

INTENT TO MURDER.

Charge at Coburg.

John Harold Cockerell, aged almost 25, was arrested on Sunday by Constable Boxhall on a charge of having shot with intent to murder Frank White at Somerton on Friday. The accused man came to the Campbellfield police station on Sunday and gave himself up. He was remanded on Monday at Coburg by Mr. W Ford J.P. in the Coburg court the following day.

The Argus, Tuesday 27 June, 1922.

SOMERTON SHOOTING.

MIXED DRINKS THE CAUSE.

Verdict of "Unlawful Wounding."

Charged with having on June 25 wounded Francis Ernest White with intent to do him grievous bodily harm, John Harold Cockerell, aged 25 years, travelling salesman, appeared before Mr Justice Mann in the Criminal Court yesterday. He pleaded not guilty, and was defended by Mr H Shelton. Mr Macindoe (Crown prosecutor) appeared for the Crown. Francis Ernest White, victim of the shooting, said that he was a coachbuilder, residing in Taplin street, Fitzroy. On the night of June 24 he went to a dance, and afterwards to the home of Mr Charles Cockerell, uncle of the accused, in Sydney road, Somerton. Accused came home and said to witness "I want to see you outside or up in the bedroom." Witness went upstairs and entered the room which he was to have occupied, and found a light there already. Cockerell, who had evidently been drinking, followed him in. Witness sat down on the bed and Cockerell pointed a revolver at him. The weapon went off and witness was hit by the bullet above the left eye.

To Mr Shelton -He and the accused had not been on very friendly terms, partly owing to a quarrel which they had had, and which had brought about a dissolution of a business partnership.

Mr Shelton said that Cockerell had not only borne an excellent character in the Australian Imperial Force abroad, but had been awarded the Distinguished Conduct Medal for bravery on the field.

Mr Macindoe objected that facts concerning character on military service ought not to be adduced as evidence in mitigation of an offence.

Mr Justice Man to Mr Macindoe:- Is it not your experience that a man with a good discharge usually bears a better character than another man?

Mr Macindoo -No. Not always.

Mr Shelton -The fact of a man having won the highest distinctions is not an excuse for a crime, but it is evidence of –

Mr Macindoe-Not in mitigation.

Mr Shelton-No, of good character.

Mr Justice Mann said that he agreed that such evidence ought not to be admitted as a general rule, but he felt that it would be right to do so in this case. Regarding the establishment of a general rule he intended to consult his brother judges.

John Harold Cockerell, the accused, giving evidence on oath, said that on the morning preceding the shooting he went to the house of White's father, and in the afternoon had several drinks before going to a football match with White's younger brother. He had several drinks during the evening, including wine and whisky, and took two bottles of wine away in his pocket. Ultimately he found himself in Coburg, and went home in a car with a friend to Somerton. He had no recollection of being at the dance, and absolutely no memory of any shooting. In the morning he regained his senses to find himself struggling in a dam and was later told about the shooting whereupon he gave himself up to the police at Campbellfield. He had been gassed and suffered from shellshock. He attributed his alleged action to the effect of mixed drinks coupled with his shell-shocked condition.

The jury found Cockerell not guilty of shooting with intent, but guilty of unlawfully wounding. A strong recommendation to mercy was made Mr Justice Mann (to Cockerell) -I think you have sufficient intelligence to realise that you have had a very narrow escape from killing a fellow-creature simply through drink. It is to be hoped that the leniency of the Court will not be misplaced.

Cockerell was sentenced to six months imprisonment, the sentence to be suspended upon his entering into a bond of £50 to be of good behaviour for 12 months.

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