

I N D E X

VOLUME 30

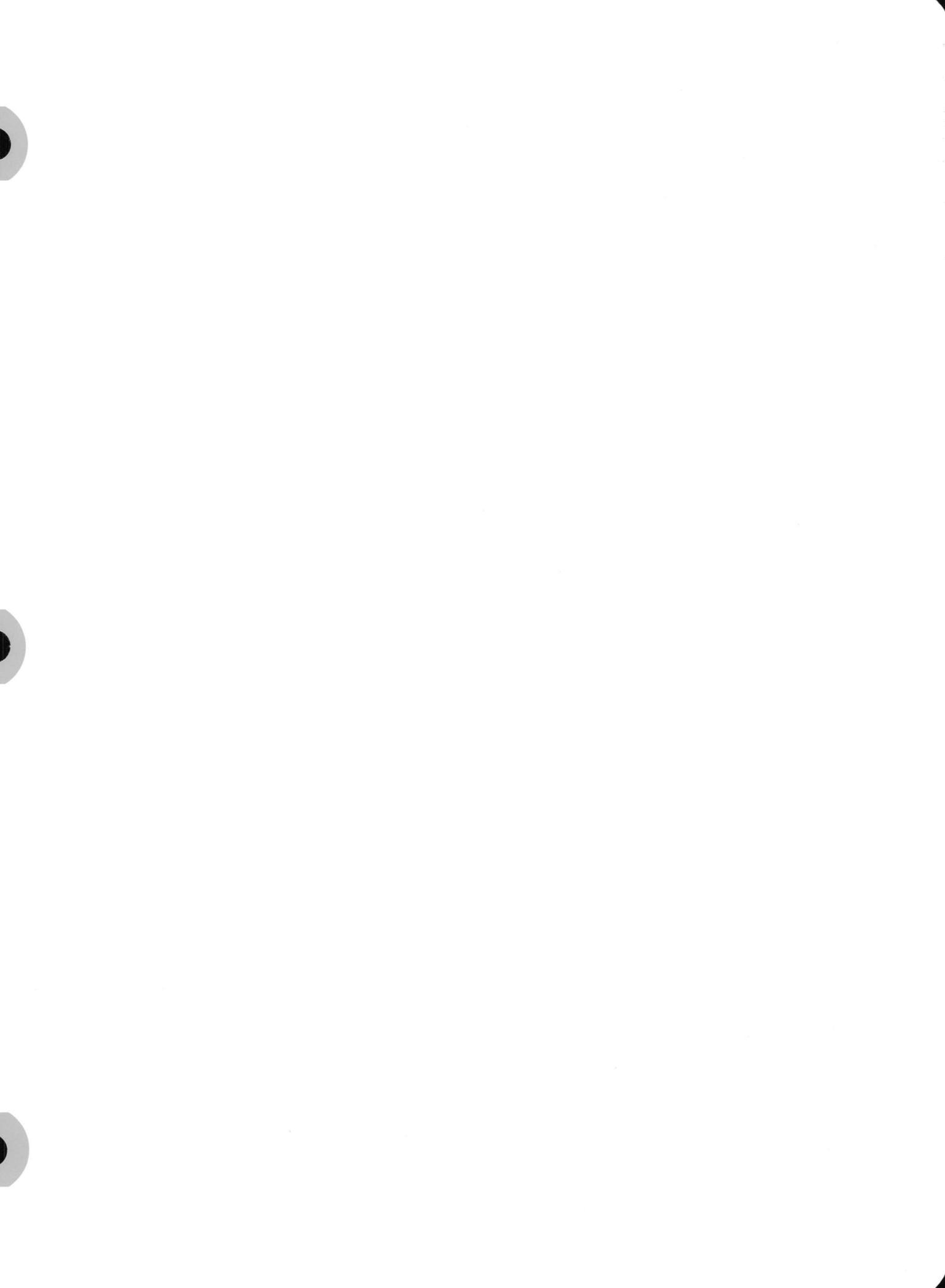
CORRESPONDENCE RE NATIONAL
PAROLE BOARD -----PAGES 1 - 16

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AND CORRECTIONAL SERVICES
OF CANADA -----PAGES 44 - 80

MEDIA POOL COPY



TM
CARLTONCTR HFX

PAROLE RO MCTN
20.7.82

RE: MARSHALL DONALD FPS: 410491A CARLTON CENTRE

DEC: DAY PAROLE CONTINUED
DEC DATE: 19.7.82
EFF: 30.7.82
EXP DATE: 29.8.82
AUTH: DD HALIFAX
DEST: CARLTON CENTRE
SUPR: DIRECTOR CARLTON CENTRE
USUAL DAY PAROLE COND PLUS THOSE IN ACCORDANCE WITH INST REGULATIONS

DEC 2: NO ACTION TO SUSPEND OR REVOKE
DEC DATE: 10.7.82
DECISION RE DAY PAROLE 5 AND 2 FWD TO OTTAWA FOR FURTHER VOTES

EM DICK
SF NCT CLK
•
CARLTONCTR HFX

PAROLE RO MCTN

**TO ABIDE BY RULES AND REGULATIONS
CONDITIONS OF PAROLE (day)
OF CARLTON CENTRE**

42066

The parolee described in this certificate shall abide by the terms and all instructions which may be given by his supervisor;

Le libéré conditionnel décrit dans ce certificat doit se conformer aux termes et aux conditions de sa libération et à toutes les directives que peut lui donner à l'occasion son surveillant.

and shall abide by this special condition:
et il doit se conformer à cette condition spéciale:

I understand that if I do not return to the institution at the required time, or if I escape, my day parole may be terminated, or suspended, revoked, and I may be charged with being unlawfully at large.

Date _____ Signature — Parolee/Libéré Marshall

PAROLE CERTIFICATE
CERTIFICAT DE LIBÉRATION
CONDITIONNELLE
FPS-SED: 410491A

NATIONAL PAROLE BOARD
COMMISSION NATIONALE DES
LIBÉRATIONS
CONDITIONNELLES
DOB: 13SEP53

Parole Act — Loi sur la libération conditionnelle de détenus

This is to certify that **Donald Marshall** who was serving a term of imprisonment in **Dorchester Penitentiary** was granted **day** parole effective on **29MAR82**

Le présent certificat atteste que qui purgeait une sentence d'emprisonnement à Dorchester Penitentiary a obtenu une libération conditionnelle le 29MAR82. Provided parole is not suspended, revoked or terminated. A condition que cette libération conditionnelle ne soit pas suspendue. It will expire on - 29JUL82. Révoquée ou terminée, elle prendra fin le 29JUL82.

Issued on — Délivré le 26MAR82 Secretary to the Board [Signature]
Secrétaire de la Commission

INSTRUCTIONS

Pursuant to the conditions of your parole you must obey these instructions. Failure to do so may result in suspension or revocation of parole.

En conformité avec les conditions de votre libération, ces instructions doivent être suivies. Tout manquement peut amener suspension et la révocation du certificat.

You must proceed directly to **Carlton Centre, Halifax, N.S.**

Vous devez vous rendre directement à **J. Stewart, A/Superintendent, Carlton Centre,**

et vous rapporter à votre surveillant **At 5853 College Street, Halifax, N.S. Tel: 854-2601 (B3H 1X5)**

I acknowledge receipt of my parole/mandatory supervision identification card and understand that I am responsible for carrying this card with me at all times and presenting it to any peace officer on request.

J. Stewart
Director — Directeur

Parole Supervisor — Surveillant **Garth Wagner**

ACKNOWLEDGEMENT — RECONNAISSANCE

I understand that the parole certificate is the property of the National Parole Board and must be delivered on demand of National Parole Board or of my supervisor. I also understand that I am still serving my term of imprisonment and that parole has been granted to allow me to resume my activities as a citizen at large in the community under supervision.

I fully understand and accept all the conditions (including the conditions printed overleaf), regulations and restrictions governing my release on parole. I will abide by and conform to them strictly. I also understand that if I violate them I may be recommitted.

Je comprends que le certificat de libération conditionnelle appartient à la Commission nationale des libérations conditionnelles et doit être retourné sur demande de la Commission nationale des libérations conditionnelles ou de mon surveillant. Je comprends aussi que je continue de purger ma sentence mais que je suis libéré conditionnellement et sous surveillance afin de me permettre de poursuivre dans la société mes activités de citoyen.

Je comprends parfaitement et j'accepte toutes les conditions (y compris les conditions imprimées au verso), les règles et restrictions auxquelles est assujettie ma libération conditionnelle. Je m'y conformerai complètement. Je comprends également que si je ne les respecte pas, je puis être réincarcéré.

Certificate Dated Date du certificat	Released on — Date libéré	Paroled inmate — Libéré	
26MAR82	<u>26/3/82</u>	<u>[Signature]</u>	
NPB, Dor., MCI, Carlton Centre, Flimsy		Witness — Témoin	Date
		<u>[Signature]</u>	<u>27 MAR 82</u>

(582) CONDITIONS OF PAROLE (DAY) (DAY)
CONDITIONS DE LA LIBERATION CONDITIONNELLE

PAROLE CERTIFICATE
CERTIFICAT DE LIBERATION
CONDITIONNELLE
FPS-SED: 410491A



NATIONAL PAROLE BOARD
COMMISSION NATIONALE DES
LIBERATIONS
CONDITIONNELLES
DOB: 13SEPT53

I understand that if I do not return to the

The parole described in this certificate shall abide by the terms and all instructions which may be given by his supervisor.

Le libéré conditionnel décrit dans ce certificat doit se conformer aux termes et aux conditions de sa libération et à toutes les directives que peut lui donner à l'occasion son surveillant.

4097

and shall abide by this special condition required

time, or if I escape, my day parole

may be terminated or suspended/

revoked, and I may be charged

with being unlawfully at large.

REPORTING: TUESDAYS AND WEDS.

27 July 1982
Day Signature - Parolee/Libéré

This is to certify that MARSHALL, DONALD
Le présent certificat atteste que
who was serving a term of imprisonment in Carlton
qui purgeait une sentence d'emprisonnement à

Centre was granted Day
Parole effective on July 27, 1982

conditionnelle commencent le

Provided parole is not suspended, revoked or terminated.

A condition que cette libération conditionnelle ne soit pas suspendue,

it will expire on November 27, 1982

révoquée ou terminée, elle prendra fin le

July 27, 1982
Issued on - Délivré le Secretary to the Board
Secrétaire de la Commission

INSTRUCTIONS

Pursuant to the conditions of your parole you must obey these instructions. Failure to do so may result in suspension or revocation of parole.

En conformité avec les conditions de votre libération, ces instructions doivent être suivies. Tout manquement peut amener la suspension et la révocation du certificat.

You must proceed directly to
Vous devez vous rendre directement à
and report to your Parole Supervisor
et vous rapporter à votre surveillant

CARLTON CENTRE, HALIFAX N.S.

JOHN A. STEWART, SUPERINTENDENT, CARLTON CENTRE

At 5853 College Street, Halifax N.S. TELEPHONE: 426-2601

SUPERINTENDENT: John A. Stewart

JOHN T. HATCHER

XXXXXXXXXX
Director - Directeur
XXXXXXXXXX

Parole Supervisor - Surveillant

ACKNOWLEDGEMENT - RECONNAISSANCE

I understand that the parole certificate is the property of the National Parole Board and must be delivered on demand to the National Parole Board or of my supervisor. I also understand that I am still serving my term of imprisonment and that parole has been granted to allow me to resume my activities as a citizen at large in the community under supervision.

I fully understand and accept all the conditions (including the conditions printed overleaf), regulations and restrictions governing my release on parole. I will abide by and conform to them strictly. I also understand that if I violate them I may be recommitted.

Je comprends que le certificat de libération conditionnelle appartient à la Commission nationale des libérations conditionnelles et doit être retourné sur demande de la Commission nationale des libérations conditionnelles ou de mon surveillant. Je comprends aussi que je continue de purger ma sentence mais que je suis libéré conditionnellement sous surveillance afin de me permettre de poursuivre dans la société mes activités de citoyen.

Je comprends parfaitement et j'accepte toutes les conditions (y compris les conditions imprimées au verso), les règles et restrictions auxquelles est assujettie ma libération conditionnelle. Je m'y conformerai complètement. Je comprends également que si je ne les respecte pas, je puis être réincarcéré.

Certificate Dated Date du certificat	Released on - Date libéré	Paroled Inmate - Libéré	
July 27, 1982	July 27, 1982	[Signature]	Date
cc - HPB Moncton, HCIS, EPD File /jw		Witness - Témoin [Signature]	27 July

REPORTS TO POLICE - RAPPORTS À LA POLICE						VISITS TO SUPERVISOR - VISITES AU SURVEILLANT					
Initials Initiales	Date	Initials Initiales	Date	Initials Initiales	Date	Initials Initiales	Date	Initials Initiales	Date	Initials Initiales	Date

CONDITIONS OF PAROLE

1. To remain until expiry of sentence under the authority of the designated Representative of the National Parole Board.
2. To proceed forthwith directly to the area as designated in the instructions and, immediately upon arrival report to the Parole Supervisor and as instructed by the later thereafter.
3. To remain in the immediate designated area and not to leave this area without obtaining permission beforehand from the Representative of the National Parole Board, through the Parole Supervisor.
4. To endeavour to maintain steady employment and to report at once to the Parole Supervisor any change or termination of employment or any other change of circumstances such as accident or illness.
5. To report to Police Yes No
if yes On a monthly basis
or as required hereafter _____
6. To obtain approval from the Representative of the National Parole Board, through the Parole Supervisor before:
 - (a) purchasing of motor vehicle
 - (b) incurring debts by borrowing money or instalment buying;
 - (c) assuming additional responsibilities, such as marrying;
 - (d) owning or carrying fire-arms or other weapons.
7. To communicate forthwith with the Parole Supervisor or the Representative of the National Parole Board if arrested or questioned by police regarding any offence.
8. To obey the law and fulfill all legal and social responsibilities.

CONDITIONS DE LA LIBÉRATION CONDITIONNELLE

1. Demeurer jusqu'à l'expiration de la sentence sous l'autorité du représentant désigné par la Commission nationale des libérations conditionnelles.
2. Se rendre directement et immédiatement à l'endroit désigné dans les instructions et dès l'arrivée se rapporter au surveillant et tel que requis par ce dernier par la suite.
3. Demeurer dans les environs immédiats tel que désigné et ne pas quitter ce territoire avant d'obtenir au préalable, l'entremise du Surveillant, la permission du représentant de la Commission nationale des libérations conditionnelles.
4. S'efforcer de travailler régulièrement et faire part immédiatement au Surveillant de tout changement ou cessation d'emploi ou tout autre changement de circonstances tel qu'un accident ou la maladie.
5. Se rapporter à la police Oui Non
si oui Une fois par mois
ou tel que requis ci-après _____
6. Obtenir au préalable l'autorisation du représentant de la Commission nationale des libérations conditionnelles, l'entremise du surveillant avant de:
 - (a) faire l'achat d'une automobile;
 - (b) contracter des dettes par emprunt d'argent ou à tempérament;
 - (c) assumer des responsabilités additionnelles comme le mariage
 - (d) posséder ou avoir en sa possession une arme ou toute autre arme.
7. Communiquer immédiatement avec le surveillant ou le représentant de la Commission nationale des libérations conditionnelles si arrêté ou interrogé par un agent de police au sujet d'une offense quelconque.
8. Obéir à la loi et s'acquitter de toutes les responsabilités légales et sociales.

January 20, 1984

The National Parole Board
Criminal Records Division
340 Laurier Avenue West
Ottawa, Ontario
K1A 0R1

Dear Sirs:

RE: DONALD MARSHALL, JR.

Enclosed please find Mr. Marshall's application for pardon under the Criminal Records Act. Your prompt attention to this matter would be greatly appreciated.

As Mr. Marshall's Solicitor, I would appreciate that any correspondence be directed to him through our office.

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

Yours very truly,

Felix A. Cacchione

FAC/oh
enc.



Government of Canada / Gouvernement du Canada

National Parole Board / Commission nationale des libérations conditionnelles

**APPLICATION FOR PARDON
CRIMINAL RECORDS ACT**

**DEMANDE DE PARDON
LOI SUR LE CASIER JUDICIAIRE**

All questions MUST be answered. Please print clearly or type.
Repondre à TOUTES les questions. Ecrire clairement en lettres moulees ou dactylographier.

1	<input checked="" type="checkbox"/> Mr / M <input type="checkbox"/> Mrs / M ^{me} <input type="checkbox"/> Miss / M ^{me} <input type="checkbox"/> Ms / M ^{me}	Last or family name / Nom de famille	Given names / Prénoms	Social insurance No / N° d'assurance sociale
		MARSHALL	DONALD JOHN JR.	1 1 0 0 3 6 0 1 9
		Name at birth / Nom à la naissance	Alias / Nom d'emprunt	Driver's licence No / N° de permis de conduire
		SAME	N/A	MARSH130953006

2	Date and place of birth / Date et lieu de naissance	City / Ville	Province	Country / Pays
	D - J M Y - A 1 3 0 9 5 3	SYDNEY	NOVA SCOTIA	CANADA

3	Permanent home address / Adresse permanente actuelle	Area code / Indicateur régional	Telephone No / N° de téléphone
	5651 OGILVIE STREET APARTMENT 113 Apt / App Street number and name / Numéro et nom de rue	(902)	429-6234
	HALIFAX	NOVA SCOTIA	B3H 1B9
	City / Ville	Province	Postal Code / Code postal
			Home Domicile: () N/A Business Travail: ()

4 Mailing address (print clearly) / Adresse postale (imprimer clairement)
All correspondence will be sent to this address. / Toute correspondance sera envoyée à cette adresse.

Name / Nom	Apt / App	Street number and name / Numéro et nom de rue
City / Ville	County / Comte	Province
		Postal code / Code postal

5	MILITARY SERVICE / SERVICE DANS LES FORCES ARMÉES (Please supply a copy of your conduct sheet) / (Veuillez annexer une copie de votre fiche de conduite)	<input type="checkbox"/> Regular / Forces Armées permanente <input type="checkbox"/> Reserve / Réserve Discharge date / Date de licenciement D - J M Y - A N/A
	Name and address of your unit / Nom et adresse de votre unité N/A	Military identification No / N° matricule militaire N/A

6	Previous addresses for last five years (attach list if necessary) / Adresses antérieures durant les cinq dernières années (joindre une liste si nécessaire)					
	Street No. and name / N° et nom de rue	City / Ville	County / Comte	Province	From / Du M Y - A	To / Au M Y - A
	12155 MONASTERY LAND	HALIFAX	HALIFAX	N.S.	05 82	05 83
	2					
	3					
	4					
	5					

7	Present employer / Employeur actuel	Street No. and name / N° et nom de rue	City / Ville	Province
	UNION OF N.S. INDIANS	P.O. BOX 961 100 MEMBERTOU STREET	SYDNEY	N.S.

8	Complete address of place of work - if different from 7 / Adresse complète du lieu de travail si différente de 7	Street No. and name / N° et nom de rue	City / Ville	Province
		SHUBENACADIE BAND COUNCIL SHUBENACADIE RESERVE	SHUBENACADIE	N.S.

9 Is employer aware of offences? / L'employeur est-il au courant des délits?
 Yes / Oui No / Non May present employer be contacted concerning this application? / L'employeur actuel peut-il être rencontré au sujet de cette demande?
 Yes / Oui No / Non

10 Employment history for last five years (if student or unemployed please specify) / Anciens employeurs durant les cinq dernières années (préciser si étudiant ou sans emploi)
 Indicate by an asterisk (*) if past employers are not aware of your offences. / Indiquez par un astérisque (*) si un ancien employeur n'est pas au courant de vos délits.

Name and address (including city and province) / Nom et adresse (ville et province) (joindre une liste si nécessaire)	Telephone No / N° de téléphone	From / Du M Y - A	To / Au M Y - A
DEPARTMENT OF INDIAN & NORTHERN AFFAIRS 1256 BARRINGTON STREET, HALIFAX, NOVA SCOTIA	426-2543	06 82	03 83
UNION OF N.S. INDIANS 100 MEMBERTOU STREET, SYDNEY, NOVA SCOTIA	539-6688	04 83	PRESENT

11 Name two persons an investigator may contact in confidence (no relatives, employer or employees). Indicate by an asterisk (*) if references are not aware of your offences.
 No.omez deux personnes à qui un enquêteur peut s'adresser confidentiellement (ni parent, ni employeur ou employé). Indiquez par un astérisque (*) si la personne n'est pas au courant de vos délits.

Name and address (including city and province)/Nom et adresse (ville et province)	Area code / Indicateur régional	Telephone No / N° de téléphone
P.O. Box 961 B1P 6J4 ALEC CHRISTMAS - 100 Membertou Street, Sydney, N.S.	Home Domicile: (902) Business Travail: (902)	539-6592 539-6688
STEPHEN ARONSON - 623 Trelawny, Ottawa, O.N. K2C 3M9	Home Domicile: (613) Business Travail: (819)	224-9814 994-3747

12 Is immediate family aware of offences?
 Est-ce que la famille immédiate est au courant des délits? Yes No
 Oui Non

13 A pardon is requested for the following (all offences must be listed, attach list if necessary).
 Un pardon est demandé pour ce qui suit (tous les délits doivent être énumérés, joindre une liste si nécessaire).

Offence(s)/Infraction(s)	Investigating police / Force policière	Sentence/Paine	Date sentenced / Date du jugement	Court and address / Cour et adresse
71-05-28/29 MURDER 206(2) CCC	SYDNEY CITY POLICE	LIFE	Nov 5/71	SUPREME COURT OF N.S. KINGS ROAD, SYDNEY

14 Describe the circumstances of the commission of each offence (attach extra sheets if necessary).
 Décrivez les circonstances qui ont entouré la perpétration de chaque infraction (utilisez des feuilles additionnelles au besoin)

On the evening of May 28-29, 1971, Sandy Seale was stabbed in Wentworth Park, Sydney, Nova Scotia. I was arrested on June 4, 1971 and charged. I was convicted in Sydney by a Court composed of a judge and jury on November 5, 1971 and sentenced to life imprisonment. My appeal from conviction was dismissed in September, 1972. On June 16, 1982, the Minister of Justice, Jean Chretien, referred the case to the Nova Scotia Supreme Court Appeal Division under Section 617 CCC. In May, 1983, I was acquitted by the Supreme Court of Nova Scotia, Appeal Division. The murder for which I was charged, convicted and subsequently acquitted was committed by another person named Roy N. Ebsary who has now been convicted of the same murder for which I was wrongfully convicted.

I understand that the information on this application will be used in conducting an investigation regarding my request for pardon under the Criminal Records Act. Copies of this application may be forwarded on a confidential basis to the appropriate law enforcement agencies. I grant permission for the release of such credit and/or personal information relating to me as may be deemed necessary for the purposes of the investigation of my application. This permission includes my consent to the release of personal information concerning me within the meaning of subsection 52(2) of the Canadian Human Rights Act. (Canadian Human Rights Act, bank number 23600)

I certify that the statements made by me in this application are true and complete to the best of my knowledge.

Il est entendu que les renseignements fournis dans la présente serviront à mener une enquête concernant ma demande de pardon en vertu de la Loi sur le casier judiciaire. Des copies de ma demande pourront être envoyées à titre confidentiel aux organismes appropriés chargés de l'application de la loi. J'autorise la divulgation de tout renseignement qui sera jugé nécessaire sur ma personne et/ou mon crédit en relation avec l'enquête sur le bien-fondé de ma demande. Cette autorisation s'applique également à la divulgation de renseignements personnels, tel que spécifié à l'article 52(2) de la Loi canadienne sur les droits de la personne. (Loi canadienne sur les droits de la personne, banque numéro 23600)

J'atteste que les déclarations que j'ai faites dans la présente demande sont, autant que je sache, vraies et complètes.

Signature [Signature] Date 12/15/83

Correspondence in: English French RETURN TO: National Parole Board, 340 Laurier Ave W, Ottawa, Ontario K1A 0R1
 Correspondance en: Français Anglais RETOURNER À: Commission nationale des libérations conditionnelles, 340, avenue Laurier ouest, OTTAWA (Ontario) K1A 0R1

ATTENTION: COMPÉTENCE:

INSTRUCTIONS ON HOW TO TAKE FINGERPRINTS

FC 235

PLEASE READ ALL THE INSTRUCTIONS BEFORE YOU START

MATERIALS REQUIRED: Printing strip, form and a cloth to clean the ink from your fingers.

INSTRUCTIONS

- ensure the hands are clean and dry
- stand in front of a desk or table
- place the printake strip and form on the table with the printake strip on your right
- separate printake strip, being careful not to get ink on your clothes
- with the uninked edge of the inked strip at the right, hold it with your left thumb so that it will not move around when inking your right thumb
- make a fist of your right hand, with the thumb protruding
- using light pressure, place the thumb on the printake strip, being careful not to twist it
- lift the inked thumb from the strip
- holding the form with your left hand and using the same pressure, place the thumb in the space provided. Again, be careful not to twist your thumb.

NOTE: If for some reason you cannot use your right thumb, indicate which finger you used.

MAKE A TRIAL IMPRESSION FIRST ON A SEPARATE SHEET OF PAPER.

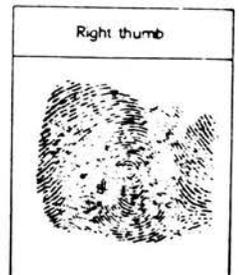
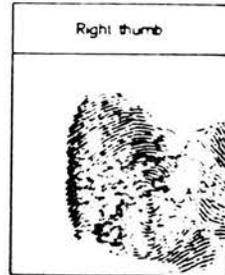
Take two impressions of the same finger, making sure you do not use the same place on the printake strip. Either side of the printake strip can be used.

DONALD MARSHALL, JR.
NAME OF APPLICANT
(print clearly or type)

Donald Marshall, Jr.
SIGNATURE

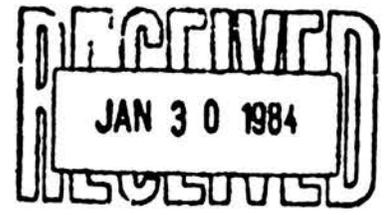
RETURN TO: Clemency & Criminal
Records Division
340 Laurier Ave. West
Ottawa, Ontario
K1A 0R1

FPS No. 410491A





Government of Canada Gouvernement du Canada
 National Parole Board Commission nationale des libérations conditionnelles
 Ottawa, Ontario Ottawa (Ontario)
 K1A 0R1 K1A 0R1



.....
 FC 151
 Your file Votre référence

Our file Notre référence
 139450

January 25, 1984

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

Dear Sir:

RE: MARSHALL, Donald John Jr.

This is further to your letter of January 20, 1984 concerning the application for a pardon under the Criminal Records Act submitted by Mr. Marshall.

I regret to inform you that because Mr. Marshall was acquitted of the charge of murder, this offence cannot be pardoned. At the same time, a preliminary verification with the R.C.M. Police reveals that Mr. Marshall's record shows two entries, one for theft and one for having been unlawfully at large. These two offences can, indeed, be considered under the Criminal Records Act.

I assume that essentially, Mr. Marshall would want his record sealed and the reference to the murder charge to be sealed as well. By applying for a pardon under the Criminal Records Act for the two other offences, this result will be obtained, that is, the official record retained by the R.C.M.P. will be sealed, as well as any entry which may have resulted in acquittals or dismissals.

If you and your client wish us to proceed thusly, please let me know and we will initiate our inquiries immediately. We will keep

.../2

our file open until we hear from you again.

Yours very truly,



Hélène Chevalier
Chief
Clemency and Criminal
Records Division
340 Laurier Avenue West
Ottawa, Ontario
K1A 0R1
(613) 995-1308

January 30, 1984

Ms. Helene Chevalier
Chief, Clemency and
Criminal Records Division
340 Laurier Avenue West
Ottawa, Ontario
K1A 0R1

Dear Ms. Chevalier:

RE: DONALD MARSHALL, JR.
YOUR FILE 139450

Thank you for your prompt response to our letter of January 20, 1984 concerning Mr. Marshall's application for pardon under the Criminal Records Act.

Mr. Marshall does indeed want his records sealed and the reference to the murder charge sealed as well. Does this require a further application by Mr. Marshall or can that in fact be done through the application that you have at present?

Your prompt attention to this matter is greatly appreciated and I look forward to hearing from you in the near future.

Yours very truly,

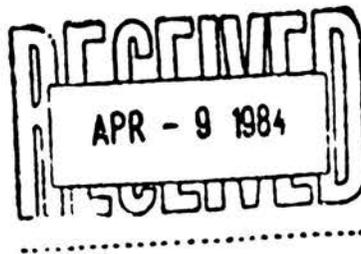
Felix A. Cacchione

FAC/oh



Government of Canada / Gouvernement du Canada

National Parole Board / Commission nationale des libérations conditionnelles



FC 206

APR - 4 1984

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

Your File:

Our file: 139450

RE: Application for Pardon

MARSHALL, Ronald J. Jr.

This refers to an application for pardon under the Criminal Records Act.

Our preliminary inquiries have revealed that the criminal record reads as enumerated in the attached schedule.

If this list is accurate, the attached schedule should be signed, dated and returned to us. However, should any other offences not be mentioned in this list, an official confirmation should be forwarded to us which can be obtained from the Clerk of the Court where the case was heard. In the event a pardon is granted, this will ensure that all convictions and discharges registered will be sealed in accordance with section 6 of the Criminal Records Act.

It should be noted that the official confirmation of the criminal record is essential to the continuation of our inquiries. If we do not hear from you within the next two months we will have to presume that you are no longer interested in pursuing your request and we will close our file accordingly. In the meantime should you require any assistance, please do not hesitate to contact us.

Yours truly,

P.S. Further to your letter of Jan. 30, 1984 and your question; a further application by Mr. Marshall is not necessary. The application already received and on file will suffice.

Clemency and Criminal
Records Division
340 Laurier Avenue West
OTTAWA, K1A 0R1
(613) 593-5275

PLEASE QUOTE OUR FILE NUMBER
IN ALL COMMUNICATIONS
WITH THE BOARD

SCHEDULE
ANNEXE

FC 206

NAME: MARSHALL, Donald John Jr.
NOM:Your File:
Votre Référence:DATE OF BIRTH: 13/9/53
DATE DE NAISSANCE:Our File: 139450
Notre Référence:RECORD OF OFFENCE(S)
FICHE DE DELIT(S)1970 June 26
Sydney, N.S.

Theft Under \$50.

1979 Oct. 18
Springhill, N.S.

unlawfully at Large

The above two convictions will be considered in your client's application for pardon as Melene Chevalier's letter of Jan. 25, 1984 had stated. The charge of "Murder" which was later acquitted, and the charge of "Damage to Property Under \$50." which was dismissed will also be set aside and all records sealed if a pardon is given for the two convictions mentioned above. The acquitted and dismissed charges will not be noted on the pardon document itself as they are not convictions but, however, will sealed with the conviction.

I confirm that the criminal record as enumerated above belongs to me.

Je reconnais que le dossier criminel tel qu'énoncé ci-haut m'appartient.

Applicant's signature
Signature du requérant

Date



Government of Canada / Gouvernement du Canada

National Parole Board / Commission nationale des libérations conditionnelles

2ND REQUEST

FC 252

OCT - 1984

Your File: / Votre référence:

Our File: 13975C / Notre référence:

Mr. Felix A. Cacchione
Lambert & Cacchione
Barristers & Solicitors
1649 Hollis St. Suite 903
P.O. Box 547
Halifax, N.S.
B3B 2K7

RECEIVED
OCT 15 1984

RE: Application for Pardon

OBJET: Demande de Pardon

MARSHALL, Donald J.

This refers to an application for pardon under the Criminal Records Act.

La présente concerne une demande de pardon en vertu de la Loi sur le casier judiciaire.

Our preliminary inquiries have revealed that the criminal record reads as enumerated in the attached schedule.

Nos enquêtes préliminaires révèlent le casier judiciaire tel qu'énoncé dans l'annexe ci-attachée.

If this list is accurate, the attached schedule should be signed, dated and returned to us. However, should any other offences not be mentioned in this list, an official confirmation should be forwarded to us which can be obtained from the Clerk of the Court where the case was heard. In the event a pardon is granted, this will ensure that all convictions and discharges registered will be sealed in accordance with section 6 of the Criminal Records Act.

Si cette liste est exacte, l'annexe ci-attachée doit être signée, datée et nous être retournée. D'autre part, si d'autres infractions ne sont pas énumérées sur cette liste, veuillez nous en faire parvenir une confirmation officielle qui peut être obtenue du Greffier de la Cour où la cause fut entendue. Dans l'éventualité où un pardon serait octroyé, nous pourrions ainsi nous assurer que toutes les condamnations ou libérations seront scellées et ce, conformément à l'article 6 de la Loi sur le casier judiciaire.

It should be noted that the official confirmation of the criminal record is essential to the continuation of our inquiries. If we do not hear from you within the next two months we will have to presume that you are no longer interested in pursuing your request and we will close our file accordingly. In the meantime should you require any assistance, please do not hesitate to contact us.

Il est à noter que la confirmation officielle du casier judiciaire est essentielle à la poursuite de nos enquêtes. Si nous ne recevons pas de vos nouvelles d'ici deux mois, nous devrions présumer que vous ne désirez plus poursuivre votre requête et en conséquence nous fermerons notre dossier. Dans l'intervalle, si nous pouvons vous être utile de quelque façon que ce soit, n'hésitez pas à communiquer avec nous.

Please quote our file number in all communications with the Board.

Vous êtes prié de citer notre numéro de référence dans toutes vos communications avec la Commission.

Yours truly,

Veillez agréer l'expression de nos meilleurs sentiments.

S. Graham

Clemency and Criminal Records Division
Division de la clémence et des casiers judiciaires
340 Laurier Avenue West/340, avenue Laurier, ouest
OTTAWA, K1A 0R1
(613) 995-1308

SCHEDULE
ANNEXE

FC 252

NAME: MARSHALL, Donald John Jr.
NOM:Your File: 13975
Votre Référence:DATE OF BIRTH: 13/9/53
DATE DE NAISSANCE:Our File:
Notre Référence:RECORD OF OFFENCE(S)
FICHE DE DELIT(S)1970 June 26
Hydruy, N.S.

I kept 2 Under \$50.

1979 Oct. 18
Springhill, N.S.

unlawfully at Large

I confirm that the criminal record as enumerated above belongs to me.
Je reconnais que le dossier criminel tel qu'énoncé ci-haut m'appartient.

+

Applicant's signature
Signature du requérant

+

Date

PLEASE QUOTE OUR FILE NUMBER
IN ALL COMMUNICATIONS
WITH THE BOARD

PRIÈRE DE CITER NOTRE NUMÉRO
DE RÉFÉRENCE DANS TOUTES
COMMUNICATIONS AVEC LA COMMISSION

October 15, 1984

Donald Marshall, JR.
c/o Karen Brown
5651 Ogilvie Street
Apartment 113
Halifax, Nova Scotia
B3H 1B9

Dear Junior:

RE: APPLICATION FOR PARDON

Enclosed please find a copy of a letter which I have today received from the National Parole Board together with the Schedule.

I would ask that you sign this Schedule and fill in the date of signing and return this to me at your earliest convenience.

Yours very truly,

Felix A. Cacchione

FAC/oh
enc.



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
Page 2

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,

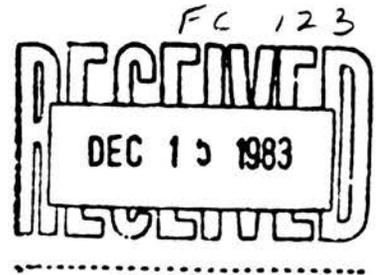
Felix A. Caochione

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.

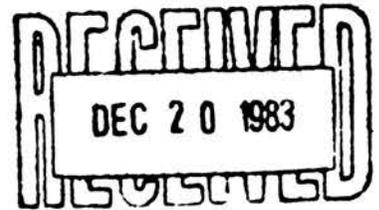
Please be assured that your letter
will be brought to Mr. Allmand's attention.

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

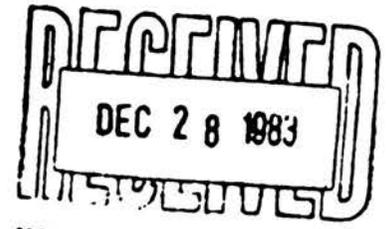
Dear Sir:

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
K1A 0A6

December 20, 1983

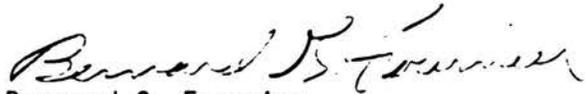
Mr. Felix A. Cacchione
Lambert & Cacchione
Barristers & Solicitors
Suite 903
1649 Hollis Street
Post Office Box 547
Halifax, Nova Scotia
B3J 2R7

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.

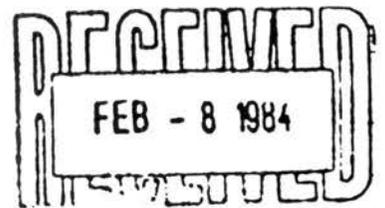
Yours sincerely,


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

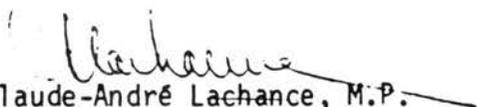
Dear Mr. Cacchione:

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.

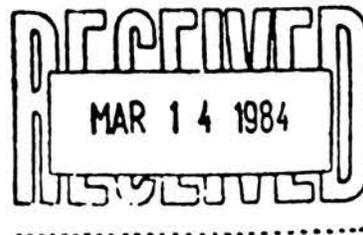
Yours very truly,

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

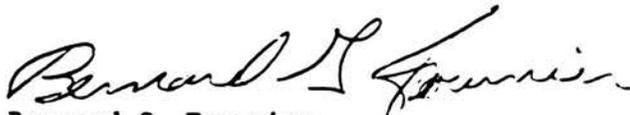
Dear Mr. Cacchione:

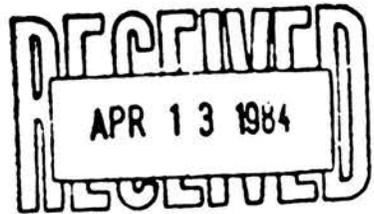
On behalf of Mr. Claude-André Lachance, M.P., Chairman of the Standing Committee on Justice and Legal Affairs, I acknowledge receipt of your letter dated March 1, 1984 concerning your request to appear before the Committee on behalf of Mr. Donald Marshall, Jr.

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

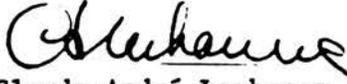
Dear Mr. Cacchione:

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.



August 2, 1983

The Honourable Mark MacGuigan
Minister of Justice
House of Commons
Room 209, Confederation Building
Ottawa, Canada
K1A 0A6

Dear Mr. MacGuigan:

Re: Donald Marshall, Jr.

I represent Donald Marshall, Jr. As you are no doubt aware, Mr. Marshall was on May 10, 1983 acquitted of the murder of Sandy Seale which occurred on or about May 28, 1971 in Sydney, Nova Scotia. The acquittal came about as a result of a reference made to the Nova Scotia Court of Appeal under Section 617(b) of the Criminal Code. This reference was directed to the Court of Appeal by your predecessor, The Honourable Jean Chretien.

In view of the fact that Canada is a signatory to the International Covenant on Civil and Political Rights and more precisely Article 14(6) of the International Covenant which calls upon a signatory nation to provide compensation to persons who have been wrongly convicted or punished for a crime and who have later been exonerated, will the Government of Canada compensate Mr. Marshall for the 10 years and 10 months that he spent incarcerated in Dorchester Penitentiary?

I look forward to having your response. I remain.

Yours truly,

Felix A. Cacchione

FAC/oh

cc: The Honourable John Munroe
The Honourable Allan MacEachen

August 2, 1983

The Honourable Allan MacEachen
Office of the Deputy Prime Minister
and Minister for External Affairs
House of Commons
Room 209-S
Ottawa, Canada
K1A 0A6

Dear Mr. MacEachen:

Re: Donald Marshall, Jr.

Enclosed please find a copy of a letter which I have directed to The Honourable Mark MacGuigan. Since Mr. Marshall's case is a matter which involves the Province of Nova Scotia, any assistance which you could provide for a prompt and equitable solution to Mr. Marshall's situation would be greatly appreciated.

In anticipation of your response I remain.

Yours truly,

Felix A. Cacchione

FAC/oh
enc.



Office of the Deputy
Prime Minister

Cabinet du
Vice-premier ministre

28

RECEIVED
AUG 30 1983

Secretary of State
for External Affairs

Secrétaire d'État
aux Affaires extérieures

Ottawa, Canada
K1A 0G2

FC 95

August 18, 1983

Dear Mr. Cacchione:

On behalf of the Honourable Allan J. MacEachen, Deputy Prime Minister and Secretary of State for External Affairs, who is presently away from Ottawa, I would like to thank you for your letter of August 2, 1983 and for the copy of the letter you sent to the Honourable John Munro, Minister of Indian Affairs and Northern Development, regarding the case of Donald Marshall, Jr.

Please rest assured that your correspondence shall be brought to the attention of Mr. MacEachen on his return.

Yours sincerely,

Patrick Sullivan,
Special Assistant.

Mr. Felix A. Cacchione,
Barrister & Solicitor,
5194 Blowers Street,
Halifax, Nova Scotia.
B3J 1J4

Canada

Minister of Justice and
Attorney General of Canada



Ministre de la Justice et
Procureur général du Canada

September 2, 1983

Mr. Felix A. Cacchione
Barrister & Solicitor
5194 Blowers Street
Halifax, Nova Scotia
B3J 1J4

Dear Mr. Cacchione:

This refers to your letter of August 2, 1983 advising me that you represent Donald Marshall, Jr., and asking that compensation be awarded to your client pursuant to Article 14(6) of the International Covenant on Civil and Political Rights for the time he spent in prison before his conviction for murder was overturned.

Mr. Marshall's conviction and life sentence were registered in 1971; his appeal to the Nova Scotia Court of Appeal in 1972 was dismissed. In late 1981, the R.C.M.P., which had not conducted the initial investigation in this case, was asked to look into the matter and some months later the Force produced substantial evidence casting doubt upon the correctness of the conviction. In June 1982, my predecessor, the Honourable Jean Chrétien, exercised a very special prerogative which is granted only rarely and in compelling circumstances to refer the case back to the Nova Scotia Court of Appeal for a second hearing. Fresh evidence was called and the result, in a sixty-six page judgment, was Marshall's acquittal.

Marshall did not emerge untarnished in that process. The court thought it important to add the following comments concerning his role in this affair:

"Donald Marshall, Jr. was convicted of murder and served a lengthy period of incarceration. That conviction is now to be set aside. Any miscarriage of justice is, however, more apparent than real.

In attempting to defend himself against the charge of murder Mr. Marshall admittedly committed perjury for which he still could be charged. By lying he helped secure his own conviction. He misled his lawyers and presented to the jury a version of the facts he now says is false, a version that was so far-fetched as to be incapable of belief.

By planning a robbery with the aid of Mr. Seale he triggered a series of events which unfortunately ended in the death of Mr. Seale.

By hiding the facts from his lawyers and the police Mr. Marshall effectively prevented development of the only defence available to him, namely, that during a robbery Seale was stabbed by one of the intended victims. He now says that he knew approximately where the man lived who stabbed Seale and had a pretty good description of him. With this information the truth of the matter might well have been uncovered by the police.

Even at the time of taking the fresh evidence, although he had little more to lose and much to gain if he could obtain his acquittal, Mr. Marshall was far from being straightforward on the stand. He continued to be evasive about the robbery and assault and even refused to answer questions until the Court ordered him to do so. There can be no doubt that Donald Marshall's untruthfulness through this whole affair contributed in large measure to his conviction."

Article 14(6) of the International Covenant provides for compensation for a person whose conviction has been reversed "...on the ground that a newly discovered fact shows conclusively that there has been a miscarriage of justice... unless...the non-disclosure of the unknown fact in time is wholly or partly attributable to him." (emphasis added). From the above-quoted comments of the Court of Appeal, one might well infer that your client falls within the exception to Article 14(6), and would have no entitlement under the International Covenant to compensation.

It might be argued, however, that Marshall's conduct was not the only element which led to his conviction and that he is entitled to compensation on some other legal or moral basis. That is, in my view, an issue for the provincial and municipal authorities for, although the offence alleged was a

contravention of federal law, the original investigation was carried out by municipal police and the prosecution was conducted by provincial officials. Indeed, I understand from news reports that the issue of compensation is being considered by the Provincial Attorney General and that Marshall has sued the City of Sydney and two of its policemen.

The role played by the Federal Crown in this affair was for the R.C.M.P. to conduct the investigation which uncovered the fresh evidence and for the Minister of Justice to refer the matter for a second hearing by the Court of Appeal. In my respectful view, your client's bid for compensation from the Federal Crown is misdirected.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M. MacGuigan', with a long horizontal flourish extending to the right.

Mark MacGuigan

Oral Questions

INDUSTRY

MAISLIN TRANSPORT LTD. BANKRUPTCY—GOVERNMENT'S
CONTINGENT LIABILITY

Hon. Bill Jarvis (Perth): Mr. Speaker, my question is directed to the Minister of Industry, Trade and Commerce and is supplementary to earlier questions put by the Hon. Member for Etobicoke Centre regarding the Maislin bailout. If I understood the Minister, in reply to a question he indicated that the taxpayers had not lost \$34 million. I presume because the Government has not written the cheque yet. Is it true, first, that the Government is carrying on its books a contingent liability for \$34 million with respect to Maislin? Second, and more important, what is the Minister's estimate of the taxpayers' loss? I presume his Department must have that estimate. If it is not an estimated loss of \$34 million, by what lesser amount does the Minister estimate the taxpayers will lose over the Maislin bailout?

Hon. Ed Lumley (Minister of Industry, Trade and Commerce and Minister of Regional Economic Expansion): Mr. Speaker, the Hon. Member, being a member of the legal profession, will know that there is almost no way to determine amounts until such time as the receiver makes his report regarding the disposal of the assets and how much money can be raised as a result of the disposition of those assets. The amount of \$34 million, as of this point in time, is incorrect, and we will not know the amount until such time as the receiver makes his final report.

• • •

ADMINISTRATION OF JUSTICE

THE CASE OF DONALD MARSHALL—COMPENSATION SOUGHT
FOR WRONGFUL IMPRISONMENT

(Conservative)

Mr. Chris Speyer (Cambridge): Mr. Speaker, my question is directed to the Minister of Justice. There is a growing sense of outrage at the lack of justice which is being accorded to Donald Marshall, who spent 11 years in penitentiary for a crime he did not commit. If, in a civilized and healthy system of justice, we try to right the wrongs which have been accorded to an individual, what leadership has the Minister of Justice shown in rectifying the injustice done to Mr. Marshall in terms of compensation for the legal fees and for the 11 years which he unjustifiably served in a penitentiary?

Hon. Mark MacGuigan (Minister of Justice): As I believe the Hon. Member may know, those precise questions were asked and answered in this House last week. The fact of the matter is that Mr. Marshall was prosecuted by a Crown prosecutor in the Province of Nova Scotia under the direction of the Attorney General of Nova Scotia, after the investigation of his crime by police of the City of Sydney, Nova Scotia, which, of course, falls under the jurisdiction of the Province of Nova Scotia. Therefore, there is no federal involvement of the Department of Justice in the investigation or trial of Mr. Marshall.

• (1450)

Although we certainly have no responsibility to do anything, because I am so concerned that the Province of Nova Scotia has not yet assumed any responsibility in this important case, I have discussed the matter with the Attorney General of Nova Scotia and asked him to consider very seriously the responsibilities I believe the Province should undertake.

REQUEST THAT MINISTER ACT

Mr. Chris Speyer (Cambridge): Mr. Speaker, if the Province of Nova Scotia takes no action to correct this injustice, in those circumstances will the Minister of Justice act?

Hon. Mark MacGuigan (Minister of Justice): Mr. Speaker, the Hon. Member was elected in the Province of Ontario and knows, I am sure, that Province, which has analogous problems in the field of justice, appears to be prepared to assume its responsibilities. Is he suggesting that, when a provincial Government does not fulfil its responsibilities in matters within its jurisdiction, the proper course for the federal Government is to play "Big Brother" and take over the whole of provincial jurisdiction? If that is the position of the Opposition on this, I would like to hear about it.

Some Hon. Members: You hypocrite.

Some Hon. Members: Order.

Mr. Deputy Speaker: Order, please. The Chair has recognized the Hon. Member for Haldimand-Norfolk.

• • •

ENVIRONMENTAL AFFAIRS

USE OF IRON ORE SLAG IN HARBOUR PROJECT AT PORT DOVER,
ONT.

Mr. Bud Bradley (Haldimand-Norfolk): Mr. Speaker, my question is for the Minister of the Environment who will know that the Department of Public Works has approved the use of iron ore slag for break-wall fill in the harbour project at Port Dover, Ontario. Can the Minister advise us whether his Department has carried out studies on the effects of the slag on fish species found in Lake Erie?

Hon. Chas. L. Caccia (Minister of the Environment): Mr. Speaker, I know that to give an adequate reply to that question, I will have to review the report if it is with us at the present time.

• • •

MEDICAL CARE

REQUEST FOR INTRODUCTION OF NEW CANADA HEALTH ACT

Hon. Edward Broadbent (Oshawa): Mr. Speaker, my question is directed to the Deputy Prime Minister. For a year and a

December 13, 1983

The Honourable Mark MacGuigan
Minister of Justice
House of Commons
Ottawa, Canada
K1A 0A6

Dear Mr. MacGuigan:

RE: DONALD MARSHALL, JR.

It has now been seven months since Mr. Marshall was acquitted by the Nova Scotia Supreme Court, Appeal Division, of the murder of Sandy Seale. To date no one has come forward to compensate Mr. Marshall for the ten years ten months he spent in a federal penitentiary as an innocent man, nor for the legal expenses he incurred in having his case reinvestigated and brought to Court.

Premier John Buchanan in a statement to the press dated December 1, 1983, said that his government would not deal with the issue of compensation for Mr. Marshall until all matters presently before the Courts relating to Mr. Marshall had been resolved. He specifically referred to the appeal launched by Roy N. Ebsary against his conviction and sentence for the manslaughter of Sandy Seale and to the civil action Mr. Marshall has filed, but not served, against the Sydney City Police, Chief John MacIntyre and Detective John Urquhart. Premier Buchanan made absolutely no reference to the only request made of his government so far by Mr. Marshall for a full and impartial public inquiry presided over by a Justice of the Supreme Court of Nova Scotia and empowered to inquire into the police investigation of the 1971 case.

The Honourable Mark MacGuigan
December 13, 1983
Page 2

It appears to the writer that the provincial government is again trying to cover up for the injustices committed in 1971 by persons for whom it is responsible. The government has refused to follow recommendations made to it by R.C.M.P. Staff Sergeant Wheaton and Crown Prosecutor Frank Edwards, both of whom were asked to submit reports and opinions on what transpired in 1971. From my reading of the materials in this case and from conversations with persons close to the reinvestigation in 1982, it seems that Mr. Marshall was "framed" by the perjured evidence of three key crown witnesses. Two of these witnesses filed Affidavits and testified viva voce in the Supreme Court of Nova Scotia in 1982 to the effect that they were pressured by the Sydney City Police (read MacIntyre and Urquhart) into testifying to a set of facts they knew were false.

Perhaps you have not been fully briefed on this matter and for this reason, I would like to point out the following facts. I have also enclosed copies of the statements and police reports together with Affidavits that I am relying upon in the following paragraphs.

1. Maynard Chant gave the Sydney City Police two statements in 1971. The first, on May 30, 1971 indicated that he was not present and had not seen the murder in the park. The second statement taken from him under threats by the Crown Prosecutor and police that he would go to jail for perjury if he did not tell the police what they wanted to hear, indicated that Mr. Marshall and Mr. Seale were the only ones in the park and that Maynard Chant saw Mr. Marshall stab Mr. Seale. The second statement, allegedly taken in the presence of Mrs. Chant, the Chief of the Louisburg Police, and Mr. Chant's probation officer and signed by them is questionable at best. The signatures, on a separate piece of paper attached to the statement, allegedly being those of the persons present at the taking of the statement are all in the hand writing of then Detective John MacIntyre. It was only this second statement which was disclosed to defence counsel at the time of the 1971 trial. Defence counsel were at no time made aware of the first statement which indicated Mr. Chant saw nothing of the incident.

The Honourable Mark MacGuigan

December 13, 1983.

Page 3

2. John Pratico, the second "eye witness" was known to both the Crown and police to be suffering from a mental illness and an unreliable witness. He as well gave two statements, the first which was never made known to the defence. In his second statement, he states seeing Marshall stab Seale after the two had an argument.

3. Patricia Harris testified in 1982 that in 1971 at the age of 14, she was forced to give the police what they wanted to hear. She as well gave two statements, the first again was never made known to the defence. It is interesting to note that in her first statement, she describes two men, one matching Roy Ebsary's description as being with Marshall in the park. This was not what the police wanted to hear so after four or five hours of questioning without her parents being present and with the police banging on the desk and screaming at her, she told them what they wanted to hear; i.e., that Marshall and Seale were alone in the park.

4. Shortly after Mr. Marshall's conviction in 1971, James MacNeil went to the Sydney City Police and told them that they had the wrong person. He stated that he was with Roy Ebsary the night of the Seale murder and that he saw Ebsary stab Seale when the two were confronted by Marshall and Seale. He further stated that after the stabbing, he went to Roy Ebsary's house where he saw Ebsary wash the blood off his knife. MacNeil and Ebsary were both asked to take polygraph examinations which they did. MacNeil's examination was found to be "doubtful" whereas Ebsary's examination showed that he was "truthful". During the polygraph examinations, the examiner asked Dectective MacIntyre if Marshall was to be tested but Dectecitve MacIntyre indicated that Marshall through his counsel had refused to take the test. The points of interest here are that:

(a) Marshall's lawyers were not made aware that MacNeil had come forward and pointed to a different person as the murderer. This was at the time when Marshall's lawyers were preparing his appeal and certainly this evidence would have been of major importance to the determination of that appeal.

The Honourable Mark MacGuigan -
December 13, 1983
Page 4

(b) That neither Marshall nor his lawyers were ever contacted with a view to having Marshall take the polygraph examination.

(c) That the mini reinvestigation conducted in 1971 was never brought to the attention of Marshall or his lawyers.

5. In 1974, Donna Ebsary, daughter of Roy Ebsary, went to the Sydney City Police and told them that on the night of Seale's murder shortly after the time of the incident, she saw her father in the company of James MacNeil come into the house, go to the kitchen sink and wash a knife. She also overheard a conversation between her father and James MacNeil. The Sydney City Police told her in 1974 that there was nothing they could do. The fact that she came forth with this evidence was never communicated to Marshall or his lawyers.

6. The reinvestigation of the Marshall case began after Marshall's lawyer, Stephen Aronson, sent a letter to Chief MacIntyre on January 26, 1982 indicating that new evidence had come to light and would the Chief look into the situation. On February 3, 1982, a meeting was held in the Crown Prosecutor's Office to discuss the reinvestigation at which time, Chief MacIntyre turned over all the statements taken in 1971 to Staff Sergeant Wheaton. Unfortunately MacIntyre did not turn over the entire file. It was only after a letter was directed to MacIntyre on April 20, 1982 by the then Attorney General, Harry How, ordering MacIntyre to hand over the entire file to Staff Sergeant Wheaton was this done. It would appear that there was considerable reluctance on the part of MacIntyre in turning over the file to Staff Sergeant Wheaton and from the comments of the investigators, it would appear that MacIntyre was standing in the way of their investigation.

The foregoing is but a brief outline of some of the disturbing facts about this unusual case. In light of these facts, it is hard to understand how you can conclude that Mr. Marshall cannot avail himself of Article 14(6) of the International Covenant on Civil and Political Rights.

The Honourable Mark MacGuigan
December 13, 1983.
Page 5

In your letter to this office dated September 2, 1983, you indicated at page 2 that "Article 14(6) of the International Covenant provides for compensation for a person whose conviction has been reversed . . . on the ground that a newly discovered fact shows conclusively that there has been a miscarriage of justice . . . unless . . . the nondisclosure of the unknown fact is wholly or partly attributable to him. From the above quoted comments of the Court of Appeal, one might well infer that your client falls within the exception to Article 14(6), and would have no entitlement under the International Covenant to compensation".

The only problem with this statement is that your letter omits the most important words in Article 14(6) and that is that "unless it is proved that the nondisclosure of the unknown fact in time is wholly or partly attributable to him." How can it be said then that the nondisclosure of a fact is attributable to Marshall since he was completely unaware that the facts indicated in points 1 and 5 of this letter were available. These facts if they had been made known to the defence, would have most assuredly have led to Marshall's acquittal in 1971. Even if you do not agree with my interpretation of this covenant, surely you should re-assess your position in light of the contents of this letter and its enclosures.

Mr. Marshall had absolutely no knowledge that the facts indicated above were available. In fact, he and his counsel were misled by both the Crown and the police into assuming that the evidence presented at the original trial was the only evidence available and known to them at the time.

I would further point out that even if Mr. Marshall had testified in 1971 to attempting to roll Ebsary and MacNeil, this would have made absolutely no difference in the outcome of his trial since he was being pointed out as the murderer by two supposed "eye witnesses" who were perjuring themselves.

The Honourable Mark MacGuigan
December 13, 1983
Page 6

The Nova Scotia Court of Appeal cast a shadow over Mr. Marshall by saying that he was the author of his own misfortune "and that any miscarriage of justice was more apparent than real". However the Court failed to comment in any way on the police and Crown conduct throughout this case. Had it not been for the police manipulation of the evidence in this case, the Crown would have had no case against Mr. Marshall. This is where the miscarriage of justice occurs. An innocent man even after being acquitted is still being blamed for the offence.

I should also bring to your attention that Mr. Marshall has never been charged with nor convicted of either perjury or attempted robbery as a result of the comments of the Court of Appeal. Even if Mr. Marshall had acknowledged an attempted robbery in 1971, this certainly would not have resulted in his acquittal on the murder charge since there were two eye witnesses who testified to his being the murderer. A conviction for attempted robbery would certainly not have carried with it a term of life imprisonment in a federal penitentiary.

There has been a miscarriage of justice done in relation to Donald Marshall, Jr. and the miscarriage is continuing to date with no one wanting to acknowledge that the system failed in the Marshall case and that its failure was not the responsibility of Donald Marshall, Jr.

It is with this in mind that I write to you as Minister of Justice, the one person empowered in Canada to minister justice and to right the wrongs committed to date in respect to Donald Marshall. Our Provincial government is unwilling to deal with these issues for fear, I believe, that if the truth be known about how an innocent man came to spend the better part of eleven years in a federal penitentiary, the entire system of the administration of criminal justice in Nova Scotia would fall into disrepute.

The Honourable Mark MacGuigan
December 13, 1983
Page 7

The Provincial Attorney General was aware in 1971 that someone had come forth and indicated that the wrong person had been convicted. He was also aware in 1974 that another person again came forth and pointed the finger at Roy Ebsary yet these facts were never seen to be important enough to be brought to the attention of Mr. Marshall or his counsel. Last but not least in the long list of disturbing events surrounding the Marshall case, is the fact that one of the Judges who sat on the Reference Hearing in 1982 was the Attorney General in 1971. Even though this was the case, the Judge saw fit not to disqualify himself from sitting on this Reference Hearing.

Mr. Minister as you well know justice must not only be done but must appear to be done. In the present case, justice has not been done nor has it been given the appearance of being done. An innocent man was wrongfully convicted and imprisoned for over ten years yet no one will accept any responsibility for this. The Provincial government asks that Mr. Marshall barter away his civil claim against the Sydney City Police for the possibility of compensation being paid to him. The injustice continues. Mr. Marshall is again being put to the task of proving his case if he wants any form of financial compensation to result. This is a heavy burden to bear for someone who has suffered both physically and psychologically for eleven years in trying to prove his innocence, who has incurred legal fees to one lawyer in the amount of \$82,000.00 and who is incurring more legal fees in an attempt to obtain compensation. When one considers the resources available to him as opposed to the resources available to the intended defendants and to the Provincial government, it is clear that this is not a fair fight. The time has come to put an end to Mr. Marshall's suffering. He should be justly compensated for his pain and suffering and for his legal expenses. He also deserves a public apology from the government of Nova Scotia for the failure of its system of justice. It appears that the government of Nova Scotia is not prepared to listen to anyone regarding Donald Marshall including yourself, Mr. Minister. I would, therefore, ask for the opportunity of meeting with you with a view to resolving this most unfortunate situation.

The Honourable Mark MacGuigan
December 13, 1983
Page 8

A reply at your earliest convenience would be greatly appreciated.

Yours truly,

Felix A. Cacchione

FAC/oh
enc.

January 10, 1984

The Honourable Mark MacGuigan
Minister of Justice
House of Commons
Ottawa, Canada
K1A 0A6

Dear Mr. MacGuigan:

RE: DONALD MARSHALL JR.

To date I have not received an acknowledgement of receipt of my letter to you dated December 13, 1983. Would you please advise if this letter has been received by your Department and if it has not, I will forward a copy to you.

Your attention to this matter at your earliest convenience would be greatly appreciated.

Yours very truly,

Felix A. Cacchione

FAC/oh

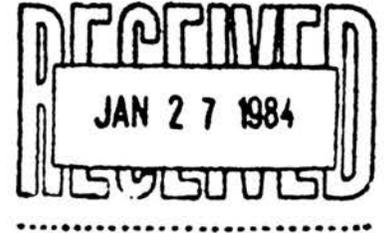
Minister of Justice and
Attorney General of Canada



Ministre de la Justice et
Procureur général du Canada

FC 19

January 24, 1984



Mr. Felix A. Cacchione
Lambert & Cacchione
Barristers and Solicitors
903 - 1649 Hollis Street
P.O. Box 547
Halifax, Nova Scotia
B3J 2R7

Dear Mr. Cacchione:

Thank you for your recent letters concerning the case of Donald Marshall, Jr. I am well aware of the background of this matter, but nevertheless appreciate having received your detailed comments.

I am not unsympathetic to your client, but I feel constrained to let the provincial government undertake and fulfill what I believe to be its proper responsibility.

I have already spoken to the Honourable Ronald C. Giffin, the new Attorney General of Nova Scotia, and expect to be in further touch with him about this case and its further developments in the very near future. Would you have any objection to my providing him with a copy of your letter to me?

Yours sincerely,

Mark MacGuigan

February 3, 1984

The Honourable Mark MacGuigan
Minister of Justice
House of Commons
Ottawa, Canada
K1A 0A6

Dear Mr. MacGuigan:

RE: DONALD MARSHALL, JR.

Thank you for your letter of January 24, 1984.

I do hope that your communications with the Honourable Ronald C. Giffin are useful in achieving some positive results in this matter. I have no objection to you providing Mr. Giffin with a copy of my letter to you.

Should you have any questions or should you wish to meet with me to discuss this matter, please do not hesitate to contact me.

Yours truly,

Felix A. Cacchione

PAC/oh



Mailing Address
 P.O. Box 547
 Halifax, N.S.
 B3J 2R7

August 9, 1983

Mr. John Gillis
 Regional Manager
 Offenders Programs
 Regional Headquarters
 Correctional Services Canada
 1222 Main Street, 2nd Floor
 Moncton, New Brunswick
 E1C 1H6

Dear Mr. Gillis:

Re: Donald Marshall, Jr.

I represent Mr. Marshall in conjunction with his application to the Attorney General of Nova Scotia for compensation. As you are well aware, Mr. Marshall was incarcerated in Dorchester Penitentiary for a period of approximately 10 years and 10 months on a conviction for murder. The conviction was overturned by the Nova Scotia Court of Appeal in May of 1983 and an acquittal was entered.

In preparation for Mr. Marshall's application for compensation, I am attempting to obtain as much background information on Mr. Marshall as possible. I have already received actuarial tables computing the estimated loss of wages while Mr. Marshall was incarcerated. I would also like to obtain copies of any psychological or psychiatric assessments which were done on Mr. Marshall while he was incarcerated in Dorchester between 1971 and 1982. It is my intention to have this material perused by a forensic psychiatrist in order to determine what if any psychological and/or psychiatric damage was done to Mr. Marshall by this lengthy period of incarceration.

Mr. John Gillis
August 9, 1983
Page 2

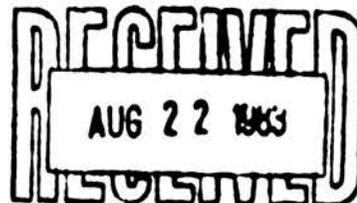
q With this in mind, I am writing you to request copies of any psychological and/or psychiatric assessments done on Mr. Marshall. Should you need a release signed by Mr. Marshall, please do not hesitate to advise me of this and I will forward it to you by return mail.

Thanking you in advance for your cooperation in this matter, I remain.

Yours truly,

Felix A. Cacchione

FAC/oh



Your file Votre référence

FC 2

Our file Notre référence

August 19, 1983

Mr. Felix A. Cacchione
Barrister & Solicitor
P.O. Box 547
Halifax, N.S.
B3J 2R7

Dear Mr. Cacchione,

I am responding to your letter of August 9, 1983 concerning your interest in obtaining information related to the case of Donald Marshall.

In respect to any information that the Correctional Service of Canada may have relating to any case, there are set procedures for retrieval of such information. In accordance with the Canadian Human Rights Act, Part IV, your client must apply formally for his psychological or psychiatric files. These files shall be subject to examination for exemptions required by Section 54 (a to g) of the Canadian Human Rights Act.

Upon his receipt of the exempted files, your client may share the information with you. If you then find the information to be insufficient, you may subpoena the original files to court. The Correctional Service of Canada is obliged to inform the court of our suggested exemptions. The court shall decide what information yourself and your client may see.

Formal application for files can be done at our District Office, CSC Parole, Halifax, N.S. I hope this information will expedite your task.

Yours truly,

John Gillis
Regional Manager Offender Programs
Correctional Service of Canada
2nd Floor, 1222 Main Street
Moncton, N.B.
ETC 1H6

August 22, 1983

Mr. Donald Marshall
5651 Ogilvie Street
Apartment 113
Halifax, Nova Scotia
B3H 1B9

Dear Donald:

Please contact me upon receipt of this letter as I need to have you attend with me at the Parole Office in Halifax in order to apply for the release of your psychological and/or psychiatric files. These files are very important for the compensation application which is to be made soon.

Yours truly,

Felix A. Cacchione

FAC/oh

August 29, 1983

The Privacy Coordinator
Correctional Service of Canada
340 Laurier Avenue West
Ottawa, Ontario
K1A 0P9

Dear Sir/Madam:

Re: Donald Marshall Jr.

I represent Mr. Marshall in conjunction with his application to the Attorney General of Nova Scotia for compensation. Mr. Marshall was incarcerated in Dorchester Penitentiary for a period exceeding 10 years on a conviction for murder. This conviction was overturned by the Nova Scotia Court of Appeal in May of 1983 and an acquittal was entered.

In preparation for Mr. Marshall's application for compensation, I am attempting to obtain as much background information on Mr. Marshall as possible. I would appreciate receiving copies of any psychiatric or psychological assessments which were done on Mr. Marshall while he was incarcerated in Dorchester Penitentiary between November, 1971 and March, 1982. It is my intention to have this material perused by a forensic psychiatrist in order to determine what if any psychological and/or psychiatric damage was done to Mr. Marshall by reason of his lengthy incarceration.

I have enclosed two Record Access Request Forms duly signed by Mr. Marshall on August 26, 1983. I look forward to receiving the information requested.

Yours truly,

Felix A. Cacchione

FAC/oh
enc.



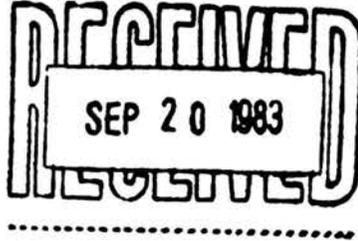
Correctional Service
Canada

Service correctionnel
Canada

Ottawa, Canada
K1A 0P9

FC 6

83.09.15



Votre référence Your file

Notre référence Our file

417-1 (622)

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

Re: Donald MARSHALL Jr.

Dear Mr. Cacchione:

I refer to your letter of August 29th, with which you enclosed access requests submitted by Mr. Donald Marshall.

Part IV of the Canadian Human Rights Act, under which these requests were submitted, was repealed on promulgation of the Privacy Act July 1st, 1983. The Personal Information Bank numbers were changed at that time.

While there are differences in the two pieces of legislation, Mr. Marshall's right of access remains virtually unchanged with respect to the documents he has requested. I wish to advise, however, that rather than suggest a formal resubmission of his requests, I am treating them as requests under the Privacy Act and that the requested information will be forwarded shortly.

Yours sincerely,


E.G. Jamieson
Director, Information Access &
Records Management
Correctional Service of Canada
340 Laurier Avenue West
Ottawa, Ontario
K1A 0P9

FC7

October 19, 1983

Mr. E.G. Jamieson
Director, Information Access
& Records Management
Correctional Service Canada
340 Laurier Avenue West
Ottawa, Ontario
K1A 0P9

Dear Sir:

Re: Donald Marshall, Jr.
Your File 417-1(622)

Please accept my belated thanks for your letter of September 15. I am writing to inquire as to the status of Mr. Marshall's request for access to the information he is seeking. It appears that negotiations with the Attorney General of Nova Scotia are near at hand and therefore the information requested would be of great value.

Thanking you in advance for your co-operation, I remain.

Yours truly,

Felix A. Cacchione

FAC/oh



Correctional Service Canada Service correctionnel
Canada

Ottawa, Canada
K1A 0P9

FC 9

Voire référence Your file

83.11.22

Notre référence Our file

83.OTT.PRI.CSC.P10.0367

83.OTT.PRI.CSC.P40.0366

Mr. Donald J. Marshall, Jr.
c/o Lambert & Cacchione
Barristers & Solicitors
Suite 903
1649 Hollis Street,
Post Office Box 547
Halifax, Nova Scotia
B3J 2R7

Dear Mr. Marshall:

Re: Access Request 83.OTT.PRI.CSC.P10.0367
IDRIS Bank - CSC - P10

This is in reply to your application for personnel information about yourself, made under the Privacy Act, which was received by this office on 83.09.19. We are attaching copies of all accessible information which you requested. A portion of the information is, however, not accessible since it qualified for exemption under the Privacy Act as listed below:

Section Folio# Act states:

26 Vol. I	IL 144, 137 126, 110, 103 to 105, 82, 77 to 79, 69, 62, 4.	26. The head of a government institution may refuse to disclose any personal information requested under subsection 12(1) about an individual other than the individual who made the request, and shall refuse to disclose such information where the disclosure is prohibited under section 8.
Vol. II	IL 216 to 218, 193b, 189, 185, 184b, 178	
Vol. III	R 61, 50 to 59, 39 to 47, 28 to 35, 23	

/...2

Section Folio# Act states:

19(1)(d) Vol. I	IL 105, 104, 87, 86 69, 63, 11, 10	The head of a government institution shall refuse to disclose any personal information requested under subsection 12(1) that was obtained in confidence from
Vol. II	IL 247, 239 238, 216 to 218, 212, 215, 221, 210.	(d) a municipal or regional government established by or pursuant to an Act of the legislature of a province or an institution of such a government.

Section Folio# Act states:

25 Vol. I	IL 104	The head of a government institution may refuse to disclose any personal information requested under subsection 12(1) the disclosure of which could reasonably be expected to threaten the safety of individuals.
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Section Folio# Act states:

19(1)(c) Vol. II	IL 265 to 267, 260	The head of a government institution shall refuse to disclose any personal information requested under subsection 12(1) that was obtained in confidence from the government of the province or an institution thereof.
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RE: Access Request 83.OTT.PRI.CSC.P40.0366
Health Care Bank CSC-P40

Section	Folio#	Act states:
26	Vol. I- 3 Vol.II- 5,70 Vol.III-7,8, 4,5	The head of a government institution may refuse to disclose any personal information requested under subsection 12(1) about an individual other than the individual who made the request, and shall refuse to disclose such information where the disclosure is prohibited under section 8.

Section	Folio#	Act states:
19(1)(d)	Vol.2- 3 Vol.3- 10, 7 8, 4, 5	The head of a government institution shall refuse to disclose any personal information requested under subsection 12(1) that was obtained in confidence from (d) a municipal or regional government established by or pursuant to an Act of the legislature of a province or an institution of such a government.

Section	Folio#	Act states:
19(1)(c)	Vol.6- 3, 4 Vol.11- 1 Vol.12 - 20, 16, 14, 13, 8, 7, 1	The head of a government institution shall refuse to disclose any personal information requested under subsection 12(1) that was obtained in confidence from the government of the province or an institution thereof.

/...4

-4-

Please be advised that you are entitled to bring a complaint regarding the withholding of the exempted information you requested to the Privacy Commissioner.

Notice of complaints should be addressed to:

Privacy Commissioner
Tower B, Place de Ville
112 Kent Street,
Ottawa, Ontario
K1A 1H3

Furthermore, you are entitled under section 12(2)(a) of the Privacy Act to request a correction in respect to any error or omission in the record disclosed to you.

A Record Correction Request Form, to be used for this purpose, is attached to this letter: please complete and return it to us for further processing.

If your request for correction should be turned down, for any reason, you will be entitled to request a notation to your record in respect of any error or omission you believe it may contain.

I should also inform you that while the records provided to you contain documents referring to the results of various psychological tests to which you submitted, we have not included the raw tests themselves. Should you wish to view these particular documents, we would be prepared to make available a qualified psychologist who would be able to explain to you the interpretation of the various tests. If you wish to do so, I would ask that you advise me of your wishes.

Yours sincerely,



8 E.G. Jamieson
Director, Information Access &
Records Management Division
Correctional Service of Canada
340 Laurier Avenue West
Ottawa, Ontario
K1A 0P9

January 12, 1984

Privacy Commissioner
Tower B, Place de Ville
112 Kent Street
Ottawa, Ontario
K1A 1H3

Dear Privacy Commissioner:

RE: DONALD MARSHALL, JR.

I am retained as solicitor by Mr. Donald Marshall, Jr. Pursuant to a request made under section 12(1) of the Privacy Act, we have received a certain amount of the personal information held by Correctional Service Canada. However, as the attached letter dated 83.11.22 reveals, a portion of my client's personal information held by that government institution was not disclosed and the institution claims exemption from disclosure pursuant to various stated sections of the Privacy Act.

As you may be aware, my client was wrongly convicted of murder in 1971 and was incarcerated in federal institutions for well over a decade and finally exonerated by the Nova Scotia Supreme Court in 1983.

Having reviewed the disclosed information together with the relevant sections of the Act, I am of the opinion that certain of the claimed exemptions have no application to the personal information requested and not disclosed; or, to the extent that the exemptions cited may be relied on to frustrate disclosure, I believe the Act otherwise provides for the release to my client of the personal information sought. Moreover, in my reading, the disclosed information reveals a hap-hazard, inconsistent and arbitrary application of the claimed exemptions from disclosure.

Privacy Commissioner
January 12, 1984
Page 2

I also have some reason to believe that the information revealed neither contains nor acknowledges the existence of certain other personal information held by that government institution, which, in my view, is also eligible for disclosure. In particular, I refer to the written reports and other communications which are, in my understanding, routinely and invariably made to parole and penal institutions by local police officials advertent to the opinions of these officials about a person in custody and the recommendations and opinions as to the propriety of the release of that individual into the community. In my client's case, I have no doubt that such reports and recommendations were made and that such opinions were expressed. And while the disclosed information would appear to admit the existence of some such documentation, the opinions, reports and recommendations are themselves apparently not admitted, much less disclosed.

In view of the foregoing, I hereby request a review by the Privacy Commissioner of my client's request for access to personal information and of the claims for exemption from disclosure as made by the government institution.

I am prepared to forward further representations at a later date in addition to such further particulars as may be required to facilitate this review.

Yours very truly,

Felix A. Cacchione

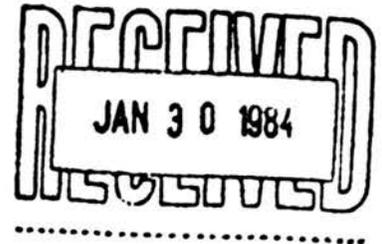
FAC/oh
enc.



Office of the
Privacy Commissioner
of Canada

Ottawa, Canada
K1A 1H3

Bureau du Commissaire
à la protection de la vie privée
du Canada



FC 17

January 20, 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 is to acknowledge receipt of your letter of complaint dated 12 January 1984 on behalf of your client, Mr. Donald Marshall, Jr., which was received at this office on 18 January 1984.

Your complaint concerning the exemptions claimed by the Correctional Services Canada is being assigned to a Privacy Investigator in this office and you will be receiving further correspondence in due course.

Yours sincerely,


Marcel J. Cote,
Investigator.

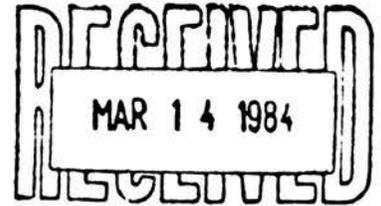


Office of the
Privacy Commissioner
of Canada

Ottawa, Canada
K1A 1H3

Bureau du Commissaire
à la protection de la vie privée
du Canada

58



March 9, 1984.

File: P1030/84

FC 26

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:

Because of the time that has elapsed since Mr. Cote's letter of January 20, 1984, I feel I should bring you up to date on our investigation into Mr. Marshall's complaint lodged with us in January.

As you are probably aware, we must make a detailed examination of all exemptions and discuss with the department their explicit reasons for claiming exemptions. Often this involves considerable discussion between the department and ourselves.

This takes time, but please rest assured we are pursuing this matter with all due haste and you should hear from us again soon.

Yours sincerely,


A.B. McKenzie,
Privacy Investigator.



Correctional Service Canada Service correctionnel
Canada

Ottawa, Canada
K1A 0P9

Voire référence *Your file*

84.04.02

Notre référence *Our file*

83.OTT.PRI.CSC.P10.0367
83.OTT.PRI.CSC.P40.0366

Mr. Donald J. Marshall Jr.
c/o Lambert & Cacchione
Barristers & Solicitors
Suite 903, 1649 Hollis Street,
P.O. Box 547
Halifax, Nova Scotia
B3J 2R7

Dear Mr. Marshall:

Following representation made on your behalf by the Privacy Commissioner I am pleased to forward you copy of:

(File CSC-P40--366) pages 1,7,8,13,14,16,20 of Volume 12
page 01 of Volume 11, pages 04,03 of volume 6 and page 7
of volume 3.

(File CSC-P10-0367) page IL 62.

You will note that an exemption still applies on pages IL 62 of file CSC P10-0367 and page 7 of volume 3 of file CSC-P40-0366, under Section 26 & sub-section 24(b) of the Privacy Act.

Due to an administrative error information was exempted under subsection 19(1)(c) or 19(1)(d), it should have read Section 24(b) of the Privacy Act which states:

24. "The head of a government institution may refuse to disclose any personal information requested under subsection 12(1) that was collected or obtained by the Canadian Penitentiary Service, the National Parole Service or the National Parole Board while the individual who made the request was under sentence for an offence against any Act of Parliament, if the disclosure could reasonably be expected to:

/...2

(b) reveal information about the individual originally obtained on a promise of confidentiality, expressed or implied".

This information appears on the following files:

CSC P40 - pages 5,7,8,10 of volume 3
page 3 of volume 2

CSC P10 - pages 10,11,63,62,69,86,87,
105,104,210,212,215,221,218,
216,239,238,247,260,265,266,
and 267.

Hoping this is satisfactory, I remain

Yours sincerely,



E.G. Jamieson
Director, Information Access
& Records Management
Correctional Service of Canada
340 Laurier Avenue West
Ottawa, Ontario
K1A 0P9

c.c.: Privacy Commissioner's Investigator: Mr. B. Gavin



RECORD ACCESS REQUEST FORM

FORMULAIRE DE DEMANDE DE CONSULTATION DE DOSSIER

(CANADIAN HUMAN RIGHTS ACT-PART IV)

(LOI CANADIENNE SUR LES DROITS DE LA PERSONNE, PARTIE IV)

Use this form to find out what information is held about you in any bank listed in the index of Federal Information Banks.
La présente formulaire doit être utilisée lorsque vous désirez connaître les renseignements conservés à votre sujet par toute banque énumérée dans le catalogue des banques fédérales de données.

Please print clearly. Only one access request per form.
S.V.P. écrire lisiblement. Un formulaire distinct doit être rempli pour chaque demande de consultation.

FOR OFFICIAL USE ONLY/RÉSERVÉ À L'ADMINISTRATION

Office address/Adresse au bureau

Date

Receiving officer/Reçu(e) par

ACCESS INFORMATION/RENSEIGNEMENTS SUR LA CONSULTATION

Agency/Organisme

Correctional Services Canada

Information bank no. and title/N° et titre de la banque de données

- 23241 - Offender Health Care Record

Other detail(s) specified in the index for this bank/Autre(s) renseignement(s) précisé(s) dans le catalogue à l'égard de cette banque

PERSONAL INFORMATION/RENSEIGNEMENTS PERSONNELS

Surname/Nom

Marshall

Given names/Prénoms

Donald Jr.

Soc. Ins. No. if required / N° d'ass. soc., s'il y a lieu

110-036-019

Address/Adresse

5651 Ogilvie St. # 113

City/Ville

Hfx

Province

NS

Postal Code/Code postal

B3H 1B4

Telephone No./N° de téléphone

Home/Résidence

429-6234

Work/Travail

—

Surname in bank if different from above/Nom figurant dans la banque s'il diffère du nom mentionné ci-dessus

N/A

Other personal information specified in the index/Autres renseignements personnels figurant dans le catalogue

INFORMATION DESIRED/RENSEIGNEMENTS DEMANDÉS

Does the bank contain a record in my name? / La banque contient-elle un dossier établi à mon nom?

I wish to examine my record/Je désire consulter mon dossier

As it is / Tel quel

All in English / Tout en anglais

All in French / Tout en français

In its entirety / Dans sa totalité

Or the portion(s) specified below / Ou la(les) partie(s) précisée(s) ci-après

IMPORTANT - NOTE/IMPORTANT - À NOTER

If this request follows a previous inquiry, please quote reference number here. / Si la présente demande fait suite à une demande de renseignements antérieure, veuillez indiquer ici le numéro de référence

When you have completed this form send it to the official identified in the index, for this bank. / Veuillez faire parvenir le formulaire rempli à l'agent désigné pour cette banque dans ce catalogue.

Date

Signature

PLEASE QUOTE THE ABOVE REFERENCE NUMBER ON ALL CORRESPONDENCE / VEUILLEZ INDIQUER LE NUMÉRO DE RÉFÉRENCE SUSMENTIONNÉ SUR TOUTE CORRESPONDANCE

62

STATEMENT

FC

ALL SAINTS' SPRINGHILL HOSPITAL

SPRINGHILL, NOVA SCOTIA

FC 297

Hospital No. 1007

Date Jan. 10, 1979

No 83474

Name 1007 Donald Marshall

Address Springhill Medium Security Institution

Payable By Dept. of Sol. General

				DR.	DR.
				N.S.M.I.C.	OTHER
STANDARD WARD					
From	to	@ \$	a day		
DIFFERENTIAL					
From	to	@ \$	a day		
SPECIAL NURSE'S BOARD					
From	to	@ \$	a day		
LABORATORY	"T" Units				
Right Wrist & Scaphoid Views	4				
X-RAY	"R" Units	5.00			15 60
DRUGS and DRESSINGS, etc.					
MISCELLANEOUS CHARGES					
AMOUNTS DUE					15 60

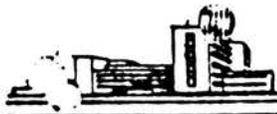
A & D FORM No.

Form 36 SM 6-75

000001

rel 12

63



THE MONCTON HOSPITAL Moncton, N. B.
MacBeath Ave. Tel. 855-1600

FC 249

RE: _____
CASE NO: E32-79

DATE February 8/79

Springhill Institution
P O Box 2140
Springhill NS

IN PATIENT		DAYS	RATE	AMOUNT
PUBLIC WARD SERVICE				
FROM	TO re: Donald MARSHALL			
SEMI-PRIVATE SERVICE				
FROM	TO #1927			
PRIVATE SERVICE				
FROM	TO			
AMBULANCE				
OUT PATIENT		UNITS		
LABORATORY				
X-RAY				
EMERGENCY	Jan 31/79 (referral)			
	Exam of RT Wrist			
AMBULANCE				
OTHER				
TOTAL CHARGES				\$ 21.00
PAID ON ACCOUNT				\$
				\$
BALANCE DUE				\$ 21.00

000007

RENDERED BY L J
ACCOUNTS DUE WHEN RENDERED

201 12

RE: _____ DATE February 8/79

CASE NO: E32-79

FC 299

Springhill Institution
P O Box 2140
Springhill NS

IN PATIENT		DAYS	RATE	AMOUNT
PUBLIC WARD SERVICE				
FROM	TO			
TO: Donald H. St. A...				
SEMI-PRIVATE SERVICE				
FROM	TO			
#1987				
PRIVATE SERVICE				
FROM	TO			
AMBULANCE				
OUT PATIENT		UNITS		
LABORATORY				
X-RAY				
EMERGENCY	Jan 31/79 (referral)			
Exam of RT Wrist				
AMBULANCE				
OTHER				
TOTAL CHARGES				\$ 21.00
PAID ON ACCOUNT				\$
				\$
BALANCE DUE				\$ 21.00

000008

RENDERED BY _____
 ACCOUNTS DUE WHEN RENDERED

ref 12

APR 10 1979
RFB

65

THE MONMOUTH HOSPITAL

1997

FC 2-9

PROGRESS REPORT

April 29/79

DATE

Re Donald Marshall

Grand Total - Apr. 25/79 - Excision of
Schubert Rt Wrist with
Insertion of Swanson Slast
Prosthesis.

Will change cast & remove
sutures in 2 weeks
10 mg 292 Tabs q 4 hr
for pain

[Handwritten Signature]

000013

PROGRESS RECORD

"CLEAREST COPY POSSIBLE"

vol 12

THE MONCTON HOSPITAL

DISCHARGE SUMMARY

cc: Dr. R. A. Burden ✓

Name: R. DONALD MARSHALL

Case Number 77912

Room

Doctor D. I. MACLELLAN

Dictated by DR. D. I. MACLELLAN

AB

ADMITTED: April 24/79

DISCHARGED: April 29, 1979

In 1972, this 25 year old man injured his right wrist playing hockey. His wrist was sore at that time, however, he did not receive any medical treatment. Over the years his wrist continued to be sore and painful with limitation of motion. He recently had x-rays taken of his right wrist and these showed an old non-union fracture of the scaphoid and he was admitted for bone grafting.

Past History: Appendectomy, no other serious illnesses or injuries.

Physical Examination: A well nourished, well developed 25 year old male.

EENT: Negative.

Head & Neck: Negative.

Chest: Clear to P&A.

Heart: Rhythm regular. No murmurs or thrills.

Abdomen: McBurney incision scar right lower quadrant.

ORTHOPEDIC EXAMINATION: There is some tenderness over the dorsum of the right wrist. There is pain on motion of the right wrist with restriction of motion, extension of wrist is 20 degrees and flexion 20-30 degrees.

Laboratory Investigations: Urinalysis specific gravity 1013, ph 5, sugar nil, protein nil. Hemoglobin 14.7 gm%. Red Cell count 5,010,000, white cell count 9,000, polymorphs 54%, eosinophils 2%, lymphocytes 43%, monocytes 1%. BUN 11. pc sugar 93. SMA 12 normal. Chest x-ray normal.

Course in Hospital: X-rays of the right wrist showed a fractured scaphoid in its proximal aspect. The proximal fragment looked somewhat dense with a little cystic change. On April 25, 1979, the patient was taken to the operating room where it was intended to do a bone grafting. At operation there was some arthritic changes at the distal radial surface. The proximal fragment of the scaphoid was small and after freshening the fracture surface and inspecting the joint it was felt that it would be better to insert a scaphoid prosthesis. The scaphoid was removed and a Swanson #3 silastic prosthesis was inserted. The patient had an uneventful afebrile postoperative course. There was little swelling of the fingers postop, but this subsided in 48 hours. The patient was discharged and will be followed in the out-patient department. He is to have the cast changed and the sutures removed in two weeks time.

Final Diagnosis: Old non-union fracture right carpal scaphoid.

Operation: Removal of scaphoid right wrist with insertion of silastic prosthesis.

I have read and approved this complete Medical Record on

000014

Signature of Doctor

Prs 65 /sdw

DISCHARGE SUMMARY

mal 12

RE: Donald Marshall
 CASE NO: Inmate No. 1977
77912
902-79

DATE April 29, 1979

FC 297

Solicitor General
 Springhill Institution
 Springhill, N.S.
 B0A 1L0

IN PATIENT	DAYS	RATE	AMOUNT
PUBLIC WARD SERVICE			
FROM _____ TO _____			
SEMI-PRIVATE SERVICE			
FROM _____ TO _____			
PRIVATE SERVICE			
FROM <u>April 24/79</u> TO <u>April 29/79</u>	5	118.30	591.50
AMBULANCE			
OUT PATIENT		UNITS	
LABORATORY			
X-RAY			
EMERGENCY			
AMBULANCE			
OTHER			
TOTAL CHARGES			\$ 591.50
PAID ON ACCOUNT			\$ _____
BALANCE DUE			\$ 591.50

RENDERED BY _____
 ACCOUNT DEUL WITH RENDERED

rel. 12

PATIENT NAME		ADDRESS		XRAYED HERE BEFORE	
DATE OF BIRTH		AGE	SEX	MARITAL STATUS	DOCTOR
DAY	MO	YR			FC 200
INSURANCE NUMBER			RESPONSIBILITY FOR PAYMENT		OTHER DISPECTY
EMPLOYER			ADDRESS		
NEXT OF KIN			RELATION		ADDRESS (NEXT OF KIN)
NEXT OF KIN'S EMPLOYER			ADDRESS		
DATE OF ACCIDENT		TIME	NAME OF RESPONSIBLE PARTY		IF THIRD PARTY LIABILITY INDICATED FILL IN BELOW
DAY	MO	YR			
EXAMINATION REGION					FOR XRAY DEPT USE ONLY
Right wrist &					4/1/22
DETAILS OF ACCIDENT					
10/1/77					
AUTHORIZE THE RELEASE OF MEDICAL DETAILS OF THE ILLNESS TO PROPER AGENCIES IN CONNECTION WITH THE INSURANCE AND I AGREE TO ASSUME RESPONSIBILITY FOR CHARGES NOT COVERED BY INSURANCE					PATIENT'S SIGNATURE
X _____ ADMITTING CLERK					X _____

ALL SAINTS SPRINGHILL HOSPITAL	
XRAY NUMBER	17856
NAME	
EXAM	Rt
ADDRESS	
DATE	12/1/73
AGE	25
DOCTOR	
BIRTH-DATE	

OBSERVATION

Right Wrist: There is a fracture of the proximal end of the scaphoid.

*s Scaphoid Views: We are dealing with a fracture of proximal third of the scaphoid.

Dr. A. Slomic

000001

_____ TECH _____ M.D.

COPY DISTRIBUTION:- WHITE-CHART, BUFF-DOCTOR

sl 11

OUT PATIENT CONSULTATION EXTERNE NON RESIDENT

LAB REGION: 2 CHAUNIS DIAGNOSTIC

TYPE OF SPECIMEN: _____

THESE QUESTIONS MUST BE ANSWERED FOR ALL TYPING - GROUPING - ANTIBODY INVESTIGATIONS
 VOUS DEVEZ REPENDRE À CES QUESTIONS POUR TOUTES LES RECHERCHES DE RH, GROUPEMENT ET ANTICORPS

PREVIOUS TRANSFUSIONS: NO YES HOW MANY?

TRANSFUSIONS ANTÉRIEURES: NON OUI COMBIEN?

HISTORY OF PREGNANCIES: ANTECEDENTS MATERNITÉS

NO. OF NORMAL BIRTHS: NO. OF MISCARRIAGES:

NO. OF STILL BIRTHS: NO. OF MORTALS:

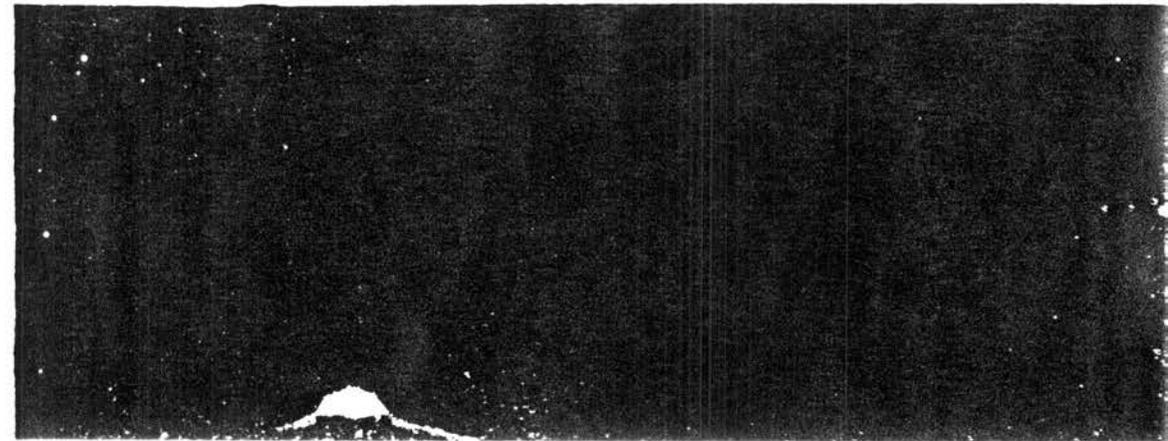
DATE OF ACTIVITY:

X TESTS REQUIRED		INDIQUER D'UN "X" EXAMENS REQUIS			
X	TEST EXAMEN	RESULTS RESULTATS	X	TEST EXAMEN	RESULTS RESULTATS
	GROUPING (ABO) GROUPEMENT (ABO)				DIRECT COOMBS COOMBS DIRECT
	REVERSE GROUPING GROUPEMENT INVERSE				
	SUB GROUPS OF A SOUS GROUPE DE A				
	RH TYPING (SLIDE) TYPE R H (LAMELLE)				
	RH TYPING (TUBE) TYPE R H (TUBE)				
	D- FACTOR FACTEUR D-				A S O TITRE TITRE A S O
	PROBABLE GENOTYPE GENOTYPE PROBABLE				C REACTIVE PROTEIN PROTEINE RÉACTIVE À C
	ANTIBODY SCREEN DÉPISTAGE ANTICORPS				RHEUMATOID FACTOR FACTEUR RHUMATOÏDE
	ANTIBODY IDENTIFICATION IDENTIFICATION ANTICORPS				
	TITRE				BLOOD SANG KOLMER WASSERMAN
	ANTIBODIES COLD SCREEN ANTICORPS A FROID (TEST GLOBAL)		X		C. S. F. KOLMER WASSERMAN
	ANTIBODIES COLD (PANEL) ANTICORPS A FROID (TEST SÉLECTIF)		X		V D R L SLIDE TEST TEST DE LAMELLE V D R L
	ANTIBODY ELUTION ELUTION D ANTICORPS				V D R L QUANTITATIVE QUANTITATIF
	ANTIBODIES NON SPECIFIC ANTICORPS NON SPÉCIFIQUES				SPECIMEN PROCUREMENT PRIS DE SANG
	ANTIBODIES HYPER IMMUNE ANTICORPS HYPER IMMUNISÉS				SPECIMEN DISPATCH ENVOI DE L'ÉCHANTILLON

REMARKS: HEMARQUES
 HE 0256

DATE TEST COMPLETED: 7/2/10
 NAME OF COMPLETEMENTALIST: [Signature]
 SIGNATURE OF SEROLOGIST: [Signature]

SEROLOGY SEROLOGIE vol 6 000004



159

DEPARTMENT OF HEALTH LABOUR & EMPLOYMENT
PROVINCE OF NOVA SCOTIA
MINISTÈRE DE LA SANTÉ, DU TRAVAIL ET DE L'EMPLOI
DIVISION DE LA LABORATOIRE

NO REPORT TO... (INVULNERABLE RAPPORT À...)

*Director
Dorchester Pen
Dorchester, N.S.*

**OUT PATIENT
CONSULTATION EXTERNE**

NON RESIDENT

71 MAR 4 1997
Dorchester Penitentiary,
Nova Scotia.

501 00623
FC 290

June 20/22

REGION REGIONS

2

PREVIOUS TRANSFUSIONS TRANSFUSIONS ANTERIEURES

As load.

THESE QUESTIONS MUST BE ANSWERED FOR ALL TYPING - GROUPING - ANTIBODY INVESTIGATIONS
VOUS DEVEZ REpondre À CES QUESTIONS POUR TOUTES LES RECHERCHES DE RH, GROUPEMENT ET ANTICORPS

PREVIOUS TRANSFUSIONS TRANSFUSIONS ANTERIEURES

NO YES HOW MANY / COMBIEN ?

HISTORY OF PREGNANCIES ANTECEDENTS MATERNITE

NO OF STILL BIRTHS / NO DE MORTS NEES

DATE

7

X TESTS REQUIRED		RESULTS	INDIQUER D'UN 'X' EXAMENS REQUIS		RESULTS
X	TEST EXAMEN	RESULTS	X	TEST EXAMEN	RESULTS
<input checked="" type="checkbox"/>	GROUPING (ABO) / GROUPEMENT (ABO)			DIRECT COOMBS / COOMBS DIRECT	
	REVERSE GROUPING / GROUPEMENT INVERSE				
	SUB GROUPS OF A / SOUS GROUPE DE A				
	RH TYPING (SLIDE) / TYPE RH (LAMELLE)				
<input checked="" type="checkbox"/>	RH TYPING (TUBE) / TYPE RH (TUBE)				
	D. FACTOR / FACTEUR D			A S O TITRE / TITRE A S O	
	PROBABILE GENOTYPE / GENOTYPE PROBABLE			C REACTIVE PROTEIN / PROTEINE REACTIVE A C	
	ANTIBODY SCREEN / DÉPistAGE ANTICORPS			RHEUMATOID FACTOR / FACTEUR RHUMATOÏDE	
	ANTIBODY IDENTIFICATION / IDENTIFICATION ANTICORPS				
	TIPO			BLOOD SANG / KOLMER WASSERMAN	
	ANTIBODIES (RED BLOOD) / ANTICORPS (REDS)		<input checked="" type="checkbox"/>	C S F / KOLMER WASSERMAN	
	ANTIBODIES (SELECTIVE) / ANTICORPS (SÉLECTIF)			V D R L SLIDE TEST / TEST DE LAMELLE V D R L	<i>Non reactive</i>
	ANTIBODY ELUTION / ELUTION ANTICORPS			V D R L QUANTITATIVE / QUANTITATIF	
	ANTIBODIES (SPECIFIC) / ANTICORPS (SPÉCIFIQUES)			SPECIMEN PROCUREMENT / PRIS DE SANG	
	ANTIBODIES (HYPER SENSITIVE) / ANTICORPS (HYPER SENSIBLES)			SPECIMEN DISPATCH / ENVOI DE L'ÉCHANTILLON	

REMARKS / REMARQUES

SERIOLOGY / SÉROLOGIE

000003

72 F 22

SIGNATURE OF SEROLOGIST / SIGNATURE DU SÉROLOGISTE

Amb

"CLEAREST COPY POSSIBLE."

rel 6

From the history it would appear that MARSHALL has given at least two to three different accounts of what had happened that night S.24(b)
S. 24 (b)

History of previous crimes:

June 1970 - Theft Under \$50. was given one day for this
Nov. 1970 - Charged of Supplying Liquor to a minor and was given 5 months
May 1971 - Damage to Property Under \$50. - Dismissed
Nov. 1971 - Current Offence

BACKGROUND

This man was born in Sydney, N.S. in 1953 where he lived all his life. The family [S.26] consisting of 11 children, father and mother. There were six brothers and four sisters. The inmate was the third member of the family. Both parents are working, father as a plasterer

S. 26

The father is S.26 presently chief of the MicMac Tribe of Nova

Scotia.

S.26 He said for a large part of his life he was brought up by baby sitters. MARSHALL himself claims to remember nothing of his childhood. He claims he received an average normal upbringing and remembers no bad home experience during these years. As a little boy, he described himself as being shy, sneaky, organizer individual who enjoyed doing pranks such as petty theft, smashing pumpkins, etc. At eight years of age, he joined Cubs then Air Cadets. At the age of 13 he was kicked out of Air Cadets for stealing. He claims to have enjoyed the experience with the groups. He went to school at the usual age of five or six. His first two grades were in Indian school, enjoyed school and experienced no difficulties. From grade three on he went to public school in Sydney. He repeated two grades during this time. He said he was very unhappy in the white school, he felt that he was put down, he was shy and he had difficulty. At one period he had a Nun for a teacher. He got along very well with her. The Nun was replaced by another teacher who was very grouchy and he got into trouble with her and when she was taking him to the principal to be punished, he kicked her in the stomach and was expelled because of this.

After school he worked with his father plastering full time for about a year and a half, then worked 3 months on laundry trucks and one year in part time building work. He smokes, he tried hash once, he drinks and he felt that drink was a big contributor to his crime. His religion is R.C., he attends church sporadically. He has no religious faith.

PERFORMANCE IN THE INSTITUTION

When he came in he was a cleaner in the kitchen at Dorchester and he got average assessments there but since coming to Springhill he is described as an excellent worker and hasn't got into any trouble. He is active in the

PSYCHOLOGICAL

... / 3

000007

vol 3

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S.26

The father is presently chief of the MicMac Tribe of Nova Scotia. No other family members are involved with the law. S.26
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Office of the
Privacy Commissioner
of Canada

Bureau du Commissaire
à la protection de la vie privée
du Canada

Ottawa Canada
K1A 1H3

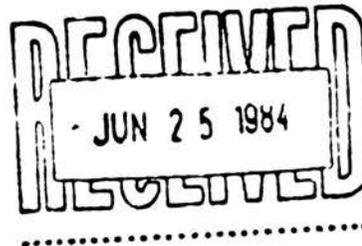
74

FC 44

June 21, 1984

File: P1030/84

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:

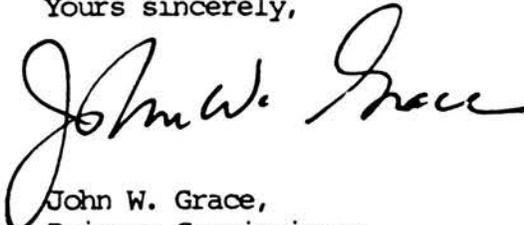
Please accept my apology for the lengthy delay in dealing with Mr. Marshall's complaint. Part of this delay was occasioned by the demands I placed on Correctional Service Canada to justify their exemptions to me.

I am pleased that as a result of our representations on your behalf additional documents were released to you.

I have now reached the concluding stage in my investigation when I would be prepared to consider any further representations that you might like to make on behalf of Mr. Marshall. Your representations may be in writing. However, if you prefer to meet with me personally suitable arrangements can be made.

I trust this will be of assistance and I look forward to hearing from you in the near future.

Yours sincerely,


John W. Grace,
Privacy Commissioner.

July 25/04

D.M.G.

- Mr. Raven - Pinner; Comm. - do all w.
to make further representations

- he's going on vacation - back in 2 weeks

- advise

- letter sent to Mr. Coy's July 25/04

August 9, 1984

Mr. John W. Grace
Privacy Commissioner
Tower B
Place de Ville
112 Kent Street
Ottawa, Ontario
K1A 1H3

Dear Mr. Grace:

RE: DONALD MARSHALL, JR.

Thank you very much for your letter of June 21, 1984.

Upon reflection and after reviewing the additional material provided by Correctional Service Canada, I have concluded that it is very much in my client's interest to pursue this matter further with you before you close your file.

I would like the opportunity to make further representations and I think this can best be done in a personal meeting, rather than in writing. One of the difficulties we face in attempting to avail ourselves of the Privacy Act stems from the fact that it is a very recent statute and I think these representations can be most usefully made in a frank and private discussion where we would have an opportunity to explore and exchange views on its interpretation and application.

I would propose a meeting in Halifax at my office at the earliest mutually convenient date. I suggest a meeting here for two reasons. First, my client is in no position to finance travel arrangements, and second, I would like to have Michael Coyle, who has been assisting me with this aspect of Mr. Marshall's case, present at these discussions.

Mr. John W. Grace

- 2 -

August 9, 1984

I hope this will be satisfactory and I look forward to meeting with you.

Yours very truly,

Felix A. Cacchione

FAC:jeg

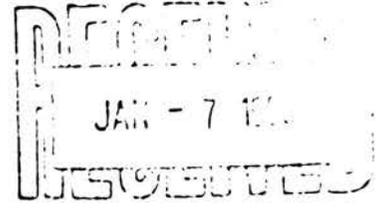


Office of the
Privacy Commissioner
of Canada

Ottawa Canada
K1A 1H3

Bureau du Commissaire
à la protection de la vie privée
du Canada

FC 223



File: 1030/84

December 17, 1984

Lambert & Cacchione
Barristers & Solicitors
Suite 903, 1649 Hollis Street
Halifax, Nova Scotia
B3J 2R7

Attention: Felix A. Cacchione

Dear Mr. Cacchione:

Re: Donald Marshall, Jr.

The Office of the Privacy Commissioner received a letter from your office dated August 9, 1984, requesting a date to meet with the Privacy Commissioner. I called you on behalf of the Privacy Commissioner in early October, but have had no answer to my telephone call.

Could you please let us know whether or not you wish to proceed with this matter.

Thank you very much.

Yours sincerely,

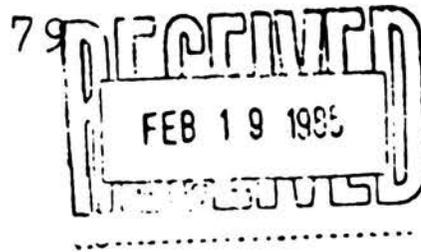
G.J.C. van Berkel
Legal Advisor



Office of the
Privacy Commissioner
of Canada

Ottawa Canada
K1A 1H3

Bureau du Commissaire
à la protection de la vie privée
du Canada



FC 62

File: 1030/84

February 14, 1985

Lambert & Cacchione
Barristers & Solicitors
Suite 903, 1649 Hollis Street
Halifax, Nova Scotia
B3J 2R7

Attention: Felix A. Cacchione

Dear Mr. Cacchione:

Re: Donald Marshall, Jr.

We wrote to you on December 17, 1984 but have received no answer. I assume that you do not wish to make any submissions on behalf of your client, Donald Marshall, Jr.

If we do not receive any communication from you within the next two weeks we will proceed to deal with the file.

I trust this is satisfactory.

Yours sincerely,

G.J.C. van Berkel
Legal Advisor

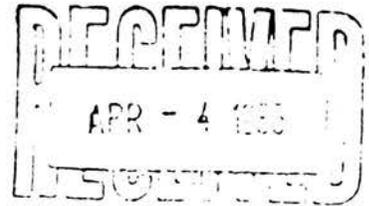


Office of the
Privacy Commissioner
of Canada

Ottawa Canada
K1A 1H3

Bureau du Commissaire
à la protection de la vie privée
du Canada

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April 1, 1985

File: P.1030/84

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

FC 62
Please file in
Marshall closed
file

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Dear Mr. Cacchione:

Re: Donald Marshall, Jr.

This is further to my letter of June 21, 1984, and subsequent letters to you from Mr. van Berkel dated December 17, 1984 and February 14, 1985.

As no representations have been forthcoming, I am now concluding this complaint. As previously stated, I was most pleased that our representations on Mr. Marshall's behalf resulted in the release of additional documents to him.

Our inquiries have satisfied me that the exemptions claimed by Correctional Service Canada were correct; therefore, I have no basis to make a recommendation to the Minister for their release. I have personally reviewed this information and it is my finding that its exemption meets the provisions of the Privacy Act.

If you wish to pursue further your request for access to this information, under the Privacy Act you have the right to request a review of the department's refusal by the Federal Court of Canada.

If you encounter any further problems related to the Privacy Act, please do not hesitate to inform me.

Yours sincerely,


John W. Grace
Privacy Commissioner