

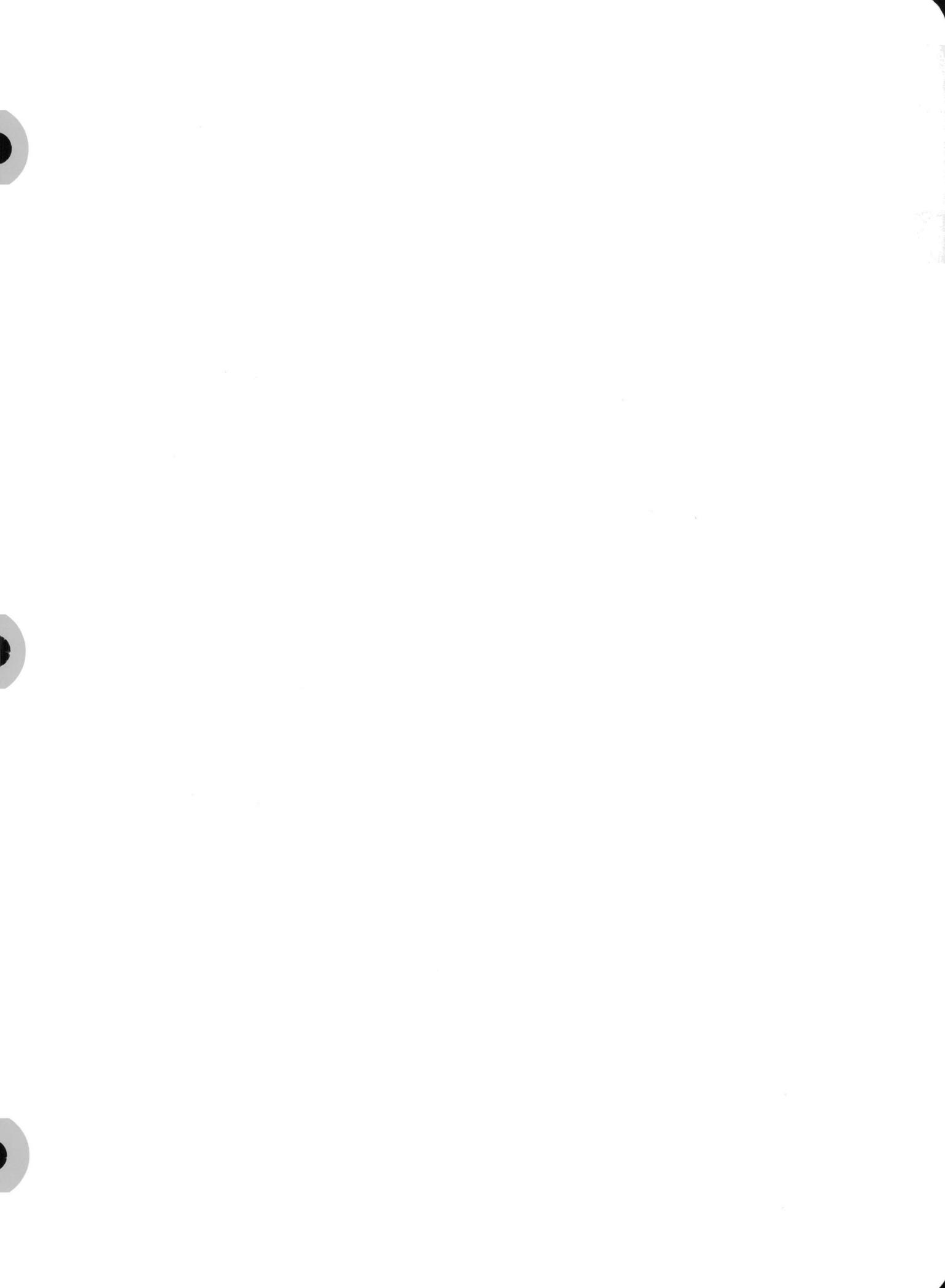
I N D E X

VOLUME 36

MELINDA MACLEAN ----- PAGES 1 - 45

DEBORAH GASS ----- PAGES 46 - 60

**MEDIA BOOK COPY**



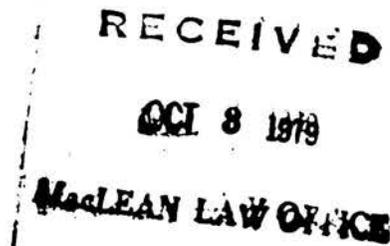


# Native Communications Society of Nova Scotia

P. O. BOX 344, SYDNEY, NOVA SCOTIA, B1P 6H2, TELEPHONE: 539-0045  
P. O. BOX 1005, TRURO, NOVA SCOTIA, B2N 5G7, TELEPHONE: 895-6217

October 2, 1979

Melinda J. MacLean  
P. O. Box 126  
188 Queen Street  
Truro, Nova Scotia  
B2N 5B6



Dear Melinda:

Further to our telephone conversation re: Donald Marshall Jr. I am enclosing a photocopy and original letter written to one Shelly Sarson, girlfriend of Mr. Marshall, on April 24, 1978.

In this letter, Mr. Marshall indicates that he was hoping for his appeal to go through while withholding this information and settle it out on the street.

He claims that this person wanted to kill him when he was in a conversation with him at the County Jail (Sydney). He wanted him for himself and that's why he didn't put the finger on him.

After serving seven years, Mr. Marshall in his letter indicates.... "there going to hear the truth", and further states that he won't release the name until he talks to his lawyers, etc. He admits that "it took a lot of guts to take a life sentence and it's gonna take a lot of guts to tell them about this one person.

His recent break from the weekend parole was one way to focus attention in obtaining legal council and possibility a new appeal or court hearing. Whatever his intentions are, I hope that they're sincere and that he will place his full trust on your judgement.

..... ?

MacLean.....?

October 2, 1979

If you feel otherwise, please remain honest with Mr. Marshall, his family and to me. Bringing this matter up eight years later may not be easy and it could run into a lot of money. Financial arrangements are still being looked into, and will advise you as I progress with this case on my end.

Thanking you for your cooperation and consideration, I remain,

Yours respectfully,



Mr. Roy A. Gould, Executive Director  
Native Communications Society of Nova Scotia

Enclosures

ddg

April 24-78

Dear Shelly:

I thought I'd drop a line! I'm really glad to see you yesterday, you still look pretty good to me. I've been a long time since I saw you, I miss it myself, maybe it's because of what I went through the last couple of months. I don't even wanna talk about it.

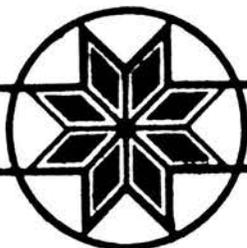
Will I save every thing? I'm doing pretty good so far, do you do the same for me. Okay. I'm staying out of trouble.

I saw Kid. I wasn't serious about my matter. I wasn't about me being in the hole. I didn't wanna tell her myself anyway. Some. You'll be 20 in another month. I had a pass for the 20th but I fucked up. I think about you alot. I wanted to get out on your birthday.

I say Shelly: There's some thing I wanna tell you, but I'm not telling it to yourself. Because it's important & I'll tell my parents as soon as I show things up. I've been trying to get my appeal ever since I went to jail. But I couldn't get it. Okay. I kept this to myself ever since I got charged. Because I thought I could get off without putting the finger on any one. But I wasn't getting anywhere. My place was to beat the charge & settle it with some one on the street. I wanted to tell you that with & I said I'd get him when I get out. But it never worked. I love

I'm trying to write some thing & its not coming out because I feel no one is gonna believe me but I'm gonna tell you what I want you to tell my old man, I know who killed that guy & its me & everyone put the blame on me & I'll finger the guy because I was fighting for my own life I hope this is the last time I'm in here & I'm not a rat & I can't talk anymore & I did it for you that bastard, I know Melly I talked to this guy when they put him in the county jail. He gave me the many stories & he know that I know who he was & he got into many details just to cover himself up I was asked him once but I lie it all to myself because he said if I could of gotten out on appeal I was going to get him if anyone was in my class. They don't know what I thought. This guy did me wrong & I wanted him for myself. I wish why I didn't finger him. I lost my appeals & I get no chance. Don't go against me Melly. But I suffered & I'm tired & maybe I won't get it but these going to be the truth. I'm <sup>gonna</sup> <sup>run</sup> <sup>on</sup> them now. The whole fuckin crew. I'm not gonna say any names <sup>just one</sup> watch I get my lawyer, The Union of N. Indians, The city Sydney Police & my parents altogether & the only one Johny McIntyre. I'll see them is to try & get back to the county jail back home & if they don't believe me its on my fault. It took alot of guts to take a life sentence & its gonna take alot of guts to tell





# Native Communications Society of Nova Scotia

P. O. BOX 344, SYDNEY, NOVA SCOTIA, B1P 6H2, TELEPHONE: 539-0045  
 P. O. BOX 1005, TRURO, NOVA SCOTIA, B2N 5G7, TELEPHONE: 895-6217

October 11, 1979

Melinda J. MacLean  
 P. O. Box 126  
 Truro, Nova Scotia  
 B2N 5B6

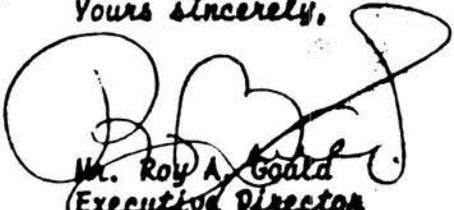
Dear Melinda:

Further to our correspondence of October 2, 1979, I am enclosing press clippings carried in the Cape Breton Post on Donald Marshall Jr. Included also are some press clippings of the "National School Committee Conference" which took place the same week of the Supreme Court trial which could have caused some tension and mixed feelings on the case.

So far, I have not heard the results of Mr. Marshall's arrangement for his charge of "Unlawfully at Large".....other than he's in Springhill and looking forward to hearing from you on the matter. I have been unsuccessful in obtaining information from Institution officials on the matter.

After reviewing what I have sent you, I would appreciate your comment on the matter.

Yours sincerely,

  
 Mr. Roy A. Gould  
 Executive Director

Encl.

ddg

RECEIVED

OCT 15 1979

MACLEAN LAW OFFICE

October 25th, 1979 (dictated)  
October 30th, 1979 (typed)

Roy A. Gould, Esq.,  
124 Membertou Street,  
SYDNEY, Nova Scotia.

Dear Roy:

RE: DONALD MARSHALL, Jr.

This will acknowledge receipt of your letters of October 2 and 11 and enclosures with respect to the above.

I have taken the time to review some of this material and would be pleased to consider this matter actively, if, as we discussed, Donald, Jr., or someone on his behalf, is prepared to provide me with a retainer in the amount of \$200.00.

I will simply hold my file in abeyance until such time as I have specific instructions from Donald, Jr. or someone on his behalf. Since his father's visit to him in early October, I have had no personal contact from Mr. Marshall, Sr. or Donald himself.

I trust you will find the above to be in order.

Yours very truly,

Melinda J. MacLean,  
Barrister and Solicitor

MJMacL:jaf

11-8-79

P.O. Box 2140

B.O.M. - 1X0

RECEIVED

NOV 14 1979

McLEARN OFFICE

Dear Melinda

Received your letter mailed to me by Mr. Kauld.

I'm sorry I never took any action on trying to raise any money.

I am planning on getting money to send to you.

I would appreciate it if you would give me 2 weeks to get it together.

I don't have enough money in my account, and I feel it's up to me to pay it & I will have it for you.

Also I want to thank you for putting your time & work into this matter.

I'm pretty nervous about the whole idea but I'm willing to go all the way.

Tell I hear from you.

Sincerely Yours

Donald Marshall  
Junior

November 26th, 1979

Donald Marshall, Jr.,  
c/o Canadian Penitentiary Service,  
Springhill Institution,  
P. O. Box 2140,  
SPRINGHILL, Nova Scotia.  
BEM 1X0

Dear Mr. Marshall:

RE: The Queen vs. Marshall

This will acknowledge receipt of the Canadian Corrections Service Payment Voucher dated November 22, 1979, in the amount of \$100.00 in connection with the above.

When you are able to provide me with the balance of the retainer requested (\$100.00), I will make arrangements to meet with you in Springhill to take your instructions.

Yours very truly,

Melinda J. MacLean,  
Barrister and Solicitor

MJMacL:jaf

MAJIAN COLLECTORS

DEPT. OF CORRECTIONS  
P. O. BOX 1000  
MONTREAL, QUEBEC H3A 2K4

0002434

210	000	000	9	4402	100.00
-----	-----	-----	---	------	--------

PAIEMENT

McLinda McLean  
188 Avenue St-Jean  
P.O. Box 176  
St-Jean, P.Q.

DATE	22.11.79	CHEQUE AMOUNT MONTANT DU CHEQUE	100.00
CHEQUE NO NO DU CHEQUE	2662	IMPRESTI BLOTTER NO	19-23 Nov 79
		REGISTRE D'AVANCES DE FONDS	

Requisitioned for payment pursuant to section 26 of the Financial Administration Act and certified in accordance with subsection 1(1) of the account verification and payment requisition regulations.

Demande de paiement aux termes de l'article 26 de la Loi sur l'administration financière. Certifié conformément au paragraphe 7(1) des règlements sur le contrôle des comptes et le décaissement des paiements.

MAJIAN COLLECTORS  
Signature  
M 21/11/79  
Date

Signature  
J. K. G.  
Date  
22/11/79

DATE	INVOICE NO NO DE FACTURES	REFERENCE	INVOICES FACTURES	DEDUCTIONS	BALANCE SOLDE
004 22 NOV 79					
		PAYMENT FOR LAWYER'S FEE			
		100.00			
					100.00

RECEIVED  
OFFICE

RETURN TO INMATE ACCOUNT  
RETOURNER AU COMMISSAIRE DES DETENUS  
0002434

QUÉBEC  
PROVINCE  
CORRECTIONS SERVICE

SERVICE CANADIEN CORRECTIF QUÉBEC  
BUREAU DE PAIEMENTS

PROVINCE DE QUÉBEC  
CORRECTIONS SERVICE  
BUREAU DE PAIEMENTS  
100.00

P.O.  
TRUDEL  
82M 536

DATE 13.12.79  
CHEQUE NO DU CHEQUE 2765  
IMPRESST BLOTTER NO 10200  
REGISTRE D'AVANCES DE FONDS 102-1475

AUDITED BY VERIFIE PAR

Signature Date

Instruction for payment pursuant to section 26 of the Financial Administration Act will continue in accordance with subsection 211 of the Financial Administration Act.  
Demande de paiement aux termes de l'article 26 de la Loi sur l'administration financière continuera d'être traitée conformément à l'article 211 de la Loi sur l'administration financière.  
Signature: J. K. Papp  
Date: 7 Dec 79

DATE	INVOICE NO NO DE FACTURES	REFERENCE	INVOICES FACTURES	DEDUCTIONS	BALANCE SOLDE
007 7 DEC 79	19978				100.00

RECEIVED  
DEC 10 1979

INDLEAV LAW OFFICE

Donald Marshall

597-3755 Correctional Service of Canada

ask for Clyde Murray Preventive Security re  
arrangement for visits

Friday Jan 11/80 will see Marshall in visits and  
Correspondence area (if not adequate another  
area will be made available)

Visiting Hours are 9-11 Am & 1-4 pm

Marshall in air Cadets one officer was in Park with his girl  
 friend that night he was talking to Flynn  
 now about late 20s a cadet officer then  
 could recognize

have told no one else about this, didn't tell  
 lawyers didn't see the importance

- he was an officer in 69-70 maybe 70 night
- a sergeant, same squadron,
- ~~a~~ drilled at Sydney Academy
- if he remember night he would remember these  
 guys
- officer see Marshall - don't know
- vice guy → get photo he could identify him
-

## Outline of Interview With Marshall

### Donald Marshall's evidence

- Denies meeting Prater by 194 of his evidence
- Can't remember meeting <sup>Huskie</sup> & Harris girl at a certain place
- Mind blanked out after stabbing
- Can't remember encounter with Huskie & Harris only that he met them somewhere around there & he gave Huskie a light
- says he had not seen 2 men before
- says he visited Prater Saturday afternoon & Sunday evening and was still unsure Prater was in Park on the evening in question

Rosenblum sums up Pg 3 17

Marshall Posters in Jan 1/80 at Springfield  
Function: Don't accept anymore challenge him? 15

1. Why you wouldn't tell who did it? ✓
2. Who did it? ✓
3. You did lie at trial? no ✓
4. Patterson his role? just saw him → made
5. Why would Prater lie? Chart lie? → don't know  
see inmate
6. What about Harris and Gardner? why couldn't you remember them?
7. Where was the knife? never found nothing ✓ He did ✓
8. Did you talk to Prater the next day? yes explained
9. Describe these 2 men you met in the park? Indians? no
10. Who did you meet in the County Jail? Cohen? explain
11. Who can help us get evidence against the real  
killers? don't know
12. Are you working while in prison? How you will finance or  
defence? ✓
13. Did you tell your lawyers at trial who did it? ✓
14. " your lawyers at trial know you were holding  
out? no I wasn't then
15. Why would that guy have wanted to kill you that evening?
16. How " he know you were there? ✓ → I don't
17. Was Prater threatened by someone? is that why he  
changed his story? no - no the living with Walker -
18. Tell what happened? where the killer fled to etc ✓
19. Why did you take off near near Sherbrooke,  
get an appeal publicity

Up for Parole in 16 mths

Finance

\$200 was Savings & Indian Affairs  
next week began job at minimum wage 40 hrs/wk  
job for 6 weeks case worker may get it  
for more Indian Affairs will cover deficiency

D. Miskey Flynn of Sydney maybe died about 50 years ago  
 he was trying to protect himself thought Marshall  
 was going to rob him - glasses on face  
 called them back (Marshall or Hale) asked where they were going  
 & then he yelled names at Marshall  
 burned cigarette, small talk women in Park etc.  
 this made them think of  
 robbery - about 15-20 ft away - come back & talked  
 what you want - said son & like black & Adams  
 anyway - put hand on Hale's shoulder &  
 then stabbed - Hale fell & then Flynn stabbed  
 Marshall - (Marshall ran - Flynn ran)  
 Wearing Flynn wearing prison clothes in ct.  
 said foreign clothes had seen them to that point  
 Flynn's companion was white (brown sportswear) about  
 late 20's, no beard, about 6 ft, slim,  
 Hale was medium build 5'8" - 5'10";

- ② Met Robert Patterson before stabbing in bank at ct  
 he was probably drunk; he was in County Jail said all he remembered  
 was meeting Marshall  
 ③ Flynn wasn't poor, met him in jail after murder,  
 in there for stealing coal,  
 " was in line up but did not wear glasses  
 in line up but had them with him in Sydney  
 jail (not sure if after or before trial)  
 Flynn was living with Pratic's mother  
 " said he heard Pratic & Sgt. McButtye  
 talking about setting him up (offer to be buddies in jail  
 to get mind of him)

- ④ Pratic was not in the park that night  
 corroboration: fellow took Pratic to lumbercamp  
 Donald Job (barman 1st cousin)  
 found out during trial, was to testify but  
 did not

③ Chant lied

Marshall made an error in st. said that he met him on Byng avenue & actual at bridge on Brentford Street,  
he saw four people but he had 3 with a weak from the cops

④ Prior experience with cops - tried Mc Intyre - motive of cops - Chinaman killed in Sydney, in and another unsolved - this would be a 2nd unsolved and Marshall was the best candidate -

⑤ Flynn had just got out of prison (murder) Dorchester income from jewellery hobby in prison was Flynn's money

⑥ Why not tell at trial? spent 7 mths after conviction in prison Sydney, not suspicious of Flynn at trial,

⑦ Pratico not threatened to Marshall's knowledge  
guy charged as " " was acquitted

⑧ gave description to Police of Flynn at the time

⑨ found out in Sydney County Jail Flynn said Marshall he was getting set up offered to testify (so probably before trial); didn't tell lawyers;

⑩ Donald Joe ~~23~~ <sup>23</sup> ~~was~~ <sup>was</sup> didn't he testify, lawyers were supposed to tell him to come,

⑪ Lawyers said ~~you~~ Marshall would get off even said charges would be dropped when Pratico told story

⑫ 2 yrs since read trial evidence

⑬ last saw Donald Joe about a yr ago here

⑭ Europe at Shebrooke Oct '79 Why? trying to get my appeal everyone ignored it until this time

⑮ became suspicious of Flynn when I met him in Dorchester for Parole violation '72, spent 2 yrs there with him, he was on protective floor since he had patted on an inmate who killed a guard,

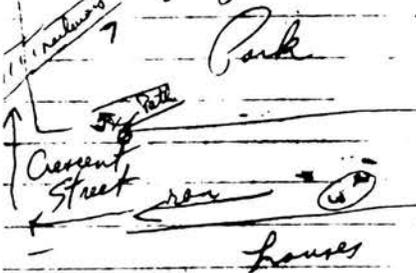
⑯ when one leaves prison takes prison clothes with him

⑰ Flynn said at Dorchester (Marshall there to end

9 1974), couldn't talk to him, against prisoner rule since he settled & also in another area, Marshall told (Donnie Smith) Flynn did it out west in for smashing up farm camp Blue Mountain took a prisoner guard got 7 years

- > I'm 2nd person to know
- > Prater is still alive and in Sydney,
- > Wrote lawyers after you found out? don't know but I wrote minister of Justice re new evidence 1 1/2 years ago, he said not to demand a new trial,
- > bridge where I met client

Knife never found can't say what kind it was Flynn well at hand put left hand on shoulder ~~think~~ Position of 4 parties.



- 1 Seale 5 + 6 Harris + Huskie
- 2 Flynn 7 Prater
- 3 " Buddy
- 4 Marshall

1 + 2 was in Park called out by 3 and 4 who were then on Park side of street just up from Harris + Huskie St + called some time.

Harris + Huskie were heading across Crescent, (Harris said there was a little crowd but he didn't pay attention, Huskie said one person) then that's why couldn't see 2nd person. Seale turning back while I responded, then you walked back to Seale on side of Street while Flynn + Buddy waited - when you reached them gave both of them a cigarette - told Flynn he was just like a honest wearing different clothes - Reference to Manitoba no meaning

Ran met Byron on bridge not Byron Avenue a mistake because I was confused just said yes Went to

Prater's House next day why? at station walked by his house he was on step we talked

he was protected

-4- 19

talked about - <sup>others</sup> - (said not to worry) as of  
to back Marshall up - told Pratico he was attacked by 2 men -  
→ 9:15pm may have been living there at the time -  
→ just a few minutes there went home -  
→ saw Pratico again same circumstances - <sup>Sunday</sup> Police said to  
check in daily had to go by his house - Talk about 2 hours  
remembers - Centrick St home -  
→ Pratico had a sister - Father?  
→ apartment in house - other apartment in the house  
→  
Others in County Jail at that time

→ Pratico house in relation to scene? Don't know  
a distance  
→ Just walking through Park on way to dance  
not there met Leale who said it was almost  
over - was going to meet girl friend there  
(French girl from Sydney) - (keep her name) - don't date her  
now since '71  
→ I had was supposed to meet her earlier brother  
told her you hadn't returned.  
→ 38 MacMac Crescent / Parents  
Sydney  
→ brother lives on Reserve Memberton in  
Sydney  
→ Tobin knew Marshall left for the dance friends  
with Dennis Tobin in Saint John N.B.  
Park Town Centre a half way house  
→ Ask father about his threatening Pratico, father  
says he can get 2 women to say he did not  
→ House Marshall attended to call ambulance  
can say his arm was bleeding,  
→ Kerchief given to Marshall on Byng Avenue  
by a girl Chant was with Marshall (Chant  
testified to this) girl wouldn't get involved,  
elastic band on jacket was <sup>cut</sup> there because of  
pressure on <sup>the</sup> around

Patterson + Terry Huchue (his boyfriend) left Lame  
 Marshall lit cigarette for Marshall Terry Huchue, one other at least  
 7) with Marshall  
 Huchue: says he left Lame with Patterson  
 Helle says met Patterson in Park and got a match from  
 him (in Park only for 15 or 20 minutes)  
 says he thinks Marshall was alone

8) Merchant Grant:  
 says he walked down tracks noticed fellow humped over on the books  
 looked back to see what this was looking at & then  
 saw 2 others "arguing" (Pg 91) saw stabbing - at this time  
 did not know either person - he caught up to me & waited  
 for time - he showed me his arm - we stopped car -  
 returned to victim  
 witness declared hostile by Crown  
 " admits to having lied to Police

9) Pratico V  
 says he met Seale & Marshall <sup>near</sup> Park and walked with them  
 left them by drugstore, they went to Park,  
 says he went on & drink behind a bush heard argument  
 between Seale & Marshall - saw Marshall push shiny  
 object into Seale - I ran  
 Crown Ex reveals Pratico was very drunk & can't remember  
 some events of May 28th  
 Pg 130 - compared to - G 120 bottom re interaction of 3 persons  
 Pg 137 says he told another Marshall did not stab Seale  
 had a pint of beer on me Pg 149  
 Pg 163 Pratico said he was threatened & would suffer if he  
 testified against Marshall

Marshall

- in Springhill murder conviction
- took conviction for another (arose in Sydney)
- appeals (2nd)

22

March 2-80

REC 50

MAR 4 1880

Dear Melinda

NICHOLS LAW OFFICE

Just a line to let you know whats going on: I've been in Dorchester for 3 weeks & was sent here on suspicion but its not serious.

I went up for transfer & these people decide I should go back & now I have to wait for the regional board in Moncton to decide. They said I have a good chance on going back to Springhill.

I just started working when they sent me up here; well I was talking to this person last week about getting some money & he has been talking to the Pres. of the Indian affairs in Amherst; so as soon as I hear anything I'll let you know. The information I gave to your assistant is the best I could do but thats what I've been collecting; I spent time with this person & I got every thing I could get out of him.

Well I hope things do work out at the end & you'll hear from me as soon as I get some news on the money loan.

Yours Truly,  
W. Marshall Jr.

March 4th, 1980

Donald Marshall, Mr., Esq.,  
c/o Dorchester Maximum Security  
Penitentiary,  
Dorchester, New Brunswick.

Dear Mr. Marshall:

This will acknowledge receipt of your letter of March 2.

I look forward to hearing from you at your convenience.

Yours very truly,

Melinda J. MacLean,  
Barrister and Solicitor

MJMacl:jsf

MELINDA J. MACLEAN, LL.B.  
KIRBY E. GRANT, LL.B. - ASSOCIATE  
BARRISTERS, SOLICITORS, NOTARIES, ETC.

TELEPHONE AREA CODE 902  
888-2666

P.O. BOX 126  
188 QUEEN STREET  
TRURO, NOVA SCOTIA  
B2N 5B6

*Helmut Pucke*  
*Native Comm. Unit*  
*ALS*  
*UVA*

April 15th, 1980 (dictated)  
April 16th, 1980 (typed)

"PERSONAL & CONFIDENTIAL"

Reginald Maloney, Esq.,  
Chief of the Shubenacadie Band Council,  
Mic Mac Post Office,  
Hants County,  
Nova Scotia.

*ROM IWO*

Dear Chief Maloney:

RE: DONALD MARSHALL, Jr.

This will confirm our recent telephone conference regarding Donald Marshall, Jr., at which time you requested a letter from us regarding the present status of our file.

*radice*

Mr. Roy Gould, Executive Director, Native Communications Society of Nova Scotia, first contacted me regarding Mr. Marshall by telephone and his subsequent letter and enclosures to me dated October 2, 1979. At that time, Mr. Gould forwarded to me extensive material relating to the Trial, Appeal, and ~~immediate~~ coverage of the matter. I replied to him by my letter of October 30 at which time I advised that I was prepared to consider the matter actively if Donald, Jr. or someone on his behalf was prepared to provide us with a retainer in the amount of \$200.00. Donald Jr. wrote to me by letter dated November 8, 1979, at which time he advised me that he was then making arrangements to provide me with the requested retainer. We have received his retainer by two instalments in the amount of \$100.00 each, that is November 26 and December 18.

We then contacted Donald, Jr. by telephone to make arrangements to interview him. On January 11, 1980, my associate at that time, Lawrence O'Neil, travelled to Springhill and interviewed Donald, Jr. extensively regarding the whole of the matter.

Donald, Jr. has apprised us of certain new evidence which, if it can be substantiated, is material to the issue of his involvement in the death of the victim, Sandy Seale. There are provisions in the Criminal Code, specifically Section 677, which deal with the introduction and admissibility of fresh or new evidence.

↓  
*610 and 617*

..... 2/

A considerable amount of investigative work and research will be necessary in an attempt to corroborate the new evidence referred to above.

We cannot at this stage express any opinion as to the likelihood of success in this matter. However, when the necessary preliminary work has been completed, we anticipate that we will be in a position to express our opinion in the matter.

As to legal fees, I can only indicate to you at this stage that Donald, Jr. has requested us to embark upon <sup>JRM</sup> ~~various~~ substantial <sup>crim</sup> legal work which will involve considerable legal fees and disbursements. Before proceeding further, we would require that suitable arrangements be made with us to assure us that this substantial undertaking can be satisfactorily financed.

Should you have any questions regarding the matters generally, I would be pleased to hear from you. I welcome your response at your convenience.

Yours very truly,

Melinda J. MacLean,  
Barrister and Solicitor

MJMacL:jaf  
c.c. - client

April 15th, 1980 (dictated)  
April 17th, 1980 (typed)

Donald Marshall, Jr., Esq.,  
c/o Dorchester Maximum Security  
Penitentiary,  
DORCHESTER, New Brunswick.

Dear Donald:

RE: Appeal Matters, etc.

I enclose a copy of my letter of today's date to Mr. Maloney which he requested of me by telephone several or so ago. I trust you will find this to be in order.

It would seem that Mr. Maloney will be in communication with me again regarding this matter. I would appreciate it if you would indicate to me what you anticipate his involvement will be in these matters in his capacity as a Native Communications Resource Worker.

I look forward to your reply at your early convenience.

Yours very truly,

Melinda J. MacLean,  
Barrister and Solicitor

MJMacL:jaf  
enc.

April 15th, 1980 (dictated)  
 April 17th, 1980 (typed)

"PERSONAL & CONFIDENTIAL"

Reginald Maloney, Esq.,  
 Native Communications Resource Worker,  
 Mic Mac Post Office,  
 Shubenacadie, Hants Co.,  
 Nova Scotia. BOM IWO

Dear Mr. Maloney:

RE: DONALD MARSHALL, JR.

This will confirm our recent telephone conference regarding Donald Marshall, Jr., at which time you requested a letter from us regarding the present status of our file. This will confirm, as well, my understanding that your interest in Donald, Jr. is through your work as a Native Communications Resource Worker, in association with the National Parole Service.

Mr. Roy Gould, Executive Director, Native Communications Society of Nova Scotia, first contacted me regarding Mr. Marshall by telephone and his subsequent letter and enclosures to me dated October 2, 1979. At that time, Mr. Gould forwarded to me extensive material relating to the Trial, Appeal, and media coverage of the matter. I replied to him by my letter of October 30 at which time I advised that I was prepared to consider the matter actively if Donald, Jr. or someone on his behalf was prepared to provide us with a retainer in the amount of \$200.00. Donald, Jr. wrote to me by letter dated November 8, 1979, at which time he advised me that he was then making arrangements to provide me with the requested retainer. We have received his retainer by two instalments in the amount of \$100.00 each, that is November 25 and December 18.

We then contacted Donald, Jr. by telephone to make arrangements to interview him. On January 11, 1980, my associate at that time, Lawrence O'Neil, travelled to Springhill and interviewed Donald, Jr. extensively regarding the whole of the matter.

Donald, Jr. has apprised us of certain new evidence which, if it can be substantiated, is material to the issue of his involvement in the death of the victim, Sandy Seale. There are provisions in the Criminal Code, specifically Sections 610 and 617 which deal with the introduction and admissibility of fresh or new evidence. A considerable amount of investigative work and research

..... 2/

will be necessary in an attempt to corroborate the new evidence referred to above.

We cannot at this stage express any opinion as to the likelihood of success in this matter. However, when the necessary preliminary work has been completed, we anticipate that we will be in a position to express our opinion in the matter.

As to legal fees, I can only indicate to you at this stage that Donald, Jr. has requested us to embark upon very substantial criminal legal work which will involve considerable legal fees and disbursements. Before proceeding further, we would require that suitable arrangements be made with us to assure us that this substantial undertaking can be satisfactorily financed.

Should you have any questions regarding the matters generally, I would be pleased to hear from you. I welcome your response at your convenience.

Yours very truly,

Melinda J. MacLean,  
Barrister and Solicitor

MJMacL:jaf  
c.c. - client

J. Donald  
MacLean

April 24 - 80  
Springhill N.S.  
P.O. Box 2140  
B.M. - 1 x 0

Ms Melinda MacLean  
Barrister / Solicitor  
P.O. Box 126, 188 Queen St.  
Truro Nova Scotia  
B2N - 5B6

RECEIVED

APR 28 1980

MacLEAN LAW OFFICE

Dear Melinda

I've received your letter of the 15th & 17th April and was pleased to hear from you. I was transferred back Tuesday; hopefully now, I could sit down and work on some things concerning my appeal.

I do appreciate the work that has been done and hopefully we'll make progress in the future concerning this matter.

I will be meeting with Mr Melony Tuesday and discuss the financial switch we'll need if it's necessary. Mr Melony is also a Band chief; which switch will make things easier to contact the Union of Nova Scotia Indian Affairs.

I apologize for not letting you know about me sending communications to the Prime Minister, Mr Trudeau concerning finance. So don't be surprised if his office contacts you regarding the same.

I intend to have a blood sample to find out my blood type, I believe it will be

important however, you will have to determine that.

I'm also pleased to see that you are considering of taking the matter to the levels of sections 617 + 610; as I have read them.

Ms MacLean, I place my hopes in your assistance and know that you will do every thing possible to assist me.

P. S.

Please contact me if your in need of information.

Thank you in advance

Yours Truly

Junior Marshall

June 23rd, 1980

Donald Marshall, Jr.,  
c/o Canadian Penitentiary Services,  
Springhill Institution,  
P. O. Box 2150,  
SPRINGHILL, Nova Scotia.  
BOMEKO

Dear Mr. Marshall:

RE: Appeal matters, etc.

We would be pleased to hear further from you at your convenience.

Yours very truly,

Melinda J. MacLean,  
Barrister and Solicitor

MJMacL:jaf



# Native Communications Society of Nova Scotia

P. O. BOX 344, SYDNEY, NOVA SCOTIA, B1P 6H2, TELEPHONE: 539-0045  
 P. O. BOX 1005, TRURO, NOVA SCOTIA, B2N 5G7, TELEPHONE: 895-6217

October 29, 1980

Dear Melinda,

The enclosed letter from Donald Marshall Jr. is self explanatory.

Could you fill me in on the latest developments regarding Mr. Marshall's request and your representation on his behalf.

Thanking you in advance for your continued co-operation and assistance, I remain:

Yours Respectfully,

  
 Mr. Roy A Gould

RECEIVED

OCT 30 1980

MAIL ROOM OFFICE

Oct 27 - 1980  
Friday.

Dear Chief.

Sandy Kay: Just in line to tell you about the  
back news, to some people its good news.  
I've been in the hole for 27 days so far!  
I was put in here for the good order of  
the institution; Would you believe it!

Two guys went to the main office & wanted  
to be put in protection unit because they  
said their life's were threaten by me. Its  
a pile of crap but its not up to me  
to decide that. When they're out to get you,  
they'll get you.

I was suppose to be going home today, Jesus;  
I got all kinds of luck! But none of it is  
very good! ha.

I'll be going up the transfer board this Thursday  
coming; and they'll decide whether I should go  
back to Dorchester. My records are 50-50  
I never threaten anyone in here, since I  
came back from Dorchester; I spent alot of  
time in my cell & ran the race track, all  
summer just to keep away from these  
fucker people; It still doesn't work no  
matter how goodie goodie a guy is in  
here; I kept pretty quiet in here; I know  
that for a fact. I'm just scared of me in  
here & thats why I'm in here.

2. I was told 2/3 of the inmates are scared to 34  
death of me: fuck! That's 360 men: I don't  
believe it, So there telling me that 360 men could  
come in anytime & tell the guards to lock them  
up because they scared of me. Its not right;  
It shows in file that I get along with 90%  
of these people; Inmates & Guards,  
I'm been rail roaded ~~again~~: But I can't do fuck  
all about it.

Dorchester might not except me because of the  
trouble they got now: They're expecting Rait.  
This; The guards in My Unit want me to stay  
here: They get nothing on me, only them 2 guys  
saying I threaten to kill them.  
They 'Ray: I see her here before: & my name is  
been well used - respected again! There; that's  
why I'm in so much shit: I take alot of shit  
and when I tell these people I never killed  
anyone: Holy Christ: They think I'm crazy when  
I said that; That's why I'm asking for help  
on the street & that's why I escaped: These  
people didn't even wanna hear about my  
murder case:

I'm hoping the battle should be over soon: As  
I'm getting pretty fucken fed with the whole  
deal: That's how I got hunged the last time.  
People say any ~~any~~ thing; & there harasing  
me again: I wish I just could drop  
everything & walk away from Brixton: Because  
they're a pain in the ass:  
Ray, could you do me a favor: I want you

3. To get in touch with the Indian affair, in  
 Ottawa & the Prime Minister; Perrie Trueman, because  
 I did write to him & ask for some help to  
 get the money: \$3,000 is nothing Ray; I don't  
 think I'm asking for much; My feelings there  
 just too fuckin' busy filling their pockets up.  
 I don't even know why they call it Indian  
 affair; Sorry for the expression; But its true.  
 So will you do that for me & try & get  
 answer back to me by the end of November;  
 so I decided; If I don't get answer by November  
 I'll call Melinda & get her to ~~give~~ give me my  
 papers back; Because I told her I'd have the  
 money for her soon; I don't wanna keep  
 full shitting the woman and my self either;  
 I must sound demanding to you; I'm just  
 fuckin' fed! Smile.

Well anyway; it don't sound to promising  
 around here; But I'm fine & happy as  
 the only thing I'm worried about is my folks  
 They don't want me back up D. Rochester  
 but if they said I have to go; I gotta  
 go; So tell them not to worry about me;  
 Because there nothing to worry about; Because  
 were all ~~at~~ living in a big house; drop  
 by some time to see me O.K.

Love  
 Bud

Bud

Gi

November 7th, 1980

Roy A. Gould, Esq.,  
Native Communications Society of Nova Scotia,  
P. O. Box 344,  
SYDNEY, Nova Scotia  
B1P 6H2

Dear Mr. Gould:

RE: DONALD MARSHALL, JR.

I acknowledge receipt of your letter of October 29 and related correspondence.

I had written at length to Mr. Reginald Maloney, Native Communications Resource Worker, MicMac Post Office, Shubenacadie, Nova Scotia, regarding this file on April 17, 1980. I enclose a copy of that letter to him for your information.

Since that date, I have had no correspondence from Mr. Maloney and therefore have no indication as to whether or not Donald, Jr. will be assisted financially in this matter.

As I indicated in my letter to Mr. Maloney, we would require that suitable arrangements be made to insure that the file can be satisfactorily financed.

Yours very truly,

Melinda J. MacLean,  
barrister and solicitor

MJMacL:jaf  
c.c. - Donald Marshall, Jr.

*Nov 26/80*

*Donald Marshall Jr was  
in re: Ask for this  
Barrister Council check -  
Alex. Chutina If seen only  
the going to pay the - I \$17000 -  
\$500.00 plus dish - adv only - heard  
of you - is 50 6000 per hr + check.*

RECEIVED

NOV 17 1980

Draw A + B  
 Dorchester N.B.  
 E.O.A - 1 mo -  
 November 13 - 80

Dear Ms MacLean **MacLEAN LAW OFFICE**

Received your letter addressed to Mr Ray  
 Gauld

I'm sorry I did not write to keep  
 you dated on where I was financially,  
 to be honest, I wasn't getting any where.  
 I did get in touch with the Union of N.S.  
 Indians & the Indian Affairs, and they said  
 it was possible but weren't sure.

I never heard from them again,  
 when I was in Dissociation, in Spring Hill, I  
 wrote to Mr Gauld & to the Union of N.S. Indians  
 & asked them again.

This time the Union is willing to put up  
 \$2,000.

And they're working on getting the rest from  
 the Indian Affairs

Give me a little more time & I'll have  
 what ever you need to keep going with the  
 appeal.

I seen them concerning my blood tests, But  
 never got no answer!

I'll be going for my medical check up  
 the first of next week, so I should get  
 it then

I'm pretty disappointed with these people  
 as they're suppose to assist me,  
 I'll keep writing to them until I get  
 what I want.

Thank you for putting up with me, I  
 didn't think I'd have any problems  
 getting the money.

Sincerely, D. Marshall.

November 25th, 1980

Donald Marshall, Jr.,  
at the Dorchester Penitentiary,  
Driver A & B,  
NEW BRUNSWICK,  
E.O.A. & M.H.

Dear Mr. Marshall:

RE: The Queen v. Marshall

This will acknowledge receipt of your letter of November 13 re the above noted matter.

I look forward to being advised of developments as they occur.

Yours very truly,

Melinda J. MacLean,  
Barrister and Solicitor

MJMacL:jaf

August 4th, 1981 (dictated)  
August 5th, 1981 (typed)

Donald Marshall, Mr.,  
c/o Dorchester Penitentiary,  
Drawer A & B,  
NEW BRUNSWICK. ECA.AMO- 1

Dear Mr. Marshall:

RE: The Queen v. Marshall

I see from a review of my file that I have not had any instructions from you for a considerable period of time.

Assuming you have no further instructions for me, I have taken the liberty of enclosing my account which I trust you will find to be in order. Should you have further instructions, I would be pleased to receive same.

Yours very truly,

Melinda J. MacLean,  
barrister and Solicitor

MJMacL:jaf  
enc.



1 hr.

penal by material 2 hr

fund to

3 hr.

1 hr.

$$\begin{array}{r} \hline 7 \times 50 \\ 350 \end{array}$$

# Aronson, MacDonald Barristers & Solicitors

42

Stephen J. Aronson  
Leo I. MacDonald

Dartmouth Professional Centre - Suite <sup>305</sup>111 - 277 Pleasant Street - Dartmouth, N.S., Canada B2Y 4B7 - (902) 463-9131

---

September 11, 1981

Melinda J. MacLean  
Barrister and Solicitor  
Post Office Box 126  
Truro, N.S. B2N 5B6

Dear Miss MacLean:

Re: Donald Marshall, Jr.

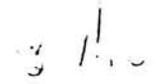
I have been asked on behalf of Donald Marshall, Jr. to inquire into and investigate the circumstances surrounding his conviction for murder.

I understand that you had done some preliminary work on this particular matter late last year. I would appreciate receiving from you the Transcripts of the preliminary hearing, trial and appeal of the case. Roy Gould had indicated that you had this material.

In addition, if there are any outstanding fees owing to you I shall make every effort to see that these are paid.

I look forward to receiving the requested Transcripts at your earliest convenience.

Yours very truly,

  
Stephen J. Aronson

SJA:md

RECEIVED

SEP 14 1981

MacDONALD LAW OFFICE

September 18th, 1981

Aronson, MacDonald,  
Barristers and Solicitors,  
Dartmouth Professional Centre,  
Suite 305, 277 Pleasant St.,  
DARTMOUTH, Nova Scotia.  
B2Y 4B7

RESENTION: Stephen J. Aronson

Dear Mr. Aronson:

RE: DONALD MARSHALL, Jr.

I have your letter of September 11 re the above.

There is an outstanding account on this, with a balance of \$178.89.

I will gather ~~the materials~~ the materials requested and arrange to forward the same to you, if you would be good enough to see that our account is paid in the interim.

Yours very truly,

MacLEAN & ASSOCIATES

Melinda J. MacLean

MJMacL:jaf

February 22, 1982

Dear Mr. Gould

RE: Donald Marshall, Jr., Appeal

At your suggestion this morning, I enclose herewith a copy of our account with respect to the above noted.

Your assistance in settling this account would be appreciated. Thank you for your anticipated cooperation in this regard.

Your Marshall file is available for delivery if you will arrange to have someone pick up the same.

Yours very truly,

MACLEAN + ASSOCIATES

per: MELINDA J. MacLLAN

MJM/lma  
Enc.

Mr. Roy A. Gould  
Native Communications Society of  
of Nova Scotia  
P.O. Box 344  
Sydney, Nova Scotia  
B1P 6H2

Donald Marshall, Jr.  
 c/o Dorchester Penitentiary,  
 Drawer A & B  
 New Brunswick  
 EOA 1M0

February, 22981982

POSSIBLE APPEAL against further conviction;  
 including all initial correspondence to take  
 instructions, November '79; perusal of  
 extensive Donald Marshall, Jr. file (at Trial  
 and subsequently);

11 January 0'80 travel to Spring Hill Institution to interview  
 client;

15 April lengthy letter to client regarding terms of  
 retainer;

18 April perusal of client's reply;

23 June letter to client to seek further instructions;  
 conference with Donald Marshall, Jr., respecting  
 file; correspondence to Mr. Gault, etc.;

25 Nov. letter to client to seek further instructions;  
 and all advice herein to date;

OUR FEE: \$350.00

## DISBURSEMENTS: DISBURSEMENTS:

Long distance telephone \$ 3.89  
 Travel Spring Hill, 100 mi. 20.00  
 Misc. office disb., including Xerox 50.00

TOTAL FEE & DISBURSEMENTS: \$378.89

RETAINERS: November 26, 1979 100.00  
 December 18, 1979 100.00

BALANCE OWING ON ACCOUNT: \$178.89\*

APPROVED:

MJM/lma

\$178.89





## NOVA SCOTIA LEGAL AID

THE LEGAL AID PROGRAM OF THE NOVA SCOTIA BARRISTERS' SOCIETY

4 DORCHESTER ST. P. O. BOX 1373 SYDNEY, N. S. B1P 6K3 PHONE 539-2460

May 9, 1978

Nova Scotia Legal Aid  
P.O. Box 262  
Amherst, Nova Scotia

Attention: Douglas B. Shatford

Re: Donald Marshall, Jr.

Dear Douglas:

I have been consulted by Mr. and Mrs. Donald Marshall, Senior, with regard to their son, Donald Jr., who is presently serving a life imprisonment term at the institution at Springhill.

Would you be so kind, next time you are at Springhill, to make contact with Mr. Marshall and advise that his parents have been in to see me, in regards to providing assistance to their son.

Once you have seen Mr. Marshall Jr., would you please call me, or write me, and let me know if there is anything further down here that I can do to assist, and also so that I can advise Mr. and Mrs. Marshall as to what, if anything, they may be able to do.

Yours truly,

A handwritten signature in cursive script, appearing to read "Arthur J. Mollon".

Arthur J. Mollon

AJM/dl

is July '78

Interviewed Donald Marshall, Jr., as requested by Arthur Walker, NSCA, Sydney  
Marshall wants to appeal his conviction for non-capital murder and needs help with regards to parole.

Marshall was convicted of non-capital murder in Sydney, N.S. before Judge Dubuski on the 4/Nov/71

He was represented by C.M. Rosenblume and S. Khetter

Marshall states that he did not kill the victim. Two ~~people~~<sup>witnesses</sup> testified that they saw him stab the victim.

Blood found on Marshall's clothing matched the blood of the victim.

Marshall says he knows who stabbed the victim but will not inform anybody of his name until a new trial.

Client mentioned several other occurrences at trial but most of the evidence was available at trial and he has nothing to attack the credibility of the main Crown witnesses.

He has spoken most recently with Delby Goss of P.C.S. who opined that he did not have sufficient grounds to merit an appeal.

Client would like to have somebody discuss the matter of an appeal with his trial lawyer. Client has a transcript of his Preliminary but nothing of the trial.

Marshall is having problems applying for parole. The Parole Board wants him to admit to the crime before they will give proper consideration to his parole application.

It is doubtful whether this is a valid criteria for the Parole Board to refuse to grant parole.

It would seem that Marshall has been found guilty at law of the offence and little would be gained if Marshall admits to the crime.

The Parole Board feels that if he doesn't admit to the crime then he is not being sincere. Client chooses not to play the game and beg society's forgiveness but to be judged on his performance since being admitted seven years ago.

Client will be released next month on a two week parole.

However, he still feels that he has a long battle for some long-term parole success.

Koners Camera Shop  
↳ already convicted

Mall → jacket

Detective Jameson

# 8 Meakins

vac. <sup>Antey</sup> Garage

Gets back to unit around 4:30

## Appeal

- ↳ a lot of doubt.
- ↳ convicted ~~admitted~~ <sup>over</sup> 7 yrs ago.
- ↳ most lawyers that he has seen said that it was too complicated.
- ↳ non-capital murder.
- ↳ C.M. Rosenblume } trial lawyers  
Sam Khattar }

- two people testified that they saw him stab the victim.

Parole Board asked him if he would admit to crime.

Mc Ronkey - Parole Officer

Is there any more transcript

Nov 4/71 → convicted  
Judge Dubinsky

July 17, 1978

Mr. Arthur J. Mollon,  
Barrister and Solicitor,  
Nova Scotia Legal Aid,  
P.O.Box 1373,  
SYDNEY, Nova Scotia  
B1P 6K3

Dear Mr. Mollon:-

RE: DONALD MARSHALL, JR.

Pursuant to your letter of the 9th of May, 1978, I interviewed Mr. Marshall to determine the form of assistance he needs.

Mr. Marshall informs me that he was convicted of non-capital murder in Sydney, Nova Scotia, before Judge Dubinski on or about the 4th day of November, 1971. He was represented at trial by C.M. Rosenblume and S. Khattar.

Marshall states that he is not guilty of the offence and has been trying to appeal ever since his conviction. Lately he has discussed this matter with Deborah Cass of Penitentiary Legal Services. Her opinion was that there was not sufficient merit in such an appeal. Mr. Marshall also states that his lawyers promised him that they would appeal the conviction but no appeal was ever initiated. Marshall would like somebody to talk to his trial lawyers to solicit their opinion on the merits of an appeal.

With regards to the offence, Mr. Marshall was convicted of the stabbing death of the victim in Wentworth Park, Sydney. The crucial crown evidence at trial established that the blood found on the accused was the same as the victim's. Marshall replies that his blood type is also the same as that found on him and that he had a cut on his arm. Two witnesses testified that they saw the accused stab the victim. Marshall says he does not know why they would say this. He believes that they were pressured by the actual assailant into giving this testimony.

Mr. Marshall further adds, that he knows who stabbed the

Mr. Arthur Mollon

-

2

- July 17, 1978

victim, but cannot inform anybody of his name until he gets a new trial. He states that this person is presently an inmate in Dorchester Penitentiary and believes that his life would be in great jeopardy should this information be made known before his release.

I hope the above information will be of assistance to you and if I can help in any other way, please contact me at your convenience.

Yours truly,

PHILIP C. MacNEIL

PCM/vlr

Feb 24 - 80

Hi Debbie

dropping a line to let you know I received your letter & whether it'll be necessary for you to get involved in my appeal. It won't be necessary but thanks anyway. Maybe M's MacLean won't like the idea so I'll let her do it on her own. They'll be asking for enough money so its only fair for her to work on it. hope you understand what I'm trying to say.

Well I got drafted back to Dorchester about 3 weeks ago but I went back up the transfer board & will be going back this week some time.

The reason for my transfer was that some people in Springfield consider me maximum security. Half of those that work down there don't know what their doing. Prisons are so screwed up today, they should let every body out & start over again. what a crazy world!

Well I better close so take care & thanks again. Wish me luck. Bye

Yours truly  
fr Marshall

November 9-20  
Saturday

Dear Debbie

Just a line to let you know how I'm doing & to tell you where I'm at & what my plans are.

I was sent back here last Friday for treating two guys & fighting. The real reason was Security didn't want me down there; The fight wasn't much & I never treated any one. The lead security told me that 360 inmates were sent to death of in me in Spring Hill. So that tells me right there I wasn't wanted here.

Well Debbie; I've been working my brains out trying to get money for Mrs Melinda McLean. I'm not having any luck.

I wrote to the Union of N. S. Indians & asked them for the money once more; If they can't come up with the money by the end of the month; Until they had a year to get it.

They will be sending me back all the paper work Melinda has back to me; if it goes that far.

I asked you once before; So I'm gonna ask you again.

Would you take my appeal up? Most of the network is there & what ever else we need we'll try & dig it up. If I can't beat the charge; We'll go for reduce sentence; Until is only fair.

It'll be happy just to get it to Supreme courts of Canada. I don't care if I beat it or not so long as its over with.

Because the Parole board will shoot me down any time as long as the appeal is still there. If you wanna come & talk about it; I'll be expecting you. So take care or write soon.  
Sincerely, Junior Marshall

November 13, 1980

Mr. Junior Marshall,  
Drawer A/B,  
Dorchester Penitentiary,  
DORCHESTER,  
New Brunswick  
EOA IMO

Dear Mr. Marshall:-

Thank you for your letter of November 8, 1980. Unfortunately, I cannot undertake to represent you on an appeal to the Supreme Court of Canada. As I indicated to you several times before, appeals to the Supreme Court of Canada can only be undertaken by Nova Scotia Legal Aid with leave of the Nova Scotia Legal Aid Commission, and only upon being satisfied that there is sufficient likelihood of success. Also, sentences cannot be appealed to the Supreme Court of Canada unless there has been an error in law. Of course, in your circumstances there has not been any error in law and the court would not have the discretion to interfere in the sentence.

However, you do mention that the Parole Board will not consider you for parole as long as the appeal is still there. I do have some questions about that, in view of the fact that there is no appeal in existence. It might be a consideration if an appeal to the Supreme Court of Canada had been launched and is in the works, but as I understand it, there has been no such appeal commenced as yet. It would appear that your best route would be to pursue your case through the parole Board, and abandon the idea of an appeal outright. It may be worthwhile to explore further what your situation is with respect to the Parole Board, and what is expected of you in order for you to be granted parole.

I do intend to come to the institution and talk with you, but I must warn you that it will be some time, as the list of requests is extremely long at the present time. I will however, keep you in mind and put you down to be seen as soon as I have a reasonable opportunity to do so.

Yours very truly,

DEBORAH GASS  
Barrister and Solicitor  
Nova Scotia Legal Aid

DG/vlr

November 16, 1979

Mr. Junior Marshall,  
P.O.Box 2140,  
SPRINGHILL,  
Nova Scotia  
BOM IXO

Dear Junior:-

Thank you very much for your letter of November 10th, 1979. Your penmanship is really nice. Unfortunately, at the present time I do not think it would be proper for me to join up with Mrs. MacLean in your representation, as this is a matter to be reviewed for the possibility of an appeal to the Supreme Court of Canada. As Mrs. MacLean is in private practice and I am an employee of Nova Scotia Legal Aid, the only way that I could possibly become involved in the matter was if the Nova Scotia Legal Aid Commission had an opportunity to review your application for Legal Aid, as all Supreme Court of Canada matters cannot proceed by our office unless with the approval of a full Legal Aid Commission. The appropriate person to contact regarding that would be Mr. R. Gordon Murray, the Director of Legal Aid.

The problem with your appeal, as I can recall, is that it would involve new evidence, evidence that is not in existence. Since it was some time ago that I reviewed your case, my recollections of fact are not all that clear, except that I do remember that there was some inference about other evidence which was not submitted at the trial.

I regret therefore to advise you that I cannot be of assistance in your present appeal to the Supreme Court of Canada; and that if you should wish Legal Aid to represent you on same, you would have to apply direct to the Legal Aid Commission who would then review the matter to give authorization for such an appeal. Their authorization would be based on a review of the matter, and formation of an opinion as to whether or not there is any merit in an appeal to that level.

.....2

Mr. Junior Marshall

- 2 -

November 16, 1979

If I can be of assistance to you in any other matters,  
please do not hesitate to contact me.

Yours very truly,

DEBORAH GASS  
Barrister and Solicitor  
Nova Scotia Legal Aid

DG/vlr

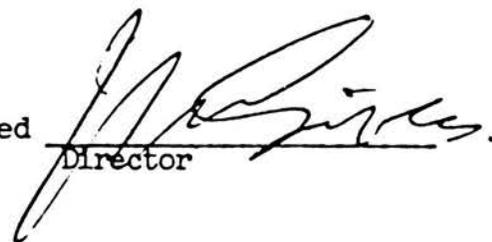
(CONFIDENTIAL)PRE SENTENCE REPORTNAME: MARSHALL, Donald Jr.DATE: 10 OCTOBER 1979DATE SENTENCED: 05 NOVEMBER 1971NUMBER: 1997DATE TRANSFERRED/ADMITTED TO SPRINGHILL INST.: 31 OCTOBER 1974AGGREGATE TERM: LIFEMANDATORY SUPERVISION DATE: NILPAROLE REVIEW DATE: 04 JUNE 1981COMMENTS: A 26-year-old man from Sydney, N. S., serving a Life Sentence for Murder.

Mr. Marshall is a native Indian who has been in Springhill since November 4, 1974. He has been a good worker in Springhill where he is employed in the institutional Maintenance Plumbing gang. Mr. Marshall seems to do well for periods of six months or more and then he has setbacks of one kind or another, i.e., a fight in the gym in which he broke his hand preventing him from going out on a previous Atlantic Challenge Program in February 1979. Marshall has really not accepted his guilt for his offence and claims now this recent incident was a means "to get his day in court" and manage to get his story heard and case reviewed.



Glen Manthorne,  
Case Management Officer

Approved

  
Director

~~waiting to be granted~~  
→ 4 months to sentence (consecutive). 3.133



JULY 11, 1972

*W.M. Harasym*

ATTENTION: IDENTIFICATION SERVICES

P.S. NO. 410491A

IDENTIFICATION  
 - A NATIONAL POLICE SERVICE -

W.M. HARASYM, C/SUPT.  
 ASST. DIRECTOR - IDENTIFICATION

DATE OF SENTENCE PLACE OF CONVICTION	CHARGES	DISPOSITION	NAME AND NUMBER
1970 - JUNE 26 SYDNEY, N.S.	THEFT UNDER \$50. SEC. 280(B) CC	1 DAY	DONALD JOHN MARSHALL JR.
1970 - Nov. 17 SYDNEY, N.S.	(1) SUPPLY LIQUOR TO A MINOR SEC. 87 (2) L.C. ACT. (2) SUPPLY LIQUOR TO A MINOR SEC. 87 (2) L.C. ACT.	(1) 1 MO. (2) 4 MOS. CONSEC.	
1971 - MAY 14 SYDNEY, N.S.	DAMAGE TO PROPERTY UNDER \$50., SEC. 373 (1) CC (2 CHGS.)	DISMISSED	
1971 - Nov. 5 SYDNEY, N.S.	NON-CAPITAL MURDER	LIFE IMPRISONMENT	DORCHESTER PEN #1997

Your Name: Donald Marshall

Full Address: 1/6 Springfield St.

Telephone: \_\_\_\_\_

Accepted   
Rejected   
Referred

Reasons: \_\_\_\_\_

Office: Amherst

Staff Lawyer: DM

(Where advice only required)

STATUS: Male  Married  Separated  Common Law  Employed   
 Female  Not Married  Deserted  Dependents  Unemployed   
 Age 26 Widowed  Divorced  No Dependents  Unable to Work

Name of Husband or Wife \_\_\_\_\_

Address of Husband or Wife \_\_\_\_\_

Have you ever received legal aid services before? Yes  No

Do you receive Social Assistance or other Public Assistance? Yes  No

Dependents living at home  DEPENDENTS (Spouse, child or person supported by Applicants) Dependents Living apart

Names: \_\_\_\_\_ Relationship \_\_\_\_\_ Age \_\_\_\_\_

Describe purpose of application or problem:

Criminal Charge  
UAC 133 CC

If criminal matter or court or court proceeding.

What is the charge or proceeding? Oct 18/79

133 CC

Next Court Appearance? Oct 18/79

Was bail granted? Yes  No

Have you elected?

Did you plead?

Did you have preliminary?

Did you have a trial?

Were you sentenced?

Are you in custody?

Court or Judge: Keble

Name of person who can assist: \_\_\_\_\_

Can be contacted \_\_\_\_\_

Financial Data: Name of Person who can verify \_\_\_\_\_ Address \_\_\_\_\_

Financial Data:		Name of Person who can verify _____		Address _____	
Monthly Income:	Monthly Expenses:	Motor Vehicle		Home Ownership	
Salary, Wages, Tips _____	Rent _____	Year _____ Model _____	Value \$ _____	No. Rooms _____	Condition _____
Unemployment Ins. _____	Payments on home _____	Make _____ Value \$ _____	Financed at _____	Total Debt \$ _____	Name of Mortgagee _____
Social Assistance _____	Heat/Fuel _____	Amount Owng \$ _____	Total Value or Amount of Assets \$ _____		
Other Public Asst. _____	Taxes/Ins. _____	Cash \$ _____	Bonds \$ _____	Real Estate \$ _____	Other (specify) \$ _____
Family Allowance _____	Electric _____	Summary of Debts			
Old Age Asst. _____	Water _____	Creditor	Amount	Monthly Charge	
Pension _____	Telephone _____				
Other Income _____	Food _____				
	Clothing _____				
	Babysitter/Hsehd. _____				
	Medical/Drugs _____				
Total Income _____	Total Expenses _____	Total _____			

READ DECLARATION AND AUTHORIZATION CAREFULLY

Applicant Declares:  
Information herein is true and complete. Applicant will furnish additional information as required. Applicant consents to have information investigated for verification and will notify of any change.

Applicant Authorizes:  
Nova Scotia Legal Aid to represent and act for Applicant in the matter mentioned or any related matter and further authorizes Nova Scotia Legal Aid to take any necessary action or obtain required assistance.

Signature of Applicant: \_\_\_\_\_

Date: Oct 18/79

Please Ask for Assistance

Do Not Complete if Unsure.