

2 of 2

PAGE  
49  
Box 365 File 1330A20



90/30 - Rex v. Chas. Marino, Frank C. Yipp & Fannie Franks

LIST OF EXHIBITS:

- |   |  |              |
|---|--|--------------|
| 1 | A. List of marked money & 2 \$2. Bills |              |
| 2 | B. Envelope & Analyst's Certificate    | 2517         |
| 3 | C. " " "                               | 2518         |
| 4 | D. " " "                               | 2519         |
| 5 | E. " " "                               | 2520         |
| 6 | F. List of marked money & 1 \$10 Bill  |              |
| 7 | G. " " " & 2 \$2. Bills                |              |
|   |  | &            |
|   |  | 6 \$1. Bills |
|   | H. Application for license re          |              |
|   |  | Fulton Rooms |
|   | I. Plan                                |              |
|   | J. Copy of Telephone conversation      |              |



C A N A D A

Province of British Columbia

County of Vancouver

City of Vancouver

R E X

vs.

CHARLES MARINO  
FRANK C. YIPP  
FANNIE FRANKS

I, FRANK C. YIPP, of 137 Hastings Street East,  
in the City of Vancouver, Province of British Columbia, make  
oath and say as follows:-

1. That I am one of the above named accused and as such  
have a personal knowledge of the matters hereinafter deposed  
to except where same are stated to be upon information and  
belief.
2. That on the 24th day of October, 1930, a preliminary  
hearing of the charge of unlawfully selling a quantity of  
morphine to one Sam Shluker was heard by Magistrate Shaw in  
Vancouver Police Court.
3. That on the 27th day of October, 1930, I, together with  
the other accused charged jointly with me, was committed for  
trial at the next Court of competent criminal jurisdiction to  
be holden in and for the County of Vancouver.
4. That I am informed and verily believe that an order for  
bail was made by His Honour, Judge Gayley, on the 27th day of  
October, 1930, and I was released from custody on bail of Seven  
thousand five hundred (\$7500.00) Dollars about 5:30 P.M. on the  
said 27th day of October, 1930.
5. That I am informed and verily believe that an indictment  
was presented to the Grand Jury empanelled for service at the  
present assize which has been in progress for a number of weeks,  
on Tuesday, the 28th day of October, 1930, at approximately  
11 o'clock in the forenoon of that day at which day and hour  
I had not had the opportunity of securing the advice of my  
counsel, Mr. W. S. Owen, in order to enable me to determine how  
I should elect to be tried.



6. That on the said 28th day of October, 1930, I am informed by my counsel and verily believe that verbal application was made by him to the Crown Prosecutor, Mr. C. M. O'Brian, K. C., for a copy of the depositions.

7. That I am informed and verily believe that at the same time and place my said counsel, Mr. W. S. Owen, made application for a copy of the indictment and/or copies of the indictments presented to the Grand Jury for their consideration, and that my said counsel was informed by the Crown Prosecutor that copies would be provided him.

8. That I am informed by Mr. W. S. Owen, my counsel, and verily believe that copies of the said indictments have not been provided but that late in the afternoon of Thursday the 30th day of October, 1930, he was advised by telephone from the Provincial Police office, Vancouver, B. C., that the original depositions were in custody of the District Registrar of the Supreme Court at Vancouver, B. C., and that copies thereof could be obtained upon application and payment of the requisite fee.

9. That I am informed and verily believe that on the 31st day of October, 1930, Mr. R. W. Eyre, counsel for Charles Marino received a letter from Mr. C. M. O'Brian, the Crown counsel, advising him that the original depositions were on file in the Court Registry and that copies could be obtained upon complying with the relevant sections of the Criminal Code.

10. That I am informed by Mr. W. S. Owen, my counsel, and verily believe that he did, on Friday the said 31st day of October, 1930, make formal application by way of praecipe for a copy of the said depositions pursuant to Section 691 of the Canadian Criminal Code and that pursuant thereto a copy was received by Mr. W. S. Owen from the Official Reporter's Office at the Court House, Vancouver, B. C., at approximately 11:30 A. M., Tuesday the 4th day of November, A. D. 1930.

11. That I am informed by my counsel and verily believe that the said depositions consist of 315 folios and that it is



impossible for him to proceed to trial on Wednesday the 5th day of November, 1930, as the Crown proposes to do without seriously prejudicing my defence.

12. That I am informed and verily believe that other than the Police officers, members of the Royal Canadian Mounted Police Force, there is only one witness to be called by the Crown, Sam Shluker, who was arrested by the Royal Canadian Mounted Police on or about the 5th day of October, 1930, and charged with being illegally in possession of a quantity of narcotic drugs and who has not yet had a preliminary hearing or been brought to trial upon the said charge but who has been detained by the Royal Canadian Mounted Police under custody, in their Guard Room at their Barracks in the City of Vancouver, aforesaid. That accordingly the Crown will not be under any additional expense by reason of an adjournment of the trial herein.

13. That at the preliminary hearing the witness, Constable Wilson gave evidence of three telephone conversations and the counsel for the Crown inferred that these were with Charles Marino, jointly accused with me. That the said conversations referred to by the said Constable Wilson were conversations held by me with a party known to me only by the name of "Chuck" whom I met at the Race Track last Summer, who telephones me periodically with tips on the Races held in the South during the Fall Season. That I have endeavoured to locate the said Chuck but his address is not known to me and to date I have not been able to communicate with him. That he is a material and that if given time I verily believe I will be able to locate him, necessary witness in my defence/ and that without an opportunity to locate him and subpoena him on my behalf, that I am advised by my counsel and verily believe that I will not be able to present a full answer and defence to the charge .

SWORN BEFORE ME at the City of Vancouver,  
Province of British Columbia, this 4th  
day of November, 1930.



9  
4  
CANADA.

---

R E X

VS.

CHARLES MARINO  
FRANK C. YIPP  
FANNIE FRANKS

---

AFFIDAVIT OF FRANK C. YIPP

---

HUNTER & OWEN.



MEMORANDUM

VANCOUVER FALL ASSIZES, 1930.

REX V. CHARLES MARINO, FRANK C. YIPP and FANNIE FRANKS

Section 4, Sub-section (f) of Opium and  
Narcotic Drug Act, 1929.

Place - Vancouver, B.C.

FIRST COUNT - Unlawfully distribute drug, to-wit,  
morphine and cocaine, between the  
4th and 8th October, 1930.

SECOND, THIRD, FOURTH & FIFTH COUNTS - Unlawfully sell  
drug, to-wit, morphine or cocaine as  
the case may be, on the 5th, 6th and  
7th October, 1930.

Crown witness Sam Shluker, a drug addict,  
had been arrested on October 5th by the Royal Canadian  
Mounted Police. They found drugs on him and he arranged  
to lead them to his source of supply.

By telephoning to a certain number he was  
able to make an arrangement about the delivery of  
specified quantities of drugs from time to time. The  
place telephoned to was the home of the accused Charles  
Marino, 1723 Francis Street, where he lived with the  
defendant Fannie Franks. Sometimes Marino answered the  
'phone and sometimes the Franks woman. After making  
arrangements over the telephone Shluker would go out  
to Marino's house or meet him and either hand the money  
over to him or to Fannie Franks, then later on Shluker  
would go and get the drugs in the bathroom of a rooming-  
house at 137 Hastings St. East, where they were secreted  
by the accused Frank C. Yipp. On all the visits to  
Marino's house Shluker was accompanied by Constable  
J.A. Bordeau of the R.C.M.P., and on the first occasion  
on the 7th October, Bordeau made the actual deal himself.

COUNT 2.

On the 5th October Shluker gave \$6. to  
Fannie Franks and procured the drug (morphine) in the  
bathroom of the rooming house above mentioned, and on

1723 Kufu St.

Fuller Room  
137 Hastings St.  
E.

1723 1878



the arrest of Marino on the 7th inst. \$4.00 in marked money was found in the possession of Marino.

COUNT 3.

On the 6th October, Shluker, after 'phoning to the defendant Franks, met Marino and paid him \$6.00 and obtained morphine in the same bathroom as above mentioned.

COUNT 4.

On the 7th, Bordeau and Shluker 'phoned Marino and met him on the street and paid him \$90.00 for 2 oz. of cocaine. The cocaine was delivered in the usual way by placing in the bathroom in the rooming-house above mentioned.

COUNT 5.

Later on in the day of the 7th, Shluker and Bordeau went to Marino's house. Saw the woman. Marino was on the premises in the garage. Gave the woman \$10.00 for morphine, and Constable Wilson of the R.C.M.P. who was secreted in the rooming-house, saw the proprietor, the defendant Frank G. Yipp, place the drugs in the agreed place underneath the bathrub. This \$10.00, marked money, was found on the defendant Marino when he was arrested.

The drugs in this case were all analyzed by Mr. Hill, the Dominion Govt. Analyst, and found to contain morphine and cocaine respectively. His certificate is made an exhibit, vide Sec.18 of the Act