



CITY OF SYDNEY POLICE DEPARTMENT 79  
CONTINUATION REPORT

RCMP 2

GE	SUBJECT RCMP 2 36	CASE No.
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C O P Y

June 18th - 1:20 A.M.

Statement of Patricia Ann Harris, age 14 yrs., residing at 5 Kings Road, Sydney

On May 28th, 1971, I went to St. Joseph's Dance Hall. I met Terry Gushue there. We danced for awhile and then a fight started. Terry got mixed up in it and he was asked to leave. So I went with him. I got mad at him for drinking & fighting. We went to the Park and sat on a bench and started arguing. Robert Patterson came to the Park with us. After a while, we crossed the park back of the bandshell. Then we went up to Crescent St. and by the green apt. building, we met Jr. Marshall. Terry got a match of him.

- Q. was there anybody with Jr. Marshall
- A. Yes
- Q. who was it
- A. He had a dark jacket on
- Q. was it Sandy Seale. Do you know him
- A. Yes, I know Sandy and it looked like him
- Q. Did he speak to you
- A. No
- Q. Did Jr. Marshall say anything else
- A. He was drinking
- Q. How was he dressed
- A. He had a light jacket on
- Q. were they standing or walking when you met them
- A. Standing, facing one another but when we came closer, they sort of parted and Sandy Seale moved back. we talked to Jr. got a match and left for home.
- Q. Did you see anybody else in the area
- A. No. Not on Crescent St.
- Q. Did you notice anybody on the railroad tracks
- A. No
- Q. where did you learn about the stabbing
- A. my mother told me.

CITY OF SYDNEY POLICE DEPARTMENT  
CONTINUATION REPORT

E SUBJECT

RCMP 2 36

CASE No.

C O P Y

continued - page 2 - Patricia Harris

Q. Did you see any weapons on either Jr. Marshall or Sandy Seale

A. No

Q. How were they facing

A. Sandy was facing the houses and Jr. Marshall was facing the Park

Q. What time would this be

A. I would say about 12 P.M. ~~XX~~ we left the dance about 11:30P.M.

Signed: Patrician Harris

June 18th - 12:25 A.M.

Sergt. Det. J.F. McIntyre

Sergt. W. Urouhart.

- 10 - JULY 17  
DMPRE 11.

- Q. And what did you do with this jacket?
- A. The jacket was in my care until I went to the P.C.M.F. Lab. in Sackville with it and turned it over to them.
- Q. And do you know to whom you turned over this jacket?
- A. At the time, I just forget his name. I have it marked.
- Q. Where do you have it marked?
- A. Mr. Duff, P.C.M.F. Lab in Sackville.

BY THE COURT

- Q. A sergeant?
- A. No Mr. Duff is a civilian

NO OBJECTIONS BY DEFENCE

Patricia Ann Harris,

By the Court

- Q. How old are you?
- A. Fourteen (14)
- Q. What grade are you in, in school?
- A. Grade VIII.
- Q. Are you going to school now?
- A. Yes sir.
- Q. You are in Grade VII?
- A. Going into Grade VIII.
- Q. What school do you go to?
- A. Central.
- Q. Do you know what it means to take an Oath on the Bible?
- A. Yes.
- Q. What?
- A. To tell the truth.
- Q. What happens to people who don't tell the truth?
- A. Perjury.
- Q. What happens to people who commit perjury?
- A. Go to a home.

Q. Do you go to Church?

A. Sometimes.

Q. What Church do you go to?

A. United.

Q. How often do you go .... do you go to Sunday School.

You understand what the meaning of an Oath is, do you,  
and you know what happens to people that are found  
guilty of telling falsehoods under Oath in Court, do you?

A. Yes sir.

WITNESS STATE

By Mr. MacNeil

Q. What is your full name, please?

A. Patricia Ann Harris.

Q. And where do you live?

A. 5 King's Road.

Q. And how old are you?

A. Fourteen (14).

Q. Did you attend a dance at St. Joseph's Hall on the  
evening of the 26th of May, 1971?

A. Yes sir.

Q. And did you leave that dance?

A. Yes sir.

Q. Were you accompanied by anyone or not?

A. Yes.

Q. Who?

A. Terry Cushue.

Q. And what time did you leave the dance?

A. About 10:30 - 11 O'clock.

Q. And where did you go?

A. Down to the park.

- Q. What park?
- A. Wentworth down by the Bandshell.
- Q. And what did you do there?
- A. We sat on the bandshell and had a cigarette and left and went up Crescent Street.
- Q. How long were you in Wentworth Park?
- A. About fifteen minutes.
- Q. What time would it be when you decided to leave Wentworth Park and the bandshell?
- A. About eleven, it was about a quarter to twelve.
- Q. Where did you go, you walked behind the bandshell?
- A. Yes.
- Q. And where did you go?
- A. We went up Crescent Street.
- Q. Which direction did you go, when you reached Crescent Street?
- A. Down, down towards the other park, the second park.
- Q. Can you tell us in streets which way you went?
- A. On Crescent Street.
- Q. You are on Crescent Street, in which direction were you walking?
- A. Toward what place were you walking?
- A. We were going to my house.
- Q. And your house is on King's Road?
- A. Yes.
- Q. Now as you walk along Crescent Street that night did you and Mr. Cushue see anyone?
- A. Yes.
- Q. Who?
- A. Junior Marshall.
- Q. Yes.

- Q. Donald Junior Marshall the accused in this case?
- A. Yes.
- Q. And where was he standing?
- A. By the green apartment building on Crescent Street.
- Q. Was there anybody with him?
- A. Yes, I think so, I am not sure.
- Q. Did you see another person there with Donald Marshall?
- A. Well there was somebody there, I didn't pay any attention.
- Q. Was there more than one person with him?
- A. No.
- Q. What took place while you were talking to Donald Marshall?
- A. Terry asked him for a match and he was talking to Junior for awhile, then we left for home.
- Q. Did you have any physical contact with Junior Marshall at that time?
- A. He held my hand.
- Q. Had you known him before?
- A. Yes.
- Q. Then, what did he do?
- A. After Terry got his cigarette lit we left for home.
- Q. Which direction did you proceed?
- A. Going down Crescent Street until we came to the park and we walked down by the duck house, crossed the bridge to my house.
- Q. This Donald Marshall, do you see him in Court here today?
- A. Yes. Witness indicates the accused.
- Q. This is the man you saw around midnight on the 28th of May, 1971?
- A. Yes.

Q. Are you able to read a plan?

A. I think so.

Q. I show you a plan marked Exhibit L/1, do you see Crescent Street there?

A. Yes.

Q. Do you see the building you refer to, in front of which you saw Donald Junior Marshall?

A. Yes ( points to map )

Q. And what is that building called as designated on the plan?

A. Crescent Apartments.

By Mr. Fosenblum

Q. You can't be sure there was anyone with Donald Marshall at the time.

A. There was somebody there but I didn't pay any attention.

Q. You don't know if he was with Donald Marshall or not?

A. No I don't know.

Q. You mean there was a person near?

A. Yes.

Q. And that other person, was that a man or a woman, a boy or a girl or do you know?

A. I don't know.

Q. Whoever he was, whatever sex, that person was, nobody had any conversation with that other person in your presence?

A. No.

Q. Tell me did your friend, Mr. Gushue smoke a cigarette at the bardshell?

A. Yes.

30



- Q. How did he light his cigarette there?
- A. Well, Cussie Robbin walked by and gave us a match.
- Q. Now you say Mr. Marshall held your hand for a moment or so?
- A. Yes.
- Q. In a friendly manner?
- A. Yes.
- Q. Did you smell any liquor off his breath?
- A. No.
- Q. Was there anything about his condition, at all, that would indicate he was drinking?
- A. He seemed to me because he never took my hand before.
- Q. He would not have to be under the influence of liquor to hold your hand, aside from the fact he held your hand or do something he never did before, was there anything else about him, his appearance, his manner, his way of speaking that would indicate that he had been drinking?
- A. Take your time and try to remember. Did you get a smell of liquor off his breath. What did he say to you?
- A. He was talking, I don't know what he was saying, he was mumbling, giving Terry the match.
- Q. The whole thing only took a minute or so?
- A. Yes.
- Q. You say you had known him for some time before that?
- A. Yes.
- Q. Now when you left Mr. Marshall at that time and you continued on towards King's Ford to your home, is that right?
- A. Yes.
- Q. Did you turn around at any time to see if Mr. Marshall had left where he was standing, talking to you and your friend?
- A. No.

- Q. You did not see any more that night?
- A. No.
- Q. Did you notice how he was dressed at that time?
- A. I know he had a light jacket on at that time.
- Q. You mean light in weight or light in color?
- A. In color.
- Q. Any particular color?
- A. It was birght.
- Q. Do you know what color trousers he was wearing, dark or light trousers?
- A. No.
- Q. Was he smoking himself at the time?
- A. I don't think.
- Q. Where did he get the match from his pants pocket or his jacket pocket or where?
- A. I thinkg the pants pocket.
- Q. Do you know?
- A. No.
- Q. Was the jacket buttoned up or zippered up he was wearing?
- A. I don't know.
- Q. Was it a zippered jacket or one with buttons or something that you pull over your head or something that did not require buttons?
- A. I dont' know.
- Q. Was the jacket tucked in - inside of his trousers or was it hanging loose, outside his trousers?
- A. Hanging.
- Q. This would be about midnight, would it not?
- A. Around then, yes.
- Q. Did you look at your watch any time to indicate the time?
- A. I wasn't wearing a watch.

- Q. The information that you have given us here this morning by questions by Mr. MacNeil, to whom did you first give that information?
- A. Three city detectives.
- Q. To whom did you first tell that evidence about having met Donald Junior Marshall?
- A. I don't know his name.
- Q. Was it a police officer?
- A. Detective.
- Q. Sgt. MacIntyre here sitting beside Donald Marshall?
- A. He wasn't the first.
- Q. He wasn't the first, was it Sgt. MacDonald sitting in the corner?
- A. Yes.
- Q. He was the first one you told it to?
- A. Yes.
- Q. Now, did you go to him or did he come to you?
- A. He called my mother up and told me to go down to the police station.
- Q. How many times did you talk to him, Sgt. Michael R. MacDonald?
- A. About two times.
- Q. Who was the next person you spoke to ... Sgt. McIntyre?
- A. Yes.
- Q. How many times have you spoken to him about this evidence you are giving today?
- A. Twice.
- Q. When was the last time?
- A. Last Tuesday.
- Q. And I suppose you signed a statement?
- A. Yes.

Q. Was that on the first occasion you spoke to Sgt. MacDonald or the second occasion?

A. The second time with Mr. McIntyre.

Q. The second interview with Sgt. McIntyre you gave a written statement?

A. Yes.

Q. Were you asked to give a written statement before that?

A. I don't think so.

Q. Were you interviewed in the company of Terry Cushue or separate from him?

A. Separate.

Q. On all occasions?

A. No, the second time we were together.

Q. The second time you were together in the presence of Sgt. MacDonald or Sgt. McIntyre?

A. Both.

Q. They were both present on the second time?

A. Yes.

Q. How long after, do you know what date it was your mother got the telephone call and told you to go down to the police station?

A. I don't know.

Q. In the month of June?

A. Yes.

Q. Was there any particular day in June you could attach that first interview with Sgt. MacDonald?

A. I think it was on a Thursday.

Q. Have you any idea of the day or how far advanced in June it was?

A. No.

A. Yes.

Q. Would that be at St. Joseph's Parish Hall?

- Q. How do you know it was May 28th of this year that you saw Donald Marshall in the park?
- A. They told me.
- Q. Who told you, Sgt. MacDonald or Sgt. McIntyre?
- X. Sgt. MacDonald, who is sitting in the Court room and who has already given evidence - told you he told you it was on the night of May 28th?
- A. Yes.
- Q. If he had not told you that would you have know what night it was?
- A. I don't think so.
- Q. How long have you known Donald Marshall?
- A. Since I started going to the dances.
- Q. How long is that?
- Q. About a year.
- A. Not that long.
- Q. About six months?
- A. Around that.
- Q. You live near Wentworth Park, right?
- A. Yes.
- Q. You often go to the park?
- A. No not that often.
- Q. You often walk through it?
- A. Sometimes.
- Q. How long have you known Donald Marshall about six months?
- A. Yes.
- Q. Do you see him quite often, Miss Harris? him, do you?
- A. Only when I went to the dances, he would be there.
- Q. Did he go to the same dances that you were at, would he be present? you been going to dances at St. Joseph's
- A. Yes, this year?
- Q. Would that be at St. Joseph's Parish Hall?
- A. Yes.

Q. And I suspect you often saw him, not often perhaps, but a number of times you saw Donald Marshall in Wentworth Park?

A. No, I don't hang around the park.

Q. I am not suggesting that, I am asking you have you seen Donald Marshall walking in the park on a number of occasions?

A. No, I never saw him.

Q. Well then, on Crescent Street?

A. I saw him on Crescent Street.

Q. Late at night, of course?

A. Yes.

Q. That would be on a number of occasions?

A. The first time I ever saw him, I often saw him at the dances or walking home.

Q. You have seen him after a dance walking on Crescent Street or near Crescent Street on various occasions?

A. No, this is the first time.

Q. That was the first time?

A. Yes.

Q. Where had you seen him on other occasions other than the dance hall?

A. I saw him going down town, sometimes, walking.

Q. Where else have you seen him, do you understand?

A. Like other places.

Q. Other places you have seen Donald Marshall?

A. Dances, that's all.

Q. Tell me other places where you have seen him, do you understand my question, can you answer it?

A. No.

Q. How often have you been going to dances at St. Joseph's Parish, this year?

A. Not too long, a couple of months.

Q. About once a week?

A. Twice.

Q. What nights of the week do they hold dances?

A. Friday and Saturday.

Q. Do you go on both Friday and Saturday nights?

A. Yes.

Q. When I ask you did you go to both Friday and Saturday nights during the month of May of this year?

A. Yes.

Q. When do the dances start?

No answer.

Q. Do they go all year around?

A. Yes.

Q. And you started going to dances about six months ago, is that correct?

A. Yes.

Q. You have been going the two nights a week they hold the dances, Friday and Saturday, regularly each week?

A. Yes.

Q. Were you at the dance at St. Joseph's Parish on the evening of April 23rd?

A. Probably.

Q. What night of the week was April 23, do you know?

A. No.

Q. Why did you say, probably, if you were not aware of the fact it was a Friday or Saturday night?

A. I usually got every weekend.

Q. I will ask you this you are not sure of any dates or

nights you went to dances without looking at a calendar

is that right? (Cushor).

A. Yes.

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 I said that name. By Mr. MacNeil

Q. What is your full name?

A. Terrance Patrick Gushue.



NOVEMBER '71  
DMI 16

- 74 - PATRICIA HARRIS, Dir. Exam.

PATRICIA HARRIS, being called and duly sworn, testified as follows:BY MR. MacNEIL: (Dir. Exam.)

Q. What is your full name, please?

A. Patricia Ann Harris.

Q. You will have to speak up much louder than that.

A. Patricia Ann Harris.

Q. And how old are you?

A. Fourteen.

(10) Q. What grade are you in school?

A. Eight.

BY THE COURT:

Q. Miss Harris, you're fourteen years of age?

A. Yes.

Q. You're in grade eight?

A. Yes.

Q. Do you go to church?

A. Yes, sometimes.

Q. Pardon?

(20) A. Sometime.

Q. Sunday School - have you been to Sunday School?

A. No.

Q. Never?

A. No.

Q. Do you know what it means to tell the truth?

A. Yes.

THE COURT:

Actually, she had been sworn. I was looking at my notes and she was sworn. Her height deceived me, Mr. MacNeil. However,

(30) I will go through some questioning to satisfy myself that the swearing of this young woman was in order. I think it is.

BY THE COURT:

Q. You understand what it means to tell the truth?

A. Yes.

- 75 - PATRICIA HARRIS, Dir. Exam.

Q. What exactly did you do just now when you swore?

A. I swore to tell the truth.

Q. Before whom did you take this oath?

A. Pardon me.

Q. Before whom did you take the oath?

A. The Court, Jury.

Q. Do you remember the words - "So Help You God"?

A. To tell the truth and nothing but the truth.

(10) Q. So Help You God?

A. Yes.

Q. You've taken the oath before God?

A. Yes.

Q. Would you venture to say what happens to anyone who tells a lie?

A. It's perjury.

Q. It is perjury. What is perjury? What is your idea of perjury?

A. Well, if you don't tell the truth, you go to jail, or school for girls.

Q. You appreciate then the significance of the oath that you have

(20) taken, what it means?

A. Yes.

Q. I'm sure you are satisfied of the seriousness of what you are about to say today?

A. Yes.

Q. That you are going to tell the truth?

A. Yes.

THE COURT:

I am satisfied and I have no doubt that Miss Harris is one who understands the nature of the oath and appreciates the significance of what it means not to tell the truth. I am satisfied and you may proceed.

MR. MacNEIL:

Thank you, my Lord.

- 76 - PATRICIA HARRIS, Dir. Exam.

BY MR. MacNEIL:

Q. I believe I got your name. Did I ask you where you lived?  
Where do you live?

A. 5 Kings Road.

Q. Kings Road, that's in the City of Sydney here, County of Cape Breton, Province of Nova Scotia?

A. Yes.

(10) Q. As a matter of fact, it's just across the pond from the front of this court house, is it not?

A. Yes.

Q. And where were you on the evening of the 28th of May, 1971?

A. St. Joseph's Dance.

Q. You will have to speak up loud, now.

A. Yes.

Q. Where?

A. St. Joseph's Dance.

Q. And that's held at the Parish Hall on George Street in the City of Sydney?

(20) A. Yes.

Q. And how long did you stay at the dance?

A. Oh, until about 10:30.

Q. And what did you do at 10:30?

A. Well my boyfriend was asked to leave the dance, so I went with him down to Wentworth Park, in front of the bandshell and we stayed there for a while. First we got a package of cigarettes. We went down and sat on the bench. A friend walked by and we asked him for a match and lit the cigarette. After that we left and come on to Crescent Street.

(30) Q. All right now, what time would this be?

A. Oh, about quarter to eleven.

Q. Quarter to eleven? Are you sure of that, Miss Harris?

A. Left the dance about 10:30, we were there for a while; we walked back of the bandshell and came up on Crescent.

- 77 - PATRICIA HARRIS, Dir. Exam.

Q. How long did you remain in the park, the bandshell?

A. Just to smoke the cigarette.

Q. All right, you say it was what time when you decided to leave Wentworth Park and the bandshell?

A. I'm not sure - twenty to eleven, around there.

Q. And as you proceeded along Crescent Street, who was with you?

A. My boyfriend, Terry Gushua.

Q. And which direction were you walking along Crescent Street?

(10) A. Going towards my house.

Q. Well, which direction is that? In other words, you were walking towards the direction of Kings Road, were you?

A. Yes.

Q. Walking from the bandshell over in this direction - did you walk past in front of the court house here?

A. Yes.

Q. All right now, as you were walking along Crescent Street, would you tell His Lordship and the gentlemen of the jury what took place?

(20) A. Well we met Junior Marshall and we asked him for a match. He gave us a match and-

MR. ROSENBLUM:

A little louder, please.

WITNESS:

-spoke to Junior for a while. And we left.

BY MR. MacNEIL:

Q. Spoke to who?

A. Junior.

Q. Junior - who is Junior? Donald Marshall Jr., the accused?

(30) A. Yes.

Q. And had you known him before this time?

A. I met him at the dance-

Q. So you know him. For how long a period?

A. Not too long.

- 78 - PATRICIA HARRIS, Dir. Exam.

Q. Well-

A. Do you mean, how long I knew him?

Q. Yes! Over what period of time had you known him?

A. Ever since I went to the dances.

Q. All right, when did you start going to the dances?

A. This year, last year.

Q. Last year or this year?

A. Last year.

(10) Q. Can you tell us how many months or how many years you know him?

A. About six or seven months.

Q. I beg your pardon.

A. Six or seven months.

Q. Prior to this evening that you saw him. Was there anyone with Mr. Marshall, the accused?

A. I think so, yes.

Q. Did you have any conversation with Donald Marshall, yourself?

A. Not long - like I said - he asked "Were you at the dance" and

(20) I said, "Yes."

Q. Then what did you do?

A. Well, Terry lit the cigarette and then we just said "Bye" and went home.

Q. And did you see the accused, Mr. Marshall, any more that evening?

A. No.

Q. What time did you arrive home?

A. I don't know. I'm not sure.

Q. Was there more than one person with Mr. Marshall?

A. Yes.

(30) Q. How many were there?

A. I don't know really but there wasn't many there.

Q. I beg your pardon.

A. There wasn't many there.

Q. What?

A. There wasn't many there.

- 79 - PATRICIA HARRIS, Dir . Exam.

Q. Now what do you mean by that?

A. Well, there wasn't a crowd of people.

Q. How many people that you know were there?

A. Just Junior.

Q. Just Junior?

A. Yes.

Q. I may have confused you. Miss Harris, you saw Donald Marshall and did you see anyone else there?

(10) A. Yes.

Q. Who was it, do you know?

A. (No response.)

Q. Answer me, please.

A. No.

Q. And how many people did you see there with Donald Marshall?

A. One.

Q. The one person.

A. Yes.

Q. Tell me, did you have any physical contact with Junior Marshall?

(20) at that time?

A. Yes.

Q. What was that?

A. He held my hand.

Q. And did you notice anything about his condition insofar as liquor is concerned?

A. No, not really. You couldn't tell.

Q. You couldn't tell whether he had been drinking or not.

A. No.

Q. Did you have a conversation with Mr. Marshall while you were

(30) there on Crescent Street?

A. Just a short one.

Q. And do you see Donald Marshall here in court today?

A. Yes.

Q. Would you point him out to the court please?

A. (Witness points to the accused.)

- 80 - PATRICIA HARRIS, Dir. Exam.  
Cross-Exam.

MR. MacNEIL:

Let the record indicate that the witness points to the accused.  
I think that's all, my Lord.

BY MR. ROSENBLUM: (Cross-Exam.)

Q. Now Miss Harris, Junior Marshall spoke pleasantly to you and  
to your boyfriend, Terry Gushue?

A. (No audible response.)

Q. Didn't he?

(10) A. He just asked if I was at the dance.

Q. Pardon me.

A. He just asked if I was at the dance.

Q. And when Terry Gushue asked him for a match, he gave him a  
match?

A. Yes.

Q. And your encounter with Junior Marshall on that occasion was  
pleasant. There was nothing unpleasant about it, was there?

A. No.

Q. And it was only for a moment or two?

(20) A. Yes.

Q. I can't hear you.

A. Yes.

Q. Now can you say under oath that there was anybody at all  
with Junior Marshall that time or if there were other people  
around but you can't say if they were with him?

A. Well someone was there but I never paid any attention-

Q. No, you couldn't say if it was a woman, a man, a child?

A. No.

(30) Q. So you really are not sure if there was anybody with Junior  
Marshall at all, are you?

A. I knew he was there.

Q. Pardon?

A. Sort of knew he was there.

- 81 - PATRICIA HARRIS, Cross-Exam.

Q. Knew who was there?

A. The person.

Q. You can't say if it was a man, woman or child, can you?

A. No.

Q. You say you knew there was somebody around?

A. (No audible response.)

Q. You will have to answer so we can get it down?

A. Yes.

(10) Q. And that other person that you're speaking about, they never had any conversation with you or with Terry Gushue?

A. No.

Q. Or with Junior Marshall while you were there?

A. No.

Q. And so the sum net result is that you and Terry Gushue went to a dance, you left the dance, you went to the bandshell for a cigarette, a smoke, whatever it was; then you started to walk towards your home over there on Kings Road, and on the way you met Junior Marshall who gave Terry Gushue a match;

(20) is that right?

A. Yes.

Q. And that's all. Isn't that it?

A. Yes.

Q. Anything else?

A. No.

( THE WITNESS WITHDREW )

MR. MacNEIL:

I will call Mr. Gushue.

TERRANCE GUSHUE, being called, came forward.

BY MR. MacNEIL:

Q. How old are you, sir?

A. Twenty.

MR. MacNEIL:

Proceed.



RE OBJET

PAGE

Statement of: Patricia Ann HARRISS (B: 15 NOV. 56)  
5 Kings Rd., Sydney, N.S. 562-4009

TAKEN: 1 MAR 82 @ Sydney, N.S. RCMP2 35

Statement # 22

In 1971 I would have been 14 years of age and I recall the Seale murder case. That evening I was at a dance at St. Joseph's Hall and left with Terry Gushue. We went down George St. to Wentworth Park. We sat on a park bench in the area of the band shell. My home was at five Kings Road so I feel that Terry and I would have walked up to Crescent St., more toward the South Bentinck end than the Argyle St. end. We walked a ways down Crescent St. before noticing anybody. I remember meeting Junior Marshall and there were other people on the street in this area. Who they were I don't know. I recall in my first statement to the Police there were two people. The police took at least three statements from me.

I don't recall exactly how many times I was taken to the police station. I found they were needlessly harping at me going over and over telling me what they thought I should see. They took statements from me and changed them. This took hours and hours and my parents were not allowed in. They came to the police station and they let me out once to see them but that was it.

I don't feel their actions were proper. I recall them banging their fist on the desk. I definitely did not see Sandy Seale in the Park that night. I don't recall if I said that in Court or not. The police had me so scared through out this affair that I felt pressured and agreed with things I shouldn't have agreed. Now that I am a mature adult I feel this was most improper and I have thought of this through the years often questioned this whole thing in general.

I am sure that I saw Junior Marshall in the area of the Green Apartment building on Crescent Street. There were other men on Crescent Street in this area two or three. I did not say this in Court but I did say this at the Police Station. I felt that I was obligated to stick with the statement the Police were happy with. Terry Gushue was also brow beaten at this time when they took the statement from him.

Patricia Harriss

H.F. WHEATON, S/Sgt.

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, Patricia Ann Harriss, 5885 Spring Garden Road, in the City of Halifax County of Halifax and Province of Nova Scotia, make oath and say as follows:

1. That I was born on November 15, 1956, 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 at approximately 11:45 p.m. in the company of Terrance Patrick Gushue and Robert Patterson and the three of us proceeded to Wentworth Park in Sydney, approximately one and a half blocks from the said St. Joseph's Hall, situated on George Street, Sydney.
3. That upon arriving at the said Wentworth Park, we sat on a bench near the Bandshell for a few minutes and then I left with Terrance Gushue and we two proceeded along Crescent Street until we reached a green building on Crescent Street which I believe is known as Crescent Apartments.
4. That upon reaching the said Crescent Apartments we saw and spoke with Donald Marshall, Jr. who was in the company of two other men, neither of whom was Sandford (Sandy) Seale.
5. That on June 17, 1971, at about 8:15 p.m. I was interviewed by the Det. Sgt. John F. MacIntyre and Sgt. W. Urquhart of the Sydney City Police and gave a written unsigned statement

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to the said MacIntyre and Urquhart, a copy of which is produced herewith and marked Exhibit "A", concerning my knowledge of the circumstances surrounding the murder of Sandford (Sandy) Seale on May 28, 1971, and that to the best of my knowledge and belief the facts contained therein are true.

6. That I recall the night of June 17, 1971, vividly and that the said MacIntyre and Urquhart continuously went over my knowledge of the events of the evening of May 28, 1971, and repeatedly told me what I should have seen on that evening in Wentworth Park.

7. That again on the night of June 17-18, 1971, I was interviewed by the said MacIntyre and Urquhart and gave to them a signed written statement at 1:20 a.m. on June 18, 1971, after having been with them continuously for over five hours, and that a copy of the said statement is produced herewith and marked Exhibit "B".

8. That I testified at the Preliminary Hearing and subsequent Trial of Donald Marshall, Jr. who was convicted of the murder of Sandy Seale on November 5, 1971, and that my testimony at the said Trial appears at pages 74-81 of the transcript thereof.

9. That on March 1, 1982, I was interviewed by RCMP S/Sgt. Harry Wheaton and freely gave to the said S/Sgt. Wheaton a written signed statement, a copy of which is produced herewith and marked Exhibit "C", concerning my knowledge of the circumstances surrounding the murder of Sandford (Sandy) Seale and subsequent events and that the facts contained therein are true to the best of my knowledge and belief.

10. That I did not see Sandford (Sandy) Seale, who I knew, on the night of May 28, 1971, in Wentworth Park ~~or elsewhere~~, and that any statement by me to the contrary is not true. 

11. That as referred to in my statement marked Exhibit "A" hereto, I did, on the night of May 28, 1971, at or near Wentworth Park, see Donald Marshall, Jr. and two other men - one of whom

RCMP 2 34

was gray or white-haired, short and wearing a long coat.

SWORN TO at Halifax )  
 in the County of Halifax, )  
 Province of Nova Scotia, )  
 this 22<sup>nd</sup> day of July, 1982.)

*[Signature]*  
 A Barrister of the )  
 Supreme Court of )  
 Nova Scotia. )

*Patricia A. HarriSS*  
 PATRICIA ANN HARRISS

- 135 - PATRICIA ANN HARRISS, by Mr. Aronson

PATRICIA ANN HARRISS, being called and duly sworn, testified as follows:

BY MR. ARONSON: Direct Examination

Q. Would you state your full name to the Court please?

A. Patricia Ann Harriss.

Q. And how old are you?

A. I'm twenty-six.

Q. And what was your date of birth?

A. November 15th, '56.

Q. Where are you presently living?

A. 5 Kings Road, Sydney.

Q. And how long have you lived at that particular address?

A. Close to twenty years.

Q. What education do you have?

A. I finished grade ten at Sydney Academy.

Q. And are you presently employed?

A. No, I'm not.

Q. Can you recall what year you finished school in?

A. Around '75, I think.

Q. And after 1975 when you had finished school, what did you do by way of employment or further education?

A. I worked various jobs, as a waitress. I took an aesthetic course; various things.

Q. Now in 1971 would you have been living at 5 Kings Road?

A. Yes.

Q. Did you testify at the trial of Donald Marshall Jr. in 1971 for the murder of Sandy Seale?

A. Yes, I did.

Q. Have you ever been convicted of a criminal offence?

A. Yes.

Q. Could you say what offence?

A. A shop-lifting offence.

Q. And can you recall when that occurred?

- 136 - PATRICIA ANN HARRISS, by Mr. Aronson

A. I'm not quite sure in what year it was. I think it was --

THE COURT:

What's the relevance of that?

MR. ARONSON:

I'll leave it, My Lord.

BY MR. ARONSON:

10) Q. Can you recall whether or not you attended a dance in Sydney on Friday, May 28th, 1971?

A. Yes.

Q. Where was that dance?

A. St. Joseph's on George Street in Sydney.

Q. Is there a more lengthier description of St. Joe's?

A. St. Joseph's Parish Hall, I think.

Q. And where is that located?

A. On George Street.

Q. I see. How old were you when you attended that dance?

20) A. Around fourteen years old.

Q. Where -- do you recall how long you were at the dance for?

A. No, but I know I left before it was over.

Q. Can you say approximately what time you left?

A. I'm not too sure on the time. I just know that it was before the dance was over.

Q. Did you leave alone or in the company of anyone?

A. I was with my boyfriend.

Q. And what was your boyfriend's name?

30) A. Terrance -- Terry Gushue.

Q. And where did the two of you go from the dance?

A. We left the dance and proceeded to Wentworth Park.

Q. Can you say whether or not you had been drinking, that particular evening?

A. Terry might have been. I don't really recall.

- 137 - PATRICIA ANN HARRISS, by Mr. Aronson

- Q. And what about yourself? Can you recall whether you had been drinking that night?
- A. I don't think so.
- Q. You say you went to Wentworth Park?
- A. Yes.
- Q. How far is Wentworth Park from St. Joseph's Parish Hall?
- A. Oh, my. Maybe two blocks.
- 10) Q. Can you say what time you would have arrived at Wentworth Park?
- A. For sure, no. I'm not sure of the time.
- Q. What did you do after going to the park?
- A. We sat on a bench and smoked a cigarette.
- Q. Are you able to say where that bench was in the park?
- A. Close to the bandshell.
- Q. If I could show you exhibit -- I believe it's marked R-2. Can you say where the bandshell is located with reference to exhibit marked R-2?
- 20) A. The bandshell is there.
- Q. Is it marked -- do you see any markings on the map that would indicate where it is?
- A. No.
- Q. Do you want to mark on the map with the letter "p" where you were sitting?
- A. Approximately?
- Q. Approximately. The witness has placed the letter "p" -- I think it would be probably easier if you could take a look at it, My Lords. And what happened after you sat down at that park bench?
- 30) A. We stayed for awhile. We smoked a cigarette and then we left.
- Q. And then what happened?
- A. We proceeded across the bandshell to Crescent Street on our way home.

- 138 - PATRICIA ANN HARRISS, by Mr. Aronson

- Q. I see. Had you up to that point in time -- can you recall whether or not you saw anyone?
- A. I remember Robert Patterson. He was sick, vomiting in the woods and grass.
- Q. And subsequent to that time and as you were walking down Crescent Street on your way home, did you see anyone else?
- A. In the park?
- Q. Yes.
- A. No.
- Q. Okay, what happened after you started walking down Crescent Street towards home?
- A. We ran into Donald Marshall and asked him for a match to light a cigarette.
- Q. Do you see Donald Marshall in the court room today?
- A. Yes, I do.
- Q. Would you point him out please? For the record let it be noted that the witness pointed to the appellant. After you saw Donald Marshall, what happened?
- A. We just asked for a match, Terry and I, and then we left to go home.
- Q. Are you able to say from what direction Junior Marshall was coming, or from where he came?
- A. He was -- I don't think he was walking. He was more or less standing.
- Q. Now are you able to say whether or not there was anyone with Donald Marshall?
- A. I can say there was someone there but who, no.
- Q. Okay. Now you say there was someone there. Can you say how many were there?
- A. At the time I was saying two men.
- Q. Is that what you're saying today?



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A. Yes.

Q. Where were these two men standing or where did you see these two men relative to where you were standing with Donald Marshall?

A. One was on each side of Donald.

Q. And are you able to give a description of either one of those individuals?

A. At this time, no.

Q. Have you had the opportunity of reading over any of the statements you gave in this matter prior to testifying?

A. Yes, I have.

Q. Have you -- would you like to take a look at one of your statements in terms of refreshing your memory?

A. No.

Q. Would that assist you at all in terms of recalling --

THE COURT:

You're on direct examination but one question that you perhaps overlooked, would you ask her where she was on Crescent Street when she saw Marshall and the other two men?

MR. ARONSON:

All right.

BY MR. ARONSON:

Q. Could you tell the Court with reference to exhibit R-2 where you saw Donald Marshall?

A. Okay, I'm not too sure really just where.

Q. Could you say approximately?

A. I would say approximately here.

Q. Would you put a P-2 at that location? For the record the witness has indicated -- placed the marking "P-2" on Crescent Street across a building above which are

- 140 - PATRICIA ANN HARRISS, by Mr. Aronson

the words: "Green building, Crescent Apartments".  
Had you seen Donald Marshall at all prior to seeing him in the park on that particular evening?

A. I recall seeing him at the dance.

Q. And did you see anyone else at the dance that evening besides Donald Marshall that you can name?

A. I met Sandy Seale at the dance.

Q. You met Sandy Seale. Had you known Sandy Seale prior to that particular night?

A. No.

Q. So in other words you're saying here that you first met him at the dance?

A. Yes.

Q. How did you come to meet him?

A. I remember he was trying to lick my hand and get the stamp off my hand to get in the dance.

Q. How certain are you that you saw Donald Marshall at the dance?

A. How certain am I? At this point, I can't really say I'm positive that he was there.

Q. And how long would you say you were with the -- Donald Marshall and these two other people on Crescent Street?

A. Just to light a cigarette and leave.

Q. Do you recall anything else that happened while you were with Mr. Marshall?

A. No.

Q. Was there a conversation?

A. Not that I remember, no.

Q. After -- after that what happened? What did you do?

A. I just went to Kings Road and went home.

Q. How far is your home from Wentworth Park?

A. Not too far.

Q. In terms of distance what would you put it at?

- 141 - PATRICIA ANN HARRISS, by Mr. Aronson

Or putting it another way, how long would it have taken you to walk from the point you've marked P-2 on exhibit R-2 to your home?

A. No more than ten minutes if that.

Q. Now you've already indicated that you testified at Donald Marshall's trial in 1971. How did you come to be a witness at the trial?

A. I don't really understand your question.

THE COURT:

How would she know? She was presumably subpoenaed.

BY MR. ARONSON:

Q. Can you recall if you had any occasion to be interviewed or speak to Sydney City Police?

A. My mother had -- I guess they went to the house and asked my mother for me and my mother went and got me. I was going to the show and she brought me down to the police station for questioning.

Q. Do you recall when that occurred?

A. No, I don't.

Q. And what happened after you were called down to the police station?

A. I was brought in for questioning.

Q. Can you recall the length of time over which the questioning took place?

A. It was a long time.

Q. And can -- can you put it in terms of hours or?

A. At this point, no. I just know it was a long time.

Q. Do you recall generally the testimony that you gave at Donald Marshall's trial?

A. Yes.

Q. Are there any differences in your own mind as to what you've said in court today and what you said at his trial in 1971?

- 142 - PATRICIA ANN HARRISS, by Mr. Aronson

A. Yes, I didn't mention the two men that I had seen with Marshall on Crescent Street.

Q. And how do you account for the difference between what you've just indicated you said at Marshall's trial in 1971 and what you're saying in court today?

A. Would you repeat the question please?

Q. How do you account or how do you explain the difference between the testimony which you've just indicated you gave at Donald Marshall's trial in 1971 and the testimony which you are giving in court today?

A. Through the long hours of being in the police station, my statement was changed and I was scared and didn't want to mention it.

Q. Mention?

A. The two gentlemen I had seen.

Q. Why were you afraid?

A. There was long hours of going over it and the word "perjury" was brought up a lot and they didn't seem to believe that I had seen these two characters.

Q. Yeh, now when you're saying "the word 'perjury' was brought up", who brought up that particular word?

A. The detectives.

Q. Do you recall who those detectives were?

A. I recall Sergeant Urquhart. The other I don't.

Q. You've also indicated fear. Can you account for your feeling of fear?

A. I was young. I didn't understand and it was a long time of going over and over what had happened that night.

Q. Can you recall on how many occasions you gave statements to the Sydney City Police?

A. No.

Q. Can you recall how many statements you gave to the Sydney City Police?

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A. I remember a lot of writing and starting over again but how many statements, I don't know.

Q. Going back to your meeting with Marshall in the park, can you say how far or at what distance Marshall was from where you were standing?

THE COURT:

Is this on Crescent Street?

0) MR. ARONSON:

On Crescent Street, yes.

BY THE WITNESS:

A. How far? He was standing a bit off the street and I was practically on the grass going towards home.

Q. Okay, can you recall the location of the two individuals you've indicated you saw relative to where Marshall was standing?

A. They -- he -- they were along side Marshall.

Q. Can you say whether or not you would have recognized Sandy Seale if you would have seen him in the park that night?

A. I think I would have recognized him, yes.

Q. Can you say whether or not you saw Sandy Seale in the park on the night of Friday, May 28th, 1971?

A. No, I did not see him.

MR. ARONSON:

I have no further questions of the witness, My Lord.

THE COURT:

Mr. Edwards.

30) MR. EDWARDS:

Yes, thank you, My Lord.

BY MR. EDWARDS: Cross-Examination

Q. Now, Miss Harriss, the night in question, May 28th, 1971, you've told my learned friend that you don't think you were drinking that night.

- 144 - PATRICIA ANN HARRISS, by Mr. Edwards

A. No.

Q. But you're not sure you weren't drinking that night?

A. I don't think I was drinking at that time, no.

Q. When you were fourteen years of age, did you take a drink on occasion?

A. I might have had a drink of beer or something like that. It wasn't hard drinking or anything.

Q. I see. But would it be fair to say that you did take a drink from time to time?

A. Oh, yes.

Q. So that if you had something to drink that night, it wouldn't have been unusual, would it, particularly?

A. No.

Q. You mentioned when my learned friend asked you about the number of men you saw in the area where you were talking to Junior Marshall that night or Donald Marshall, and I believe you said that at the time you said two men. Now what time do you mean? Is that your first contact with the police or some other time?

A. The reason I mainly remember is from reading my statements and going over it so much with the police at that time. At this time, I really -- I don't remember.

Q. I see. So what you're saying is that you now have no independent recollection of how many men were there. You're just going by your statement. Is that --

A. I -- from reading my statement it helps me remember. That's what I'm saying.

Q. Okay, well, you indicated to my learned friend that you -- you gave different versions at the time. So which -- which statement helps your memory best; the one where you said that there were two men there or when you said at the trial that there was only one other

- 145 - PATRICIA ANN HARRISS, by Mr. Edwards

person there?

A. My first statement, the written statement.

Q. The original statement?

A. Yes.

Q. But you cannot now recall from your own memory without looking at the statements what those two men looked like?

A. No, I don't know what they looked like.

Q. Can you recall whether they were young or old or anything about them?

A. Older men.

Q. Older men? What do you mean by that?

A. At -- that they weren't young. They weren't from the dance or young people.

Q. You mean they weren't teenagers?

A. Right. Yes.

Q. But on the other hand, they weren't senior citizens either, were they or were they?

A. In my mind they were just older men.

Q. Do you recall whether or not you had any discussion with any of those other persons?

A. No, I didn't.

Q. Was Terry Gushue with you at that particular time?

A. Yes.

Q. And you say that he might have had something to drink that night?

A. Terry?

Q. Yes.

A. Yes.

Q. But you can't recall how much or what condition he was in, can you?

A. Well he wasn't in any drunk condition or -- he was fine.

Q. You're sure about that?

- 146 - PATRICIA ANN HARRISS, by Mr. Edwards

A. But he -- he used to drink.

Q. Yes. How old was he at the time?

A. I'd say he was around maybe nineteen, twenty years old.

Q. And he was five or six years older than you were at the time?

A. Yes.

Q. And you say he was your boy friend at the time?

A. Yes.

Q. And how long had you been going out with him?

A. I knew Terry maybe two years or so.

Q. Two years? You were dating him since you were twelve years old?

A. No, no. I knew him for that long. I knew him for quite awhile. Not really dating. I was fairly young.

Q. Yes, but when did you start dating him? You referred to him as your boy friend. I assumed from that that you were dating.

A. Well we went to dances together and that and at that time I would call him my boy friend, yes.

Q. Yes, and how long did that relationship --

A. My, I'm not sure really how long.

Q. Well was it over a year or less than a year?

A. Over a year.

Q. Over a year. I see. Were you a fairly big girl, tall girl, I should say, for --

A. Yes.

Q. -- for fourteen?

A. Yes.

Q. Do you recall your height at the time?

A. No, I don't.

Q. You told my learned friend first that you recalled seeing Donald Marshall at the dance and then when he questioned you on that further, you said you're not -- you're not



- 147 - PATRICIA ANN HARRISS, by Mr. Edwards

really sure.

A. I think it was Donald Marshall who was with Seale outside the dance when he tried to get the stamp from me.

Q. But you're not -- you're not really sure of that?

A. I'm not sure who introduced me to him, no.

Q. I see. Now you filed an affidavit with this Court, Miss Harriss, and -- well, the date of the affidavit is the 22nd day of July, 1982. Is that correct?

A. Yes.

Q. And it has attached to it copies of the statements that you gave to the various police authorities.

A. Yes.

Q. The two statements you gave to the Sydney City Police in 1971?

A. Yes.

Q. Right?

A. Yes.

Q. And also the statement that you gave to the R.C.M.P., Inspector or Staff-Sergeant Wheaton on the first of March, 1982?

A. Yes.

Q. Now my learned friend asked you to account for the discrepancy between your first statement where you said that you saw two other people there with Donald Marshall and your testimony on the trial where you said there was only one other person. Do you recall him asking you that?

A. Who is that?

Q. Mr. Aronson. He just asked you to account for the discrepancy in your testimony.

A. Yes. I don't understand.

Q. You will agree that there is a significant difference between your first statement to the police where you

- 148 - PATRICIA ANN HARRISS, by Mr. Edwards

said there was two -- two men with Donald Marshall at the time and what you said at the trial when you said there was only one other person there.

A. Yes.

THE COURT:

We do not know and does she know what she said at the trial?

MR. EDWARDS:

10) I'll explore that with her now, My Lord.

BY MR. EDWARDS:

Q. Do you recall what you said at the trial?

A. Pertaining to who was --

Q. How many people were with Donald Marshall at the time in question.

THE COURT:

Read the transcript because it's --

MR. EDWARDS:

20) I'll refer her to the transcript, My Lord, yes.

BY MR. EDWARDS:

Q. Miss Harriss, I'm going to refer you to the trial transcript, page 78, the question which begins at line 20. I'll read you the question and then the answer, and the question and the answer pertaining to that particular time; that is, when you met Donald Marshall on Crescent Street. All right? The question:

*Was there more than one person with Mr. Marshall?*

30) The answer was yes. Question:

*How many were there?*

*I really don't know but there wasn't many there.*

Do you recall giving that particular -- those questions and answers?

- 149 - PATRICIA ANN HARRISS, by Mr. Edwards

A. Do I recall it?

Q. Yes.

A. Yes, I sort of.

Q. That's what you said when you were asked about it first. Then --

THE COURT:

You're going to go on?

(10) MR. EDWARDS:

Yes. Yes, My Lord. I just want to be fair to get all her references in there.

BY MR. EDWARDS:

Q. Page 79, line 15 --

THE COURT:

But she goes on on page 78, Mr. Edwards.

MR. EDWARDS:

Yes, all right, perhaps that's a fair thing to do. I'll read that whole passage.

(20) BY MR. EDWARDS:

Q. I'll just read you about half page of the transcript, Miss Harriss, and then I'll ask you some questions on it. All right:

Q. *Was there more than one person with Mr. Marshall?*

A. *Yes.*

Q. *How many were there?*

A. *I don't know really but there wasn't many there.*

Q. *I beg your pardon?*

A. *There wasn't many there.*

Q. *What?*

A. *There wasn't many there.*

Q. *Now what do you mean by that?*

A. *Well, there wasn't a crowd of people.*

Q. *How many people that you know were there?*

(30)

- 150 - PATRICIA ANN HARRISS, by Mr. Edwards

A. *Just Junior*

Q. *Just Junior?*

A. *Yes.*

Q. *I may have confused you. Miss Harris, you saw Donald Marshall and did you see anyone else there?*

A. *Yes.*

Q. *Who was it? Do you know?*

10) There was a pause there, no response.

Q. *Answer me please.*

A. *No.*

That was the reply to the question: "Who was it? Do you know?", and you answered: "No".

Q. *And how many people did you see there with Donald Marshall?*

A. *One.*

Q. *The one person?*

A. *Yes.*

(20) Okay. Now do you recall that passage?

A. *Not vividly, no.*

Q. *Do you recall the ultimate answer there?*

A. *I can't --*

Q. *After you were questioned -- well, after a few questions were put to you about the number of people with Donald Marshall where you ultimately answered one person. Do you recall saying that at the trial?*

A. *No, not really, no.*

Q. *Would you disagree that that's what you said?*

A. *No.*

(30) Q. *Was your recollection without being referred to the testimony -- did I understand your evidence to Mr. Aronson correctly that you recall saying at the trial that there was only one other person with Donald Marshall?*

- 151 - PATRICIA ANN HARRISS, by Mr. Edwards

A. I don't understand your question again.

Q. Do you recall just being questioned by Mr. Aronson before I started questioning you?

A. Yes.

Q. Do you recall telling him that you thought you testified on the trial that there was only one person with Donald Marshall?

(10) A. No, I don't remember saying that.

MR. EDWARDS:

My Lord, is the original affidavit filed with the Court there in reference to her?

THE COURT:

This has not been received. It has not been filed, none of the affidavits.

MR. EDWARDS:

(20) No, My Lord, but I'd like to use it for the purposes of a Section 10 cross-examination. It is a previous statement by her in writing, and I'd like to use it to test her credibility.

THE COURT:

Contrary to what? I think you should put to her the rest of her examination on the question of who she was -- who was with her. Cross-examination.

MR. EDWARDS:

Okay, My Lord.

BY MR. EDWARDS:

(30) Q. At page 80, line 29, this is when you were being cross-examined by Mr. Rosenblum at the trial. Do you remember Mr. Rosenblum asking you questions at the trial?

A. Yes, I do.

Q. Okay. And he -- he asked you the following:

THE COURT:

Line 29?

- 152 - PATRICIA ANN HARRISS, by Mr. Edwards

MR. EDWARDS:

Yes, I'm just seeing where it starts, My Lord.

BY MR. EDWARDS:

Q. Line 22 I suppose or 23, Mr. Rosenblum asked you:

Q. *Now can you say under oath that there was anybody at all with Junior Marshall that time or if there were other people around but you can't say if they were with him?*

You answered that by saying:

*Well, someone was there but I never paid any attention -*

Mr. Rosenblum then asked you:

*No, you couldn't say if it was a woman, a man, a child?*

A. No.

Q. *So you really are not sure if there was anybody with Junior Marshall at all, are you*

A. I knew he was there.

Q. Pardon?

A. Sort of knew he was there.

Q. Knew who was there?

A. The person.

Q. *You can't say if it was a man, woman or child, can you?*

A. No.

Q. *You say you knew there was somebody around.*

The answer was inaudible to that.

Q. *You will have to answer so we can get it down.*

A. Yes.

So just to clarify that, your answer "yes" was to the question: "You say you knew there was somebody around."

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Q. *And that other person that you're speaking about, they never had any conversation with you or with Terry Gushue?*

A. No.

Q. *Or with Junior Marshall while you were there?*

A. No.

Q. *And so the sum net result is that you and Terry Gushue went to a dance, you left the dance, you went to the bandshell for a cigarette, a smoke, whatever it was; then you started to walk towards your home over there on Kings Road, and on the way you met Junior Marshall who gave Terry Gushue a match. Is that right?*

A. Yes.

Q. *And that's all. Isn't that it?*

A. Yes.

Q. *Anything else?*

A. No.

Do you have any recollection of being asked those questions --

A. Yes, I do.

Q. -- and giving those answers to Mr. Rosenblum?

A. Yes, I do.

Q. All right, and would you agree that the unmistakable impression from that passage is that you were saying in effect there was only one other person with Junior Marshall at that time on Crescent Street?

A. Do I remember saying that?

Q. Yes.

A. Is that what you're asking me?

Q. Yes.

A. Yes.

Q. Okay. And are you now saying that you have a different

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recollection from that? In other words, are you now saying that there was more than one person with Junior Marshall at that particular time?

A. I wanted to say it at that time in Court only I was scared to. I wanted -- I wanted to say that I saw the two people. That's what I'm saying now.

Q. You wanted to say that then?

A. Yes.

Q. So the short answer to my question of whether you are now saying that there was more than one person with Junior Marshall is yes.

A. Yes.

Q. And you're absolutely sure of that?

A. Yes.

Q. Now you've hesitated in your answer there when I asked you if you're absolutely sure.

A. I hesitate because I want to make sure that I feel that inside and that's the way I feel, that there were two other men with Marshall.

Q. Two other. You're sure it wasn't three or four?

A. I remember two as one on each side.

Q. But there could have been others or can you say that there definitely was no more than two?

A. There was no more than two alongside him.

Q. Were there other people in that general vicinity --

A. There --

Q. -- that you noticed?

A. There could have been but not that I noticed.

MR. EDWARDS:

Now, My Lord, may I now proceed with the affidavit?

THE COURT:

What's the purpose of it?

MR. EDWARDS:

Well, under Section 10, My Lord, to test her credibility.



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Perhaps just for clarity, I'll refer to the Section; Section 10:

*Upon any trial...*

Well, we're not on trial but I would assume the same rules apply.

*...a witness may be cross-examined as to previous statements made by him in writing, or reduced to writing, relative to the subject-matter of the case, without such writing being shown to him; but, if it is intended to contradict the witness by the writing, his attention must, before such contradictory proof can be given, be called to those parts of the writing that are to be used for the purpose of so contradicting him;...*

I would refer Your Lordships to the annotated case in Martin's 1981 edition, CORMIER v THE QUEEN, and the case is cited after that. What Cormier --

THE COURT:

That's not necessary. What do you want to contradict? What is the contradictory statement?

MR. EDWARDS:

Well, My Lord, right on the --

THE COURT:

What the witness has said today?

MR. EDWARDS:

Well, yes, in part what the witness says today contradicts not only I submit what she gave in evidence but also what she gave in the statement she gave to the City Police on June 18th, 1971, which is attached as an exhibit to her affidavit. I would like to explore with her in order to test her credibility the reasons -- well, the fact that there are discrepancies in her testimony and the reasons for those discrepancies.

THE COURT:

Statements that contradict what she said today?

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MR. EDWARDS:

Well, yes, in part but my submission is that Section 10 with great respect does not restrict me to merely contradicting her. Like there may be parts left out of a statement, there may be things said in the statement that require qualification. I submit that is the big difference between Section 9 where you go after your own witness and Section 10 which is used to cross-examine the other side's witness, because it -- the scope of Section 10, if I can put it that way, is very much broader than Section 9 and the latitude for cross-examination, I submit, corresponds therewith.

THE COURT:

Carry on.

MR. EDWARDS:

Thank you, My Lord. Could I have her affidavits marked for the record?

THE COURT:

Yes. Just the statement. Not the affidavit.

MR. EDWARDS:

Well, is -- are Your Lordships ruling that my cross-examination will be limited only to --

THE COURT:

What you asked for was about the statement.

MR. EDWARDS:

No, My Lord. I'm sorry, My Lord. Maybe I didn't make myself clear but I'm asking to cross-examine her not only on the statement but on the affidavit and all the exhibits. I would like to conduct a general cross-examination. I submit that it is imperative to test the credibility of this witness to have that scope of cross-examination.

THE COURT: (Justice Hart)

You didn't ask for that. You're now asking for that, are you?

MR. EDWARDS:

Yes, My Lord. I'm sorry I didn't make that clear.

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THE COURT:

Carry on.

MR. EDWARDS:

Thank you very much, My Lord.

BY MR. EDWARDS:

Q. Miss Harriss, I'm not showing you exhibit marked R-5.  
Would you have a look at that please?

10)

THE COURT:

Would you describe it for the record?

MR. EDWARDS:

Yes, My Lord.

BY MR. EDWARDS:

Q. That is the affidavit you filed with the Court -- if  
I could just check the date, or you swore on the 22nd  
day of July, 1982 -- .

THE COURT:

It is not filed with the Court. It's not filed with the  
Court.

20)

MR. EDWARDS:

No, I corrected that, My Lord, and said that she swore,  
which was sworn on the 22nd day of July, 1982.

BY MR. EDWARDS:

Q. Do you want a chance to read it over?

A. Yes.

MR. EDWARDS:

Perhaps, My Lord, this would be a convenient time to take  
five minutes so the witness can go over that?

30)

THE COURT:

Very well.

COURT RECESSED: 11:03 a.m.

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COURT RECONVENED: 11:21 a.m.

MR. ARONSON:

If it please the Court during the recess and I might indicate Patricia Harriss is represented by other counsel and I had been informed during the recess that she had been asked to make a statement to the Court prior to giving any of her testimony and I would ask if with the Court's permission she might be permitted to read that particular statement now.

THE COURT:

I don't think it's necessary. What's that?

MR. ARONSON:

With respect to Section 5 of the Canada Evidence Act.

THE COURT:

She doesn't need to under the Canadian Charter.

MR. ARONSON:

Well I had gotten that impression but as I say it had been put to me by counsel that I should make that request to the Court. I would agree that Section 13 is a positive right. One does not have to take the right to have it.

THE COURT:

It doesn't need to be claimed specifically.

MR. ARONSON:

That's right, thank you.

BY THE COURT:

Q. You understand, Miss Harris?

A. Yes, I do.

THE COURT: (Justice Pace)

It doesn't protect her for perjury anyway.

MR. ARONSON:

Oh, I would agree with that as well, My Lord.

THE COURT:

Mr. Edwards.

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MR. EDWARDS:

Thank you, My Lord.

BY MR. EDWARDS:

Q. Miss Harris, now before the adjournment, you --

THE COURT:

How long do you expect to be on this line? Where -- the Court has difficulty in seeing just what you're objective is.

MR. EDWARDS:

Well, I guess the objective is, My Lord, generally speaking to test her credibility. She is saying now --

THE COURT:

Well, she said -- at the trial she said several different things about the people that she met and she said several different things now. Now is there any point in belabouring that? That's obvious.

MR. EDWARDS:

Well, My Lord, with respect she -- the bottom line to what she said at the trial was that there was only one person with Mr. Marshall at the time in question.

THE COURT:

Yes.

MR. EDWARDS:

And that -- now if you read the whole transcript and in particular the addresses to the Jury, it was one of the very significant features, I submit, that lead to the conviction of Donald Marshall. She is now saying that there was more than one person there at the time. Not only is she saying that now but she gave a statement on June 17th, 1971, where she said there was more than one person and then on June 18th, she gave a different statement where she said there was only one person. July 5th --

THE COURT:

She's explained all that so why do we have to go --

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MR. EDWARDS:

Well with respect My Lord --

THE COURT:

What does it add to the Crown's case or to the Appellant's case?

MR. EDWARDS:

(10) Well, My Lord, I submit that the references to the statements and I intend to cross-examine her on the basis upon which he made the statement, what were the sources of her information in the -- that she gave in the statement.

THE COURT:

She told us. She was there. From the point of view of the Crown, what's the Crown's position on this? What's your objective in this? What's your position on this?

MR. EDWARDS:

(20) Well my position on it, My Lord, is that as it stands now there is really no way of determining without further cross-examination whether she was telling the truth then or whether she's telling the truth now as to the number of people and hopefully through cross-examination, I can elicit information which will assist the Court in determining which is the correct version. That is my function. It's I suppose more inquisitorial than adversarial in nature if I could characterize it that way.

THE COURT: (Justice Pace)

Well, that can't be if you're using the Evidence Act. Section 10 --

(30) THE COURT:

Well, Mr. Edwards, would you carry on but let's keep it within bounds, eh, because we frankly can't see the relevancy of it. It's already established that she told two different stories and she's explained it today and to go into a lot of details on other things but if you feel

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it's necessary, carry on. Keep it brief, will you.

MR. EDWARDS:

Okay, My Lord, I'll try to keep it brief.

BY MR. EDWARDS:

Q. Miss Harriss, you had the opportunity during the adjournment to read the affidavit which I believe is marked exhibit R-5?

(10) A. Yes.

Q. That would be your affidavit of July 22nd. Now I want to refer you first to paragraph eleven in the affidavit where you say:

*That as referred to in my statement marked Exhibit "A" hereto, I did, on the night of May 28, 1971, at or near Wentworth Park, see Donald Marshall, Jr. and two other men - one of whom was gray or white-haired, short and wearing a long coat.*

Right? You recall that in your affidavit?

A. Yes.

(20) Q. Now what I would like to know is whether or not that paragraph was based on your reading your prior statement or whether as you say here now -- I'm sorry, or whether you do actually recall those two men?

A. I recall the two men but I don't recall what they looked like or what they were wearing.

Q. So that reference in your affidavit, that information came from your statement and not from your memory. Is that correct?

A. From reading my statement, yes.

(30) Q. Now you have as I mentioned attached as exhibits to your affidavit a statement that you gave to the Sydney City Police on June 17th, 1971?

A. Yes.

Q. Is that correct? And that was the statement in which you referred to the old gray-haired man?

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A. Yes.

Q. Now did you know Mary Katherine O'Reilly at the time?

A. Yes, I did.

Q. And did you know her sister?

A. Yes.

(10) Q. And prior to giving that statement on June 17th, did you have any conversations with the -- either of the O'Reilly sisters concerning the events of the night of May 28th?

A. Not that I remember.

Q. Not that you remember?

A. No.

Q. Is it possible that you could have?

A. Well I knew them and I know they knew Junior Marshall, so --

Q. Were they friends of yours? Did you have contact --

(20) A. Yes, they were friends of mine.

Q. You had contact with them on a regular basis during that period of time?

A. Well, I went to school with them. I wasn't -- I didn't hang around with them or anything.

Q. And they were friends of Donald Marshall?

A. Yes..

Q. Were you a friend of Donald Marshall's at the time?

A. I knew him at the dances and from the dances, yes.

Q. Would you dance with him on a regular basis?

(30) A. No.

Q. And would it surprise you to know that Mary Katherine O'Reilly --

MR. ARONSON:

With respect, My Lord, I believe I know in which direction my friend leads and he may be referring to a statement which



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is not on file or has been filed with the Court but has not been admitted in evidence. The particular person who gave that statement is not present, has not had anything to do with these particular proceedings and I believe that it is impossible to test the accuracy of that statement which my friend may be referring to with the O'Reilly girl and I would therefore object to him following that particular line of questioning.

MR. EDWARDS:

If I may speak to the objection, My Lord, surely it is legitimate to put to the witness a question about whether or not she got the information in question from -- from Miss O'Reilly when as my learned friend knows --

THE COURT:

What information?

MR. EDWARDS:

The information about the descriptions of the men she gave, when there is in existence a statement -- I submit, it's not in evidence but that is immaterial but there is in existence a statement given on the same day that Miss -- on June 18th, 1971, at around the same time Miss Harriss gave her statement where O'Reilly says that she in fact told Harriss to give the police the description of the two old men. It seems obviously very relevant to credibility.

THE COURT:

Are you going to call O'Reilly?

MR. EDWARDS:

I would be prepared to call her if that is necessary. I could say what I was going to do after the cross-examination or I could indicate it now I suppose -- it's -- it rather destroys the effectiveness of the witness's testimony to have this conversation in her presence. May she be excused for a moment?

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THE COURT:

Yes.

MR. EDWARDS:

My Lord, there is a statement, June 18th, 1971, from Mary Patricia O'Reilly. I was saying Mary Katherine but it's Mary Patricia.

THE COURT:

10) That's not before us and she hasn't testified today about the description of the men.

MR. EDWARDS:

No.

THE COURT:

She specifically said she didn't -- wasn't able to describe them.

MR. EDWARDS:

20) Yes, but I was going to put to her the fact that Miss O'Reilly -- we're on a voir dire so I assume it's all right to speak. I was going to put to her the fact that Miss O'Reilly gave a statement in which she said in part:

Q. *Did you discuss this matter with Patricia O'Reilly?*

A. *Yes.*

Q. *Did you tell her about the gray-haired man?*

A. *I told her there was supposed to be a gray-haired man there. I told her if she was questioned by the police she should tell about the gray-haired man that Junior told me about.*

30) THE COURT: (Justice Hart)

Whose statement is this?

MR. EDWARDS:

This is Mary Katherine O'Reilly. Now I should also say that I am aware that the police have contacted Miss O'Reilly who is now out in Calgary and she denies any recollection of

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that but there's no -- there's no question that she did give a statement to that effect at the time. She also was thirteen or fourteen years old.

THE COURT:

She has said she hasn't talked to O'Reilly just now.

MR. EDWARDS:

Yes, My Lord.

(10)

THE COURT:

Is that not the end of the matter as far as the question of today testing her credibility on this matter in which you're going?

MR. EDWARDS:

Well my concern is whether or not she would stick to that if she was confronted with what O'Reilly actually said in the statement. If she says: "No, I did not say that.", then I would submit that would be the end of the matter.

THE COURT:

(20)

You can't assure us that statement's going to be proved?

MR. EDWARDS:

Oh, I could assure you, yes, My Lord, that the statement could be proved, yes, by calling Sergeant of Detectives John F. MacIntyre.

THE COURT:

Are you prepared to call O'Reilly from Calgary?

MR. EDWARDS:

And I could call O'Reilly from Calgary although in fairness I would expect her to say: "No, I didn't give that statement." but we have the Chief of Police of Sydney on one side with the statement. He has signed it as a witness saying she did. It would be a question of fact for the Court at that time whether she did or she didn't.

(30)

THE COURT: (Justice Pace)

Can you cross-examine one witness on the statement of another?

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MR. EDWARDS:

I submit that that's legitimate, My Lord, in cross-examination.  
Not on direct.

THE COURT:

The Court really can't see -- you can question her on her  
credibility. You've done that.

MR. EDWARDS:

Yes, My Lord.

THE COURT:

You now propose to go far afield which would involve opening  
these proceedings on matters that are not before us. So I  
don't how you can be permitted to carry on this.

MR. EDWARDS:

If that's Your Lordship's ruling, I accept it.  
Could we have Miss Harriss back?

THE COURT:

Call Miss Harriss.

BY MR. EDWARDS:

Q. Miss Harris, I'd like you to recall if you will the  
night when you were questioned by the Sydney City Police,  
June 17th, 1971.

A. To recall it?

Q. Yes.

A. All I can say is that it was a good many of hours,  
a lot of going over what I had seen that night. It  
was very unpleasant.

Q. All right, and you had been there from approximately  
eight p.m. until almost two a.m. when you completed  
giving your second statement. Is that correct?

A. Yes.

Q. Now during that time your mother was at the police  
station, was she not?

A. Yes, she was.

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Q. And you were allowed out to see her at least once?

A. Yes.

Q. Did you request at any time to have her in the interview room with you?

A. No, I didn't.

Q. You didn't. You felt -- you didn't feel that intimidated that you wanted your mother there, did you?

10) A. Well, I was very young. I didn't think -- think of it maybe. I didn't know but maybe it would have helped.

Q. And Mr. Gushue, your boyfriend, he was at the police station at the same time, wasn't he?

A. Yes, he was.

Q. Yes. And in fact you and he were allowed to be together during parts of the interview, were you not?

A. Once, yes.

Q. So when you gave your second statement on the morning of June 18th, 1981, would it be fair to say that you gave that statement because you were tired and you wanted to get out of the police station?

20) A. Yes.

Q. Not because anybody told you that you had to give that statement in that way?

A. The statement that I gave wasn't the statement that I started off with and that I wanted to -- that I tried while I was there for so long and wanted to say.

Q. Yes. But the statement that you did give, the second statement, the one which is marked as exhibit B in your affidavit, that's the statement you gave because you were tired. Is it not?

30) A. The statement that was taken at one-twenty a.m.; that was my last statement.

Q. Yes.

A. Yes.

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Q. And that's the one that you're saying you gave because you were tired and you wanted to get out of there?

A. Yes.

Q. Nobody told you that evening that you had to stay there until you gave another statement, did they?

A. No.

Q. So that was on June 18th. Now you recall that you testified at the preliminary inquiry on July 5th?

A. Yes.

Q. Of that same year, 1971?

A. Yes.

Q. So that was about three weeks after you had given that second statement?

A. Yes.

Q. Yes. I want to refer you to page 19 of the preliminary inquiry to a sequence of questions beginning at line five or line one, rather:

Q. —

That first question is the continuation of another. You were asked who you saw at the time and you said Junior Marshall.

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

A. Yes.

Q. And where was he standing?

A. By the green apartment building on Crescent Street.

Q. Was there anybody with him?

A. Yes, I think so. I am not sure.

Q. Did you see another person there with Donald Marshall?

A. Well there was somebody there. I didn't pay any attention.

Q. Was there more than one person with him?

A. No.

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So that's what you said on the preliminary inquiry. You stuck to your story that there was only one person with Donald Marshall at the time. Correct?

A. Yes.

Q. Why didn't you if you believed at that time that there was more than one, why didn't you tell the Court then that there was more than one person with Junior Marshall?

10) A. Because I knew the statement that I signed, I was told this is what to say in Court and if I didn't, I would be charged with perjury.

Q. Who told you that?

A. Through the investigation.

Q. Do you remember who?

A. No. Just one of the detectives.

Q. And that was told to you when?

A. The time I was down for so many hours trying to get the statement done.

20) Q. But as I stated, three weeks elapsed between that night and your giving evidence at the preliminary inquiry.

A. Yes.

Q. So at the preliminary inquiry, did your mother attend?

A. Yes.

Q. Yes. Had you sought any legal advise in the intervening period on what to do?

A. Yes, I did. Yes, I did.

Q. But you still stuck to that story?

30) A. Yes.

Q. But now you're coming here today and you're saying that you're absolutely sure that despite your testimony in the preliminary inquiry and the trial that there was more than one person there?

A. Yes.

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Q. Did you know Maynard Chant prior to the night of the stabbing?

A. I know Maynard Chant now. I don't know if I knew him prior.

Q. Did you see him that night at all?

A. No.

Q. You're sure?

(10) A. Not that I remember, no.

Q. Not that you remember?

A. No.

Q. Okay, thank you very much, Miss Harriss.

MR. ARONSON:

Nothing arising out of that, My Lord.

(WITNESS WITHDREW)  
EXCUSED

(20) THE COURT:

Next witness.

MR. ARONSON:

Maynard Chant.

(30)



AUGUST '84  
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Ms. Patricia Harris, sworn by, testified as follows:EXAMINED BY R. MURRANT

1. Q. Your name is Patricia Harris?  
A. Yes.
2. Q. And your full name, your middle name?  
A. Patricia Anne.
3. Q. And where do you live at the moment?  
A. Five Kings Road.
4. Q. And that's in the City of Sydney?  
A. Yes.
5. Q. And what is your occupation now?  
A. I have a small business of my own, it's called Skin Care Clinic.
6. Q. Are you married or single?  
A. I am single.
7. Q. So it's Ms. Harris I take it?  
A. Miss, Ms. whatever.
8. Q. How old are you now?  
A. I am 27.
9. Q. And your date of birth for the record?  
A. November 15th, '56.
10. Q. Now if you go to 1971, May of that year, you would be how old?  
A. May of that year, '71?
11. Q. Fourteen or fifteen?  
A. Fifteen.
12. Q. Now you appreciate Ms. Harris that this proceeding concerns a broadcast done by the Canadian Broadcasting Corporation?  
A. I never heard the broadcast but I sort of have an idea what happened, yes.

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13. Q. What I would like to do is to take you to the events in May of 1971 as they relate to the death of one Sandy Seale and the prosecution of one Donald Marshall and at that time, at age 15, were you a student in school?
- A. Yes.
14. Q. Do you remember what grade you were in?
- A. No I don't. Grade eight or nine.
15. Q. Which school did you...?
- A. Central School on George Street here in Sydney.
16. Q. Okay. Now the--do you recall the night of the murder?
- A. Yes I recall it.
17. Q. I understand that was a Friday evening?
- A. Yes.
18. Q. And you went to a dance that night?
- A. Yes.
19. Q. What was the name of the hall?
- A. St. Joseph's.
20. Q. St. Joseph's Hall. After leaving St. Joseph's Hall, can you tell me what if anything you had to do with this murder or may have seen?
- A. The only thing is that from St. Joseph's I had to walk through the park to get to my home on five Kings Road which took me on Crescent Street where I had met Junior Marshall and asked for a light of a cigarette and continued on home.
21. Q. You'd go diagonally through the park to get home?
- A. We crossed over, which way I am not sure, I know that we went on to Crescent Street and over towards my house.
22. Q. Okay, the we is who?
- A. Terry Gushue.

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23. Q. Does Terry Gushue still live in the area?  
A. Yes he does.
24. Q. Is he still a friend of yours or an acquaintance?  
A. No, I haven't spoken to him in years.
25. Q. Okay. Now you say Donald Marshall or Junior Marshall asked you for a light?  
A. No, we asked him. We had a cigarette and we needed the match.
26. Q. And he gave you one?  
A. We got one, yes.
27. Q. Then where did you go, five Kings Road?  
A. Five Kings Road.
28. Q. The total distance is what, less than a mile?  
A. Less, yes.
29. Q. What else did you see in the park that night?  
A. Well it is very vague to me now. I do remember at that time that I thought there was two men with Junior, one on each side of him.
30. Q. At the time you were getting....  
A. Getting a light.
31. Q. Okay. So you would have gone home that night. Did you learn later in the evening about the murder or...  
A. No. I am not sure if it was the next day or a couple of days afterwards my mother informed me what had happened.
32. Q. Right. What was your next involvement after you mother mentioned it?  
A. I was going to a show with a friend, I was on Charlotte Street and the police had picked me up and took me down for questioning.
33. Q. What was -- the police car stopped, picked up and took you to the police station?  
A. Right to the police station.

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34. Q. What was your reaction to that?
- A. I didn't know what was going on. I didn't know anything, how I was involved or why I was being taken down.
35. Q. Were you concerned, afraid, interested, curious? Did you have any feelings about being....?
- A. I think at first I was just wondering what was going on, why I was there and then as we got into it further I sort of realized I was there to place certain people in a certain place.
36. Q. Okay, did you give one or more statements to the police?
- A. That's hard to remember. I thought there was more than one. Actually I thought there was a few but to really say, I really don't know.
37. Q. Let me just check to see what I have here. You gave one to the RCMP in 1982, obviously.
- A. In 1982, Sergeant Wheaton, was it.
38. Q. Yes. And you also signed an affidavit for the rehearing of Donald Marshall. I don't have it at my finger tips but let's take it verbally, you were stopped on Charlotte Street, taken to the police station. What happened that evening?
- A. Whether I was taken to the police station, I don't know if that's correct or not, I am not sure, I don't remember getting in the car or anything, it's just, I just said that, I am not sure how I got there.
39. Q. Okay, don't guess but tell me what you are sure of, be certain and what you're not, let us know, okay.
- A. Okay.
40. Q. Do you recall being at the Police Station?
- A. Yes.
41. Q. Can you take it from there and tell us what you recall for sure and what you--if you're not sure let us know that you're not sure?

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41. A. Well I just remember that I was there, there was a lot of going on, two police sergeants coming in and out of the room. Going over my statement quite a few times. I was there for five hours, being very upset. My parents were with me, they were told that it would be better if they didn't get involved. To leave me alone with them, I was in better hands and they did notice I was very upset.
42. Q. Your parents noticed you were....
- A. Yes, they had <sup>about</sup> came down to the police station, worrying/ what was going on because I guess I was there for so many hours.
43. Q. How did you know that you were there?
- A. I don't know. Maybe they had called the house or something, that's what I'm saying I wonder if I went in a police car. They might have taken me down.
44. Q. Now you say you were there five hours, what happened during this five hours?
- A. I was trying to get the statement straight and whether who was in the park.
45. Q. And who was trying to do this?
- A. I remember Urquhart vividly and another man, I couldn't--I don't know him yet, I wouldn't know him. to see him.
46. Q. Was the other man a police office apparently?
- A. Yes.
47. Q. Can you give me a little more detail about trying to get the statement straight?
- A. Well they didn't seem to believe what I was saying.
48. Q. What were you trying to say, what were you saying when you started this five hours?
- A. I was saying it was saying about the two men in the park.

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49. Q. Right?
- A. Just what happened and they did believe that there was two men there. They kept saying, no, there wasn't two men there so eventually I just said, no, there wasn't two men there.
50. Q. Okay, let me back track so I understand this. You can recall there being two men with Marshall when you got your cigarette lit, and this is what you were trying to tell the police?
- A. Uh-hmmmm.
51. Q. And the night you were at the police station you were again trying to tell them that? Well what happened to your--was it true, did you see two men there?
- A. Yes. It's hard--yes, if I was saying that then. I can't see them now, it is eleven years ago, it is very very hard for me to--but I do have my first statement that was made, it's written out, I don't know if it is signed and it's describing these two men.
52. Q. Yes, we're going to find that in a minute.
- A. I have that here with me. It's kind of in a mess, I don't know I was to keep it.
53. Q. Now that's--8:15, this was a statement that you didn't sign and wasn't completed.
- A. Yes.
54. Q. But it says; "in part describe the other two men to me." And you say; "One man was short with a long coat, grey or white hair. I was talking to Terry about a match...." anyway you're telling the police about these two men in the park at 8:15 and what became of this statement.
- A. That I didn't see until years and years later when I think I met with Sergeant Wheatman and I think he found this for me.
55. Q. Does that document that we have, the June 17, 8:15 statement. Does that match your recollection of what you were trying to convey at 8:15 that

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55. Q. night?  
A. Yes.
56. Q. Then if we look at, just from your own records, Ms. Harris, there is another statement that has June 18. I guess it is after midnight.  
A. 1:20.
57. Q. And it is two pages in length and I guess it was signed by you I take it?  
A. Yes.
58. Q. And in that one you're telling a different story obviously. In that one there is no reference to the two men in the park?  
A. No.
59. Q. Can you tell me what transpired the 8:15 statement to the 1:20 a.m. statement?  
A. Well I think it was a lot of going over and over and being 15, being very scared, not knowing my right and everything, I thought the police know better and there was not two men there. If you're being told there isn't you'll eventually, I just thought well maybe I am wrong, okay, there wasn't two men there.
60. Q. The five hours or so you spent there, was that interrupted?  
A. At one point they allowed my friend to come in and see me who they were also trying--in another room, I don't know what the reason was, I was awful upset, I was crying, whatever, and he came in to try and make me feel better and I think at that time we decided we'll just go along with whatever and let it...
61. Q. Who was your friend?  
A. Terry Gushue

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62. Q. Did he see you in tears that night?  
A. Yes. My parents saw me very upset.
63. Q. Do they still recall this?  
A. Yes.
64. Q. Would the police officers have seen you in tears that night?  
A. Oh, yes.
65. Q. Now other than letting Mr. Gushue in for a few minutes, were there any other interruptions? Were you allowed out, did you make phone calls?  
A. I think I was allowed out once when my parents were there and I had a coffee or something to drink.
66. Q. Were your parents present during the actual questioning or taking of the statement?  
A. No, I was in a separate room, they were waiting for me outside.
67. Q. Were they permitted to be in?  
A. I think they wanted to know what to do, if they should have someone with me or should they be there and they were told no, that I was better off to be on my own with the officers.
68. Q. Which of the two officers took the leading role?  
A. It was strange, it seemed like they would have turns. Maybe they were going to see Terry or something and sort of switching around, that's how I remember, one going in and one going out, sort of changing places.
69. Q. Did their conduct differ, did one act differently than the other?  
A. Yes, one would be angry and the other be sort of calming me down.
70. Q. So a good guy, bad guy?  
A. Yes.
71. Q. Would you describe it as that?  
A. I don't know maybe they felt that this is what they had to do to find out the information they wanted, they believed what they were doing



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71. A. obviously and I don't know if it's the proper of doing things but...
72. Q. The statement that you signed at 1:20 a.m. that you've given me today, it wasn't a true statement?
- A. I don't know if it is not true. I haven't read it over in a while. I don't think I--I just didn't mention the two men so, not that it is not true.
73. Q. It's a question of leaving the two men out. Is it fair to say that the efforts of the police were directed at getting you to leave these two men out of the picture?
- R. Pugsley: Well I object to this kind of questioning, I think it is improper and I object to it.
74. Q. I'm entitled to ask leading questions
- R. Pugsley: I think you're doing more than that, you're putting words in her mouth, you're virtually cross-examining her, I object to it.
75. Q. Well let me ask another way. The difference you seem to recall is that the two men aren't there?
- A. Uh-hmmmm.
76. Q. What happened after you gave this statement, did you appear in court?
- A. It seemed to be a while afterwards there was a small court, a preliminary I, think it is call.
77. Q. A preliminary inquiry?
- A. Yes.
78. Q. Did you appear there?
- A. Yes.
79. Q. And did you appear later at a grand jury hearing?
- A. Yes.
80. Q. And at the trial of Donald Marshall, in front of a jury?
- A. Yes.

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81. Q. And I guess your next appearance would have been years later in Halifax?
- A. In Halifax.
82. Q. Now I understand somewhere or sometime in 1971 that you had consulted a lawyer?
- A. Yes.
83. Q. Can you tell me who you consulted and why?
- A. This was in between--before I, the first time I went to any court. I went to see A.O. Gunn.
84. Q. Just so I can be accurate. Was this after you gave the June 18th statement?
- A. Yes.
85. Q. And prior your first appearance in any court?
- A. Yes.
86. Q. And what was your concern?
- A. I think my concern was with my mother. She knew I was upset, things weren't going right. I was very upset at home and she took me to A.O. Gunn to see if I needed any help or anybody to protect me in what was going on. I went to A.O, he said are you telling the truth, I said yes, and he said that's all that's important and that was it.
87. Q. Why were you upset?
- A. Well I was very confused. I don't know what in the world was going on. I was very scared because the word perjury was brought up an awful lot so I thought--I didn't know what would happen court, if I was going to be confused or just what was going to happen.
88. Q. How is it the word perjury brought up?
- A. It was brought up numerous times, even in the court with the jury, there was a big thing on that, if I knew what a lie was, did I attend church, things like this.

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89. Q. Okay if we can go back earlier to the police station, was it brought up there?
- A. Oh, yes.
90. Q. The night you gave the statement?
- A. Yes.
91. Q. In what context or sense?
- A. Well telling that if I didn't tell the truth that perjury could happen, if you lie, you're charged with perjury.
92. Q. Okay, after you gave this statement, was it again brought up? That is; after you signed the statement of June 18?
- A. By the police do you mean?
93. Q. The police or prosecutor?
- A. Just in court it was brought up again. When I was being sworn in.
94. Q. What was your understanding in terms of perjury or your statements?
- A. I felt that if I changed my statement in anyway automatically I'd be charged with perjury.
95. Q. Can you say who gave you this impression or how you arrive at that conclusion?
- A. From the police station, it's the first time I encountered the word.
96. Q. Did you feel obliged to stick with this statement once you gave it?
- A. Yes.
97. Q. And did you?
- A. Yes.
98. Q. Can you tell me why you did knowing there was one omission in there?
- A. The main reason was perjury, I was scared to death something would come out of that and I wasn't -- I still don't think I lied, it just seemed everybody just went this direction and two weren't spoken of and that was it.

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99. Q. I appreciate you were 15. Did you appreciate the mechanics of the case, what the significance of the two men was, what Marshall's defense was, what all that meant?
- A. No. I was scared, really scared. I just wanted to get it over with. In the end I think I'm wondering if what I said was true because I always seemed to be alone with it other than Terry, and Terry not mentioned it to me neither so.
100. Q. So you started feeling like the odd one out?
- A. Uh-hmmm.
101. Q. If I can turn to the statement that you gave to Sergeant Wheaton on the first of March, 1982. First of all, how did he come to contact you?
- A. He just called up, he told me that there was new openings in the Marshall case and would I come up and speak with him, which I did.
102. Q. And where was your conversation, here in Sydney?
- A. Yes. The mountie station.
103. Q. You gave him a statement and I have a copy of it here. First of March, 1982, Patricia Ann Harris. I take it you gave that to Sergeant Wheaton and you signed it?
- A. Yes.
104. Q. And could you just look at that for a moment. I don't know if you looked at it recently, have you?
- A. Yes I have.
105. Q. Can you tell me whether or not that statement that you gave is true in all of its particulars?
- A. In all of its particulars?
106. Q. Yes.
- A. I think at this time it was good to have it opened up and talked about. I think at this time I was a little angry, I wouldn't put it as harsh right

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106. A. now. I do realize the police had a job. This was the way they ran things so. I thing I should have had some counselling, I think someone should have been there with me to give me some guidance.
107. Q. If I can refer to a -- paragraph three of your statement you say; "I don't feel their actions were proper, I recall them banging their fist on the desk" was there banging of fists on the desk?
- A. Yes.
108. Q. And this is in your presence?
- A. Yes.
109. Q. Who else would be there? Just the two officers?
- A. Just the two officers and me.
110. Q. "I definitely did not see Sandy Seale in the park that night" and I take that's accurate?
- A. Yes.
111. Q. "I don't recall if I said that in court or not. The police had me so scared throughout this affair that I felt pressured and agreed with things I shouldn't have agreed" was that accurate?
- A. Not that I agreed with things, just that I didn't, in court I wasn't asked and I didn't say things that maybe I should have been asked.
112. Q. Now in the previous paragraph you say; "I don't recall exactly how many times I was taken to the police station."
- A. No.
113. Q. "I found they were needlessly harping at me, going over and over, telling me what they thought I should see."
- A. I found five hours was a long time. I made my statement and it was quite clear in my mind and I didn't see why I had to go through all of this. Five hours of going over and over and over. Writing a lot, ripping it up, writing and ripping it up.

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114. Q. Were they actually ripping up things you had said?  
A. I sort of recall that they would have paper and they would roll it up and we'd start all over again.
115. Q. Okay. And then it says here; "telling me what they thought I should see." Did that happen?  
A. Well they would more or less say--in a way because they would say, Patricia, there wasn't two men there so they were sort of putting the words there for me.
116. Q. And then they would take another statement from you?  
A. I feel there was more than two statements made, yes.
117. Q. You go on to say here, "they took statements here and they changed them."  
A. I didn't mean that they would change them themselves, I meant that they would write one, throw it away and start another one so it seemed that every time there was a different thing being written down.
118. Q. Okay, and then you go on to say; "this took hours and hours and my parents were not allowed in."  
A. Yes.
119. Q. They came to the police station, I guess you mean your parents. "They came to the police station and they let me once to see them but that was it" was that accurate?  
A. Yes.
120. Q. Now the mention of perjury, you have you appreciate you're not obligated give evidence in this hearing to day as to or any hearing really as to what your communication with Mr. Gunn was, okay?  
A. Uh-hmmm.
121. Q. Or what his advice to you was. That's private and you only have to speak about that if you want to?

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121. A. Well there wasn't much said. He said, are you telling the truth, I said yes and that's what I recall.
122. Q. Was perjury mentioned to him?  
A. With A.O. Gunn?
123. Q. Yes?  
A. Possibly, I can't say for sure.
124. Q. Were there things you didn't mention to him that you should have?  
A. We didn't really talk about--I don't remember talking to him about anything other than him saying, are you telling the truth and I said yes and I thought it was a very brief encounter with him.
125. Q. Was it a helpful encounter?  
A. No not for me it wasn't.
126. Q. Now you swore an affidavit when Marshall came up for a rehearing in 1982, you testified in that hearing?  
A. Yes.
127. Q. And were you asked in that hearing why your evidence differed, that is; in Halifax?  
A. Why, I can't remember, I don't know.
128. Q. In you affidavit there is a paragraph six on page two, "that I recall on June 19, 1971 vividly. MacIntyre and Urquhart continuously went over my knowledge of the events of the evening of May 28, 1971 and repeatedly told me what I should have seen on that evening in Wentworth Park" what can you say as to the accuracy of that paragraph?  
A. I think of vividly is why it's marked. He made me go through and make sure everything was--it's not vivid, definitely it's a long time ago, it's very hard to be accurate.

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R. Pugsley: I am sorry, I don't have--what are the marks on vividly.

A. On my I have actually the word vividly circled.

R. Murrant: Okay, the mark here is in the margin.

129. Q. So you would say it was something less than vivid?

A. Yes.

130. Q. Does that change you essence of your experience that night at the police station?

A. No, I think people should realize that if you're going through five hours at 15 years old, right there it's a hard time, what do you in a matter of five hours. I wasn't sitting and drinking coffee, I /going over <sup>was</sup> the events of that night.

131. Q. In the evidence you gave in the rehearing, there is one page I have here, Page 142, and about line 18 I guess it is, there is a question that says; "why were you afraid?" This is the transcript of the evidence by Patricia Ann Harris, questioned by Mr. Harrison and can you just look at that from the question; "why were you afraid down to the answer, I was young, I didn't understand." and tell us if you still regard that was being the situation?

A. Where do you want me to start now?

132. Q. It says "why were you afraid," about half way down, you'll see some underlining.

A. I think that's basically what I have been saying here.

133. Q. You still believe that to be true, what you're saying there?

A. Yes.

134. Q. If I can just get this in to the record. The question was; "Why were you afraid? Answer: There was long hours of going over it and the word perjury was brought up a lot and they didn't seem to believe that I had seen these two characters. Question: Yeah. Now when



134. Q. you're saying the word perjury was brought up, who brought up that particular word?" and your answer was "The detectives. Do you recall who those detectives were 'and your answer was;' I recall Sergeant Urquhart and the other I don't. Question: You've also indicated fear, can you account for your feeling of fear. Answer: I was young, I didn't understand and it was a long time of going over and over what had happened that night." In the testimony that you gave at various proceedings, '71, were you asked about the two men? I guess what I'm -- what I want to know is whether the reference to the two men was simply omitted?
- A. I can't recall it so I really don't know if it was or not, I can't remember.
135. Q. I suppose the transcripts will show that?
- A. Yes.
136. Q. I guess I'm wondering if you actually denied they were there or you failed to mention them?
- A. Do you have the transcripts because I don't.
137. Q. I think it's page 81. It's line 10 and there's line 15, there's a long question, Mr. Rosenblum, just have a look at that.
- A. Yes.
138. Q. Do you see what happening there. If I understand it correctly, Mr. Roseblum is saying is the sum of what happened is this and you're saying yes?
- A. Yes.
139. Q. Although you knew there was two men there, you didn't add that?
- A. No. Before that they were asking me if someone was there and I was being very vague about it because I was scared, I didn't know what in the world to say and I was sort of skipping it.
140. Q. When you got to the end you really skipped it?
- A. Yes.

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141. Q. Can you tell us why you did?

A. I think mainly because of what I went through at the police station, statements that were made and the going over that there weren't two men there and that was it, there wasn't two men there, this was told to me.

142. Q. If Mr. Roseblum has posed that question let alone the question on page 81, and you had added about the two men, you came out with that, what was your feeling as to what would happen if you'd done that?

A. I was thinking that I'd be charged with perjury.

143. Q. And you had that in mind when you gave the answer yes? And that's all, that's it and you said yes, anything else and you said no, and that's because you thought you might be charged with perjury?

A. (no answer).

144. Q. You attribute the -- your concern with a charge of perjury to the crown prosecutor, did he speak to you about this?

A. Yes.

145. Q. Did he make any reference to perjury, your statement or.....

A. Is this in the court with the jury, yes, yes.

146. Q. Yes, the man who was prosecuting the case, Mr. MacNeil?

A. Yes, he asked me if I went to church, if I did this and did that and if I knew a lie was and did I believe in God and so on and so on. More of that was talked about than actually the murder trial.

146. Q. This is when you're actually testifying?

A. Yes.

147. Q. Before you testified did you have occasion to sit down and meet with him?

A. Mr. MacNeil, the prosecutor? Ah.....

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148. Q. Crown prosecutor to review what your evidence was going to be?  
A. Yes, I was in a large room similar to this.
149. Q. Was that at the court house?  
A. Yes.
150. Q. Was it before the trial with the jury?  
A. Yes.
151. Q. Can you tell us what you recall of that meeting?  
A. The main thing I recall is showing me maps of Crescent Street and I was saying something about a tree, I don't know why and they said there was no tree, and I had to walk down to Crescent Street with 8 or 9 men and show them the trees on Crescent Street, that's basically all I remember, I don't know what else was said there.
152. Q. Did the prosecutor bring up the business of perjury?  
A. At that time?
153. Q. At any time, that time or anytime.  
A. In court it was mentioned. When I was on the stand.
154. Q. But the only time it was mentioned in discussion with you outside the court room was at the police station?  
A. Police station, A.O. Gunn, I think he mentioned it, that was about it.
154. Q. Okay, that's all I have for you, thank-you.
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Ms. Patricia Harris, examined by R. PUGSLEY.

1. Q. You brought a number of documents with you today and what are these documents?  
A. Statements.
2. Q. Statements you gave in the past and were given to you by Corporal Wheaton or Corporal Carrol or how did you get them?  
A. I think Junior Marshall's lawyer had given them to me.
3. Q. Who would that be, Mr. Cacchione or Mr. Aronson?  
A. Aronson.
4. Q. You met with him on some occasion?  
A. Yes.
5. Q. I see and in preparation with the examination today, you've gone through these documents, did you?  
A. No, I thought the whole thing was over, I was quite surprised that I had found them. They were sort of tucked away.
6. Q. How did you happen to get here today? In the sense of how did you know to come here today?  
A. I was summoned?
7. Q. You were summoned by subpoena?  
A. Yes.
8. Q. By Mr. Murrant or by someone on behalf of the CBC?  
A. Mr. MacIntyre and the CBC.
9. Q. Yes that's right in that case, right.  
A. Yes.
10. Q. And have you met with Mr. Murrant before or his associate?  
A. No.

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11. Q. You didn't see them until today?  
A. No.
12. Q. Did you chose A.O. Gunn or did you mother?  
A. My mother.
13. Q. I want to ask you some questions about what you said to A.O. Gunn and what he said to you. You are not obliged to answer these questions and you are not obliged to answer them because they are communications between you and the lawyer that you consulted and so hence if you want to say no, I don't want<sup>you</sup> to answer those questions, you just say no, and I won't ask you about them. Do you have any objection to answering any questions?  
A. No I don't.
14. Q. All right, thank you and you understand what I am saying?  
A. Yes.
15. Q. Your mother arranged for you and her to go see A.O. Gunn at his office?  
A. Yes.
16. Q. And this was because you were upset?  
A. Yes.
17. Q. And I recall Mr. Gunn's office, was it in his home, do you remember?  
A. I don't remember.
18. Q. Have you ever met him before?  
A. No.
19. Q. You mother knew him, did she?  
A. She knew of him.
20. Q. Had she used him as a lawyer, do you know?  
A. No, I don't think., no.

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21. Q. And tell me what you recall was said at the meeting with Mr. Gunn?  
A. All I remember is that he asked me if I was telling the truth.
22. Q. And when he asked that when you were telling the truth, when did he mean with respect to the statement that you gave to the police?  
A. Yes, the whole thing I would imagine.
23. Q. And you told him, yes that you were?  
A. Yes.
24. Q. And you believed that to be true at that time?  
A. No, I was still confused and I was scared to talk to him also.
25. Q. You were scared to talk to Mr. Gunn?  
A. Yes. I was scared to talk to anybody including my parents about the whole thing.
26. Q. And why was that?  
A. Perjury.
27. Q. In what sense?  
A. I felt if anybody thought or thought that I said something wrong in my statement that I would go to jail.
28. Q. Something--did they--did you understand that you would have to say something wrong, knowing it to be wrong, not just that you were making a mistake that you were saying something, knowing it to be wrong before you could be--anyone could ever consider sending you to jail?  
A. At 15, I don't know. I just--I wasn't comfortable with what happened \_\_\_\_\_ and that was showing and my mother took me to A.O. Gunn hoping that things would--and to see if I needed someone to take care of me or give me guidance which maybe should have been done before I was taken down to the police station.

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29. Q. You said--at least I understood you to say that Mr. Gushue, your friend, did not recall or verify the fact that there were two other people with Donald Marshall, am I correct on that or am I wrong?
- A. I have no idea--what he said in court, I do not know.
30. Q. I have the impression from what you said earlier and I may have misunderstood you that you began to doubt whether or not you've seen two men because no one else was saying that there were two men there including Mr. Gushue?
- A. I wasn't doubting, I was just saying well--I couldn't go on with saying it after so many hours of people telling me there wasn't.
31. Q. Yes although they, of course, were not there and you were?
- A. Who is this.
32. Q. The people who you were talking to. The detectives were not present in the park the night you were there with Gushue and Marshall?
- A. The police?
33. Q. They were not there?
- A. Of course not.
34. Q. You were there?
- A. Yes.
35. Q. They seemed to be convinced that there was not two men there, is that correct?
- A. Yes.
36. Q. What was Gushue's recollection, you must have spoken to him about that?
- A. He was in another room, I do not know what happened with him there, I know he was upset, he was allowed to come in and see me for a short time where we discussed that we were going through a hard time.

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37. Q. Were the two of you alone when he saw you?  
A. Yes.
38. Q. Yes, the police were not there when the two of you were alone?  
A. No.
39. Q. And then you saw your mother and your father both or just your mother?  
A. My mother and my uncle.
40. Q. At the police station?  
A. Yes.
41. Q. And the three of you were alone, were you?  
A. It was sort of in a reception area.
42. Q. Was it a reasonably private area when you had talked to your mother?  
A. Well there was people getting coffee and things like this. There was a lot of action going on.
53. Q. Did you say to your mother, I would like you to be present with me?  
A. I was upset, I was crying and hysterical, she didn't know what was going on. My mother is very naïve as I was at that time in these things and thought well the police will handle it and they know what's right, she left at that.
54. Q. Did you say to your mother--well first of all did you say to the police, I want my mother here?  
A. I could have, I don't remember.
55. Q. Did you--after the interview, after that night, you obviously must have seen Terry Gushue again before trial, I assume?  
A. Oh, yes.
56. Q. Did you discuss with him whether or not he recalled seeing two people with Donald Marshall?  
A. I can't answer that, I don't remember.



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57. Q. Do you have any idea or recollection of who was present when your first statement of June 17th was given? When I say present, I mean what detectives were present?
- A. Sergeant Urquhart was there.
58. Q. Was he alone at that time or was there another?
- A. There was another.
59. Q. Do you recall who that was?
- A. No.
60. Q. Was it the same person that was with Sergeant Urquhart on the 18th of June or was a different person?
- A. Same.
61. Q. Same person, you don't know who that is?
- A. No.
62. Q. You can't identify him as being John MacIntyre?
- A. I couldn't identify him now. I know through people telling me or in transcripts that it was but I couldn't say myself, no. I knew Urquhart but I don't know the other.
63. Q. How did you know Urquhart?
- A. I had runnings in with him before?
64. Q. What kind?
- A. Just getting in trouble, being young, I knew of him.
65. Q. At the trial on November, 1971, on page 78 you were asked; "Question: Was there more than one person with Mr. Marshall. Answer: Yes. Question: How many were there? Answer: I don't know really but there wasn't many there." Do you recall giving those answers to those policemen?
- A. I don't recall no.

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66. Q. Was that an accurate answer?  
A. No.
67. Q. What do you say is the accurate answer?  
A. Well I knew there was Junior and two other men but at that time I was not to say that.
68. Q. You were not to say that? Why were you not to say that?  
A. Because of the drilling at the police station and being told that there was not two men there.
69. Q. Well this interview you had at the police station is many months earlier than that, it was in the month of June, this was in November?  
A. See the thing is is that I knew what was in my statement and I was not to go against that.
70. Q. For what period of time were you with Mr. Gushue at the police station would you say?  
A. I can't recall if he left with me, I don't even know how I got home, my parents did leave.
71. Q. Was you father, in fact, there or just your uncle?  
A. He is my uncle, I am adopted.
72. Q. I see.  
A. That's another story.
73. Q. So it was your aunt and uncle who were there that night rather than your mother?  
A. Yes. They are my...
74. Q. The people that brought you up?  
A. Yes.
75. Q. How long was it on the occasion that you saw Mr. Gushue at the police station, how long were you with him, together?  
A. Together, maybe five minutes if...

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76. Q. And how long were you with your mother and uncle?  
A. Not long, a couple of minutes. I think I got a call for something and I was taken back in.
77. Q. You really only had two interviews with the police if I am correct. One on June 17th the other on June 18?  
A. Well I don't recall how many. I thought that I was taken in that evening and the statement wasn't made until 1:20 a.m., the morning, so that is all in one time. I don't recall being in again but I might have, it's really vague to me.
78. Q. So there was only one, one occasion. The June 17th statement was taken the same night as the June 18th statement?  
A. Yes.
79. Q. In the matter of some hours?  
A. Yes.
80. Q. So that's the one interview you do recall, I understand and that's really the only occasion you recall meeting with Urquhart and or this other person?  
A. I seem to have thought at one time that I was there again but I can't say for sure.
81. Q. How many times did you meet with the crown prosecutor before the trial?  
A. Once.
82. Q. And that was...?  
A. And that was similar to this sort of this. I was taken in a large room.
83. Q. Is that the day of the trial, the day you gave evidence?  
A. I think it could have been the day of the, you know...
84. Q. Preliminary Hearing?  
A. Yes.

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85. Q. The preliminary hearing was in July, in the middle of July, and you gave evidence there?

A. Yes.

86. Q. And you gave evidence, I think, before the grand jury?

A. In November.

87. Q. Yes, there is two things actually, there is something called the grand jury where there are no defense lawyers there, there is just the crown prosecutor and I guess the judge and then there is the main trial before the petit jury where the defense lawyers are and I guess you probably gave evidence before the grand jury and the petit jury as well?

A. Yes.

88. Q. How is your recollection of all these things, is it somewhat clouded?

A. Yes, it was a long time ago and I thought it was over with and it is very hard to be accurate.

89. Q. Of course it is and I take it now that you don't now really have any independent recollection of things that occurred in 1971, you're going on the basis of document that you're reviewing saying that was my statement at that time, that presumably is accurate but you don't have any independent recollection of the events, am I correct on that?

A. Certain things I do remember.

90. Q. Okay. For example, you talked about perjury and the crown prosecutor and the trial itself, people asking about going to Sunday School and that sort of thing. In fact it wasn't the crown prosecutor that asked you those questions, it was the judge?

A. The judge?

91. Q. Yes it was, had you forgotten that?

A. Yes, I didn't know.

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92. Q. Having....  
A. That shows that I haven't been reading these too well.
93. Q. When I say that does that strike a responsive chord with you, do you recall that it was in fact the judge?  
A. No.
94. Q. You don't?  
A. I don't.
95. Q. No one told you at the police station either on the evening of June 17th or the early hours of the morning of June 18th, no one told you you had to stay there until you gave another statement, did they?  
A. That I had to say?
96. Q. Yes, that you were compelled to stay there, that you were obliged to stay there?  
A. No.
97. Q. Ms. Harris, what have you done since then, you were a young girl going to grade 8 or grade 9 at that time?  
A. Yes.
98. Q. Did you finish High School?  
A. Yes.
99. Q. And then what did you do?  
A. I moved up to Toronto, I stayed there for quite a while.
- ~~100.~~ Q. Did you work there?  
A. Yes I did, I took an astetic which I am involved with now.
101. Q. Sorry, what does that mean?  
A. That's dealing with skin care. My mother became ill, I was home for a while and I was in Halifax working and now I am back here with my own business.

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102. Q. Did you see Donald Marshall in Halifax when you were there prior to the hearing?
- A. Not at all.
103. Q. Never saw him at all?
- A. No.
104. Q. Are you sure of that?
- A. Just in the court.
105. Q. That's the only time you saw him?
- A. Yes.
106. Q. You didn't see him in a house in Halifax or Dartmouth?
- A. In a house, no.
107. Q. Now you say that--or it's evident that you swore an affidavit on the 22nd of July, 1982, and Mr. Arenson I guess was the person who took this affidavit. Obviously someone met with you and took down some information and got a secretary to type it up and you attended to swear it, I take it, that's the way it happened, is it?
- A. I don't remember.
108. Q. Well the document we're looking at in your affidavit, a copy which you have in front of you is type written?
- A. Yes.
109. Q. So presumably,--- well how did they get the information to put in here?
- A. I had with me Arenson in a restaurant and we talked.
110. Q. Yes, this was in Halifax, was it?
- A. Yes.
111. Q. He went and got something typed up and met again with you to get you sign this?
- A. I don't remember when I signed it or where.

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112. Q. Well presumably you signed this in Halifax on the 22nd of July, that's what it says, assuming that to be accurate. Would you have signed that in his office or back in the restaurant again or what....
- A. I'll tell you what the confusion is. I had a lawyer myself there, Mr. Norris and I'm getting confused just where I was.
113. Q. You could have gone to Mr. Norris' office to sign it I suppose?
- A. I don't remember signing it.
114. Q. Although it would be before Mr. Arenson, it would appear to be his signature. You say the word vividly that appears in paragraph six, you told Mr. Arenson you did not agree with the use of that word, what did he do with that, did he scratch it out or what did he do with it?
- A. He just circled it.
115. Q. When you went from St. Joseph's to Crescent Street, did you go behind the band stand?
- A. I don't know.
116. Q. Did you go down behind the drug store?
- A. Apparently there was--I went to get cigarettes and then went to the band shell, by the bank shell. Smoked a cigarette there and then carried on. I don't know whether I went in back or in front. I did meet with Junior Marshall.
117. Q. Did you?
- A. Yes I did.
118. Q. Where was that?
- A. In a house.
119. Q. Purely by coincidence?
- A. Coincidence, yes.
120. Q. When was that, how long before the hearing?
- A. That was in the summer. I didn't really speak to him, he was shy, I said how are you doing, he said fine and that was it. I don't think

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120. A. he realized who I was.

121. Q. I see, has your appearance changed a good deal since you were 15?

A. I would say yes.

122. Q. I see. Thank you very much.