

WRITE - ÉCRIRE À LA MAIN

TO - À <i>Reaper</i>	FROM - DE <i>CIBU</i>	Date <i>83-01-27</i>
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- Comments  
Commentaires
- Action  
Donner suite
- Prepare Brief  
Préparer un exposé
- Return with Current File  
Retourner avec le dossier actuel
- Perusal and P.A.  
Lire et classer
- Prepare Reply  
Rédiger une réponse.
- Make File(s)  
Ouvrir un dossier
- Check Records  
Vérifier les dossiers

SUBJECT - SUJET *Donald Marshall Jr.*

REMARKS (Use same A-5 for Reply when space permits) - REMARQUES (Si l'espace le permet, répondre sur cette formule)

*Write back to O.C. Sydney Lyden and request he provide us with a transcript of the taped interview with Sgt. Carroll. Also have another interview with Ian MacNeil as well as anyone else present in court who heard Espary admit to shipping Dick and Marshall. Indicate we will make names known to A&C Dept.*

*Forward copy of this memo together with our congratulations to O.C. Lyden to A&C Dept indicating Espary's mental condition and frustration with the trial would suggest it is just a matter of time before he seriously or fully agrees to some. ~~As there is a certain~~ Once appeal could have reached verdict my own be advised as to further action as soon as possible as to the further action to be taken this regard.*

Diary Date - Date d'agenda	Meeting Date - Date de réunion	P.A. - A.C.	
		Date	Init./N°

OTHER FILE REFERENCES REF. AUTRES DOSSIERS:  128	DIVISION "H"	DATE 83-01-21	RCMP FILE REFERENCES: REF. DOSSIERS GRC:  82-77 82 S - 0042 714-010-6
	SUB-DIVISION / SOUS-DIVISION Sydney, N.S.		
	DETACHMENT - DÉTACHEMENT Sydney S/D G.I.S.		

RE - OBJET:

Donald MARSHALL, Jr.  
Non-Capital Murder, Sec. 206 C.C.C.  
Sydney, N.S. 71-05-28/29

RIMP2 325

1. Further to report dated 82-05-20 in the above regard, be advised affidavits taken from main witnesses in this case by MARSHALL's counsel (ARONSON) in particular those of CHANT, PRATICO and MacNEIL were subsequently presented to the Nova Scotia Supreme Court at Halifax, N.S. in August, 1982.

2. On 82-12-01 MARSHALL appeared before the Court of Appeal at Halifax, N.S., at which time new evidence was presented by ARONSON through witnesses James MacNEIL, Donna & Greg EBSARY, A. EVERS, Patricia HARRISS and Maynard CHANT, this being the first time MacNEIL submitted evidence. MARSHALL also gave evidence but refused to admit he and SEALE were in the process of robbing EBSARY and MacNEIL on the night in question. During cross-examination by Crown Prosecutor F. EDWARDS, MARSHALL finally admitted to the contents of the statement he gave S/Sgt. WHEATON and myself at Dorchester, N.B. After two days of evidence the five Appeal Court Judges adjourned the matter to 83-02-16 for decision.

3. It should be noted EBSARY has since been acquitted by a local jury on the MUGRIDGE stabbing. This incident occurred in his Sydney home early in 1982 and a new trial was ordered after medical authorities found him "unfit" for trial. Since his release he returned to his former residence and drinking habits.

4. On 82-10-25 EBSARY made continued attempts to contact Frank EDWARDS in Sydney. EDWARDS refused to communicate with him in the event it concerned the MARSHALL case and requested someone from this office visit EBSARY. I interviewed him at his home on 82-10-26 and was asked to ascertain the circumstances surrounding the arrest and court appearance of one Gerard Francis DOYLE arrested at St. Peters, N.S. on 82-10-25. DOYLE and EBSARY met while inmates at the local Correctional Centre and he expressed a great desire to help the youth in any way possible, in exchange for this information, he stated he would supply the missing details to the MARSHALL case.

5. Inquiries made revealed DOYLE had already appeared in Arichat court and was remanded for thirty days observation in Dartmouth, N.S., on several charges. EBSARY was advised of the situation but decided to discuss the MARSHALL case anyway. He agreed to type his account of the events on the night he and MacNEIL were robbed but later stated his glasses had been smashed by a drunk and he could not see clearly to type, he suggested a tape recorder be supplied.

.../2

RE OBJET

Donald MARSHALL, Jr.  
 Non-capital Murder, Sec. 206 C.C.C.  
 Sydney, N.S. 71-05-28/29

RCMP 325

6. On 82-10-29 I delivered to EBSARY a tape recorder and new cassette tape with the intention of leaving it with him, however, he agreed to dictate the details in my presence. The subsequent twenty minute recording describes how he and MacNEIL were walking through the park when approached by MARSHALL and SEALE. He describes defending himself by stabbing SEALE "in the guts" and MARSHALL in the arm when he came to SEALE's rescue. He said he used a small pocket knife which he buried in his backyard garden plot at Rear Argyle St., Sydney, and agreed to show me the location.

7. On 82-11-02 Cpl. D. HYDE and I with EBSARY dug up an area some 3' x 4' at the above address but could not find the knife. While attending local court on another matter on 82-11-08 I met EBSARY who had just appeared before Sydney Provincial Court Judge C.A. O'CONNELL and entered a "Guilty" plea to possession of an offensive weapon. EBSARY was sentenced to six months at the local Correctional Centre same date and will be released on 83-03-08. This charge was laid by Sydney City Police following numerous threats of bodily harm by telephone from EBSARY to his son, Gregory. EBSARY tried to gain entry to his son's residence during the P.M. of 82-11-07 and had hidden a knife in a small mail box near the front door. Minutes after being sentenced EBSARY bragged to Ian MacNEIL, editor of the Cape Breton Post and brother of Crown Prosecutor Donald MacNEIL (deceased - prosecuted MARSHALL in 1971) he had stabbed MUGRIDGE and got away with it as well as stabbing SEALE and MARSHALL. EBSARY invited MacNEIL to further interview him at the Correctional Centre regarding these offences.

8. EBSARY is now scheduled for release on 83-03-08 and MARSHALL's next appearance is 83-02-16. It is the writer's opinion that Department of Justice officials may not be fully aware of the fact EBSARY, in spite of his age and physical-mental condition, is a very unpredictable, dangerous individual. When not in custody he entertains a local crowd of drunks, drug users, fellow inmates released as well as the homosexual youths. It is not uncommon for him to go without food for two weeks, drinking heavily every day, he is normally drunk by noon. When EBSARY is released in March he will resume his previous life style and there can be no doubt he will make further threats toward his son and family. These people live in constant fear EBSARY will molest their children while enroute to school.

S.U.I.

(J.E. CARROLL) Cpl.  
 Sydney Sub/Div. G.I.S.

D.D. 83-03-31

(T.E.B.) S/Sgt.

P.C. Co-or. Sydney Sub/Div. G.I.S.

RE-OBJET:

Donald MARSHALL Jr.  
Non-Capital Murder, Sec. 206, CCC  
Sydney, N.S. 71-05-28/29

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RUMP 2 325 3

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CONT'd

The Officer i/c C.I.B.

FORWARDED 83-01-24 for your information. Para. 3 of Cpl. CARROLL's report should read, "this incident occurred in his Sydney home early in 1982, and a new trial was ordered after medical authorities had earlier found him unfit for trial". EBSARY, in the first instance, was found unfit for trial and then later he was found fit for trial and then was acquitted during a jury trial.

With reference to para. 6 of Cpl. CARROLL's report, it should be noted that EBSARY had just come off of a 10-day drinking bout and while listening to this tape recording you can see that he is telling you what he wants to tell you and is not being completely honest in all details. It is like he wants to admit to stabbing SEALE to get it off his conscience, but, he does not want to lose his freedom by making this admission, and therefore he distorts certain facts to leave you guessing.

My main concern at this point is for the safety of others should EBSARY be released prior to a decision being rendered by the Appeals Division of the Supreme Court of Nova Scotia. Should the Appeals Division see fit to dismiss the conviction against MARSHALL, then a charge of Manslaughter or Murder should be laid against EBSARY, as the investigator and the local Crown Prosecutor both feel that there are sufficient grounds to do so. I also concur with this decision. It is therefore requested that this Sub/Division be advised ASAP when a decision is handed down, so that the appropriate action can be taken at this point against EBSARY.

  
D.B. Scott, Insp.  
Commanding Sydney Sub/Division

O.C. Sydney Sub-Division

Asst. Officer i/c C.I.B.

SECURITY - CLASSIFICATION - DE SÉCURITÉ
OUR FILE / NOTRE RÉFÉRENCE 71H-010-6
YOUR FILE / VOTRE RÉFÉRENCE 82S-0042
DATE 83-01-28

SUBJECT  
OBJET

Donald MARSHALL, Jr.  
Non-Capital Murder, Sec. 206 C.C.  
Sydney, N.S. 71-05-28/29  
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Report from Sydney Sub-Division G.I.S., with your forwarding memorandum, refers.

Would you please supply us with a transcript of the taped interview of EBSARY with Cpl. CARROLL. Also, have a member interview Mr. Ian MacNEIL, along with anyone else who was present in court who heard EBSARY's remarks admitting he stabbed MUGRIDGE and MARSHALL.

We will indicate your concerns to the Deputy Attorney General.

R.G. Zinck, Insp.,  
Asst. Officer i/c C.I.B.

DCS/lmm

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RCMP 327

83-01-28

OUR: 71H-010-6

The Deputy Attorney General

Attention: Mr. Gordon S. Gale

FORWARDED, together with report from our Sydney General Investigation Section and comments of the O.C. Sydney Sub-Division.

EBSARY's mental state and his fascination with knives would suggest it is only a matter of time before he seriously or fatally injures someone.

Once the Appeals Court have rendered verdict, may we be advised as soon as possible as to further action to be taken in this regard.

Halifax, N.S.  
83-01-28

D.F. Christen, Supt.,  
Officer i/c C.I.B.

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LM  
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RECEIVED  
JAN 29 1983

0984-0255-09

February 2, 1983

Mr. Frank C. Edwards  
Prosecuting Officer  
77 Kings Road  
Sydney, Nova Scotia  
B1S 1A2

Dear Mr. Edwards:

Re: Donald MARSHALL, Jr.  
Non-Capital Murder, Sec. 206 C.C.  
Sydney, N.S. 71-05-28/29

Enclosed for your information is a copy of the R.C.M.P. report of January 28th together with a copy of my reply.

Yours very truly,

Gordon S. Gale  
Director (Criminal)

GSG:jd  
Enclosure

83-01-28

OUR: 71H-010-6

The Deputy Attorney GeneralAttention: Mr. Gordon S. Gale

FORWARDED, together with report from our Sydney General Investigation Section and comments of the O.C. Sydney Sub-Division.

EBSARY's mental state and his fascination with knives would suggest it is only a matter of time before he seriously or fatally injures someone.

Once the Appeals Court have rendered verdict, may we be advised as soon as possible as to further action to be taken in this regard.

Halifax, N.S.  
83-01-28

D.F. Christen, Supt.,  
Officer i/c C.I.B.

83-01-28  
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RECEIVED  
JAN 30 1983





DEPARTMENT  
OF  
ATTORNEY GENERAL  
NOVA SCOTIA

P. O. BOX 7  
HALIFAX, NOVA SCOTIA  
B3J 2L8

Our File: 09-82-0236-08

February 2, 1983

C. O. "H" Division  
R.C.M.P.  
3139 Oxford Street  
P. O. Box 2286  
Halifax, Nova Scotia  
B3J 3E1

Re: Donald Marshall, Jr.  
Non-Capital Murder, Sec. 206 C.C.  
Sydney, N.S. 71-05-28/29  
Your File: 71H-010-6

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This will acknowledge your letter of January 28th.

I am fully aware that Ebsary presents a danger when he is at large. Unfortunately, there is nothing that can be done in regard to charging him with the murder of Sandy Seale until the Appeal Division have rendered their decision. We have no way of knowing when they will render that decision. If the Appeal Division quashes the conviction there is no problem and a charge will be laid against Mr. Ebsary forthwith. However, if the Appeal Division orders a new trial then the matter will have to be reviewed to determine whether the new trial is proceeded with or whether a stay is entered and Mr. Ebsary is to be charged.

Gordon S. Gale  
Director (Criminal)

GSG:jd

ROYAL CANADIAN MOUNTED POLICE — GENDARMERIE ROYALE DU CANADA

OTHER FILE REFERENCES: REF. AUTRES DOSSIERS: 136	DIVISION "H"	DATE 83-02-10	RCMP FILE REFERENCES: REF. DOSSIERS GRC: 82-77 - Our File 82S-0042 - Syd. S/D 71H-010-6 - H.Q. File
	SUB-DIVISION / SOUS-DIVISION Sydney, N.S.		
	DETACHMENT—DÉTACHEMENT Sydney S/D G.I.S.		

RE: — OBJET: Donald MARSHALL, Jr. RCMP 328  
 Non-Capital Murder, Sec. 206 C.C.C.  
 Sydney, N.S. 71-05-28/29

1. Further to my report of 83-01-21 and memo dated 83-01-28 from Assistant Officer i/c C.I.B. in the above regard, be advised MacNEIL was interviewed and a statement obtained, attached. It appears MacNEIL and City Editor, Angus MacDONALD, persuaded Deputy Sheriff Win HATCHER to remove EBSARY from the Court house holding cell on 82-11-08 and allow him to be interviewed prior to his departure to the local Correctional Centre. Sheriff Wayne MAGEE returned to the office and terminated the discussion.

2. MacDONALD, MAGEE and HATCHER have been interviewed, all confirm that MacNEIL was the only person to speak with EBSARY, the MUGRIDGE case was not discussed.

3. Due to pressure of other duties, it has not been possible to transcribe EBSARY's remarks of 82-10-29, a copy of this tape is enclosed in the event it can be done at your point.

S.U.I.

D.D.: 83-03-31

(J.E. CARROLL) Cpl.  
 NCO i/c Sydney Sub/Div. G.I.S.

(T.E.B.) S/Sgt.  
 P.C. Co-or. Syd. Sub/Div. G.I.S.

c.c. O.C. Sydney Sub/Division

83-03-08

The Deputy Attorney General  
P.O. Box 7  
Halifax, Nova Scotia  
B3J 2L6

71H-010-6

Attention: Mr. Gordon S. Gale

Re: Donald MARSHALL, Jr.  
Non-Capital Murder, Sec. 206 C.C.  
Sydney, N.S. 71-05-28/29

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*all over*  
Please find attached, recent report from Sydney General Investigation Section. The transcript of the taped interview between Cpl. CARROLL and EBSARY is also attached.

R.G. Zinck, Insp.,  
Asst. Officer i/c C.I.B.

DCS/lmm  
Encl.

3139 Oxford Street  
P.O. Box 2286  
Halifax, N.S.  
B3J 3E1

83-03-08  
CM  
JF

RECEIVED  
MAY 29 1983

STATEMENT OF: Roy Newman EBSARY

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Taken at: Sydney, N.S.

82-10-29

11:50 AM

RCMP 23

It is 11:50 AM, the 29th day of October, 1982, and Roy Newman EBSARY and I are seated at his kitchen table.

EBSARY: Capt. Roy EBSARY - don't forget that.

CARROLL: 68 Falmouth Street, Sydney, N.S.

EBSARY: Right.

CARROLL: I am here at the request of Capt. EBSARY, who requested that I produce a tape recorder and a fresh tape for the purpose of discussing an incident that happened at Wentworth Park in 1971, which resulted in the death of a

EBSARY: Sandy SEALE.

CARROLL: Sandy SEALE.

EBSARY: Yeah.

CARROLL: Now, Capt., before we go any further, I have to give something that is called a Police Warning as follows:

EBSARY: Right. Go ahead.

CARROLL: You need not say anything. You have nothing to hope from any promise or favour and nothing to fear from any threat whether or not you say anything. Anything you do say may be used as evidence. Do you understand that?

EBSARY: Yes.

CARROLL: Now, also, with the new Bill of Rights, you do realize that you are entitled to counsel and it's, the wording of that is, you have the right to retain and instruct counsel without delay, now

EBSARY: Right.

CARROLL: Do you understand that?

EBSARY: Yes.

CARROLL: Do you wish to have your lawyer

EBSARY: I, do you know what I call my lawyer? A dimwit.

CARROLL: Okay

EBSARY: Right.

.../2

CARROLL: I'm not going to ask any questions. I'm just going to make sure the machine is working properly.

EBSARY: Right, okay.

CARROLL: And the incident

EBSARY: Now I've got to go back eleven years. I've got to try to remember eleven years back.

CARROLL: I wonder if perhaps you can close that window. It might keep the sound of the traffic out.

EBSARY: Okay.

CARROLL: Now, you just say whatever's on your mind and I'm prepared to listen.

EBSARY: Okay. I remember the night vividly. Is this going on tape?

CARROLL: It's all going on tape.

EBSARY: I remember the night vividly. It was a kind of misty night, a fine rain was falling. So I had to take off my glasses, but I can't see very well anyway. But with the glasses off, I couldn't see at all. So, I went over to visit Mr. O'NEIL. Now, not the young O'NEIL, his father, and we sat and we consumed. It was a few days before my birthday. So, the wife bought me a couple bottles of wine, so naturally, I put the two bottles of wine in my pocket and I went over to visit Mr. O'NEIL. His son wasn't home. So, okay, we consumed one bottle of wine, Mr. O'NEIL and I. Damned his son came home and we consumed the second one. Now then, when I was about to leave to go home, the boy said he wants to go down to the State Tavern to meet someone. I don't know who. But he didn't have any success because (talking to his animal), ah, we walked, let me see, we, we must have come up George and I've gone through the park several times with the police, but Went...Wentworth Park at that time, Cres... Crescent Street at that time was one of the darkest areas of the city. It was. There was no lights there. Right? So, when the police asked me down there who attacked me, I wasn't able to, I wasn't able to even tell them the color. I said two men attacked me. Okay, I turns around and he says to me, give me everything you've got in your pocket. And I gave him everything I had in my pocket. But when I put my hand in my pocket, I discovered I had a pen knife. Now it was only a pen knife. It was no knife ~~to~~ that you took from my home and it was a pen knife

STATEMENT OF: Roy Newman EBSARY

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and that pen knife was given to me by young Jacques BRITIAN, a young Frenchman that the authorities here had placed in my care. And I was training him to be a cook. He wanted, he said he wanted to live somewhere where there was a family, so I took him home with me. Okay. But he gave me this pen knife. <sup>the blade</sup> It was about three inches long, three inches long. So, when this bastard said to me give me everything you got in your pocket, I said listen, you fucker, you're going to get everything I got in my pocket. So I gave him everything I had in my pocket, everything. My watch, my ring, but the fucking knife was in my top pocket and I opened it in my pocket and I said brother, you asked for everything, you're going to get everything and I gave him everything. Now the blade was that small that that boy that night, he ran. In the meantime, MARSHALL just strangled the other boy across the road. That young O'NEIL. Because MARSHALL was a thug and so was SEALE. So thugs become heroes and honest men become what? Honest men become what? You don't know. I do. Okay. How am I doing?

CARROLL: Just fine.

EBSARY: Have I got all my marbles?

CARROLL: I'm not going to shut the tape off Capt. I'm just going to let it roll. Is there anything further you want to add there as to what happened from that point on?

EBSARY: Now listen, young SEALE that night ran. He ran. Now listen, I was only about fifty feet from South Sandict to Gustave St. Fifty feet, but he ran the whole length of that bloody street. So I don't think the boy was hurt. I didn't think the boy was hurt. But the next morning, young O'NEIL came to my house and he said EBSARY, do you know a young fellow was killed in the park last night? Well, I said he must have had bad luck, he must have had bad luck. He took us for all we had, but he must have bumped into somebody who gave him the works. Now I didn't believe I did it. I couldn't convince myself I did it. Do you understand that?

CARROLL: Yes.

EBSARY: You do? Honest to God?

CARROLL: There is one thing you mentioned in your remarks and you say that the young fellow was SEALE, asked you. Did you mention SEALE's name, or did you say the young fellow?

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EBSARY: The young fellow.

CARROLL: Did you know him as SEALE or before or later.

EBSARY: No, no, I never knew him before or later. I never knew MARSHALL before or later. I wouldn't know MARSHALL if I, if I met him today.

CARROLL: You say he asked you for everything you had in your pockets.

EBSARY: Right.

CARROLL: And you gave it to him, no.

EBSARY: Right, right.

CARROLL: What did you mean by giving it to him?

EBSARY: He said I want everything you got in your pocket. Now, I've been mugged before coming through that park umpteen times, but I never complained to the police. What in the hell was the use. But when he said give me everything you got in your pocket, when my hand felt the knife and it was only a pen knife, it wasn't one of the knives you took from my home.

CARROLL: What actually happened to the knife? What did you do with the knife?

EBSARY: I know where the knife is.

CARROLL: No, I mean on that particular night. What did you actually do with the knife? When he asked for what you actually had in your pockets? You opened the knife blade you say?

EBSARY: Right.

CARROLL: What actually, what motion did you make then?

EBSARY: I stuck the knife in the ground.

CARROLL: Not in, not in Mr. SEALE?

EBSARY: No, I stuck the knife in the ground. Now the people what say they saw me wash blood off that knife were telling bloody lies. Because you stick a knife in the sod and there's no blood on the God damned knife is there? Is there?

CARROLL: It would depend on various circumstances.

.../5

STATEMENT OF: Roy Newman EBSARY

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EBSARY: Well, okay, okay, okay, you have it your way, you have it your way old man. You have it your way.

CARROLL: So, you're not saying you defended yourself or stabbed Mr. SEALE.

EBSARY: Yes, I did defend myself. Sure I defended myself. What the hell else was I supposed to do?

CARROLL: Well, I'm not here to criticize your right to defend yourself, Captain, but in fact when you took the knife out of your pocket, what did you do with it before you stuck it in the ground?

EBSARY: I made a swipe at SEALE.

CARROLL: What particular part of his anatomy did you swipe at?

EBSARY: I don't know, I don't know. I told you, I was after consuming two bottles of wine. I just made a blind swipe, but he ran.

CARROLL: Would you say the upper part of his body, from the head down to the waiste or from the waiste down, or

EBSARY: Possibly got him, possibly I got him in the guts. Possibly I got him in the guts.

CARROLL: Was it just one blow?

EBSARY: One blow.

CARROLL: And then he left.

EBSARY: Right. Now I asked you one time before how many times was SEALES stuck.

CARROLL: What was my answer then?

EBSARY: You said once.

CARROLL: Right, that's what I'm saying today. To the best of my knowledge, only one blow.

EBSARY: Right.

CARROLL: And at this time, MARSHALL was fighting with McNEIL.

EBSARY: Yes.

CARROLL: You say strangling McNEIL?

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STATEMENT OF: Roy Newman EBSARY

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EBSARY: Yes, strangling McNEIL. So you know what I did? I had, I still had the knife in my hand. So I ran across the road and I stuck MARSHALL in the arm.

CARROLL: Ah, which arm, do you recall?

EBSARY: No, I don't know. All I

CARROLL: Upper part?

EBSARY: All I, All I know was he was strangling young McNEIL. And I tried to defend young McNEIL so I, I let MARSHALL have it.

CARROLL: In the arm you say?

EBSARY: Right.

CARROLL: More than one blow or

EBSARY: No, one blow.

CARROLL: And he did what, after that?

EBSARY: He ducked and ran.

CARROLL: Left you alone?

EBSARY: Right. So young McNEIL and I went home. But young McNEIL was that upset. I was going to start the Bar-B-Q and I did. I broke out a few steaks. I tried to light up the Bar-B-Q. I told you it was slightly raining, right?

CARROLL: Capt., were you working then at a local hotel?

EBSARY: No, I was too tired.

CARROLL: Too tired?

EBSARY: Right.

CARROLL: Okay, all right, now the rest of the facts, you say you heard about the death of SEALE the following day?

EBSARY: Yes, because young McNEIL, O'NEIL, or whatever his name was

CARROLL: Is that James McNEIL you're referring to?

EBSARY: Well, I don't know the

CARROLL: Jimmy

.../7

STATEMENT OF: Roy Newman EBSARY

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EBSARY: Yes, young fellow.

CARROLL: Jimmy?

EBSARY: Right. He came down to me to see me this morning and brought his father with him. And his father went down and bought two bottles of wine.

CARROLL: This is the day after?

EBSARY: This is the day after. Okay, now I had a white chicken. This may sound comical to you, but at Easter time, they brought my daughter, young Donna, a little white chicken and I reared her until she became a full grown hen and she used to lay a double yolk egg and I used to call her Mabel. And every time I'd go out that door, she knew me, boy.

CARROLL: Where were you living at this time?

EBSARY: I was out at 46 Mechanic Street.

CARROLL: Mechanic?

EBSARY: An, no, no, no, no, no, I was living at 46 Rear Argyle.

CARROLL: Rear Argyle.

EBSARY: Yea, right, yea, yea.

CARROLL: Okay, so you heard about it the following day.

EBSARY: Right.

CARROLL: And I supposed you read about it in the papers and ah

EBSARY: No, I didn't even bother. I don't read the papers. I don't listen to the radio.

CARROLL: At any time later on did you realize that this could have been the person that you fought with in the park? I don't mean by a lengthy fight, but ah, the robbery or whatever.

EBSARY: I told you, to me it was only an incident.

CARROLL: You had been mugged before, you say?

EBSARY: Yes, you're damned right I've been mugged there before.

CARROLL: Have you had to defend yourself before?

EBSARY: Right.

.../8

CARROLL: Or did you just give in?

EBSARY: Gave in. I got beat up.

CARROLL: Okay, so

EBSARY: But I swore by my Christ, I swore by my Christ that the next man that struck me would die in his tracks.

CARROLL: Okay, what stage, if at any stage, did you realize that SEALE probably died as a result of the encounter you two had?

EBSARY: No, no, 'cause I'll tell you why. Why didn't MARSHALL go for assistance right away when he realized that SEALE was wounded? Why?

CARROLL: I don't know.

EBSARY: You don't know. I don't know. If you had a pal and that pal was hurt, would you go look for help? Would you? You're that type of man to me. And so would I. But he didn't.

CARROLL: Okay, so just in conclusion then Capt. at what stage did you feel that well, I will put it a different way. Did you feel as days went or, or months or weeks went on that MARSHALL was being blamed for something he didn't do or

EBSARY: No, I didn't. No, because you know what I thought. I thought MARSHALL finished SEALE off. Yes, because it was very easy, very easy to put a knife into a wound. Because the rip that that guy got in the guts didn't come from a three inch knife. It was impossible. Now I read the doctor's statement. That boy's guts were torn up. Now I read that much and I know that a three inch blade couldn't a done it. So I said MARSHALL, I convinced myself that MARSHALL had finished SEALE off. To shut him up.

CARROLL: Do you still believe that now?

EBSARY: Yes.

CARROLL: Do you?

EBSARY: Yes, yes, I still believe it. I still believe it. All the lies that were told. MARSHALL was lying right and God damned left.

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STATEMENT OF: Roy Newman EBSARY

CARROLL: The robbery never came out in the evidence in court.

EBSARY: No, no, no.

CARROLL: Or the attempted robbery, I should say.

EBSARY: Right. Nothing came out. Nothing came out.

CARROLL: Well, would it be fair to say that you still believe that today, that your blow to SEALE did not result in his death?

EBSARY: It was impossible for a three inch blade to do the damage the doctor said happened to. SEALE's whole inside was torn up.

CARROLL: Right.

EBSARY: Now, a three inch blade couldn't a done that.

CARROLL: I just have one final question I'm going to ask you and that is why have you decided to tell me today what we have just discussed now? Is there a reason? Do you feel obligated, or?

EBSARY: Yes, yes, I do feel obligated.

CARROLL: Explain that to me. This will be the final remarks.

EBSARY: Yes. I've served time in the slammer too. I only spent a few months. Nine months. But I realize what young MARSHALL must have gone through. Eleven years?

CARROLL: Eleven years. Okay, so

EBSARY: Too long.

CARROLL: We have discussed this briefly before the date was on to what's to be said here this morning and you realize that anything that anything that we have discussed and produced with a tape recording

EBSARY: Right

CARROLL: Must be accurate

EBSARY: Right

CARROLL: Anything that is false is

EBSARY: But there's nothing false.

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STATEMENT OF: Roy Newman EBSARY

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CARROLL: I say it could be damaging to various causes.

EBSARY: Listen, I'm telling you the truth. I'm levelling with you. I told you I never broke a word to, I never broke my word to any man in my God damned life. Why should I break my word to you?

CARROLL: Okay, just before I turn the tape off now, is there anything further you care to add as to why this information has been kept for eleven years? I mean, in your own opinion.

EBSARY: I told you, it was only an incident. It didn't matter to me, boy, one way or the other. You know what I mean?

CARROLL: Yea, so you're saying that a robbery was attempted and you defended yourself?

EBSARY: Right.

CARROLL: And then the incident happened after that?

EBSARY: Right and that was it. It was just an incident as far as I was concerned.

CARROLL: Okay, it's 12:08

EBSARY: Okay, boy.

CARROLL: And I'm shutting off the tape now.

EBSARY: Are you.

CARROLL: It's now 12:15 p.m. on the 29th of October 1982.

EBSARY: Right.

CARROLL: Captain, you expressed a desire to have something recorded here concerning the disposal of the knife that you were carrying on the night that SEALE was stabbed.

EBSARY: Right, so that any knife that was taken from my people's home wasn't involved. Now, what about, what's all this shit about a knife and the fibres that your so-called scientists came up with. Now that's a lot of shit.

CARROLL: The thing that you wanted recorded here was the disposal of the pen knife as described.

EBSARY: Right.

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STATEMENT OF: Roy Newman EBSARY

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CARROLL: Would you care to expound on that?

EBSARY: Yes, I'll expound on it.

CARROLL: Ah, where is it now?

EBSARY: I think myself that if I was to go back to that spot and stick a spade down into the ground I know exactly. It was right in the corner of the garden. That's where the blade went. The handle went across the field.

CARROLL: This is what address now, where are you referring to?

EBSARY: Rear Argyle.

CARROLL: Rear Argyle.

EBSARY: Right.

CARROLL: Is there a street number and?

EBSARY: Let's see, I don't know if it was 56 or 86. I don't know what the hell it was. My memory's not too clear on that.

CARROLL: Right. Would you be willing to show me the garden plot?

EBSARY: Yes, you're bloody right.

CARROLL: At some convenient time.

EBSARY: Yes, any time, any time you like to.

CARROLL: All right and you say only the blade is buried there?

EBSARY: Right.

CARROLL: Approximately how deep in the ground?

EBSARY: Possibly six or seven inches.

CARROLL: All right, okay then, perhaps we can have a look for that at some convenient time for you.

EBSARY: All right.

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RE-OBJET:

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CARROLL: All right, I'll shut this off once and for all then.

EBSARY: Good.

CARROLL: The time is 12:17 P.M.

Roy Newman EBSARY

WITNESS: Cpl. J.E. CARROLL 12:17 PM

82-10-29

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Date 82-10-29  
BIN BD R1mpk 85

Division "H"	Sub-Div - Sous-div Sydney	EXHIBIT REPORT No. N° DE RAPPORT SUR LES PIÈCES
Detachment - Detachement Sydney S/Div. GIS	Page 4	82-23
Re - Objet Re Donald MARSHALL Jr. New Capital murder Sydney, N.S. 71-05-28/29	OCCURRENCE No - N° D'INCIDENT	Y-A 82-77

1. Cpl. J.E. CARROLL

came into possession of the following described goods on  
suis entré en possession des objets décrits ci-après le

82-10-29 at Sydney, N.S. by taking possession of same from Roy EBSARY.

EXHIBITS LISTED BELOW ARE TO BE GIVEN ITEM NUMBERS IN CONSECUTIVE ORDER  
LES PIÈCES ÉNUMÉRÉES CI-DESSOUS RECEVRONT UN N° EN ORDRE CONSÉCUTIF

Item No N° de pièce	Description
1.	One 60 minute cassette tape.  J.E.C. Spb Entered in Court

CERTIFIED CORRECT - CERTIFIÉ CONFORME

Investigator - Enquêteur J.E. Carroll Cpl	Date 82-10-29	Exhibit Custodian - Resp. de pièces à conviction Carroll	Date 82-10-29
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