

I N D E X

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RESUME OF OFFENCE AS PRESENTED IN 1971

CROWN

On the evening of the 28/29 May, 1971, at approximately 12 Midnight, Alexander (Sandy) SEALE and Donald MARSHALL Junior, were on Crescent Street, Sydney, N.S. They were observed in front of 120 Crescent by John PRACTICO who was seated behind a bush drinking beer. PRACTICO gave evidence in Court that he heard an argument between MARSHALL and SEALE. He also observed SEALE stab MARSHALL.

At the same time Maynard Vincent CHANT was walking along railroad tracks in the Park. He gave evidence in the Preliminary Hearing and later concurred with this evidence in Supreme Court, after being declared a hostile witness that he observed MARSHALL stab SEALE. From his vantage point he stated he could also see PRACTICO hiding behind the aforementioned bushes.

The third witness of importance was Patricia HARRIS. She gave evidence that Terry GUSHUE and herself, were walking on Crescent Street shortly before 12 midnight and observed Sandy SEALE and Donald MARSHALL on the street at the approximate area of the murder. Miss HARRIS advised the Court that a short conversation took place in which MARSHALL gave GUSHUE a light. In her written statement to City Police dated 18 Jun 71, 1:20 A.M. she states she also saw Sandy SEALE on Crescent Street; however, in court she states there was one other person with MARSHALL and does not name that individual. GUSHUE gave basically the same evidence, but not with the same credibility as he was drinking heavily on the evening in question.

ON THE EVENING OF THE 28/29 MAY, 1971, AT APPROXIMATELY 12 MIDNIGHT, ALEXANDER (SANDY) SEALE, WAS STABBED IN THE LEFT STOMACH AREA AND SUBSEQUENTLY EXPIRED AT THE SYDNEY CITY HOSPITAL AT APPROXIMATELY 8:00 A.M. 29 MAY 71. PRESENT AT THE TIME OF THIS STABBING, WHICH OCCURRED ACTUALLY BETWEEN 110 CRESCENT STREET AND A GREEN APARTMENT BUILDING, WERE ROY N. EBSARY, JAMES MCNEIL, DONALD MARSHALL, JR. AND THE DECEASED.

DONALD MARSHALL, JR. WILL GIVE EVIDENCE AS PER STATEMENT, AND HIS MOVEMENTS CAN BE FOLLOWED AND CORROBORATED BY NOTED WITNESSES. HE WILL STATE THAT HE AND SEALE ATTEMPTED TO ROB EBSARY AND MCNEIL AND THAT EBSARY TOOK A KNIFE FROM HIS POCKET AND STABBED SEALE AND THEN HIMSELF. HE THEN FLED THE SCENE AND ADVISED ONE MAYNARD CHANT, AGED 14, WHO WAS WALKING IN FRONT OF 103 BYNG AVENUE, A DISTANCE OF 750 FEET FROM THE SCENE.

JAMES MCNEIL, WILL STATE THAT HE WAS WITH ROY EBSARY ON THE NIGHT IN QUESTION AND WILL STATE THAT EBSARY STABBED SEALE, AND THE PATH TAKEN BY THEMSELVES AFTER THE MURDER. MCNEIL'S EVIDENCE MAY BE FOUND IN THE EBSARY PORTION OF THIS BOOKLET.

DONNA EBSARY AND HER MOTHER WILL STATE THAT THEY OBSERVED ROY EBSARY AND MCNEIL ARRIVE HOME. THEY CORROBORATE MCNEIL'S EVIDENCE ON WHAT TRANSPIRED AT THE HOME THAT NIGHT. THIS WOULD BE IN REGARDS TO CONVERSATION IN THE PRESENCE OF THE ACCUSED AS WELL AS EBSARY WASHING BLOOD OFF THE KNIFE IN THE KITCHEN.

JOHN PRACTICO HAS GIVEN A STATEMENT THAT HE WAS NOT AN EYE WITNESS TO THE MURDER. THE VARIOUS RAMIFICATIONS OF SAME CAN BE SEEN IN HIS ORIGINAL EVIDENCE AS WELL AS HIS PSYCHIATRIC REPORT. FROM THE PERSONS INTERVIEWED AT AND AROUND THE DANCÉ ATTENDED BY THE DECEASED AND THE MAJORITY OF THE WITNESSES, IT APPEARS THAT IF PRACTICO WAS IN THE PARK AT ALL THAT NIGHT IT WAS WELL AFTER THE MURDER.

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MAYNARD CHANT HAS CATEGORICALLY DENIED HIS PREVIOUS EVIDENCE AND EXPLAINS HIS REASONS FOR LYING ON THE STAND. FROM THE INVESTIGATION CONDUCTED I CAN WELL UNDERSTAND THE POSITION THIS YOUNG MAN WAS PLACED IN. THIS INFORMATION WAS DERIVED FROM WITNESSES IN CHIEF AS WELL AS PERIPHERAL WITNESS<sup>ES</sup> WHICH BRINGS THE SCENE OF THE VARIOUS STATEMENTS TAKEN, AND EVIDENCE GIVEN, INTO SHARPER FOCUS.

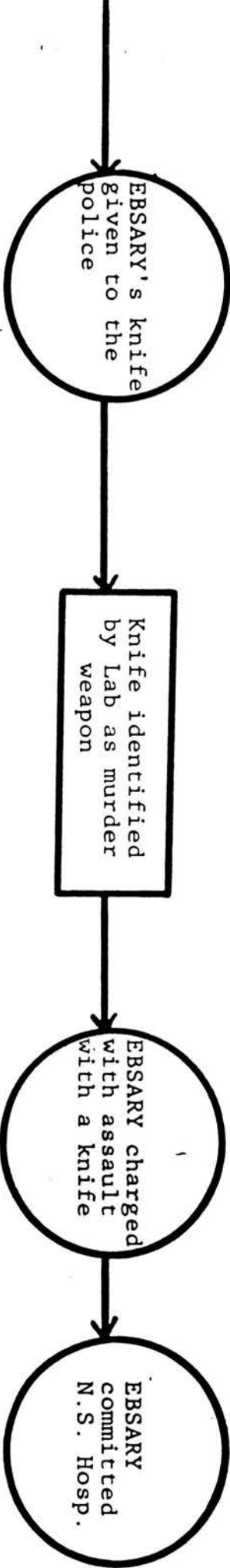
PATRICIA HARRISS WILL STATE THAT SHE DID NOT SEE SANDY SEALE ON CRESCENT ST. ON THE NIGHT OF THE 28TH. SHE WILL CORROBORATE MARSHALL'S STATEMENT AND SAY SHE SAW TWO OR THREE PERSONS NEAR AT HAND. IT IS INTERESTING TO NOTE THAT IN REGARD TO HER CLAIM OF POLICE DISTORTION OF HER STATEMENT, AN UNSIGNED STATEMENT WHICH APPEARS UNCOMPLETED, WAS FOUND WRITTEN IN INSP. W.A. URQUHART'S HAND. THIS STATEMENT IS DATED 17 June 71, time 8:15 P.M., AND IN IT SHE STATES SHE SAW ONE MAN THAT WAS SHORT WITH A LONG COAT, GRAY OR WHITE HAIR, WITH A LONG COAT. THE SUBSEQUENT STATEMENT IN WHICH SHE SEES MARSHALL AND SEALE, WAS TAKEN 18 JUNE 71 AT 1:20 A.M. THUS CORROBORATING THE LENGTH OF TIME HELD, AND THE FACT THAT THE POLICE, AT LEAST AT 8:15 P.M., WERE AWARE THAT A MAN ANSWERING EBSARY'S DESCRIPTION, WAS ON CRESCENT STREET. IT WOULD APPEAR THAT, AS SHE NOW STATES, THE INSPECTOR DID NOT WANT TO HEAR THIS.

TERRANCE GUSHUE WILL BASICALLY ADD WEIGHT TO HARRISS, HOWEVER, DOES NOT KNOW NOW OR DID NOT DURING TRIAL IDENTIFY ANYONE BUT MARSHALL.

LABORATORY EVIDENCE WILL BE GIVEN BY CIVILIAN MEMBER A.J. EVERS, THE MEMBER IN CHARGE OF THE HAIR AND FIBRE SECTION OF CRIME DETECTION LABORATORY, SACKVILLE.

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CROWN PROSECUTOR F.E. EDWARDS, AND I, HAVE GONE OVER MR. EVERS' EVIDENCE WITH SOME CARE AND HE HAS ADVISED THAT THE POSSIBILITY OF DUPLICATING THE FIBERS HE HAS FOUND ON THESE KNIVES FROM THE MARSHALL JACKET AND SEALE JACKET WITH THE KNIVES BEING FOUND IN THE EBSARY HOME, ARE REMOTE TO THE EXTREME. C/M EVERS HAS BEEN EMPLOYED BY THE FORCE FOR 15 YEARS AND HAS IMPECCABLE CREDENTIALS IN REGARD TO GIVING EVIDENCE ON HAIR AND FIBERS. HE HAS VERBALLY ADVISED BOTH THE CROWN AND MYSELF THAT IN HIS EXPERIENCE, QUESTIONING BY THE DEFENCE WOULD ONLY SERVE TO MAKE THE CASE STRONGER FOR THE CROWN WITH THIS PREPONDERANCE OF FIBERS AND THEIR LOCATION.



HARRIS says -  
"she was pressured  
by Sydney PD";  
relates a new  
story; states she  
"did not tell the  
complete truth  
on the stand"

CHANT says -  
"he lied on the  
stand"; "was not  
in the park on the  
night of the stabbing";  
"was pressured by the  
Sydney PD"

PRACTICO says -  
"he lied on the  
stand and didn't  
see anything";  
Note: Psychiatrist  
advises he is a  
continual liar  
& unreliable.  
Pressured by Police.

EVIDENCE GIVEN AT PRELIMINARY INQUIRY & SUPREME COURT TRIAL:

HARRIS - "she saw SEALE, MARSHALL and another person on Crescent St. prior to the murder"

CHANT - "gave evidence as per his statements to the police on 4 JUN 71 - BUT WOULD NOT IDENTIFY MARSHALL AS CULPRIT"

PRACTICO - gave evidence that "he saw the stabbing"  
Note: CHANT corroborated PRACTICO somewhat by saying he "saw him in the bushes" where he said he observed stabbing.

CHANT  
DECLARED  
HOSTILE  
WITNESS

McNEILL tells  
police -  
"EBSARY  
responsible  
for murder"

McNEILL  
Polygraph  
"doubtful"

EBSARY  
Polygraph  
"truthful"



4 JUN 71

17 JUN 71

18 JUN 71

8

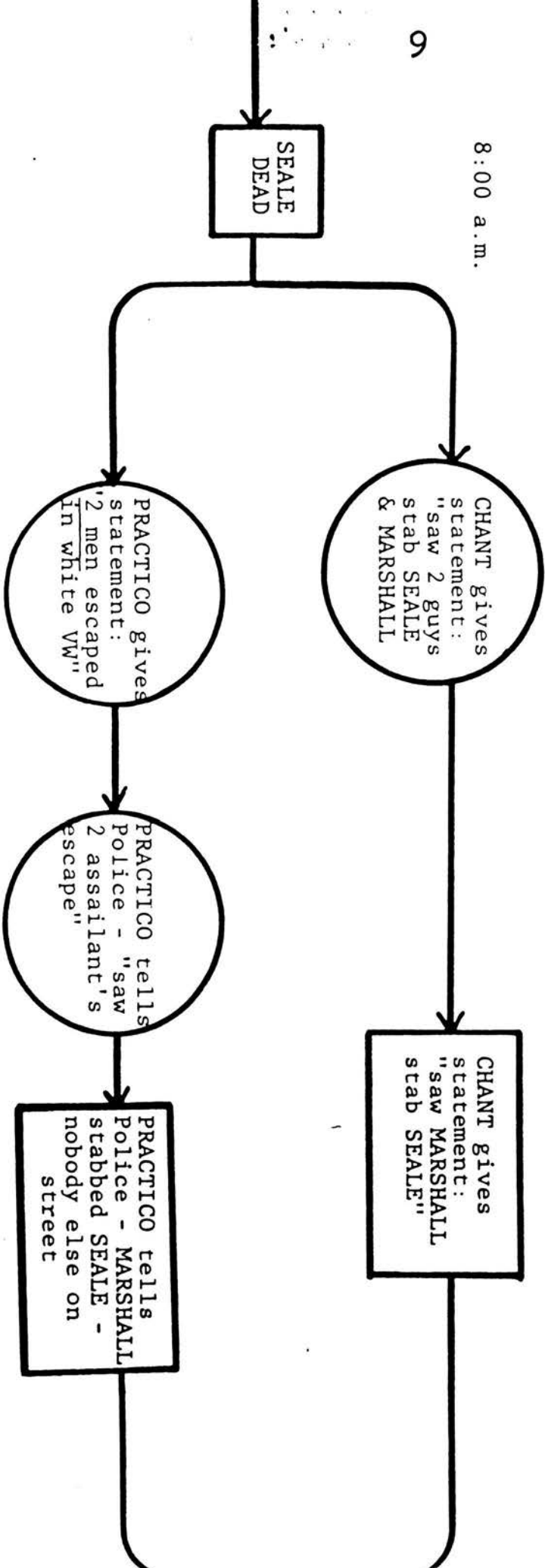
MARSHALL  
ARRESTED  
BUT MAKES  
NO  
ADMISSION

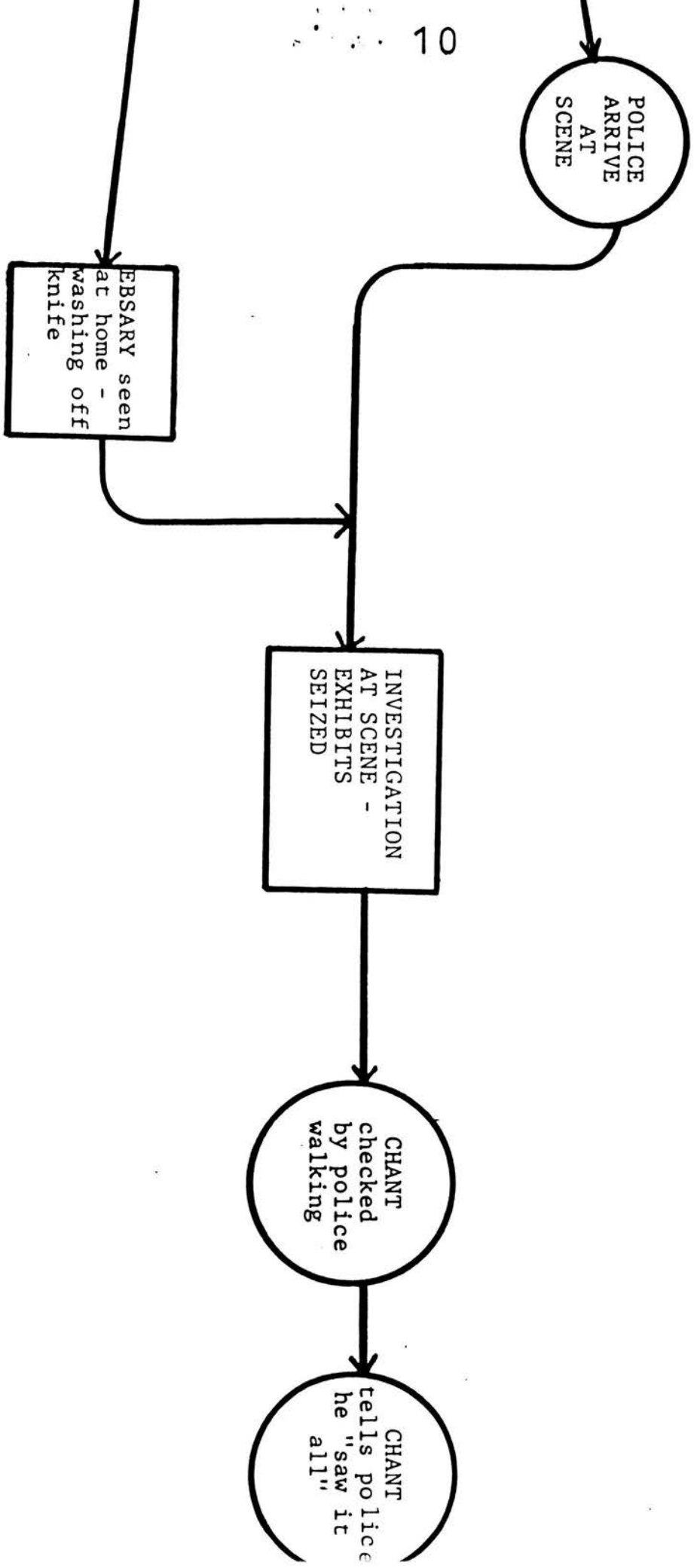
HARRIS tells  
police she  
saw - "grey  
haired man in  
long coat on  
Crescent St

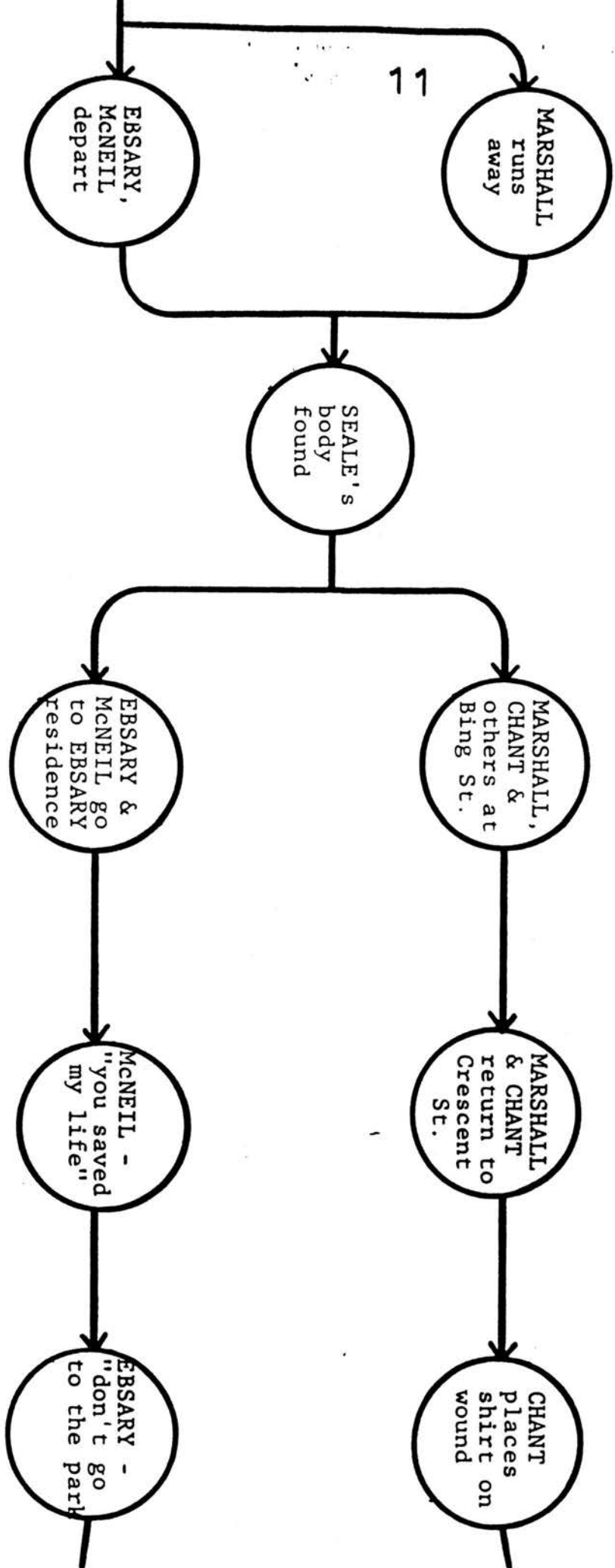
HARRIS tells  
police she  
saw - "SEALE  
and MARSHALL  
on  
Crescent St

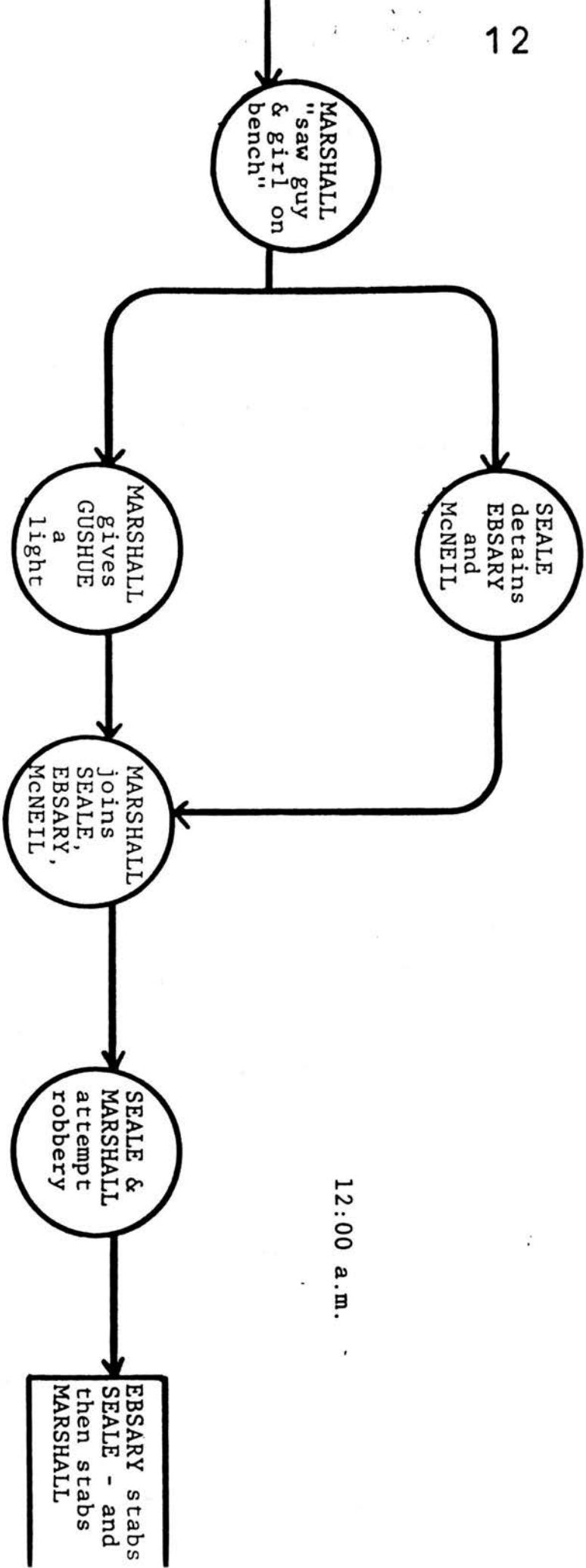
PRACTICO harrassed  
by Indians - tells  
Defence and Crown  
he "did not see the  
stabbing"

8:00 a.m.









12:00 a.m.

EBSARY stabs  
SEALE - and  
then stabs  
MARSHALL

