



Statement of Eugene Clair SMITH (BD: 40-01-02)

Taken at Saint John, N.B., 9:25 on 83-12-19

RCMP 84

In November, 1971, I received a request to polygraph one James MacNEIL in Sydney, N.S., concerning the Donald MARSHALL murder case. I was in Regina, Sask., at the time, the request came from R.C.M.P. in Halifax. I met Sub-Inspector E.A. MARSHALL in Halifax and we flew to Sydney together. In Sydney we went to the Wandlyn Motel, I was briefed by MARSHALL as to the details of the City Police investigation, I did not see or meet John Mac INTYRE or Bill URQUHART who had investigated the case. MacNEIL came in around 9:30 that morning and I commenced the pre-test interview and the test was done. I found MacNEIL high-strung, very nervous, he appeared to be hung over, after the test I had the impression he was a person open to any suggestion and very easily lead and in fact admitted to me the story he gave me was false and maybe he was imagining things. Because of his character and the charts were indefinite, I officially recorded an indefinite opinion. A second man, Roy EBSARY was tested by myself later that afternoon, again I was briefed by MARSHALL. He was very much in control compared to MacNEIL and had a good command of the English language. He also had a better recall of the facts and had more details of the night in question. I considered him a good candidate for polygraph. I was satisfied from the pre-test interview and charts that EBSARY was truthful. The essence of a polygraph is guilt feelings and the way an individual reacts to questions put to him during an examination. If EBSARY had no guilt feelings as to his involvement that night he would not have responded to the pertinent examination questions. Following the examination the results of the tests were given to the late Donald MacNEIL, Crown Prosecutor, and I understand he advised MARSHALL's lawyer, I also understand MARSHALL refused polygraph testing.

E.C. SMITH

9:58 A.M. 83-12-19

Witness: Cpl. J.E. CARROLL