



December 2, 1983

Mr. Claude-Andre Lachance
Chairman
House of Commons Standing
Committee on Justice
House of Commons
Ottawa, Canada

Dear Mr. Lachance:

RE: DONALD MARSHALL, JR.

I represent Mr. Marshall who was convicted in 1971 of the murder of one Sandy Seale in Sydney, Nova Scotia. After spending 11 years in a federal institution, it was determined by the Nova Scotia Court of Appeal on a reference from the former Minister of Justice, Mr. Jean Chretien, that Mr. Marshall was not guilty of the crime and an acquittal was entered on May 10, 1983 by a unanimous decision of the Nova Scotia Court of Appeal.

Since Mr. Marshall's acquittal, a new person, Roy Newman Ebsary, has been charged and convicted with the offence of manslaughter. Mr. Ebsary's matter is presently before the Nova Scotia Court of Appeal on the conviction and sentence appeal.

Throughout the 11 years of incarceration that Mr. Marshall endured, he constantly maintained his innocence and as a result of the efforts of his former solicitor, Mr. Stephen Aronson, the matter was subsequently reinvestigated by the R.C.M.P. in 1982 and this led to the reference hearing before the Nova Scotia Supreme Court Division. The officers of the Royal Canadian Mounted Police who reinvestigated the Marshall matter, have termed what happened to him in 1971 a travesty of justice. It is my understanding that they recommended to the Attorney

Mr. Claude-Andre Lachance
December 2, 1983
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General of Nova Scotia that a public inquiry be held into the circumstances surrounding Mr. Marshall's conviction and in particular the circumstances surrounding the police investigation of this matter. To date nothing has been done in this regard.

On December 1, 1983, Mr. John Buchanan, Premier of Nova Scotia, announced that no compensation would be paid to Mr. Marshall so long as the Ebsary appeal is before the Courts and so long as Mr. Marshall has an outstanding law suit against the Sydney City Police. What Mr. Buchanan failed to address in his announcement was the fact that Mr. Marshall has not requested compensation from the Province of Nova Scotia but instead has requested that a public inquiry be held into the circumstances surrounding his arrest, conviction and the police investigation. It would appear that the Attorney General of Nova Scotia is very reluctant to deal with this issue of how an innocent man could be convicted of the offence of murder and serve 11 years in the federal penitentiary.

I feel that this matter is of crucial importance to the system of administration of criminal justice in Canada and I would therefore request the opportunity of appearing before the Standing Committee on Justice in order to make a presentation on behalf of Mr. Marshall for an impartial public inquiry to be conducted by a Justice of the Supreme Court of Nova Scotia into the circumstances surrounding Mr. Marshall's conviction and in particular the police investigation of this offence.

I have only provided you with a brief outline of the situation and a more thorough and detailed discussion of the facts in this case can be provided to you should you see fit to allow me to make a presentation to your Committee.

I look forward to receiving your reply at your earliest convenience.

Yours very truly,

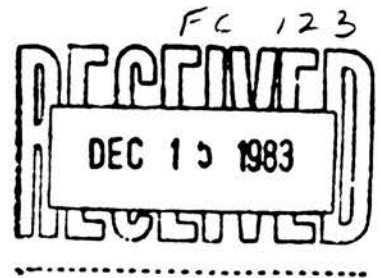
Felix A. Caochione

FAC/oh

cc; Sven Robinson
Allan Lawrence
Allan MacBain
Warren Allmand



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA
KIA 0A6



December 9, 1983

Mr. Felix A. Cacchione, B.A., LL.B.
Lambert & Cacchione
Barristers & Solicitors
Suite 903
1649 Hollis Street
P.O. Box 547
Halifax, N.S.
B3J 2R7

Dear Mr. Cacchione,

On behalf of Warren Allmand, M.P.,
I wish to acknowledge receipt of your letter dated
December 2, 1983 which was originally addressed to
Mr. Claude-André Lachance, Chairman of the Standing
Committee on Justice.

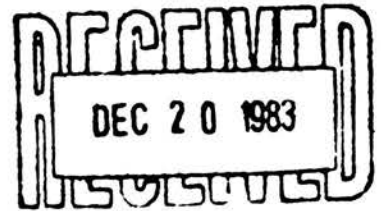
Please be assured that your letter
will be brought to Mr. Allmand's attention.

Yours truly,

Jennifer Hewgill,
Secretary.



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA



CHAIRMAN OF THE STANDING COMMITTEE ON
JUSTICE AND LEGAL AFFAIRS

PRÉSIDENT DU COMITÉ PERMANENT
DE LA JUSTICE ET DES QUESTIONS JURIDIQUES

FC 126

December 13, 1983.

Mr. Felix A. Cacchione
Lambert & Cacchione
Barristers and Solicitors
Suite 903
1649 Hollis Street
P.O. Box 547
HALIFAX (Nova Scotia)
B3J 2R7

Dear Sir:

I acknowledge receipt of your letter dated
December 2, 1983, regarding the case of Mr. Donald
Marshall, J.R.

Be assured that I will give due consideration
in this matter, and eventually, you will receive a
reply.

Sincerely yours,

Claude-André Lachance, M.P.
Chairman



FC 128

COMMITTEES AND PRIVATE LEGISLATION BRANCH
DIVISION DES COMITÉS ET DE LA LÉGISLATION PRIVÉE

Ottawa, Ontario
KIA 0A6

December 20, 1983

Mr. Felix A. Cacchione
Lambert & Cacchione
Barristers & Solicitors
Suite 903
1649 Hollis Street
Post Office Box 547
Halifax, Nova Scotia
B3J 2R7

Dear Mr. Cacchione:

Further to the letter dated December 13, 1983 sent to you by the Chairman of the Committee, Mr. Claude-André Lachance, M.P., I wish to inform you that the Members of the Subcommittee on Agenda and Procedure of the Standing Committee on Justice and Legal Affairs will consider your request to appear after the House of Commons resumes its sittings in mid-January 1984.

I will be communicating with you, as soon as possible, in January 1984, to inform you of the decision of the Subcommittee.

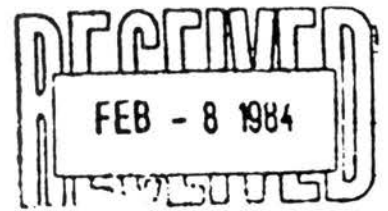
Yours sincerely,


Bernard G. Fournier,
Clerk of the Committee

c.c. Mr. C.-A. Lachance, M.P., Chairman



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA



CHAIRMAN OF THE STANDING COMMITTEE ON
JUSTICE AND LEGAL AFFAIRS

PRÉSIDENT DU COMITÉ PERMANENT
DE LA JUSTICE ET DES QUESTIONS JURIDIQUES

Ottawa, Ontario
K1A 0A6

February 1st, 1984

Mr. Felix A. Cacchione
Lambert & Cacchione
Barristers & Solicitors
Suite 903 - 1649 Hollis Street
Post Office Box 547
Halifax, Nova Scotia
B3J 2R7

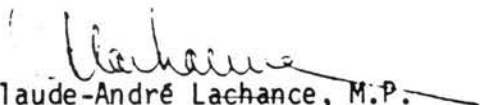
Dear Mr. Cacchione:

Further to the letter dated December 20, 1983, sent to you by the Clerk of the Committee, I wish to inform you that at a meeting held yesterday the Members of the Sub-committee on Agenda and Procedure of the Standing Committee on Justice and Legal Affairs reconsidered your request to appear before the Committee.

It was brought to the attention of the Members of the Sub-committee that Mr. Marshall has dropped his suit against the city of Sydney; therefore, I was requested to inquire as to whether you still desire to appear before the Standing Committee, and if so, whether you intend to ask for a federal inquiry.

I will inform the Members of the Sub-committee of your reply as soon as it is received.

Yours sincerely,


Claude-André Lachance, M.P.

March 1, 1984

Claude-Andre Lachance, M.P.
Chairman of the Standing Committee
on Justice and Legal Affairs
House of Commons
Ottawa, Ontario
K1A 0A6

Dear Mr. Lachance:

RE: DONALD MARSHALL, JR.

Thank you for your letter of February 1, 1984 received by our office on February 8. Please accept my apologies for the delay in replying to your letter but Court commitments have kept me occupied over the past few weeks.

Your letter refers to Mr. Marshall's dropping his civil suit against the City of Sydney which is correct. The action was allowed to lapse so as to remove any possible impediment that the Provincial Government might feel is in the way of their dealing with the issued of compensation for Mr. Marshall. I do request an appearance before the Standing Committee and do intend to ask for a Federal inquiry since it seems that the Provincial Government will not act on this matter. As you know, Mr. Marshall was acquitted in May of 1983 and as of the date of today's letter the Provincial Government has yet to do anything with regards to either a public inquiry or compensation for Donald Marshall.

Should you have any further questions, please do not hesitate to contact me.

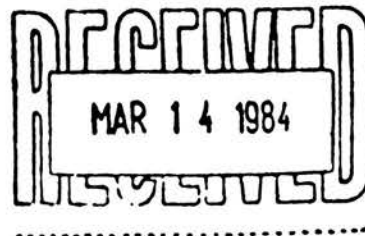
Yours very truly,

Felix A. Cacchione

FAC/oh



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA
KIA 0A6



COMMITTEES AND PRIVATE LEGISLATION BRANCH
DIVISION DES COMITÉS ET DE LA LÉGISLATION PRIVÉE

Ottawa, Ontario
KIA 0A6

March 12, 1984

Mr. Felix A. Cacchione
Lambert & Cacchione
Barristers & Solicitors
Suite 903
1649 Hollis Street
Post Office Box 547
Halifax, Nova Scotia
B3J 2R7

Dear Mr. Cacchione:

On behalf of Mr. Claude-André Lachance, M.P., Chairman of the Standing Committee on Justice and Legal Affairs, I acknowledge receipt of your letter dated March 1, 1984 concerning your request to appear before the Committee on behalf of Mr. Donald Marshall, Jr.

Your letter has been brought to the attention of the Members of the Sub-committee on Agenda and Procedure and your request will be discussed at the next Sub-committee meeting to be held within the next couple of weeks.

I will be communicating with you as soon as the Sub-committee has made a decision respecting your request.

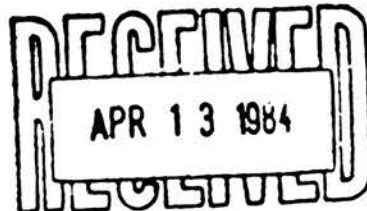
Yours sincerely,


Bernard G. Fournier,
Clerk of the Committee



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

CHAIRMAN OF THE STANDING COMMITTEE ON
JUSTICE AND LEGAL AFFAIRS



PRÉSIDENT DU COMITÉ PERMANENT
DE LA JUSTICE ET DES QUESTIONS JURIDIQUES

Ottawa, Ontario
K1A 0A6

April 6, 1984

Mr. Felix A. Cacchione
Lambert & Cacchione
Barristers & Solicitors
Suite 903
1649 Hollis Street
Post Office Box 547
Halifax, Nova Scotia
B3J 2R7

Dear Mr. Cacchione:

This has reference to your letter dated March 1, 1984 concerning your request to appear before the Committee on behalf of Mr. Donald Marshall, Jr.

I wish to inform you that the members of the Sub-committee on Agenda and Procedure considered your request at its last meeting and it wishes to consider it further. The Committee is presently studying Bill C-9 relating to the security service, therefore, it is not possible to invite you to appear at this time.

The Clerk of the Committee will be communicating with you when the Sub-committee reconsiders your request.

Yours sincerely,


Claude-André Lachance, M.P.