

Proceedings of A Field General Court Martial,
Held at Borden, Hants, on Friday, 20th July,
1943.

TRIAL OF: D-16826 Private OMER LAVOIE, 1 Cdn Special Salvage Det., R.C.O.C.

PRESIDENT:	Major A.S. Pettapiece,	H.Q. CRU.
MEMBERS:	Capt. R.H. Beck,	1 CROW
	Lieut. C.F. Rowan,	1 CORU
SHORTHAND WRITER:	R-85000 A/Sgt. Shedy, J.S.	H.Q. CRU.
PROSECUTOR:	Lieut. J.J. McKenna,	1 CAHU.
DEFENDING OFFICER:	Major. E.M. Miller,	1 CORU.

1. The Order Convening the Court, the charge sheet and the summary of evidence are laid before the Court.
2. The accused is brought before the Court, and the Order Convening the Court is read in his presence and hearing. Upon being asked whether he objects to being tried by the President or by any of the officers named in the Convening Order, the accused answers, "No, sir."
3. The President and Members are duly sworn.
4. The accused is asked whether he objects to A/Sgt. Shedy being sworn as shorthand writer and he answers, "No, sir."
5. The shorthand writer is sworn.
6. The Medical Certificate is produced, signed by the President and annexed to the proceedings.
7. The accused is arraigned on the charge in the above mentioned charge sheet. The accused pleads 'not guilty' to the charge.
8. R.F. 39(a) is complied with, the accused answers "No, sir", which is recorded by the President.
9. The Prosecutor does not make an opening address:

1st Witness for the Prosecution: D-37471 L/Cpl. Cooper, C.E. No. 7 Cdn. Provost
Coy, being duly sworn is examined by:

THE PROSECUTOR:

Q.1 On the 20th of July, will you tell the Court what you did as a result of certain instructions you received?

A.1 Proceeded to Borden camp and went into a clearing where there was a bunch of tables, accompanied by L/Cpl. Higgins and L/Cpl. McCallum. We stayed there for about 5 minutes and watched Pte. Lavoie dealing cards. I know the accused. He was dealing the cards, paying the winners and taking the losers money.

Q.2 Will you describe to the Court in a little more detail, how this game that was being played by the accused operates?

A.2 Well as far as I know you have to have 21 in what they call 'blackjack'. The dealer deals two cards down. I forget now whether its one or two cards down.

THE COURT: "Do you think its possible to rely on the knowledge of the Court as to how the game is played or is there something you wish to bring out?"

PROSECUTOR: "He can go quickly if we assume that."

Q.3 Now, who was dealing?

A.3 Pte. Lavoie sir. He would pay a winner the same money that he had on the cards in front of him. There were no chips; they were playing for cash.

Q.4 Was there any one person who controlled or operated this game, do you think?

A.4 Private Lavoie operated the game sir. He dealt the cards. He took the losers money, and he paid the winners.

Q.5 Did anyone else deal besides the accused?

A.5 No, sir. I have never been to Borden before. I could get to the clearing if I wanted to, and I know its behind the theatre, but I couldn't tell you how to get there.