

Summary of evidence in the case of D6982 Gnr Curtis Henry TYO, 113
Battery 7 Canadian Anti-Tank Regiment, Canadian Army Overseas, charged
with;

- (1) Absent without leave from 1000 hrs 22 Aug 44 to 1700 hrs 22 Aug 44.
- (2) When a soldier acting as sentinel leaving his before he was regularly relieved.

The Commanding Officer directs that the evidence be taken on oath.

First Witness

Lieut J.T. Carpenter K tp, 113 Bty, 7 Cdn A/TK Regt, sworn states:

I am troop Commander K Troop, 113 Bty, 7 Cdn A/TK Regt. on 22 Aug 44 K Troop was ordered to stand by on special detail. At 1000 hrs, 22 Aug 44 Sgt Wilson reported to me that Gnr Tyo was AWL. We were on stand by, waiting to move off on special detail. Gnr Tyo had been warned by me that he was on this detail, and that he was on stand by. When the detail moved off at 1350 hrs Gnr Tyo was still absent. About 2030 hrs 22 Aug 44, this detail in charge of myself returned to the camp area. It was reported to me that Gnr Tyo had appeared in the lines and had reported to Sgt MacDonald at 1700 hrs. That night Gnr Tyo was posted for Guard Duty under Guard Commander Bdr Kostenuk. I awoke at 0515 hrs 23 Aug 44. I lay in bed for about 5 minutes then Bdr Kostenuk passed my tent. He didn't have his weapon or his mosquito net which the guard carried, with him. And knowing that he was Guard Commander I called him over to my tent and asked him if he was on Guard. He asked me the time and after looking at my watch I told him it was 0520 hrs. ~~He told me that he had just awakened and that Gnr Tyo, who had been ordered to wake him at 0445 hrs had not done so.~~ I got up and went with Bdr Kostenuk to Gnr Tyo's tent. He was in bed asleep, and as it was Bdr Kostenuk's tour of duty then, we did not awake him.

"Q" What time did I speak to you this morning (23 Aug 44)?

"A" It was about 0550 hrs when you came up and spoke to Bdr Kostenuk who was with me outside my tent.

"Q" After 1200 hrs are we not allowed to go down to the river for a swim?

"A" Yes, in this case when you are on stand by permission should first be obtained.

J.T. Carpenter
J.T. Carpenter (Lieut)
113 Battery 7 Cdn A/TK Regt.