

JUDGE REJECTS DEFENCE MOTION IN R.C.M.P. CASE

Quebec, Nov. 4. — Two defence motions—one to disqualify the jury and one of non-suit in the case of one of the accused—were rejected yesterday by Mr. Justice Romeo Langlais at the jury trial of Royal Canadian Mounted Police Constables Fernand Savard and Roger Lizotte, charged with manslaughter. The motions came shortly after the crown rested its case.

The men are being tried on a manslaughter charge in connection with the fatal shooting of 24-year-old Georges Guenette at his father's farmhouse at nearby St. Lambert de Levis last May 7. Guenette was killed by a bullet while trying to escape police seeking him in connection with an assault made some months previous on an R.C.M.P. constable who had taken an alleged draft-dodger into custody.

The first of the two motions introduced by Defence Counsel Lucien Gendron said that the right of the defence to reject "pre-emptorily" 12 prospective jurymen for each of the accused during formation of the jury at the outset of the trial had been overlooked, and that only 23 men had been rejected. He called for the disqualifying by the court of one of the jurymen.

Motion Made Too Late

Crown Prosecutor Noel Dorion said the motion was introduced too late, that the defence knew "all along" about its right to reject one juror, and that the motion had been introduced "on purpose" when all crown witnesses had given their evidence. The court rejected the motion.

In his motion for non-suit for Roger Lizotte, Mr. Gendron contended that the evidence offered by the crown in no way incriminated Lizotte, and that the evidence had revolved throughout the trial around Savard exclusively. However, his motion should not—and did not—constitute an admission of Savard's guilt.

Special Crown Attorney Antoine Rivard argued against Mr. Gendron's motion, and said the question of whether R.C.M.P. constables—"or provincial or municipal constables, for that matter"—had a right to use firearms in cases where there were no extreme circumstances was one to be decided by the jury and not by the judge.

Mr. Rivard said the evidence had disclosed that three revolvers had been fired—one five times, a second one twice and a third one once—and that Pte. Victor Massicotte, a former member of the R.C.M.P., who took part in the raid on the Guenette home, was the only one who had admitted as a witness that he fired only one shot "in the air."

"A sure thing is that a man was killed by a bullet," Mr. Rivard said. "After all, we're in the province of Quebec—a civilized country—not in the west or the Arctic, and no policemen—whether federal, provincial or municipal—has a right to shoot at a man who is jumping a fence merely because they have not the courage to jump that fence themselves"

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