



JULY '71  
DMPRE Q

Tissue tendered and marked Exhibit M/5

Q. Did you receive any other exhibits?

A. Yes a facial tissue.

Q. I show you Exhibit M/5 that is an envelope what does that contain?

A. This exhibit contains a facial tissue, I can identify it as one which I received and examined, it bears my initials I received this exhibit from Sgt. MacDonald on June 16, 1971. I examined it for the presence of human blood, I found human blood of group "O" to be present.

Q. Did you examine any other exhibits?

A. No sir I did not.

By Mr. Rosenblum

Q. Would you be able to tell on the date of your examination of these exhibits just approximately how long these blood stains were on the exhibits in question?

A. No sir, we are unable to tell the age of a stain.

Q. Was it a week old?

A. No sir, we cannot determine that.

Q. So these blood stains on all these exhibits that you are talking about might have been present for six months before you saw them?

A. I am sorry, I am unable to determine.

Q. They could have been?

A. It could be a day, a week, a month.

Q. A year?

A. Yes.

Officer Mallowney, sworn

By Mr. MacNeil

Q. What is your name?

A. Constable John Mallowney.

- Q. What is your occupation please?
- A. Police constable for the City of Sydney.
- Q. And how long have you been acting as such?
- A. Going on to sixteen years.
- Q. Were you acting as such on the 28th of May, 1971?
- A. I was.
- Q. Do you know where the area in the City of Sydney known as Wentworth Park and Crescent Street is?
- A. I do.
- Q. Did you on that date have occasion to search that area?
- A. I did.
- Q. And what was the result of your search?
- A. Myself and Cst. Wyman Young, Crawford were detailed to the area to do a thorough search of it. We checked the complete area considerably, with the result of information I received I found a Kleenex tissue, what appeared to be a Kleenex tissue on the lawn of a house, may I refer to my notes. On a lawn in front of house number 130 Crescent Street.
- Q. I show you an envelope marked Exhibit M/5, would you tell me what is in that envelope?
- A. It is a Kleenex that was ... this is the Kleenex with blood on it similar to the one I had given to Sgt. M.R. MacDonald.
- Q. You had turned it over to Det. Sgt. M.R. MacDonald?
- A. Yes sir.
- By Mr. Rosenblum
- Q. You searched the grounds and found a Kleenex, when was that, that you found the Kleenex?
- A. The 29th in the morning.

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Q. Was that the only piece of kleenex you could find after scouring the premises of this house?

A. It was the only piece of kleenex that interested me at that time.

Q. Was there other kleenex?

A. There was other debris, paper and kleenex also all over through the other side of the park, on the grounds and garbage boxes.

Q. Was this the only piece of kleenex on the lawn of the house, 130 Crescent Street?

A. It was.

Det. Sgt. MacIntyre, sworn

By Mr. MacNeil

Q. What is your full name?

A. John Fraser MacIntyre.

Q. What is your occupation?

A. Sergeant of Detectives, City of Sydney Police Department, Sydney, Nova Scotia.

Q. Were you acting as such during the month of May, 1971?

A. I was.

Q. Do you know the accused?

A. I do.

Q. Do you see him in Court today?

A. I do.

Q. Would you point him out to the Court?

A. Witness indicates the accused.

Q. Did you see him on the 28th day of May, 1971?

A. Not on the 28th.

Q. When did you see him?

A. I interviewed him on the 30th day of May, 1971.

-178- CST. JOHN MULLOWNEY, Dir. Exam.

CST. JOHN MULLOWNEY, being called and duly sworn, testified as follows:

BY MR. MacNEIL: (Dir. Exam.)

Q. Your full name, Constable?

A. John Hugh MULLOWNEY.

Q. And you are a member of the City of Sydney Police Force?

A. I am.

Q. And were you acting as such during the month of May, 1971?

(10) A. I was.

Q. And did you have occasion - are you familiar with the Wentworth Park area?

A. I am.

Q. And where is Wentworth Park area?

A. In the City of Sydney.

Q. County of Cape Breton, Province of Nova Scotia?

A. Yes.

Q. And also Crescent Street is in the City of Sydney, are you familiar with that?

(20) A. I am.

Q. And that is in the City of Sydney, County of Cape Breton, Province of Nova Scotia?

A. Yes.

Q. I will show you Exhibit 5. Are you familiar with that area as set out in that plan?

A. Yes, I am, the Wentworth Park area.

Q. Did you have occasion to search the Wentworth Park area subsequent to the 28th day of May, 1971?

A. Yes sir.

(30) Q. When did you search the area?

A. On the 29th of May, the morning of the 29th.

Q. And as a result of your search, what were the results of your search?

A. Searched the whole area and I found a piece of tissue on it which was on the lawn of 1-0 Crescent Street.

- CST. JOHN MULLONEY, Dir. Exam.

Cross-Exam.

Q. And could you show me please, on Plan, Exhibit 5, where that is located?

A. Right here, 130 Crescent Street.

Q. Now when you say right there, is there any marking on there that would indicate which house it is?

A. Yes, this house on the plan is numbered as 130 and the name-

THE COURT:

0) Louder, please.

WITNESS:

-The number of the house is indicated on the plan as 130.

The house is owned by a Mrs. H. Boudreau by the plan here.

BY THE COURT:

Q. Witness, will you mark on that plan, the exhibit, with a circle where the tissue was found? Then will you show it to the jury.

A. (Witness complied.) Approximately two feet in on her property from the curb, south curb. (Shown to the jury.)

BY MR. MacNEIL:

0) Q. I show you an envelope marked Exhibit 2, what are the contents of that envelope?

A. This is the piece of kleenex that I picked up on that lawn on Crescent Street and took it into the station and tagged it.

Q. Louder.

A. I took it into the police office and I tagged it and I passed it over to Cst. - Sgt. M. R. MacDonald.

BY MR. ROSENBLUM: (Cross-Exam.)

Q. You searched the park grounds, did you not?

A. Yes sir.

0) Q. When was that, Cst. Mullenney, when you did this searching?

A. In the morning of the 29th.

Q. But what time?

A. We were detailed there approximately quarter to nine-

30- CST. JOHN MULLORNEY, Cross-Exam.

Q. In the morning -

A. -Sgt. MacDonald - yes.

Q. And I suppose all over the park grounds there was lots of debris?

A. Yes sir.

Q. Kleenex tissue, napkins, empty pop bottles, empty liquor bottles?

A. In the park area, yes.

Q. All over the place?

(10) A. Not on this particular lawn.

Q. No, I'm coming to the lawn. What you say is you found a piece of kleenex which you identified on the lawn in front of 130 Crescent Street?

A. Yes sir.

Q. Is that right?

A. Yes.

Q. Now that is the only piece of kleenex you saw there?

A. On that particular lawn?

Q. On that particular lawn.

A. Yes sir.

( THE WITNESS WITHDREW )

C.S.