

Second Witness

U1506, Sgt. I.W. MacDonald, 113 Bty., 7 Cdn. A/Tk. Regt., sworn, states:

'I am troop Sgt. of K Tp., 113 Bty., 7 Cdn. Anti-Tank Regt. At 1000 hrs. 22 Aug 44, L/Sgt. Wilson informed me that Gnr. Tyo, whom I recognize as the accused, was absent. At 1700 hrs. 22 Aug 44, while eating supper, I noticed Gnr. Tyo having his supper. I then went over and placed him under open arrest.

The accused declines to cross-examine this witness.

I. W. MacDonald

Sgt. I.W. MacDonald,
113 Bty., 7 Cdn. A/Tk. Regt., R.C.

Third Witness

M63841, L/Sgt. R.F. Wilson, K Tp. 113 Bty., 7 Cdn. A/Tk. Regt., sworn, states:

'I am the No. 1 in charge of the gun crew of which Gnr. Tyo is a member. On the morning of 22 Aug 44 I told him to carry on with maintenance. At 1000 hrs. I noticed he was missing and I reported his absence to Sgt. MacDonald and Lieut. Carpenter.'

Q - 'Whose watch did you look at?'

A - 'Lieut. Carpenter's.'

R. F. Wilson

L/Sgt. R.F. Wilson
113 Bty., 7 Cdn. A/Tk. Regt.

Fourth Witness

M362 Bdr. Kostenuk, W., K Tp. 113 Bty., 7 Cdn. A/Tk. Regt., sworn, states:

I am a member of K Troop. 113 Battery, 7 Cdn. Anti-Tank Regt. I was in charge of the guard the night of 22-23 Aug 44. Gnr. Tyo, whom I recognize as the accused, was on this guard. I figured out the shifts and Gnr. Tyo's tour of duty was from 0300 hrs. to 0445 hrs. I was to take the shift from 0445 hrs to 0630 hrs. I told each of the members of the guard, their tour of duty, also who they were to waken and when. At 0300 hrs. Gnr. Sherman ~~xxxxxxx~~ who was on duty before Gnr. Tyo, in company with myself, awoke Gnr. Tyo. Seeing that Gnr. Tyo was awakened and ready for duty, Gnr. Sherman and myself returned to our tents. I awoke about 0520 hrs, realized it must be near my time for duty, so got up and went out to find Gnr. Tyo. As I was passing Lt. Carpenter's tent, he called out to me and I asked him the time. He told me it was 0520 hrs. Mr. Carpenter and I went to Gnr. Tyo's tent and he was in bed. As it was now time for my tour of duty, I made no attempt to disturb him, but carried on with my shift. About 0550hrs. Gnr. Tyo came up to me and asked what time it was. I told him and he asked me what time ~~it~~ had got up. I told him that I awoke myself at 0520 hrs. He then returned to his tent.

Q - What time did you and Gnr. Sherman wake me?

A - It was after 0300 hrs - about 0320 hrs.

W. Kostenuk

Bdr. W. Kostenuk,
113 Bty., 7 Cdn. Anti-Tank Regt.