



CONTINUATION REPORT

RCMP?

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SUBJECT

RCMP2 30

CASE No.

C O P Y

June 7th, 1971
3:55 P.M.

Statement of Roy A. Gould, age 25 yrs., residing at 124
Membertou St., Sydney:

Q. I show you a jacket - is this your jacket
A. Yes

Q. Did you give this jacket to anybody last week
A. Yes, I gave it to Donald Marshall Jr. on the night of
the 27th of May 1971 at Bedford, N.S. and he continued
to wear it from there on.

Q. Where were you going
A. We stayed in Bedford that night. We were going to a meeting
in Shubenacadie the next morning

Q. When did you return to Sydney
A. Friday night 9:30 P.M. ~~around~~ arrived home on the 28th
of May

Q. Where did you let Donald off at
A. From my residence - then to his own

Q. Did he have your jacket at that time
A. Yes

Q. Did you see him after that - that night
A. No. Not that night I did not see him till either Saturday
afternoon or evening

Q. Where did you get the jacket from later
A. I got his father to bring it to me on June 2nd and I gave
it to Det. M.R. McDonald

Q. Was the jacket in good shape when you gave it to him
A. Yes it was

Q. Was it ripped or cut on the sleeve
A. No

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Q. No blood on it

A. No - under the right arm pit was tore

Q. Was Donald drinking that evening in your presence

A. About an ounce of rum that afternoon at Stewiacke about
4 P.M.

Q. Is there anything else you wish to tell me

A. No. nothing of any value.

Signed: Roy Gould

June 7th - 4:10 P.M.

Sergt. Det. J.F. MacIntyre

Ray Gould, swornBy Mr. MacNeil

Q. What is your full name, please?

A. Ray Gould.

Q. Where do you live?

A. 124 Memberton Street, Sydney.

Q. That's in the City of Sydney, County of Cape Breton,
Province of Nova Scotia?

A. Yes.

Q. And do you know the accused in this case Mr. Donald
Marshall?

A. I do.

Q. And were you in his company on the 28th of May, 1971?

A. What day would that be?

Q. That would be the day this offence took place?

A. Yes I was.

Q. And where were you, where did you first join his
company?A. We were in Waverly, Nova Scotia and Shubenacadie
and returned back to Sydney at approximately 9:30
that evening.

Q. 9:30 on the night of the 28th of May, 1971?

A. Yes.

Q. Did you own a jacket at that time?

A. I did.

Q. Describe the jacket to the Court, please?

A. A Yellow windbreaker with white stripes on the side.Q. What was the condition of that jacket on the 28th day
of May, 1971?

A. It was in good condition.

Q. Was there any rips or tears about the jacket?

A. No.

Q. Now Mr. Gould, did you do anything with that jacket?

A. Yes I loaned it to Donald Marshall, Junior.

Q. That's the accused?

A. Yes.

Q. And where did you loan it to him?

A. At Waverly on a Thursday.

Q. Did he wear it all day the 28th of May, 1971?

A. Yes he did.

Q. You arrived home at what time?

A. Approximately 9:30.

Q. Was he still wearing the jacket at 9:30 on the 28th of May, 1971?

A. Yes.

Q. The last you saw him he was wearing it?

A. Yes.

Q. And when the next time you saw this jacket?

A. Wednesday the following week, I was asked to bring the jacket into the police station.

Q. And what did you do?

A. I asked Mr. Donald Marshall, Sr. if I could have the jacket.

Q. In particular what did you do?

A. I received the jacket?

Q. From who?

A. From Mr. Donald Marshall, Sr. and took it over and turned it over to Det. MacDonald of the Sydney Police.

Q. This was your jacket that you received from Donald Marshall, Sr.?

A. Yes it was.

Q. What was the condition you received it from Donald Marshall, Sr.?

A. There was a rip on the, I don't know which sleeve, down this way.

Q. On which arm?

A. I don't recall the arm sir, was either one of the sleeves, and there was some blood stains on it

Q. And you turned this jacket over to Sgt. MacDonald?

A. Yes I did.

Q. Was there any blood stains on the jacket when you loaned it to Donald Marshall, Jr.?

A. Not that I know of.

NO QUESTIONS BY DEFENCE

Donald Marshall, Sr., sworn

By Mr. MacNeil

Q. Your name is Donald Marshall, Senior?

A. Donald Joseph, right,

Q. You are the father of the accused?

A. Yes.

Q. And where do you live Mr. Marshall?

A. 38 MicMacCrescent.

Q. In the City of Sydney?

A. Yes.

Q. Do you know the last witness, Mr. Roy Gould?

A. Yes I do.

Q. Did you see him on the 2nd day of June, 1971?

A. Could be, one day that week.

Q. Did you give him any wearing apparel?

A. Yes.

Q. Would you describe what that wearing apparel was?

A. A Jacket, yellow with white strips.

Q. And this was the description that day?

A. Yes.

Q. Was that the same jacket?

A. Could be the same jacket, yes.

Q. Where did you obtain this jacket from?

A. From my home.

Q. Where in your home?

A. It was hanging in one of the closets in one of the bedrooms.

- 49 - ROY GOULD, Dir. Exam.

ROY GOULD, being called and duly sworn, testified as follows:

BY MR. MacNEIL: (Dir. Exam.)

Q. What is your full name, sir?

A. Roy Gould.

Q. Where do you live?

A. 124 Membertou Street.

Q. That's in the City of Sydney, County of Cape Breton, Province of Nova Scotia?

(10) A. Yes.

Q. And do you know the accused in this case, Mr. Donald Marshall?

A. I do.

Q. And were you in his company on the 27th day of May, 1971?

A. Was that a Friday?

Q. I don't know. I'll have to have a look. Thursday.

A. Yes, I was.

Q. And where were you with him?

A. We were at Bedford in Shubenacadie.

Q. And at that time did you own any clothing that you weren't

(20) wearing?

A. Yes.

Q. What?

A. A jacket.

Q. Describe the jacket, please.

A. A yellow jacket with white stripes.

Q. And what did you do with this jacket?

A. I loaned it to Donald Marshall.

Q. And what was the condition of this jacket when you loaned it to him?

(30) A. Good.

Q. I'll show you exhibit 3. Will you tell me what that is, please?

A. That's the jacket I loaned to Mr. Marshall.

Q. Would you look at the condition of the jacket at the present time?

A. Yes.

- 50 - ROY GOULD, Dir. Exam.

Q. Was it in that condition when you loaned it to Mr. - the accused, Donald Marshall, Jr.?

A. No.

Q. What is the difference in its appearance today and when you loaned it to him?

A. This wasn't here, the cut-

Q. You're saying this wasn't here - what do you mean by "this is not here"?

(10) A. It wasn't in that condition.

Q. What?

A. The tear.

Q. The tear on the sleeve of the jacket-

A. There was no tear on the sleeve in other words.

Q. What about the front of the jacket?

A. There was no blood stains on it either.

Q. And tell me, you loaned this jacket to Donald Marshall when you were in Shubenacadie?

A. Yes.

(20) Q. And when did you return from Shubenacadie or did you return from Shubenacadie with the accused?

A. Yes, on Friday evening.

Q. Friday evening, that is, 27th of May-

A. 28th.

Q. 28th, I'm sorry. The 28th of May, 1971?

A. Yes.

Q. Friday - I'm sorry, sir. I apologize for confusing you. You returned to where?

A. Returned to Membertou.

(30) Q. And who else was with you?

A. Just Mr. Marshall.

Q. And what time did you return?

A. Approximately 9:30 that evening.

Q. Did you stay with Mr. Marshall?

A. No, he went to his own residence.

- 51 - ROY GOULD, Dir. Exam.

Q. He went to his own home?

A. Right.

Q. Where was the jacket when he went to his own home?

A. He still had it.

Q. And did you at a later date recover this jacket?

A. Yes. About, Wednesday or Thursday of the following week.

Q. Where did you go for it?

(10) A. I obtained it from his father, Donald Marshall, Sr. I asked him to bring it over upon request of the City Police.

Q. Did you get the jacket from Donald Marshall Sr.?

A. Yes, I did.

Q. What did you do with it?

A. Turned it over to Sgt. MacDonald.

Q. Sgt. Michael MacDonald?

A. Yes.

Q. City of Sydney Police Force?

A. Yes.

BY MR. ROSENBLUM:

No questions!

(THE WITNESS WITHDREW)

C.S.

JANUARY '85
EP 3 10

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0. JURY RETURNS. (10:16 a.m.)
JURY POLLED. All present.
ROY GOULD called, duly sworn, testified:
DIRECT EXAMINATION
MR. EDWARDS: Sir, you are Roy Gould?
5. A. Yes, I am.
Q. What is your address, Mr. Gould?
A. Presently residing at 3 Millard Street in
Sydney.
Q. Mr. Gould, where did you reside in 1971?
A. 124 Membertou Street, the same - Membertou
Reserve.
10. Q. At that time did you know Donald Marshall, Jr.?
A. Yes, I did.
Q. Did you know Donald Marshall, Sr.?
A. Yes, I did.
Q. Now on the day of May 28th, 1971, the day of
the incident in question, do you recall where you were
that day?
15. A. We were just returning from Bedford, Nova
Scotia. Arriving in Sydney about 9:30 that evening.
Q. Yes. Now who returned to Sydney from
Bedford, Nova Scotia with you?
20. A. Donald Marshall, Junior.
Q. Okay. And where did you stop off in Sydney?
A. I took him back to the Reserve and I left him
there.
Q. Now what was Donald Marshall wearing when you
left?
25. A. He left with my jacket which was a yellow
jacket with white stripes.
Q. A yellow jacket with white stripes.
And what condition was the jacket in when you lent it to
him that evening?
- 30.

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MR. GOULD, Direct Examination

A. It was fairly new. It was in perfect condition.

Q. Okay. When did you next see that jacket,

Mr. Gould?

5.

A. About mid-week of that same week, the following week rather.

Q. And where did you see it?

A. Well, I obtained the jacket from Mr. Donald Marshall, Senior at the request of the City Police.

THE COURT: I'm sorry, I missed that. What was that?

10.

A. I took it from Donald Marshall, Senior. At the request of City Police.

MR. EDWARDS: And what was the condition of the jacket at that time?

A. There was a rip on one of the sleeves and there was blood stains on it.

15.

Q. What appeared to be blood stains.

A. Um-hmm.

Q. What did you do with the jacket then?

A. I turned it over to Michael MacDonald, a detective at the time with the Sydney City Police.

20.

Q. Did you see the jacket or get the jacket back after that?

A. No.

Q. Thank you very much, Mr. Gould. No further questions. My learned friend may have some questions.

CROSS-EXAMINATION

25.

MR. WINTERMANS: Mr. Gould, going back to the day that you returned from Bedford, Nova Scotia with Donald Marshall, Jr. you say you arrived back at 9:30 that day?

A. It was around 9:30 in the evening.

30.

Q. In the evening. 9:30 p.m. And you say you dropped off Donald Jr. at his home, did you?

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MR. GOULD, Cross-Examination

A. Somewhere around the Reserve. I think I went home myself and he just hopped off the car.

Q. Okay. Did you see him later on that night?

5.

A. Not that evening. The next morning I saw him.

Q. And do you recall whether or not you went to the liquor store with Donald Jr?

A. No.

Q. That evening at approximately 9:30 when you returned from Bedford, Nova Scotia?

10.

A. No, I don't recall.

Q. Are you saying that you didn't?

A. No, I'm not saying I didn't. I just don't remember it.

Q. So to the best of your recollection you came back from Bedford and went straight home. Or to the Micmac area.

15.

A. Yeah, well, I went home, probably got dressed and went out again.

Q. With Donald Jr. or by yourself?

A. By myself.

20.

Q. Are you sure of that?

A. That was my normal routine on a Friday night.

Q. Thank you.

THE COURT: Any re-examination?

MR. EDWARDS: Nothing out of that.

THE COURT: All right, thank you, Sir.

25.

WITNESS WITHDREW

30.