused makes a statement, or defending officer addresses; R.P. 41 (B) (ii) (a)
 - (ii) accused calls witnesses; R.P. 41 (B) (ii) (b)
 - (iii) defending officer addresses; R.P. 41 (B) (ii) (c)
- Note: Addresses and replies are optional.
25. The judge-advocate sums up in open court and retires. R.P. 42
R.P. 63
 26. The Court is closed and the findings determined and recorded. R.P. 43-4
 27. The Court re-opens.
 28. Findings of not guilty are read in open Court. R.P. 45

PROCEDURE ON PLEA OF NOT GUILTY

18. If accused pleads guilty to some only of the charges, the president explains to the accused the nature of the charges and the general effect of his plea, and after satisfying themselves that the accused understood the effect of his plea, defers consideration of such charges. R.P. 37
19. The president asks the accused, "Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence, or for the purpose of obtaining legal assistance because the prosecutor has legal qualifications?" and records his answer. R.P. 39
20. The prosecutor addresses the Court if he so desires or the Court requires it. R.P. 39
21. Witnesses for the prosecution are called, sworn, examined, cross-examined and re-examined. R.P. 39
22. The case for the prosecution is closed.
23. The president informs the accused as follows:—"I now have to inform you that there are three courses open to you; you may say nothing at all; you may give evidence on oath, or you may make a statement not on oath. If you give evidence on oath you are liable to be cross-examined by the prosecutor, and may be asked questions by the Court or by the judge-advocate. You are not bound to give evidence on oath unless you wish, but such evidence will naturally carry more weight with the Court than a mere statement not upon oath". R.P. 40 and asks him the questions appearing on page 2 of A.A.F. A.9, under heading "Defence."

PROCEDURE ON PLEA OF GUILTY

29. The president, before recording a plea of guilty, explains the charge(s) to the accused and the general effect of the plea, and, if necessary, advises him to withdraw that plea and to plead not guilty. R.P. 37
30. The accused is asked by the president whether he wishes to make a statement with reference to the charge(s) and any statement made will be recorded. R.P. 37
31. The summary is read, signed by the president and annexed to the proceedings or, in the case of there being no summary, the Court takes and records sufficient evidence to determine the sentence. R.P. 37
32. The accused makes a statement or gives evidence on oath in mitigation of punishment, and calls witnesses as to character. R.P. 37

PROCEDURE AFTER CONVICTION

33. The prosecutor calls evidence as to particulars of service and character of accused; witnesses as to character, etc., may be cross-examined by the accused who may call witnesses to rebut any such evidence. R.P. 46
34. The accused or defending officer addresses the Court on the evidence of character, etc., and in mitigation of punishment. R.P. 46
35. The Court is closed and the sentence is determined and recorded.
36. Particulars of finding and sentence are delivered to the accused in a sealed cover together with a statement that they are not final until confirmed. R.P. 50
37. The completed proceedings are forwarded to such person as may be directed by the order convening the court. R.P. 97

"A2"

Shea
MAJ
President

AUSTRALIAN MILITARY FORCES.

ORDER CONVENING A DISTRICT COURT-MARTIAL,

BY

MAJ-GEN W BRIDGEMORE COLD 3 AUST DIV (AIF).

The Officers mentioned below will assemble at HQ 15 AUST INF BN at 0900 hrs on 6TH SEPTEMBER 1945, for the purpose of trying by District Court-Martial, the accused persons named in the Schedule and such other person or persons as may be brought before them.

PRESIDENT.

Maj F. G. B. PULLEN (PPCL) HQ 3 AUST DIV (AIF)
is appointed President.

MEMBERS.

Maj R. B. COLE 42 AUST INF BN)
Maj S M McDONALD 47 AUST INF BN) are appointed Members.

WAITING MEMBERS.

Capt H. McDONALD 42 AUST INF BN) are appointed Waiting
Maj F. WINDSOR 47 AUST INF BN) Members.

PROSECUTOR.

Capt A. K. BRIDGEMORE AMLC HQ 29 AUST INF BDE (AIF)

DEFENDING OFFICER.

Capt F. TRENT AMLC HQ 15 AUST INF BDE (AIF)

The accused will be warned and all witnesses duly required to attend. The proceedings will be forwarded to HQ 3 AUST DIV (AIF).

SCHEDULE REFERRED TO -

A56301	Pte	RIGGS A J	15 AUST INF BN
33016	Pte	FINERTY C	" "
50347	Pte	FINN L K	" "
28140	Pte	SCHLUTER F C	" "
111777	Pte	DEHNIS R C	" "

SIGNED IN THE FIELD this third day of SEPTEMBER, 1945.

W. Bridgmore
MAJ-GEN,
COLD 3 AUST DIV (AIF).

The accused is informed of his right to call evidence as to his medical condition if he should so desire. AMR & O 522 is complied with.

At 0915 hrs o'clock the trial commences.

Charge-Sheet

Instruction.
If the accused has elected to be tried under the A.A., the D.A., or the A.M.R., the fact should be here recorded.

The charge-sheet is signed by the president, marked B 2, and annexed to the proceedings next after this sheet.

QX50347 Pte Leslie Keith FINN,

Are you No. 15 AUST INF BN the Answer YES

The accused is arraigned upon each charge in the above-mentioned charge-sheet.

Question to the accused.

Are you guilty or not guilty of the [first] charge?

Answer.

NOT GUILTY

Question.

Are you guilty or not guilty of the second charge?

Answer.

Question.

Are you guilty or not guilty of the third charge?

Answer.

The accused having pleaded guilty to the charge(s), the provisions of Rule of Procedure 35 (B) are here complied with.

Instruction:

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty" until after the finding on that other charge.

Proceedings on Plea of Not Guilty

*Omit this if the accused is represented by counsel or a defending officer.

*The president explains to the accused his rights under Rules of Procedure 14 and 15.

Question to the accused.

†See R.P. 39 (A).

†Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence, or for the purpose of obtaining legal assistance because the prosecutor has legal qualifications and you have not had due notice of his appointment?

Answer.

Answer NO

(If "yes," record reasons on sheet attached.)

no

§The address, if oral, need not be recorded further than the Court think proper, or the prosecutor requires. R.P. 95 (C).

§The prosecutor/ [being required by the Court] makes an opening address [hands in a written address, which is read, marked, signed by the president, and attached to the proceedings], and proceeds to call witnesses. (Sheet No. 3)

(The address, if any, and the evidence will be recorded on separate sheets (numbered) and annexed to the proceedings next after this sheet.)

The prosecution is closed.

Defence.

Rule of Procedure 40 (A) is complied with [and the accused, if he is not represented by defending officer or counsel, is informed of the effect of Rule(s) of Procedure 80, 40 (C) and (D), and 41 (A) and (B) (i)].

Question to the accused.

Do you apply to give evidence yourself as a witness? Answer NO

Question.

Do you intend to call any other witness in your defence? Answer NO

Question.

Is he a witness to character only. Answer

Question.

Do you wish to make a statement in addition to the address of your defending officer? Answer YES (Sheet No. 5)

The defending officer makes an opening address (if he desires), and proceeds to call evidence. (If the accused gives evidence, he does so from the same place as other witnesses. The address, if any, the evidence, and any statement by the accused not on oath will be taken on separate sheets and annexed to the proceedings next after the evidence for the prosecution.)

The prosecutor calls any evidence in reply (taken on separate sheets and annexed to the proceedings next after the evidence for the defence).

The prosecutor and defending officer address the Court. (Sheet No. 7)

The judge-advocate sums up.

(Addresses and summing up, if recorded, will be taken on separate sheets and annexed to the proceedings next after the evidence.)

AUSTRALIAN MILITARY FORCES

CHARGE SHEET

Libert 52
Steele my friend

The accused QX 50347 Pte Leslie Keith FINN of 'C' Coy 15 Aust Inf Bn is charged with having, while being a soldier of the Military Forces of the Commonwealth of Australia on War Service, committed the following offence :-

AA 12 (1)(a) WHEN ON ACTIVE SERVICE DESERTING HIS MAJESTY'S SERVICE

in that he

when on active service in the field at 1600 hrs on 29 Jul 45 deserted his Majesty's Service by absenting himself from his company, whilst it was engaged in active operations, with intention to avoid taking part in such operations, from 1600 hrs on 29 July 45 until 1830 hrs on 14 Aug 45.

H.H. McDonald
Lt Col
(H.H. McDONALD)
Comd 15 Aust Inf Bn.

SIGNED IN THE FIELD
22 AUG 45

TO BE TRIED BY A DISTRICT COURT-MARTIAL.

In the field
7 Sep 45.

W. Bridgeford
Maj-Gen.
GOC 3 Aust Div (AIF)

PROSECUTION1st Witness for the Prosecution:

MX136636 Lt Douglas Sydney MEWING, 15 Aust Inf Bn called and duly sworn is examined by the Prosecutor:

I know the accused. He is a member of my Pl. The strength of my Pl on 3 Jul was 1 officer 24 ORs. During Jul there were the following strength decreases - 1 killed and 9 wounded and from 29 Jul an absence of 4 ORs after 29 Jul my strength was 1 officer 10 ORs. On or about 21 Jul 45 while the accused was a member of my Pl I told the whole Pl to be prepared to move on or about 3 Aug across the MIVO. Approximately 0830 hrs on 29 Jul 45 I saw the accused in the Pl and I saw him move off with a working party. The working party itself returned on the afternoon of 29 Jul 45 at approximately 1600 hrs. After 0830 hrs on 29 Jul 45 I next saw the accused on 14 Aug 45 at approximately 1630 hrs when he was returned under escort to 'C' Coy. Just prior to 29 Jul fighting and coy local patrols were being carried out by my Pl - fighting patrols every third day and local patrols once daily. Fighting patrols normally include 1 officer and 14 ORs and local patrols 1 NCO and 4 ORs. Of my Pl there would be on the roster of those duties all those who were well. The accused had been on that roster and while he was away my Pl received outside assistance for patrolling. The accused's absence weakened the local patrol roster. On 29 Jul 45 my Coy was forward coy on the West bank of the MIVO and was engaged in fighting and reconnaissance patrols on the EAST bank of the MIVO.

Cross-examined by the Defending Officer:

- Q. You said you promulgated the order to prepare the crossing of the MIVO on 3 Aug 45?
- A. The order was promulgated on 21 Jul to prepare to cross the MIVO on approximately 3 Aug.
- Q. How was this promulgation effected?
- A. I promulgated it to the section commanders and checked on the number of men that had been promulgated.
- Q. Can you swear of your own knowledge that it was definitely promulgated to this accused?
- A. Yes.
- Q. Now tell the Court how it was promulgated to the accused?
- A. How I know it was promulgated to the accused is that he was getting prepared to move and that he was a bren gunner at the time. All excessive stores were being returned and the accused's excessive bren stores were returned.
- Q. What excessive stores, bren were returned?
- A. At that time the extra ammunition and things.
- Q. What were these things - can you specify them?
- A. No.
- Q. How do you know these things were returned?
- A. On moving around the area I found no excessive stores.
- Q. Had you previously seen any excessive stores other than ammunition?
- A. No.
- Q. Was this ammunition in the custody of the accused?
- A. Yes.
- Q. Could anyone else have returned the excessive ammunition without the accused's knowledge?
- A. Yes.

1st Witness for Prosecution (Contd)

- Q. In other words you can't say without reasonable doubt that the order to cross the MIVO on 3 Aug was promulgated to the accused?
- A. No.
- Q. Is it not correct that the order was not promulgated to all members of the Pl?
- A. Reports from section leader and Pl Sgt were that it had been promulgated to their section.
- Q. Will you tell the Court what you know of the accused's general character and reputation as a soldier?
- A. I have known the accused for approximately five months and have been his Pl Comd for that period. I have always found him willing and he has carried out all that I have asked him. He has been Bren gunner on a number of patrols and his actions during those patrols were very satisfactory. Under fire he was very cool.

Questioned by the Court:

- Q. On the day you promulgated these orders to your Pl Sgt and section Commanders were any members of your Pl marked absent from that day?
- A. No.
- Q. Or the subsequent day?
- A. No.

R.P. 83(B) is complied with, and the witness withdraws.

2nd Witness for Prosecution:

QX33742 Capt Percy Claude Richard PROCTOR, OC 'C' Coy, 15 AUST INF BN called and duly sworn is examined by the Prosecutor:

I know the accused. He is a member of my Coy.

Cross-examined by the Defending Officer:

- Q. Do you remember the middle of July when a warning order was given by you that your Coy would cross the MIVO on about 3 Aug?
- A. Yes.
- Q. Do you remember also at the same time that there was unofficial talk that the MIVO crossing would not take place until 17 Aug?
- A. I did not know that until 10 Aug.
- Q. Would you be surprised to hear that there had been some such talk about the end of July?
- A. No, I would not be surprised. I have known the accused for nearly three years during which time he has been a member of my Coy. His general character and bearing throughout this time has been good. He was in the NEW GUINEA campaign with me where he was wounded and I have been with him personally in contact with the enemy and found him to be a fair class soldier. He was also in the BOUGAINVILLE campaign and was regarded as one of the soundest soldiers in the Coy, so much so that on about 26 Jul I was considering him for the C in C's card.

R.P. 83(B) is complied with, and the witness withdraws.

Prosecutor: I do not propose to call any further witnesses for the Prosecution unless the defence wishes WO DOOLAN called.

Defending Officer: I do not wish WO II DOOLAN called.

QX50347 Pte Leslie Keith FINN ^{being duly sworn}
states:—

I am QX50347 Pte Leslie Keith FINN, C Coy 15 Aust Inf Bn, the accused in this case, I joined the Bn as a reinf. at MILNE BAY in Jan 43, thereafter going into action at SALAMAVA with the Bn where I was wounded in the leg, thigh and back by a mortar shell. I was evacuated and rejoined Bn at LAE from where I went on leave with Bde.

I embarked for TOROKINA and completed action TABA - MARAWAKA with my Bn as a rifleman. I was one of the ADELE DID guards. In this campaign I have been in action as a Bren-gunner and prior to the absence subject of present charge I did everything asked of me.

I think I "cracked" through shelling and I blew through to TOROKINA to avoid shewing up this fault. I had heard Bn was to cross MIVO R on 17 Aug so surrendered and was returned to unit. I had no intention of avoiding action ^{indefinitely}. I merely went away to "collect" myself.

L K Finn
QX50347

In addition to my written statement I would like to tell the Court that when I started the campaign I went all right through the patrols; after the shelling and that I could not carry on, so I went down to TOROKINA to get hold of myself then come back.

14

The defending officer does not wish to address the court.

The prosecutor makes the following address:

Refers to NML Chap III paras 20 and 21.

The accused has admitted "I think I cracked through shelling and I blew through to Torokina to avoid showing up this fault". The accused's pl and coy were to the accused's knowledge engaged in active operations against the enemy irrespective of whether or not any advance at all was to be made across the Nivo River. I submit therefore that it is clear on the accused's own admission that he intended to shirk an important service namely the active operations in which his coy was engaged at the time he left. The accused returned on 14 Aug 45. It is a matter of notoriety that wireless news was received by 12 Aug 45 suggesting the imminence of the Japanese surrender, and I submit that this colours the circs. of the accused's return. I submit that the particulars are proved beyond any doubt whatever, and the case against the accused has been proved.

R

Finding.

The Court is closed for the consideration of the finding.

§Insert number,
rank, name,
regiment or corps,
or other descrip-
tion.

The Court find that the accused§ *JX 50347* *Alc*
FINN Leslie Keith *16" boy*
15 and Inf Bn. is GUILTY. of
the charge

Signed in the field this 6th day of September 1945
W. J. [Signature] Major
President

Proceedings on Conviction before Sentence

[The Court being re-opened, the accused is again brought before it.]

Evidence of
character, etc.

Question by the
president.

..... is duly sworn.
Question to the Prosecutor:
Have you any evidence to produce as to the character and particulars
of service of the accused? Answer— *By consent of the*
Defending Officer I tender AAF A44 marked exhibit 2

Question to the
accused.

Do you wish to address the Court? Answer— *Y.* (Sheet No. 8)
[Any address will be taken on a separate sheet and attached to the
proceedings.]

~~The Defence~~The Defending Officer addresses the Court — *mitigation**of punishment*~~In this case the Court~~

In this case the Court is asked to pay particular attention to the character reference given by Lt MEWING and Capt PROCTOR to the fact that the accused performed well in action both in NEW GUINEA campaign where he was wounded and in the SOLOMONS that he did everything prior to this incidence that was required of him I ask the court to consider the purpose for which the accused "blew through to TOROKINA" take into account the accused age 23, the absence of previous offences and the fact that the accused has already been 23 days in close arrest for which he will lose pay and allowances.

The Court closes for consideration of sentence.

The Court is closed for the consideration of the sentence.

Sentence.

*Insert Number,
Rank, Name,
Regiment or Corps,
or other description.

The Court sentence the accused* *8X50347 Pte*
Finn Leslie Keith *B. boy.*
15 Aust Inf Bn. to undergo
detention for ten months

Attention
J
10 mts

The Court has taken into consideration in awarding the punishment
above set out that the accused has been days in open
arrest and *21* days in close arrest.

Signed at *In the Field* this *6th* day of *September* 1945
[Signature] President.
..... Judge Advocate (if any) *[Signature]*

Confirmed

SIGNED this *16th* day of SEPTEMBER, 1945.

W. B. Bridgford
MAJ-GEN
COMD 3 AUST DIV (ATF)
CONFIRMING AUTHORITY

PROMULGATED and Extracts taken at *Booyainville*
in the field this *18* day of SEPTEMBER, 1945.

[Signature]

AUSTRALIAN



MILITARY FORCES

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

* No., Rank and
Name.

* 8X50347 Pte Leslie Keith FINN

† Regt. or Corps.

of the†

13 Aust Inf Bn

NOTE—The Squadron,
Battery or Company
Conduct Sheet is to be
laid before the Court
with this statement,
but is not to be annexed
to the proceedings

1. ~~The entries in the schedule annexed hereto are a fair and true summary of the entries~~
~~in the Regimental and [Squadron, Battery or Company] Conduct Sheets of the accused,~~
~~including convictions by a court-martial or a civil court.~~

or,

There are no entries in the conduct sheets of the accused.

2. The accused is not under sentence at the present time.

~~OF,~~

~~The accused at the present time is under sentence for~~

~~beginning on the~~ ~~day of~~

3. The accused has been in confinement, awaiting trial on the present charges, for nil days in civil custody, and 23 days in military custody, making a total of 23 days in custody, of which nil days were spent in hospital, nil days were spent in open arrest, and 23 days in close arrest. nil days of return & days of bail.

4. The present age of the accused according to his record of service is 23 years 7 months ~~attestation paper~~

5. The date of his ~~commission~~ specified in his record of service is 17 Feb 112 ~~attestation~~ ~~attestation paper~~

6. The service which the accused is allowed to reckon towards discharge or transfer to the reserve is 3 years 6 months

~~7. (If the accused is a warrant officer). The accused before he was a warrant officer last held the regimental rank of~~

8. (In the case of an officer). The accused holds in the army the rank of _____ dated _____ and in his regiment [or corps or department] the rank of _____ dated _____

9. The accused has served as a non-commissioned officer continuously, without reduction, to the present date,

Date of promotion

In the rank of _____ years _____

In the rank of _____ years _____

In the rank of _____ years _____

[NOTE.—If any matter in any of the above paragraphs cannot be stated from the regimental books, the paragraph must be struck through.]

The above statement [with the Schedule of convictions] is read, marked, signed by the president, and annexed to the proceedings.

Exhibit 2
Wilson

Number, Rank, and Name *8X50347 The Leslie Keith FINN* of the *13th Aerial Bn. Bn.*

Number, Rank, and Name.

8X50347 The Leslie Keith FINN

of the

Cyphus.

NOTE.—A verbatim extract from the regimental books, stating these convictions, must be inserted.

[illegible]

Continued overleaf.

[illegible]

I hereby certify that the foregoing Schedule is a true extract from the regimental books in my custody.

Signed this _____

96

day of _____

Dep 45.

т. н. Масквил

Machine Capt
Sept 15 Amos Inf Co

Sept 15 Arrived Long Br

National Archives of Australia

NAA: A471, 73337

