

JOHN L. RYAN, by Mr. Orsborn

1 | the R. C. M. P. I would anticipate that his evidence would not
2 | be lengthy.

3 | JOHN LEON RYAN, being called and duly sworn, testified as follows:

4 | BY MR. ORSBORN:

5 | Q. Would you state your full name for the record?

6 | A. My name is John Leon Ryan, Staff Sergeant in the R.C.M.P.

7 | Q. How do you spell your middle name?

8 | A. L-e-o-n.

9 | Q. L-e-o-n. How long have you been on the force?

10 | A. Twenty-nine and a half years.

11 | Q. And where are you presently stationed?

12 | A. I'm presently stationed at St. John's, Newfoundland.

13 | Q. In what capacity?

14 | A. I am Staff Sergeant in charge of the St. John's R.C.M.P.
15 | Identification Section. I'm also the co-ordinator of
16 | identification duties in Newfoundland and Labrador.

17 | Q. And how long have you been doing identification work for
18 | the force?

19 | A. Approximately twenty-five years.

20 | Q. And were you stationed in Sydney, Nova Scotia in 1971?

21 | A. Yes, I was.

22 | Q. In the Identification section?

23 | A. Yes, I was.

24 | Q. How long were you stationed in Sydney?

25 | A. Four years. From 1969 to 1972.

JOHN L. RYAN, by Mr. Orsborn

- 1 Q. Could you just state briefly for us what services are provided
2 by members of your force in the Identification section?
- 3 A. We provide photographic services, examination of crime scenes
4 for fingerprints and draw out plans or sketch drawings and
5 other related duties as a service or assistance to other
6 police departments and detachments and units of the R.C.M.P.
- 7 Q. And did you have occasion during your tenure in Sydney to
8 provide assistance to all the police forces in the area?
- 9 A. Yes, I did.
- 10 Q. Did you have occasion to provide assistance to the Sydney City
11 Police force?
- 12 A. Yes, I did.
- 13 Q. If I could take you back now to late May, early June, 1971,
14 do you recall on the night of the 28th and the early morning
15 of the 29th of May, 1971, an incident in Sydney involving the
16 stabbing and later death of Mr. Sandy Seale?
- 17 A. I recall becoming aware of it, probably during the weekend or
18 on Monday morning when I came to my office for work.
- 19 Q. Monday morning would have been the first of June?
- 20 A. I believe so.
- 21 Q. And what if anything did you do after becoming aware of it?
- 22 A. I contacted the Detective Division of the City Police -- Sydney
23 City Police. I made several efforts to get a hold of Detectives
24 MacIntyre or Urquhart. They --
- 25 Q. Did you -- I'm sorry, did you know either or both of those

JOHN L. RYAN, by Mr. Orsborn

1 gentlemen?

2 A. Yes, I knew all the members of the Detective Division of the
3 R.C.M. or the Sydney City Police.

4 Q. Thank you. Continue.

5 A. And several times when I called, Detective MacIntyre was out.
6 Later on during the day, I was in contact with him and we
7 briefly discussed the incident and I asked -- I believe it
8 was Detective MacIntyre. It was either him or Urquhart. I'm
9 not sure. We discussed the incident of the weekend and I did
10 ask him if there was anything we could do for him and I
11 believe the response was: "Not at this time."

12 Q. Do you have any recollection of the nature of the discussion
13 that took place between you?

14 A. No, I believe it was very brief. I believe we discussed what
15 happened and that's basically all I recall at the time.

16 Q: Do you recall if any reason was advanced why your services
17 would not be required at that time?

18 A. Not that I recall.

19 Q. Do you recall whether or not you formed the opinion that
20 the case had perhaps been solved in large measure?

21 A. I don't believe I was told that.

22 Q. I see. Had you had occasion in the past to take the initiative
23 to offer assistance to the Sydney force?

24 A. Not that I recall. I've had several dealings with them.

25 Q. Yes. Was there any particular reason in this case why you

JOHN L. RYAN, by Mr. Orsborn

1 would take the initiative to offer your assistance?

2 A. Probably because of the seriousness of the incident and where
3 we were providing assistance to them in the past and I hadn't
4 heard from them, I took the initiative to give them a call to
5 see if there was anything that we could do; for example,
6 photographs, plans, for them at that time.

7 Q. With respect to the services that you provide, is it usual
8 that these services would be provided closer to the event or
9 incident rather than later on in time?

10 A. The quicker the scene is photographed and sketch measurements
11 made as regards the incident is better because of the chances
12 of losing whatever photograph evidence that may be available
13 at the scene or any measurements that may be required. What
14 I'm saying --

15 Q. Would this, though, in large measure depend on the nature of
16 the incident?

17 A. Yes, that's true.

18 Q. If -- It may perhaps be more important in a motor vehicle
19 accident with skid marks than perhaps an altercation between
20 two individuals?

21 A. Yes, if you were going to compare a motor vehicle accident,
22 the quicker you're at the scene or a serious matter like a
23 rape or a murder, you should be at the scene as soon as
24 possible to collect and preserve any evidence, photography
25 and otherwise pertaining to the incident.

JOHN L. RYAN, by Mr. Orsborn

- 1 Q. Did you in fact have occasion to provide assistance to the
2 Sydney Police Department in connection with this incident?
- 3 A. Yes, I did, at a later date.
- 4 Q. If I could direct your attention to Volume 16, page 96,
5 which I believe is the Volume and page you have opened before
6 you.
- 7 A. Yes.
- 8 Q. Are you able to identify that document, sir?
- 9 A. That is a form, an R.C.M.P. Identification form that bears
10 my signature at the bottom, J. L. Ryan, Corporal. This
11 correspondence was made out after I took a series of photo-
12 graphs at Wentworth Park, the date --
- 13 Q. Do you recall on whose instructions or request you took those
14 photographs?
- 15 A. To the best of my recollection, I don't know whether Crown
16 Prosecutor Donnie MacNeil asked me directly or the message
17 was relayed to me by Detectives MacIntyre or Urquhart.
- 18 Q. The date on the form indicates 24/8/71, which I believe to
19 be the 24th of August. Would that be the date on which the
20 pictures were taken?
- 21 A. No, the pictures would have been taken probably ten days to
22 a week prior to that.
- 23 Q. Is it possible that they could have been taken up to a month
24 or six weeks prior?
- 25 A. No.

JOHN L. RYAN, by Mr. Orsborn

1 Q. Can you relate to us through your recollection the circumstances
2 under which the pictures were taken?

3 A. I recall Detectives Urquhart and MacIntyre coming to my office
4 prior to the 24th of August, 1971. I accompanied them with
5 my camera gear to Wentworth Park.

6 Q. Do you know if it was day or night?

7 A. That was in the day time, I believe.

8 Q. Thank you.

9 A. And as a result of conversations with Detectives MacIntyre and
10 Urquhart, I took a series of photographs in Wentworth Park area.

11 Q. Can you recall generally what you took the pictures of? I
12 don't know if looking at the plan behind you might be of any
13 assistance in jogging your memory. That is a plan of the
14 park showing the bushes, railroad track, road, creeks and
15 what-have-you.

16 A. There are no -- to my knowledge, no photographic photographs
17 available of this that I took at the time and I'll have to
18 rely on my memory as to what I did with Detectives MacIntyre
19 and Urquhart. I have reason to believe we took photographs
20 showing a portion of Crescent Street. When we arrived there,
21 we did a general walk-around which I like to do, a general
22 walk-around with the members to fix in my mind as what may
23 be required and that still is my procedure today. And I
24 recall walking around the walkways in Wentworth Park with
25 Detectives MacIntyre and Urquhart and as a result of

JOHN L. RYAN, by Mr. Orsborn

1 | conversations with them, I took a series of photographs. And
2 | I recall taking photographs in the Crescent Street area,
3 | probably.

4 | Q. When you say the Crescent Street area, --

5 | A. Crescent Street area. I don't know but it's somewhere along
6 | this area here. I believe --

7 | Q. You're pointing to an area along the end of Crescent Street?

8 | A. Yeh, I believe it was to show -- show some houses across the
9 | street.

10 | Q. Yes.

11 | A. I took photographs along the railroad track looking several
12 | ways in the park. I believe at one point I was on Byng
13 | Avenue looking back towards the Park and I believe I was
14 | down along here.

15 | Q. "Here" being George Street?

16 | A. Somewhere along George Street, somewhere, probably this area
17 | here. And I took as many photographs to show the general
18 | layout of the park as possible.

19 | Q. Were you acting under the instructions of either Sergeant
20 | MacIntyre or Sergeant Urquhart in taking these pictures or
21 | were you using your own judgement?

22 | A. I acted under their direction and I usually offer assistance
23 | in: would this photograph be okay or that one be okay. So
24 | generally I was following their instructions and maybe on
25 | occasion I would take one relative to my experience as an

JOHN L. RYAN, by Mr. Orsborn

1 Identification member.

2 Q. Do you recall whether or not you took any pictures from the
3 area of the bushes which border the railroad track looking
4 over towards Crescent Street?

5 A. I believe I did.

6 Q. Do you recall whether or not you took any pictures on the
7 upper portion of the track closest to Byng Avenue, perhaps
8 closer to the intersection of the track and the walkway,
9 looking back along the track towards Crescent Street?

10 A. It's possible. We did a very broad, general walk around
11 of the park and I don't recall how many photographs I took.
12 I recall they were several and I recall the park was fairly
13 well covered photographically.

14 Q. Do you recall whether or not Sergeant MacIntyre or Sergeant
15 Urquhart gave you any indication of the purpose to which these
16 pictures may be put?

17 A. I believe it was related to me that it was on instructions of
18 the Crown Prosecutor, Donnie MacNeil.

19 Q. I see. The document that we have in front of us (and you can be
20 seated again, sir, if you wish.) that indicates that copies of
21 the photographs were turned over to Crown Prosecutor, Donald
22 C. MacNeil, for information purposes. Would that be your
23 doing, to turn those over to the Crown Prosecutor?

24 A. I believe it was asked that I turn them over to him, directly.

25 Q. And would this indicate that you in fact did not provide copies

JOHN L. RYAN, by Mr. Orsborn

- 1 to the Sydney Police Department?
- 2 A. I don't know whether I provided him with copies or not. I
3 believe they were turned over to Mr. Donnie MacNeil for him
4 to view them and to get back to me as to which ones he may
5 require. That's --
- 6 Q. Have you --
- 7 A. -- part of the procedure. They're -- Usually they're turned
8 over to the investigator. In this case, it would be Detective
9 MacIntyre. I don't know whether they turned any over to him
10 or not.
- 11 Q. Would you turn over to the Crown Prosecutor the actual photo-
12 graphs or just the negatives?
- 13 A. No, I turned the actual photographs over to Mr. Donald MacNeil.
14 I recall going to his office and giving him -- them to him
15 personally.
- 16 Q. And what would you do with the negatives?
- 17 A. The negatives were -- would be retained on my file in Sydney
18 prior to advise of disposition, as to what should be done
19 with them or if they would be required at a later date or
20 copies made of them at a later date.
- 21 Q. Have you seen either the negatives or the photographs since?
- 22 A. No, I have not.
- 23 Q. Have you looked for them?
- 24 A. Yes, I have.
- 25 Q. Do you have any idea what happened to them?

JOHN L. RYAN, by Mr. Orsborn

- 1 | A. According to what I can find out, any records that there may
2 | have been may have been destroyed.
- 3 | Q. Records of whom?
- 4 | A. Records of these photographs. I contacted my office in Sydney
5 | to see if these records were still available. I had a daily
6 | dairy of the day, of that particular year. That was policy in
7 | those days to leave that behind when you were transferred and
8 | what we would call our "key" material which would be notes or
9 | photographs were left at a file -- on a file at my office.
- 10 | Q. So I take it from what you say that you have since then caused
11 | a search to be conducted of the R.C.M.P. records and you have
12 | not been able to locate either the photographs or the negatives.
- 13 | A. I've contacted my office --
- 14 | Q. Your office meaning --
- 15 | A. In Sydney, Nova Scotia.
- 16 | Q. -- the R.C.M.P. office?
- 17 | A. That's correct, and members who I was stationed with in the
18 | past who were there with me in an effort to find out what
19 | may have happened to these because I was transferred a year
20 | later and I believe the file may have been still there. I'm
21 | not sure.
- 22 | Q. How recently did you contact your office to look for those
23 | pictures?
- 24 | A. Probably in March of this year. March or April of this year,
25 | yes.

1 MR. ORSBORN:

2 That's all, Sergeant. Thank you.

3 MR. CHAIRMAN:

4 Ms. Edwardh.

5 BY MS. EDWARDH:

6 Q. Sir, do I take it from your comment that you knew Sergeant
7 MacIntyre? You'd worked with him in the past?

8 A. Yes, I have.

9 Q. And Sergeant Urquhart as well?

10 A. Yes, I did.

11 Q. And I take it that was in relation to your skills as an
12 Identification Officer?

13 A. That's correct.

14 Q. And I take it if there had been a homicide in Sydney, would
15 you have made yourself available to them late in the evening?

16 I mean could they phone on Friday night and say, "Excuse me,
17 we've just had a murder. Can you come out?"?

18 A. We had an on-call system for after hours. For example, if
19 you worked nine to five, after five o'clock there was always
20 an Ident member on call and the same applied to the weekends.
21 That member would be available or Telecom Section would know
22 where he could be contacted.

23 Q. And do I take it from that by being on call you would have
24 made yourself available had any requests been made to you?

25 A. Yes, I would have.

JOHN L. RYAN, by Ms. Edwardh

1 | Q. Now you made the comment that the universal principle or I
2 | took from this, please correct me if I'm wrong, that an
3 | Ident officer would follow in any homicide case is one,
4 | photograph the scene as soon as is practicable. Is that a
5 | fair statement?

6 | A. As soon as possible after the incident, yes. Immediately or
7 | as soon as you can get there. The Ident member is probably
8 | the second or third officer at the scene after a serious
9 | incident.

10 | Q. And was that a principle that you yourself in investigating
11 | cases would have followed in 1970?

12 | A. Yes.

13 | Q. So it's not a new principle to any of us?

14 | A. It's one that I've been familiar with for approximately thirty
15 | years.

16 | Q: And I take it that no one contacted the R.C.M.P. in Sydney on
17 | that weekend.

18 | A. I wasn't contacted.

19 | Q. And have you any reason to believe that any fellow officer who
20 | might be on call was contacted and declined to go out?

21 | A. In my particular office?

22 | Q. Yes.

23 | A. I don't know who was on call that weekend but to the best of
24 | my knowledge, no one in my office was contacted.

25 | Q. Okay. When you were ultimately contacted, I take it in

JOHN L. RYAN, by Ms. Edwardh

1 going through the process of taking photographs and looking
2 at the general scene with the two other officers you made notes.

3 A. There was notes made on foolscap paper and placed on my file.

4 Q. And is that what you referred to as your "daily diary" that
5 you would have kept?

6 A. No, there was a daily diary kept on a daily basis as to what
7 you did that particular day but are rather brief. The
8 notes take at the scene or notes taken at the time would be
9 more comprehensive.

10 Q. And would I be correct in assuming that you would have noted
11 where you were, roughly the number of photographs, the
12 locations and what you were doing so that it would be a real
13 history of your photographic session in Wentworth Park?

14 A. My practice is that when I go to a major crime scene, I take
15 twenty or twenty-four photographs on a roll of film. I usually
16 write down on piece of papers I have with me or a piece of
17 foolscap, photograph number one an area, number two an area,
18 number three an area. I may take anywhere from one to fifteen
19 or twenty rolls of film. I have to be in a position to keep
20 them separate and which photographs were on what roll of film.

21 Q. And I take it that was your practice as early as 1970-'71.

22 A. That's been my practice for the twenty-five years I've been
23 Ident, yes.

24 Q. Okay. Now I missed, I think, a couple of your answers, sir.
25 The date in which you or someone filled in on the report which

JOHN L. RYAN, by Ms. Edwardh

1 is at page 96 in Volume 16 is the -- is not the date you took
2 the photographs. That would have been roughly seven to ten
3 days earlier. Right.

4 A. That is the date I wrote that report and gave the copies to
5 Mr. Donnie MacNeil. The photographs were taken probably
6 ten days prior to that time.

7 Q. And when would the request have been made? Can you date the
8 request?

9 A. I think the request was put to me and the photographs were
10 taken as soon as possible thereafter. I can't pin down a
11 point in time because I don't have my notes.

12 Q. Would it be fair to say that it would be no more than a week
13 between the request and your taking of the photographs?

14 A. That would be reasonable.

15 Q. Now when you were invited to attend in the park, did you raise
16 any questions of your fellow officers as to why they had
17 waited so long to invite you to photograph the scene of a
18 homicide?

19 A. Not that I recall.

20 Q. And did you understand, for example, when you were taking
21 photographs of the Crescent Street area, did you take any
22 photographs of where the officers believed Mr. Seale had
23 fallen? Did you do that kind of photograph?

24 A. I don't recall.

25 Q. In the ordinary course if you were called out on the -- let's

JOHN L. RYAN, by Ms. Edwardh

1 say within in an hour of a homicide, I take it you would be
2 able to accurately record the scene and determine from the
3 location of blood and other substances where the body had
4 fallen?

5 A. Yes, that's reasonable.

6 Q. Now you made the comment that you personally have requested
7 that a search be conducted. I take it what you're saying is
8 when you left Sydney, you had a file and the file included
9 the negatives and it included your notes of what you -- of
10 the photographs you had taken. Is that correct?

11 A. Yes, it's procedure to open up a file on every case and there
12 was a file opened on this particular matter and all material,
13 negatives, relative to that file were placed on that file.

14 Q. Yes, and that file was left in the Sydney R.C.M.P. office.

15 A. To the best of my knowledge, yes.

16 Q. Well in the ordinary course, where would it have gone?

17 A. When we assist another police department, it is policy now
18 and I think it may have been in those days, when a file is
19 concluded to send that material relative to that file back
20 to that Department. Whether or not that was done, I don't
21 recall.

22 Q. So let us put it this way: Either the file should have been
23 with the R.C.M.P. or it would in the ordinary course
24 depending upon the time be with the Sydney Police force. That
25 would be the routes it would go. Is that correct?

JOHN L. RYAN, by Ms. Edwardh

1 A. The only two groups that it should go to, yes.

2 Q. Now you made some mention of it having been destroyed. Are
3 you just saying it's not findable?

4 A. That's probably a better word. It's not findable.

5 Q. Okay, and is it also true to say that other files of that
6 era, '71, '72, are findable?

7 A. I believe so. I'm not sure. They should be. They usually
8 are findable.

9 Q. So I take it you don't want to leave the impression with this
10 Commission that those files are, for example, destroyed every
11 five years or seven years; that you would have every expectation
12 it should have been there.

13 A. A file like a murder file is usually kept indefinitely and put
14 in our archives in Ottawa.

15 Q. Am I correct to say it should have been there if it had not
16 been sent to the Sydney Police?

17 A. I was surprised to learn that it wasn't available or wasn't
18 findable.

19 MS. EDWARDH:

20 Those are my questions. Thank you very much, sir.

21 MR. CHAIRMAN:

22 Mr. Pugsley.

23 MR. PUGSLEY:

24 No questions, My Lord, thank you.

25 MR. CHAIRMAN:

Mr. Murray.

JOHN L. RYAN, by Mr. Bissell

1 MR. MURRAY:

2 No questions, My Lord.

3 MR. CHAIRMAN:

4 Mr. Elman.

5 MR. BARRETT:

6 No questions, My Lord.

7 MR. SAUNDERS:

8 We have no questions, My Lord.

9 MR. CHAIRMAN:

10 R.C.M.P., Mr. Bissett. Do you have any questions.

11 MR. BISSELL:

12 I believe I'm at the end, My Lord.

13 MR. CHAIRMAN:

14 Oh, this is your witness. I'm sorry. Mr. Ross.

15 MR. ROSS:

16 There will be no questions on behalf of either Seale or BUFF,
17 My Lord.

18 MR. WILDSMITH:

19 No questions, My Lord.

20 MR. BISSELL:

21 I do have a couple of questions.

22 BY MR. BISSELL:

23 Q. Yes, Sergeant Ryan, I wonder if you could indicate to the
24 Commissioners what other types of evidence in physical
25 evidence your services would normally collect at a crime

JOHN L. RYAN, by Mr. Bissell

1 scene other than just photographs.

2 A. We do a search for fingerprints, a search for hair and fibre,
3 a search for footwear impressions, tire impressions, broken
4 tools or articles left behind in the commission of an offense.

5 Q. Footwear impressions, are they normally something that are
6 taken at a murder scene?

7 A. Yes, depending on the type of surface -- the surface
8 involved. Footwear impressions could be found -- if you got
9 to the scene soon enough, they could be found in snow, mud or
10 on pieces of paper or other materials that would transfer
11 the impression.

12 Q. What about night-time photography, murder scenes where it's
13 believed the crime was committed at night time? Is there any
14 value to night-time photography under those circumstances?

15 A. I've done night-time photography at murder scenes, rape scenes,
16 and serious or fatal traffic accidents, and they are important
17 in my mind to show what was visible or not visible at the time.

18 Q. Dealing with the Identification section that the Sydney R.C.M.P.
19 had at that occasion, how many members were belonged to the
20 Sydney Identifications services of the R.C.M.P. at that time?

21 A. I believe there were three of us.

22 Q. And you were the officer in charge, were you?

23 A. I was the non-commissioned officer with a Corporal's position
24 at the time. Yes, I was.

25 Q. And within the R.C.M.P. how routinely are identification services

JOHN L. RYAN, by Mr. Bissell

1 used by investigators in visiting a serious crime scene such
2 as murder scenes?

3 A. I would say all the time or should be all the time. In my
4 experience, it's been all the time. We are one of the first
5 ones contacted.

6 MR. BISSELL:

7 Those are all the questions that I have, Sergeant Ryan, thank you.

8 MR. CHAIRMAN:

9 That's all, thank you, Staff Sergeant.

10 MR. SPICER:

11 The next witness is Chief Walsh.

12

13

14

15

16

17

18

19

20

21

22

23

24

25