PABC

1936 13/36

Spring Assizes.

Vancouver.

REX

VS.

Ronald Holdsworth.

Offence Attempt Murder.

CROWN BRIEF.

Exhibit 28
Read "Guilty"
Above
for crown

Sentence 5 yrs Pen
Concurrent with 5
years now being
served & account for
R with evidence
above

To be returned to
ATTORNEY-GENERAL'S OFFICE,
Victoria, B.C.

200-333-2750

Ms. x saiev.
Orlov. " ccc 2024 —
" " Macbrair 14 ccc 349 - 1730 SCR 367
" " Mcculloch 8 ccc 278
" " Thorpe 28 ccc 419

IN THE SUPREME COURT OF BRITISH COLUMBIA,
OYER AND TERMINER AND GENERAL GAOL DELIVERY.

CANADA,
Province of British Columbia,
County of Vancouver,
City of Vancouver.

R E X

vs.

RONALD HOLDSWORTH.

CHARGE.

RONALD HOLDSWORTH stands charged -

1. THAT at the City of Vancouver in the County and Province aforesaid, on the sixth day of September in the year of our Lord one thousand nine hundred and thirty-five, he the said RONALD HOLDSWORTH did with a certain loaded revolver shoot at A.R. SLATTERY with intent thereby then and there to murder the said A.R. SLATTERY, against the form of the Statute in such case made and provided, and against the peace of our Lord the King his Crown and Dignity.

2. THAT at the City of Vancouver in the County and Province aforesaid, on the sixth day of September in the year of our Lord one thousand nine hundred and thirty-five, he the said RONALD HOLDSWORTH unlawfully did have upon his person a firearm, to wit, a revolver, capable of being concealed upon the person while committing the criminal offence of attempt to murder, more particularly set out and described in the charge above mentioned, against the form of the Statute in such case made and provided, and against the peace of our Lord the King his Crown and Dignity.

ATTORNEY-GENERAL.

SPRING ASSIZES 1936.

For Sentence

(1) Rex vs HOLDSWORTH, Ronald (2 counts) : attempt murder - Sentence 2

" " MANUEL, C. H. - time he served

3 years " " BETTY - East end gang - 2 years Instr. school. Robbery with Vio - 12 mos. Uttering auto

" " & ANDERSON (2 counts) "

1 to 2 " " OSTERTAG 3 years training school

" " HEALEY - Bad record

" " ANDERSON - Robbery with violence 3 years

10. & LAWLER Instr. school. Rob with violence

" " JENKIN

Jenkins
Manuel
Holdsworth
Betty
Anderson.
Ostertag -
O. Anderson.
Lawler.
Healey.

INFORMATION AND COMPLAINT.

CANADA
PROVINCE OF BRITISH COLUMBIA
COUNTY OF VANCOUVER
CITY OF VANCOUVER

I N D E X.

REX V. RONALD HOLDSWORTH.

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INFORMATION AND COMPLAINT.

CANADA
PROVINCE OF BRITISH COLUMBIA
COUNTY OF VANCOUVER
CITY OF VANCOUVER

The information and complaint of C.G. Morgan of the City of Vancouver taken the 7th day of September, in the year of our Lord One Thousand Nine Hundred and Thirty-five, before the undersigned, W.W. Crompton, Esq., one of His Majesty's Justices of the Peace in and for the said Province of British Columbia, who says that he has reasonable grounds for believing, and does believe that, at the said City of Vancouver, on the 6th day of September A.D. 1935, RONALD HOLDSWORTH, unlawfully did attempt to murder Police Constable No.244, Slattery

Contrary to the form of the Statute in such case made and provided.

"C.G. Morgan"

Sworn before me the day and year first above mentioned, at said City of Vancouver

OCT 10 1935

"W.W. Crompton"
Justice of the Peace for the Province of British Columbia

Accused committed for trial SEP 7-1935

"H.S. Wood"
Police Magistrate.

Taken before me, at the said City of Vancouver, the day and year first above mentioned.

"H.S. Wood"
Police Magistrate in and for the City of Vancouver

STATEMENT OF THE ACCUSED.

CANADA
PROVINCE OF BRITISH COLUMBIA
COUNTY OF VANCOUVER
CITY OF VANCOUVER.

REX VS. RONALD HOLDSWORTH

RONALD HOLDSWORTH stands charged before the undersigned, H.S. WOOD ESQ. K.C. Police Magistrate, in and for the said City of Vancouver, this 10th day October, in the year of our Lord one thousand nine hundred and thirty-five, for that the said RONALD HOLDSWORTH, at the said City of Vancouver on the 6th day of September A.D. 1935, unlawfully did attempt to murder Police Constable No.244, Slattery.

And the said charge being read to the said RONALD HOLDSWORTH and the witnesses for the prosecution,

See Information and Complaint

, being severally examined in his presence, the said RONALD HOLDSWORTH is now addressed by me as follows:--

(Usual form)

Whereupon the said says as follows:--

"Nothing to say"

Taken before me, at the said City of Vancouver, the day and year first above mentioned.

"H.S. Wood"

Police Magistrate in and for the City of Vancouver

CANADA
PROVINCE OF BRITISH COLUMBIA
COUNTY OF VANCOUVER
CITY OF VANCOUVER

REX VS. RONALD HOLDSWORTH.

(Before H.S. WOOD ESQ. K.C. Police Magistrate.).

VANCOUVER, B.C.
October 10th, 1935.

PROCEEDINGS AT PRELIMINARY HEARING.

OSCAR ORR Esq., appearing for the Prosecution.

THE ACCUSED: appearing in person.

CHAS. H. WHITFIELD: Official Court Stenographer.

CHARGE READ TO THE ACCUSED AS FOLLOWS:

RONALD HOLDSWORTH, you are charged that at the City of Vancouver on the 6th day of September, 1935, unlawfully, you did attempt to murder Police Constable No.244, Slattery.

MR. ORR: There is no election in this case.

POLICE CONSTABLE No.244, A.R. SLATTERY: being first duly sworn as a witness for the Prosecution, testifies as follows:

DIRECT EXAMINATION BY MR. ORR:

1 Q You are a Police Constable in the City of Vancouver?

A I am.

2 Q Will you tell the Court shortly, in your own words, just what happened in connection with the shooting affair between yourself and the accused; where it happened and so on? A: Your worship, at 10:45 p.m. on the night of September 6th, I was in the radio car with P.C. 242, McLeod. We received a call to go to Cordova and Jackson Avenue, a report of a shooting. On our arrival there I was met by Mr. Wayburn, a waiter from the Patricia Beer Parlour. He informed us that a man had just gone into the

confectionery store....

3 Q ... Well, just what you did; not what he said to you. You went up to the Japanese confectionery store, did you? A: Yes.

4 Q Whereabouts was that? A: No. 500, Cordova Street, East.

5 Q In the City of Vancouver? A: Yes.

6 Q How far from the Patricia? A: About two blocks.

7 Q Just tell now what happened when you got there?

A On entering the store I saw the accused with a revolver in his hand. He was speaking to somebody, although I couldn't see them, they were behind a partition, at the living quarters of the store. I approached the accused. I had my revolver in my hand. I told him to put up his hands.

8 Q Were you in uniform, by the way? A: I was in uniform. Instead of doing that the accused turned and faced me and fired a shot directly at me.

9 Q Did he hit you? A: It went through the front of my uniform hat and came out of the back.

10 Q Is this your hat here? A: Yes.

UNIFORM HAT MARKED EXHIBIT "A".

11 Q It went in just to the left of the badge? A: Yes.

12 Q Did it hit the badge? A: No.

13 Q It went out at the top? A: Yes. As soon as the accused fired at me I returned the fire and the bullet struck the accused in the abdomen.

14 Q Did he drop then? A: Yes, he reeled a couple of times and then dropped.

15 Q Where did this revolver come from? A: That is the revolver that the accused used that night.

MR. ORR: I will put this in as Exhibit "B".

REVOLVER MARKED EXHIBIT "B".

16 Q How many shells were in it at the time you got it; do you remember? A: Three had been discharged and other two live ones still in the revolver.

17 Q Is it correct to say there was only one discharged at you?
A One.
18 Q You didn't see the others or hear them discharged? A: No.
19 Q This Japanese confectionery store; who else was present at this time? A: With me?
20 Q Everybody in the store? A: There was a number of Japanese in the living quarters of the store.
21 Q That is at the back of the store? A: Yes.
22 Q Did Holdsworth have a companion? A: He did not.
23 Q He was alone? A: He was alone.
24 Q You had an officer with you? A: There were several officers with me.
25 Q And the family of the proprietor, I suppose? A: Yes.
26 Q Did you hear any conversation of the defendant at all during this affair? A: No.
27 Q What he said to anybody? A: No.

THE COURT: Do you want to ask him any questions?

THE ACCUSED: No.

Witness aside.

T. IDE: sworn as Interpreter - Japanese language.

(MRS.) ITOKO YOSHIDA: being first duly sworn as a witness for the Prosecution(through the Interpreter) testifies as follows:

DIRECT EXAMINATION BY MR. ORR: (Through the interpreter.).

28 Q Were you present when the shooting took place between the officer and the accused? A: I was.
29 Q How long had the accused been in your store? A: I am not quite sure, but it was about twelve or thirteen minutes.
30 Q What is the address of your store? A: 500, Cordova Street East.
31 Q During the twelve or thirteen minutes he was in your store what was the accused man doing? A: I was in the back room on the same premises. Soon after this man came to my shop the proprietor Mes Fulomoto, Mrs. Fulomoto came to the back room

where I was.

32 Q Just what you saw? A: This man order the person remaining in the back room to get outside and also this man ordered to take out the money.

33 Q From where? A: From the cash register.

34 Q Did you see any weapons? A: Yes. When he came to the store he was in possession of a pistol.

35 Q Did you see the shooting, hear the shooting? A: I did.

36 Q You heard it or saw it, which? A: He discharged the gun right in front of me so I heard the shot.

37 Q Was it pointed at anybody? A: I couldn't say that.

38 Q Was the policeman there when he discharged the gun?

A Yes, he was discharge the gun towards the outside to where the policeman was standing.

CROSS/EXAMINATION BY THE ACCUSED:

39 Q Did I appear drunk or sober when I went into your store?

A I noticed more or less you were under the influence of liquor when you came to my shop.

40 Q Did I stagger or anything in your store? A: No, I didn't see you stagger.

Witness aside.

P.C. 242. MCLEOD: being first duly sworn as a witness for the Prosecution, testifies as follows:

DIRECT EXAMINATION BY MR. ORR:

41 Q Were you with Constable Slattery at the time of this shooting? A: I was.

42 Q Or near at hand. Will you just tell in your own words what you saw transpire between the defendant and him?

A Your worship....

43 Q ... You are up in this Japanese Store, as you got there, just tell what you saw from there? A: Constable Slattery went to the front door, I went to the rear. I tried to find the rear entrance to the store. I heard the shot and I ran around to the front then. I went into the front. There is

no rear entrance to the store.

44 Q You went around to the front? A: Yes. There was no rear entrance. I ran around outside into the front of the store again.

45 Q You got there after the shot had been fired? A: Yes.

46 Q You didn't see the shot fired? A: No, I was in the back when the shot was fired.

47 Q How many people were in there altogether? A: I couldn't say the number. There was a number of Japanese.

48 Q Where was the defendant? A: He was under a table when I came there.

49 Q Lying down? A: Lying down just his feet - a foot of his feet sticking out from under this table.

50 Q Do you know where the gun came from? A: I picked the gun at his feet.

51 Q This is Exhibit "B"? A: A gun similar to that.

52 Q Did you mark it in any way to distinguish it?

A I didn't mark it. I gave it to Detective-sergeant Hann.

THE COURT: Do you wish to ask this man any questions?

THE ACCUSED: No.

Witness aside.

(MRS.) H. FULUMOTO: being first duly sworn as a witness for the Prosecution, testifies as follows: (Sworn through interpreter.)

DIRECT EXAMINATION BY MR. ORR: (Through interpreter.).

53 Q Your address is 500, Cordova Street, East? A: Yes.

54 Q Were you there when the shooting took place? A: Yes, I was.

55 Q How long had the accused been in there before the shooting took place? A: Before the shooting this man was in my store about ten minutes, a little over ten minutes.

56 Q Did you know him before? A: No, I did not.

57 Q What was he doing in there? A: When I was in my back room this man walked right into the store.

58 Q Is there a curtain between the back room and the front?

A Yes.

59 Q A door or gate? A: Gate.

60 Q A gate and curtain? A: I went to him asking what does he want. He put in the pocket, I thought he was going to take the money out of the pocket, instead of taking the money out he shewed the pistol.

61 Q What did he say? A: He said, "Stick 'em up"? And I was quite scared. I went back to the back room.

62 Q Did the man appear to be sober or drunk? A: He appeared to look like crazy. I couldn't say whether he was crazy or drunk; he looks like crazy.

63 Q Where were you when the shots were actually fired?

A I was standing by the left side of him.

64 Q Beside the accused or the policeman? A: I was standing the left side of the accused, about one foot to the left.

65 Q How many shots were fired? A: Twice discharged altogether.

66 Q How many did the defendant fire? A: This man discharged once.

67 Q Who fired the other one? A: The policeman discharged the one.

68 Q What happened after the firing? A: This accused discharged the first time, secondly the policeman and after the second fire this man fell on the floor.

69 Q This accused fell on the floor? A: Yes.

70 Q Will you look at this weapon, Exhibit "B" and tell the Court whether or not it resembles the gun?

A This is quite exactly the same.

Witness aside.

YPSHIKARO OKADA: being first duly sworn as a witness for the prosecution, testifies as follows:

DIRECT EXAMINATION BY MR. ORR:

71 Q What is your address? A: 500, Cordova Street.

72 Q Is that where you live? A: No, I live 3573, Tanner

Street.

73 Q You were in the store on the night of the shooting?

A Yes, I was in the back room.

74 Q You heard the last witness describe this affair - did you hear the proprietor tell what happened there- did you hear her give her evidence just now? A: Yes.

75 Q Did you see that shooting? A: Yes.

76 Q Can you corroborate what she says; do you agree with what she says? A: Yes.

77 Q Do you know how much money was taken from the till?

A I don't know anything about the till because he ordered everybody out in the front. I was in the back. He didn't pay much attention to me. I heard the proprietor at the cash register empty the till.

78 Q You don't know what was in there? A: No.

Witness aside.

P.C. 32 HARRISON: being first duly sworn as a witness for the Prosecution, testifies as follows:

DIRECT EXAMINATION BY MR. ORR:

79 Q Would you tell the Court now where you were when this shooting occurred, what you saw? A: Your worship, on that night in answer to a radio call to Cordova and Jackson Avenue re shooting, just previous to my arrival, Constable had gone into the front door. As I got to the door the shots were fired. I saw Slattery just duck down as the bullet was fired at him. I didn't see the accused, he was behind the curtain.

80 Q When was the first you saw the accused? A: When I went into the back apartment and I saw him lying under the table

81 Q At the back of the store or the front? A: In the back.

82 Q Behind the gate? A: Behind the partition.

83 Q Did you see this gun here, Exhibit "B"? A: Yes.

84 Q Where did you see it first? A: It was lying on the floor when Constable McLeod picked it up.

85 Q Whereabouts in relation to the accused? A: At his side.

86 Q Did you see whether it was loaded or not? A: Yes, it was loaded.

87 Q Was there anything about the accused to indicate whether he had been drinking or not? Not walking, I suppose it is hard to tell? A: Well .....

88 Q Was he unconscious? A: He was crying, just yelled that he was drunk.

89 Q He said himself, he was yelling? A: Yes.

CROSS/EXAMINATION BY THE ACCUSED:

90 Q He said that I was in the front of the store. I remember walking up alright? A: We pulled you out into the front.

91 Q Did you smell my breath? A: I did smell it, but I didn't notice any liquor.

92 Q I remember puking; I remember being sick? A: Yes.

93 Q Did you smell anything of anybody being drunk?

A I didn't smell liquor.

Witness aside.

P.C. 181. HUNTER: being first duly sworn as a witness for the Prosecution, testifies as follows:

DIRECT EXAMINATION BY MR. ORR:

94 Q Were you with Constable Harrison on this occasion?

A I was directly behind Constable Slattery.

95 Q Whose car had you gone there in? A: With Constable, P.C. 50, Nicholson.

96 Q What did you see as you got to this store? A: I entered the front of the store directly behind Constable Slattery. I was at a distance following about six feet when the shots were fired. I could just see the outline of the accused's body on the left - on the right side of the partition. Slattery was trying to say something but I couldn't quite make it out with the other officers entering at the front of the premises.

97 Q How many shots did you hear? A: Two shots.

98 Q Where was the defendant when you got into the store?

A We rushed to the rear just as his body hit the floor.

Witness aside.

(Mrs.) FULOMOTO: recalled by the Prosecution, testifies further as follows:

THE COURT: You are still under oath.

MR. ORR: 99 Q: I forgot to ask you how much money was taken?

A I am not quite sure, but a check up of the cash register shews a little over $9.00. In the back room I gave him the money about five or six by the new one dollar bills.

100 Q But altogether $9.00? A: No, the total is a little over $14.00.

Witness aside.

Detective-Sergeant HANN: being first duly sworn as a witness for the Prosecution, testifies as follows:

DIRECT EXAMINATION BY MR. ORR:

101 Q There is a sum of $19.63 - $10.00 in bills and $9.63 in silver; would you tell the Court where that came from?

A Detective White took that from the clothing of the accused.

102 Q After he was taken to the hospital? A: No, in the store.

103 Q He took it from his person? A: He took it from his person.

104 Q You were there at the time? A: Yes, I was there at the time.

$19.63 MARKED EXHIBIT "C".

THE COURT: 105 Q: Were there any new $1.00 bills? A: There is, six.

MR. ORR: 106 Q: Six new ones? A: Yes.

107 Q This store is here in the City of Vancouver? A: Yes.

Witness aside.

MR. ORR: That is the case for the Prosecution.

THE COURT: Having heard the evidence, do you wish to say anything in answer to the charge? You are not bound to say

anything, but whatever you say will be taken down in writing and may be given in evidence against you at your trial. You must clearly understand that you have nothing to hope from any promise of favour and nothing to fear from any threat which may have been held out to you to induce you to make any admission or confession of guilt, but whatever you now say may be given in evidence against you upon your trial notwithstanding such promise or threat.

THE ACCUSED: If the bartender is here, the waiter, I would like to question him.

MR. ORR: This is not the case of the bartender. That will be the next case or you can have him in this case if you want to. The bartender's case is the next one.

THE COURT: Have you anything to say?

THE ACCUSED: No.

THE COURT: I commit you for trial.

Conclusion.

I hereby certify the foregoing to be a true and accurate report of the proceedings herein.

"Chas. H. Whitfield"

Official Court Stenographer.

"H.S. Wood"

Police Magistrate in and for the City of Vancouver in the Province of British Columbia.

INFORMATION AND COMPLAINT.

CANADA
PROVINCE OF BRITISH COLUMBIA
COUNTY OF VANCOUVER
CITY OF VANCOUVER

The information and complaint of C.G. Morgan of the City of Vancouver taken the 7th day of September, in the year of our Lord One Thousand Nine Hundred and Thirty-five, before the undersigned, W.W. Crompton, Esq., one of His Majesty's Justices of the Peace in and for the said Province of British Columbia, who says that he has reasonable grounds for believing, and does believe that, at the said City of Vancouver, on the 6th day of September A.D. 1935, RONALD HOLDSWORTH, unlawfully did attempt to murder Police Constable No.244, Slattery

Contrary to the form of the Statute in such case made and provided.

"C.G. Morgan"

Sworn before me the day and year first above mentioned, at said City of Vancouver

OCT 10 1935

"W.W. Crompton"

Justice of the Peace for the Province of British Columbia

Accused committed for trial SEP 7-1935

"H.S. Wood"
Police Magistrate.

STATEMENT OF THE ACCUSED.

CANADA
PROVINCE OF BRITISH COLUMBIA
COUNTY OF VANCOUVER
CITY OF VANCOUVER.

REX VS. RONALD HOLDSWORTH

RONALD HOLDSWORTH stands charged before the undersigned, H.S. WOOD ESQ. K.C. Police Magistrate, in and for the said City of Vancouver, this 10th day October, in the year of our Lord one thousand nine hundred and thirty-five, for that the said RONALD HOLDSWORTH, at the said City of Vancouver on the 6th day of September A.D. 1935, unlawfully did attempt to murder Police Constable No.244, Slattery.

And the said charge being read to the said RONALD HOLDSWORTH and the witnesses for the prosecution,

See Information and Complaint

, being severally examined in his presence, the said RONALD HOLDSWORTH is now addressed by me as follows:--

(Usual form)

Whereupon the said says as follows:--

"Nothing to say"

Taken before me, at the said City of Vancouver, the day and year first above mentioned.

"H.S. Wood"
Police Magistrate in and for the City of Vancouver.

CANADA
PROVINCE OF BRITISH COLUMBIA
COUNTY OF VANCOUVER
CITY OF VANCOUVER

REX VS. RONALD HOLDSWORTH.

(Before H.S. WOOD ESQ. K.C. Police Magistrate.).

VANCOUVER, B.C.
October 10th, 1935.

PROCEEDINGS AT PRELIMINARY HEARING.

OSCAR ORR Esq., appearing for the Prosecution.
THE ACCUSED: appearing in person.
CHAS. H. WHITFIELD: Official Court Stenographer.

CHARGE READ TO THE ACCUSED AS FOLLOWS:

RONALD HOLDSWORTH, you are charged that at the City of Vancouver on the 6th day of September, 1935, unlawfully, you did attempt to murder Police Constable No.244, Slattery.

MR. ORR: There is no election in this case.

POLICE CONSTABLE No.244, A.R. SLATTERY: being first duly sworn as a witness for the Prosecution, testifies as follows:

DIRECT EXAMINATION BY MR. ORR:

1 Q You are a Police Constable in the City of Vancouver?
A I am.
2 Q Will you tell the Court shortly, in your own words, just what happened in connection with the shooting affair between yourself and the accused; where it happened and so on? A: Your worship, at 10:45 p.m. on the night of September 6th, I was in the radio car with P.C. 242, McLeod. We received a call to go to Cordova and Jackson Avenue, a report of a shooting. On our arrival there I was met by Mr. Wayburn, a waiter from the Patricia Beer Parlour. He informed us that a man had just gone into the

confectionery store....

3 Q ... Well, just what you did; not what he said to you. You went up to the Japanese confectionery store, did you? A: Yes.

4 Q Whereabouts was that? A: No. 500, Cordova Street, East.

5 Q In the City of Vancouver? A: Yes.

6 Q How far from the Patricia? A: About two blocks.

7 Q Just tell now what happened when you got there?

A On entering the store I saw the accused with a revolver in his hand. He was speaking to somebody, although I couldn't see them, they were behind a partition, at the living quarters of the store. I approached the accused. I had my revolver in my hand. I told him to put up his hands.

8 Q Were you in uniform, by the way? A: I was in uniform. Instead of doing that the accused turned and faced me and fired a shot directly at me.

9 Q Did he hit you? A: It went through the front of my uniform hat and came out of the back.

10 Q Is this your hat here? A: Yes.

UNIFORM HAT MARKED EXHIBIT "A".

11 Q It went in just to the left of the badge? A: Yes.

12 Q Did it hit the badge? A: No.

13 Q It went out at the top? A: Yes. As soon as the accused fired at me I returned the fire and the bullet struck the accused in the abdomen.

14 Q Did he drop then? A: Yes, he reeled a couple of times and then dropped.

15 Q Where did this revolver come from? A: That is the revolver that the accused used that night.

MR. ORR: I will put this in as Exhibit "B".

REVOLVER MARKED EXHIBIT "B".

16 Q How many shells were in it at the time you got it; do you remember? A: Three had been discharged and other two live ones still in the revolver.

17 Q Is it correct to say there was only one discharged at you?
A One.
18 Q You didn't see the others or hear them discharged? A: No.
19 Q This Japanese confectionery store; who else was present at this time? A: With me?
20 Q Everybody in the store? A: There was a number of Japanese in the living quarters of the store.
21 Q That is at the back of the store? A: Yes.
22 Q Did Holdsworth have a companion? A: He did not.
23 Q He was alone? A: He was alone.
24 Q You had an officer with you? A: There were several officers with me.
25 Q And the family of the proprietor, I suppose? A: Yes.
26 Q Did you hear any conversation of the defendant at all during this affair? A: No.
27 Q What he said to anybody? A: No.

THE COURT: Do you want to ask him any questions?

THE ACCUSED: No.

Witness aside.

T. IDE: sworn as Interpreter - Japanese language.

(MRS.) ITOKO YOSHIDA: being first duly sworn as a witness for the Prosecution(through the Interpreter) testifies as follows:

DIRECT EXAMINATION BY MR. ORR: (Through the interpreter.).

28 Q Were you present when the shooting took place between the officer and the accused? A: I was.
29 Q How long had the accused been in your store? A: I am not quite sure, but it was about twelve or thirteen minutes.
30 Q What is the address of your store? A: 500, Cordova Street East.
31 Q During the twelve or thirteen minutes he was in your store what was the accused man doing? A: I was in the back room on the same premises. Soon after this man came to my shop the proprietor Mes Fulomoto, Mrs. Fulomoto came to the back room

where I was.

32 Q Just what you saw? A: This man order the person remaining in the back room to get outside and also this man ordered to take out the money.

33 Q From where? A: From the cash register.

34 Q Did you see any weapons? A: Yes. When he came to the store he was in possession of a pistol.

35 Q Did you see the shooting, hear the shooting? A: I did.

36 Q You heard it or saw it, which? A: He discharged the gun right in front of me so I heard the shot.

37 Q Was it pointed at anybody? A: I couldn't say that.

38 Q Was the policeman there when he discharged the gun?

A Yes, he was discharge the gun towards the outside to where the policeman was standing.

CROSS/EXAMINATION BY THE ACCUSED:

39 Q Did I appear drunk or sober when I went into your store?

A I noticed more or less you were under the influence of liquor when youcame to my shop.

40 Q Did I stagger or anything in your store? A: No, I didn't see you stagger.

Witness aside.

P.C. 242. MCLEOD: being first duly sworn as a witness for the Prosecution, testifies as follows:

DIRECT EXAMINATION BY MR. ORR:

41 Q Were you with Constable Slattery at the time of this shooting? A: I was.

42 Q Or near at hand. Will you just tell in your own words what you saw transpire between the defendant and him?

A Your worship....

43 Q ... You are up in this Japanese Store, as you got there, just tell what you saw from there? A: Constable Slattery went to the front door, I went to the rear. I tried to find the rear entrance to the store. I heard the shot and I ran around to the front then. I went into the front. There is

no rear entrance to the store.

44 Q You went around to the front? A: Yes. There was no rear entrance. I ran around outside into the front of the store again.

45 Q You got there after the shot had been fired? A: Yes.

46 Q You didn't see the shot fired? A: No, I was in the back when the shot was fired.

47 Q How many people were in there altogether? A: I couldn't say the number. There was a number of Japanese.

48 Q Where was the defendant? A: He was under a table when I came there.

49 Q Lyin down? A: Lying down just his feet - a foot of his feet sticking out from under this table.

50 Q Do you know where the gun came from? A: I picked the gun at his feet.

51 Q This is Exhibit "B"? A: A gun similar to that.

52 Q Did you mark it in any way to distinguish it?

A I didn't mark it. I gave it to Detective-sergeant Hann.

THE COURT: Do you wish to ask this man any questions?

THE ACCUSED: No.

Witness aside.

(MRS.) H. FULUMOTO: being first duly sworn as a witness for the Prosecution, testifies as follows: (Sworn through interpreter.)

DIRECT EXAMINATION BY MR. ORR: (Through interpreter.).

53 Q Your address is 500, Cordova Street, East? A: Yes.

54 Q Were you there when the shooting took place? A: Yes, I was.

55 Q How long had the accused been in there before the shooting took place? A: Before the shooting this man was in my store about ten minutes, a little over ten minutes.

56 Q Did you know him before? A: No, I did not.

57 Q What was he doing in there? A: When I was in my back room this man walked right into the store.

58 Q Is there a curtain between the back room and the front?

A Yes.

59 Q A door or gate? A: Gate.

60 Q A gate and curtain? A: I went to him asking what does he want. He put in the pocket, I thought he was going to take the money out of the pocket, instead of taking the money out he shewed the pistol.

61 Q What did he say? A: He said, "Stick 'em up"? And I was quite scared. I went back to the back room.

62 Q Did the man appear to be sober or drunk? A: He appeared to look like crazy. I couldn't say whether h he was crazy or drunk; he looks like crazy.

63 Q Where were you when the shots were actually fired?

A I was standing by the left side of him.

64 Q Beside the accused or the policeman? A: I was standing the left side of the accused, about one foot to the left.

65 Q How many shots were fired? A: Twice discharged altogether.

66 Q How many did the defendant fire? A: This man discharged once.

67 Q Who fired the other one? A: The policeman discharge the one.

68 Q What happened after the firing? A: This accused discharged the first time, secondly the policeman and after the second fire this man fell on the floor.

69 Q This accused fell on the floor? A: Yes.

70 Q Will you look at this weapon, Exhibit "B" and tell the Court whether or not it resembles the gun?

A This is quite exactly the same.

Witness aside.

YPSHIKARO OKADA: being first duly sworn as a witness for the prosecution, testifies as follows:

DIRECT EXAMINATION BY MR. ORR:

71 Q What is your address? A: 500, Cordova Street.

72 Q Is that where you live? A: No, I live 3573, Tanner

Street.

73 Q You were in the store on the night of the shooting?
A Yes, I was in the back room.

74 Q You heard the last witness describe this affair - did you hear the proprietor tell what happened there- did you hear her give her evidence just now? A: Yes.

75 Q Did you see that shooting? A: Yes.

76 Q Can you corroborate what she says; do you agree with what she says? A: Yes.

77 Q Do you know how much money was taken from the till?
A I don't know anything about the till because he ordered everybody out in the front. I was in the back. He didn't pay much attention to me. I heard the proprietor at the cash register empty the till.

78 Q You don't know what was in there? A: No.

Witness aside.

P.C. 32 HARRISON: being first duly sworn as a witness for the Prosecution, testifies as follows:

DIRECT EXAMINATION BY MR. ORR:

79 Q Would you tell the Court now where you were when this shooting occurred, what you saw? A: Your worship, on that night in answer to a radio call to Cordova and Jackson Avenue re shooting, just previous to my arrival, Constable had gone into the front door. As I got to the door the shots were fired. I saw Slattery just duck down as the bullet was fired at him. I didn't see the accused, he was behind the curtain.

80 Q When was the first you saw the accused? A: When I went into the back apartment and I saw him lying under the table

81 Q At the back of the store or the front? A: In the back.

82 Q Behind the gate? A: Behind the partition.

83 Q Did you see this gun here, Exhibit "B"? A: Yes.

84 Q Where did you see it first? A: It was lying on the floor when Constable McLeod picked it up.

85 Q Whereabouts in relation to the accused? A: At his side.

86 Q Did you see whether it was loaded or not? A: Yes, it was loaded.

87 Q Was there anything about the accused to indicate whether he had been drinking or not? Not walking, I suppose it is hard to tell? A: Well .....

88 Q Was he unconscious? A: He was crying, just yelled that he was drunk.

89 Q He said himself, he was yelling? A: Yes.

CROSS/EXAMINATION BY THE ACCUSED:

90 Q He said that I was in the front of the store. I remember walking up alright? A: We pulled you out into the front.

91 Q Did you smell my breath? A: I did smell it, but I didn't notice any liquor.

92 Q I remember puking; I remember being sick? A: Yes.

93 Q Did you smell anything of anybody being drunk?

A I didn't smell liquor.

Witness aside.

P.C. 181. HUNTER: being first duly sworn as a witness for the Prosecution, testifies as follows:

DIRECT EXAMINATION BY MR. ORR:

94 Q Were you with Constable Harrison on this occasion?

A I was directly behind Constable Slattery.

95 Q Whose car had you gone there in? A: With Constable, P.C. 50, Nicholson.

96 Q What did you see as you got to this store? A: I entered the front of the store directly behind Constable Slattery. I was at a distance following about six feet when the shots were fired. I could just see the outline of the accused's body on the left - on the right side of the partition. Slattery was trying to say something but I couldn't quite make it out with the other officers entering at the front of the premises.

97 Q How many shots did you hear? A: Two shots.

98 Q Where was the defendant when you got into the store?

A We rushed to the rear just as his body hit the floor.

Witness aside.

(Mrs.) FULOMOTO: recalled by the Prosecution, testifies further as follows:

THE COURT: You are still under oath.

MR. ORR: 99 Q: I forgot to ask you how much money was taken?

A I am not quite sure, but a check up of the cash register shews a little over $9.00. In the back room I gave him the money about five or six by the new one dollar bills.

100 Q But altogether $9.00? A: No, the total is a little over $14.00.

Witness aside.

Detective-Sergeant HANN: being first duly sworn as a witness for the Prosecution, testifies as follows:

DIRECT EXAMINATION BY MR. ORR:

101 Q There is a sum of $19.63 - $10.00 in bills and $9.63 in silver; would you tell the Court where that came from?

A Detective White took that from the clothing of the accused.

102 Q After he was taken to the hospital? A: No, in the store.

103 Q He took it from his person? A: He took it from his person.

104 Q You were there at the time? A: Yes, I was there at the time.

$19.63 MARKED EXHIBIT "C".

THE COURT: 105 Q: Were there any new $1.00 bills? A: There is, six.

MR. ORR: 106 Q: Six new ones? A: Yes.

107 Q This store is here in the City of Vancouver? A: Yes.

Witness aside.

MR. ORR: That is the case for the Prosecution.

THE COURT: Having heard the evidence, do you wish to say anything in answer to the charge? You are not bound to say

anything, but whatever you say will be taken down in writing and may be given in evidence against you at your trial. You must clearly understand that you have nothing to hope from any promise of favour and nothing to fear from any threat which may have been held out to you to induce you to make any admission or confession of guilt, but whatever you now say may be given in evidence against you upon your trial notwithstanding such promise or threat.

THE ACCUSED: If the bartender is here, the waiter, I would like to question him.

MR. ORR: This is not the case of the bartender. That will be the next case or you can have him in this case if you want to. The bartender's case is the next one.

THE COURT: Have you anything to say?

THE ACCUSED: No.

THE COURT: I commit you for trial.

Conclusion.

I hereby certify the foregoing to be a true and accurate report of the proceedings herein.

"Chas. H. Whitfield"

Official Court Stenographer.

"H.S. Wood"

Police Magistrate in and for the City of Vancouver in the Province of British Columbia.

1936

Vancouver Spring Assizes

COPY OF DEPOSITIONS IN *re*

REX

vs.

Ronald Holdsworth

Offence Attempt Murder.

500-835-5338