



## CONTINUATION REPORT

PAGE	SUBJECT	CASE No.
	RCMP 2 33	

COPY

June 17, 1971 - 11:40 P.M.

Statement of Terrance Patrick Gushue, age 20 yrs., residing at 2 Tulip Terrace St., Sydney:

On May 28th, I went to the dance at St. Joseph's Hall, George St., Sydney

Q. who did you go with

A. with Eddie Dicks

Q. How long did you stay there

A. well I seen a fight starting about 10:30 P.M. I was trying to break it up and as a result, I was asked to leave by the Police, which I did. When I was getting my jacket, I seen Patricia Harris there. I said they kicked me out and asked her to come along with me - she did. We went to the store and from there to the park. We stopped there for a while - we were talking to Robert Patterson. He came down from the dance with us. We walked behind the bandshell and started to walk up to Crescent St. I remember seeing Donald, Jr. Marshall on Crescent St. with another man.

Q. Did you speak to Jr. Marshall

A. Yes, I asked him for a match

Q. Did you receive it

A. Yes

Q. Did you have any other conversation with him

A. No

Q. Did you know the other man

A. No

Q. Did you know Sindy Seale, the deceased

A. No

Q. How long have you known Jr. Marshall

A. 1 yr. or so

Q. which way were you walking on Crescent St.

A. towards Kings Rd.

Q. what time was this

A. Between 11:30 P.M. and 12 P.M.

## CITY OF SYDNEY POLICE DEPARTMENT

## CONTINUATION REPORT

SUBJECT

RCMP2 33

CASE No.

continued - page 2---Terrence Patrick Gushue

- Q. What was the weather like  
A. It was nice out
- Q. when you met Jr. Marshall, ~~XXXXXX~~ and the other man,  
were they standing or walking  
A. Standing
- Q. On the Street or sidewalk  
A. On the left hand side of street going towards Kings rd.
- Q. Were you drinking that night  
A. 2 qts. of beer & some wine.

Signed: Terry Gushue

Sergt. Det. J.F. MacIntyre  
June 17th - 12:03 A.M.

Signed: Det. W. Urcuhart

JULY '71

- 28 -

DMPRE 14

Q. When were you at the dance at St. Joseph's Parish, last?

A. The 28th.

Q. Were you there last Friday or Saturday night?

A. No.

Q. Were you there the Friday and Saturday nights before this?

A. I never went after what happened my mother would not let me go.

Q. That is the last time you went to the dance?

A. Yes.

By Mr. MacNeil

Q. Tell me, Miss Harris, was Donald Marshall, the accused walking or standing when you first saw him on Crescent Street?

A. Standing.

Q. Was this other person walking or standing?

A. I don't know.

Q. Now was this a Friday night dance or a Saturday night dance that you attended the night that you saw Donald Marshall?

A. I think it was a Friday night dance.

Q. Tell me did you hear about this incident that we are discussing here today?

A. Yes.

Q. When?

A. A couple of days after, my mother told me about it.

Terrance Gushue

BY THE COURT

Q. How old are you Mr. Gushue?

A. Twenty (20).

Q. WITNESS SWORN Donald Marshall. By Mr. MacNeil

Q. What is your full name?

A. Terrance Patrick Gushue.

Q. Where do you live?

A. 2 Tulip Street, Sydney.

Q. In the City of Sydney?

A. Yes.

Q. Did you attend a dance at St. Joseph's Hall on the 28th of May, 1971?

A. Yes.

Q. What day of the week was that?

A. Friday.

Q. Did you leave the dance?

A. Yes I did.

Q. At what time?

A. About 11 O'clock.

Q. Did you leave with anyone?

A. Patricia Harris.

Q. Where did you go?

A. Down to Wentworth Park.

Q. Where in Wentworth Park?

A. Down by the bandshell.

Q. What did you do there?

A. Had a cigarette.

Q. Where did you go when you left the bandshell?

A. Went behind the bandshell and up Crescent Street.

Q. In which direction did you go?

A. Toward the Court House.

Q. Here?

A. Yes.

Q. Do you know Donald Marshall, Junior, the accused in this case?

A. Yes sir.

Q. Did you know Donald Marshall before that time?

Q. Is he in Court here today, point him out to the Court please?

A. Witness indicates the accused.

Q. Did you see him on Crescent Street in the City of Sydney, County of Cape Breton, Province of Nova Scotia on that time and on that date?

A. Yes I did.

Q. Where was he when you saw him?

A. At the green apartment building.

Q. Where was he standing?

A. By the curb.

Q. Was he walking or standing?

A. Standing.

Q. Was there anyone with him?

A. There was another person there but we were on the pavement.

Q. Did you pay any attention to this other person?

A. No.

Q. Where was this other person standing?

A. On the sidewalk.

Q. Where were you?

A. On the street.

Q. How far were you away when you first saw Donald Marshall, J

A. When we were walking along the curb there.

Q. Tell us in feet?

A. Twenty or thirty feet.

Q. Tell me, did you have any conversation with Donald Marshall that evening?

A. I asked him for a match.

Q. What did he say?

A. He gave me the match so I left.

Q. Did you know Donald Marshall before that time?

A. Yes.

Q. How long have you known him?

A. About a year.

Q. What was he wearing?

A. A light jacket and dark pants.

Q. After this conversation you had with Mr. Marshall, what did you do?

A. I walked Patricia home.

Q. Where is her home?

A. 5 King's Road.

By Mr. Khatter

Q. Mr. Gushue, did you see anybody else in the park the time you were there, other than the other person?

A. Yes, I saw four of my friends, Gussie Dobbin.

Q. Where was he?

A. He was in the park, he was walking down by the bandshell and I asked him for a match.

Q. How long were you at the bandshell, what were you doing?

A. Just talking and I had a cigarette.

Q. Was there anybody else there besides your friend?

A. Robert Patterson.

Q. Was he sitting with you and your girl friend?

A. No, I seen him walking back and forth.

Edward Vincent Chant

BY THE COURT

Q. How old are you?

A. Fourteen.

Q. What grade are you in?

A. Six.

Q. What school do you go to?

A. Louisbourg.

Q. You live in Louisbourg, do you?

A. Yes.

NOVEMBER 17  
DMI 19

- 82 - TERRANCE GUSHUE, Dir. Exam.

TERRANCE GUSHUE, being called and duly sworn, testified as follows:

BY MR. MacNEIL: (Dir. Exam.)

Q. What is your full name, sir?

A. Terrance Patrick Gushue.

Q. Where do you live?

A. Fuller Terrace, Apartment No. 2

Q. What is it?

A. Fuller Terrace, Apartment No. 2.

(10) Q. No. 2. That's in the City of Sydney, here?

A. Yes.

Q. Did you attend a dance at St. Joseph's Hall, on 28th day of May, 1971?

A. Yes.

Q. What day of the week was that?

A. Friday?

Q. And did you leave the dance?

A. Yes.

Q. With whom?

(20) A. With Patricia Harris, Robert Patterson.

Q. What time would this be that you left the dance?

A. 10:30, around that.

Q. And where did you go?

A. Down toward Wentworth Park.

Q. And where did you go in Wentworth Park?

A. On one of the benches, next to the bandshell.

Q. What did you do there?

A. Had a cigarette and talked.

Q. Did you leave the park?

(20) A. Yes, we left the park after about twenty minutes.

Q. So what time would this be now that you're up on Crescent S

A. About ten to eleven, around that.

Q. Which direction did you go in?

A. Towards Kings Road.



- 83 - TERRANCE GUSHUE, Dir. Exam.

Q. That is towards the building that we're in now?

A. Yes.

Q. And over beyond, over to Kings Road and did anything happen on Crescent Street?

A. We met Junior Marshall and I bummed a match off him.

Q. Did you know Junior Marshall before?

A. Yes.

Q. How long have you known him?

(10) A. About a year.

Q. Do you see him here in court today: will you point him out to the court, please?

A. There.

Q. Let the record indicate the witness points to the accused. Did you have any conversation with him?

A. Just asked him for a match.

Q. What took place?

A. He gave me the match. I lit the cigarette. He was talking to Patricia for a second.

(20) Q. Did you see him any more that evening?

A. No.

BY MR. KHATTAR: (Cross-Exam.)

Q. Mr. Gushue, was there anyone else at the park that you knew that evening?

A. There was a friend of mine, talked to him for a second, just give me a match.

Q. Anyone else?

A. Robert Patterson.

Q. Someone else?

(30) A. I don't know. I'm not sure.

Q. Were there many people at the park that-

A. Oh, couples walking back and forth.

Q. Was there anything unusual going on while you were there?

A. No.

- 84 - TERRANCE GUSHUE, Cross-exam.

Q. You were only at the park about fifteen or twenty minutes?

A. Yes sir.

Q. Where exactly on Crescent Street did you see Mr. Marshall?

A. By the Green Apartments Building.

Q. Was there some other person or persons there in the vicinity?

A. Yes, someone on the sidewalk.

Q. More than one?

A. No, one.

(10) Q. Just one. Were you able to recognize that person?

A. No sir.

Q. How far would that person be from Marshall?

A. About six to eight feet I guess - about six to eight feet.

Q. Was the light that bad that you couldn't tell who that person was?

A. I never noticed. I just cupped my hands down and lit a cigarette. I just put my hands in front of my face to cup the match from the wind, and lit a cigarette.

Q. But when you were going by, did you pass this other person?

A. Yeah, we had to pass him.

(20) Q. You had to pass him but you didn't recognize that person.

Was it a man or a woman?

A. I'm not sure.

Q. You're not sure. Are you sure it wasn't two people?

A. I don't know.

Q. There may have been two people?

A. I don't know. I thought there was only one.

Q. You're not sure of that. You may have been mistaken with regard to the number?

A. I think there was only one. I think there was only one.

(30) Q. Do you remember what the weather was like on that evening?

A. No.

Q. Did you sit on the grass?

A. No, park bench.

- 85 - TERRANCE GUSHUL, Cross-Exam.

Q. Do you know if it was wet or dry?

A. Dry I guess.

Q. You think it was dry?

A. I think so.

( THE WITNESS WITHDREW )

C. 1/8.

Statement of: Terrance Patrick GUSHUE (B: 51-05-08).  
630 George St., Apt. 5, Sydney.

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Taken: 82-03-02 at Sydney, N.S. RCMP 2 32

Statement # 23

At the time of the Seale murder I went to a dance at St. Josephs with Patricia Harris. On our way home we went through Wentworth Park. I recall sitting on a Park bench and going up toward Crescent St. In this general area I bummed a match from Junior.

I really don't remember who was there I just know I definitely saw Junior. There were all kinds of people around.

(Signed by:)

Terrance P. Gushue

Witnessed:

S/Sgt. H.F. WHEATON

RCMP 31

S.C.C. No. 00580

IN THE SUPREME COURT OF NOVA SCOTIA  
APPEAL DIVISION

IN THE MATTER OF A REFERENCE PURSUANT TO SECTION  
617 OF THE CRIMINAL CODE BY THE HONOURABLE JEAN  
CHRETIEN, MINISTER OF JUSTICE, TO THE APPEAL  
DIVISION OF THE SUPREME COURT OF NOVA SCOTIA UPON  
AN APPLICATION FOR THE MERCY OF THE CROWN ON  
BEHALF OF DONALD MARSHALL, JR.

AFFIDAVIT

I, Terrance Patrick Gushue, of 630 George Street, Apartment 5, in the City of Sydney, County of Cape Breton and Province of Nova Scotia, make oath and say as follows:

1. That I was born on May 8, 1951, and attended a dance at St. Joseph's Hall, in the City of Sydney, aforesaid, on Friday evening, May 28, 1971.
2. That I believe I left the said dance between 11:30 p.m. and 12:00 p.m. in the company of Patricia Harris and Robert Patterson and proceeded to Wentworth Park in the said City of Sydney.
3. That after having arrived at Wentworth Park and I believe at about 11:45 p.m., we met Donald Marshall, Jr. ~~at or near Crescent Street and across from a green building known as Crescent Apartments,~~ and I asked the said Donald Marshall, Jr. for a light for a cigarette. S.G.
4. That there were other people in the said Wentworth Park aside from those referred to herein, although I do not know who they were.
5. That I was intoxicated on the night of May 28, 1971, and my recollection of the events of that night are true to the best of my knowledge and belief.
6. That I was a witness at the trial of Donald Marshall, Jr., in November, 1971, who was subsequently convicted of the murder of Sandy Seale and my testimony appears at pages 82-85 of the Transcript of the said trial.

7. That on June 17, 1971, I was interviewed by Det. Sgt. J.F. MacIntyre of the Sydney City Police, and gave a free and voluntary written statement to the said MacIntyre, a copy of which is produced herewith and marked Exhibit "A", directly relating to my knowledge of the events surrounding the murder of Alexander (Sandy) Seale on the night of May 28, 1971, and that to the best of my knowledge and belief the facts contained in that statement are true.

8. That on March 2, 1982, I was interviewed by R.C.M.P. S/Sgt. H.F. Wheaton, and gave a free and voluntary written statement to the said S/Sgt. Wheaton, a copy of which is produced herewith and marked Exhibit "B", directly relating to my knowledge of the events surrounding the murder of Alexander (Sandy) Seale on the night of May 28, 1971, and that to the best of my knowledge and belief the facts contained in that statement are true.

SWORN TO at *Sydney* )  
 in the County of Cape Breton, )  
 Province of Nova Scotia, this )  
 15<sup>th</sup> day of July, A.D. )  
 1982, before me, )

*[Signature]*

A Barrister of the Supreme  
 Court of Nova Scotia

*Terrance P. Gushue*

TERRANCE PATRICK GUSHUE