

#### PLEA OF MITIGATION

A55712 L/Cpl Hyman D.J. is an American who crossed from Detroit to Windsor 10 Oct 41 to join the 1st Base Ordnance Workshop. Came overseas with the advance party of this unit Jan 42 and remained with them in England approx 6 months. He was then posted to "1 CORU and posted from this to 93 LAD. Was with this unit till Aug 43 when he was posted to the CREME at 2 Corps. He came to France with this unit 8 Jul 44.

He was injured in a M/C accident in England, damaging his back but was only hospitalized a couple of days and his injury was aggravated in Aug 44 and he was again evacuated to hospital. Here he was sent to 2 CBRG 20 Aug 44 awaiting reboard and reallocation. The board reserved its decision sending him to #2 Convalescent depot for observation. His case was to be reviewed again in a month. However he was kept there for 2 months, and then returned to 2 CBRG. He was due to be sent for reboard again the day he went missing.

In March 43 he received news that his wife had been unfaithful and had a child by another. He applied for compassionate leave in order to arrange for a divorce and the custody of his own two sons but this was not granted. He then tried to transfer to the American Army as he hoped to go into Bomb Ordnance as in this manner he could get home on a course. The necessary authority came through Feb 44 but was automatically cancelled when all transfers were frozen at this time on account of final preparations for the invasion. He was awaiting the outcome of his reboard before making another application for compassionate leave.

Feeling very depressed he went out on a drinking spree with a friend 8 Nov 44 and his next recollection was finding himself in the port of Toulon 5 Dec 44. He immediately started back intending to come direct to Ghent, or failing this to surrender himself to the Canadian Military Police. Reached Lyon 8 Dec and as he could not get any further that and could not find accommodation he surrendered himself to the American MP's. They held him a short time in Lyons and then transferred him to the Paris detention barracks which apparently is jointly run by all branches of the allied MP's. He finally was brought back to CBRG 8 Jan 45 and has been held here since that date.

His case was first officially reviewed at Coy Orderly room approx 15 Jan 45. He was remanded for further evidence (the checking of his proper date of surrender) then brought up before Col Rick and remanded for PGM. On none of these occasions was the man given an opportunity to give his full story.

Due to his apparent loss of memory I brought him before a medical officer (Capt Casserman 13 CBR Bn). He and another MC questioned him for over an hour and recommended a psychiatric consultation and arrangements were started for this. These have not been completed but the decision of the consultant should be taken into consideration before sentence is finally awarded.

(Sgd) A.F. McIntosh Lt 9 CBR Bn  
Defending Officer