

MURRAY WOOD, by Mr. MacDonald

1 MURRAY WOOD, being called and duly sworn, testified as follows:

2 BY MR. MacDONALD:

3 Q. What is your full name, sir?

4 A. My name is David Murray Wood. I'm a member of the Royal  
5 Canadian Mounted Police stationed in Toronto in the  
6 Commercial Crime section.

7 Q. How long have you been with the R.C.M.P.?

8 A. Twenty-six years this November.

9 Q. Perhaps we'll just try and speak up a little bit. Is it  
10 Staff Sergeant? Is that the correct --

11 A. That's correct.

12 COMMISSIONER EVANS:

13 What department?

14 MR. MacDONALD:

15 Commercial Crime in Toronto at the present time, My Lord.

16 BY MR. MacDONALD:

17 Q. How long have you been in Toronto, Staff Sergeant?

18 A. Approximately nine years.

19 Q. And prior to that where were you?

20 A. In Ottawa for three years and prior to that Halifax, and  
21 prior to that, Sydney.

22 Q. Okay. When were you in Sydney?

23 A. From approximately 1964 to '72, September of '72.

24 Q. What were your duties while you were in Sydney?

25 A. Initially I was on highway patrol. For a short period of time

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1 I was on the Sydney Detachment. I was in charge of the  
2 Ingonish Beach Detachment for a summer and in the Arichat  
3 Detachment immediately following that and I came back to the  
4 Sydney Detachment and was transferred to Sydney G.I.S.

5 Q. Now in 1971 and specifically in May of 1971, what were your  
6 duties?

7 A. I would have been on -- attached to Sydney G.I.S.

8 Q. What does G.I.S. mean?

9 A. It's a section that looked after major crime incidents for the  
10 whole of Cape Breton Island primarily assisting our detachments.

11 Q. Is it akin to a detective section as opposed to a foot soldier  
12 section?

13 A. Yes, I think you could say that.

14 Q. And when you say you were dealing with major crimes in Cape  
15 Breton Island, is that all parts of Cape Breton Island?

16 A. That's correct.

17 Q. Would it include the City of Sydney?

18 A. No, it wouldn't.

19 Q. But that's part of Cape Breton. I'm just trying to --

20 A. Sorry.

21 Q. What was the difference in the City of Sydney?

22 A. Well, they had their own police department as did Glace Bay  
23 and New Waterford, North Sydney, and Sydney Mines.

24 Q. Would the G.I.S. section deal with major crimes in New  
25 Waterford?

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- 1 A. We may assist New Waterford if we're asked.
- 2 Q. Asked by the police in New Waterford?
- 3 A. Asked by the police or we may offer our assistance.
- 4 Q. And what about Glace Bay?
- 5 A. The same thing.
- 6 Q. What about Sydney?
- 7 A. Sydney, not so much. They seem to be able to handle their own  
8 and we would continue to offer assistance though.
- 9 MR. CHAIRMAN:
- 10 When you say "offer", Staff Sergeant, would you mean you would  
11 offer or you would be available if requested?
- 12 THE WITNESS:
- 13 No, we very often would offer.
- 14 BY MR. MacDONALD:
- 15 Q. Where were you physically located?
- 16 A. Initially I was -- the Detachment was located down on the  
17 Pier, on the Government Wharf and then new accommodations  
18 were located on Alexandra where they presently are located.
- 19 Q. And if I could just interrupt. The Pier in this area sometimes  
20 refers to Whitney Pier.
- 21 A. Yes.
- 22 Q. You're talking about on the Esplanade, aren't you?
- 23 A. That's correct.
- 24 Q. On a Government Wharf or on a wharf on the Esplanade?
- 25 A. Yes.

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1 Q. Was that the same physical location as the Sydney Detachment  
2 of the R.C.M.P.?

3 A. At that time.

4 Q. And what would the Sydney Detachment be doing? What was  
5 their jurisdiction?

6 A. It would be Westmount, Howie Centre, Eskasoni, Big Pond, that  
7 area.

8 Q. And you had served in the Sydney Detachment as well during --  
9 prior to being in G.I.S. Is that correct?

10 A. For approximately ten months, yes.

11 Q. Now I want to bring you --

12 MR. CHAIRMAN:

13 Before you leave today just -- For the record, Mr. MacDonald,  
14 I assume that the Sydney Detachment of the Royal Canadian Mounted  
15 Police had no jurisdiction over the City of Sydney?

16 MR. MacDONALD:

17 That's correct. That's my understanding.

18 BY MR. MacDONALD:

19 Q. It covered an area and then the next detachment is North  
20 Sydney. Is that what you --

21 A. North Sydney, yes.

22 Q. And then there'd be one in St. Peters?

23 A. That's correct.

24 Q. So the Sydney Detachment would have a geographical boundary  
25 that they would serve?

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1 A. That's right.

2 Q. But it would not include the City of Sydney?

3 A. That's correct.

4 MR. MacDONALD:

5 Is that fair, My Lord?

6 BY MR. MacDONALD:

7 Q. Now in May of 1981, and specifically -- in '71, I'm sorry, and  
8 specifically May the 29th which is a Saturday, were you on  
9 duty that day?

10 A. No, I wouldn't have been.

11 Q. Did you have occasion on that day to go to your office?

12 A. Yes, I did.

13 Q. Do you have any independent recollection at this time about  
14 the events of that day?

15 A. No, I have no independent recollection of any event  
16 surrounding this Marshall Inquiry. My recollection is based  
17 solely on the notes that I made at the time.

18 Q. Was it your practice to make notes?

19 A. Yes, it was.

20 Q. Did you keep a fairly detailed notebook?

21 A. Yes, I did.

22 Q. And you do have a copy of that notebook?

23 A. Yes, I do.

24 Q. And you have made available to me through your Counsel copies  
25 of the pages of that notebook that are relevant. Is that

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1 correct?

2 A. That's correct.

3 MR. MacDONALD:

4 My Lord, I'd like to have marked with your permission copies of his  
5 notebook. He doesn't want to give up the entire notebook. It would  
6 obviously have information that may be sensitive and non-related  
7 to this matter so I'd like to file copies of the relevant pages  
8 as an Exhibit and then I'll get the witness to read from his  
9 original document to make sure that we can understand what's on it.

10 MR. CHAIRMAN:

11 Exhibit thirty-eight I think.

12 MR. MacDONALD:

13 Forty, is it?

14 MR. CHAIRMAN:

15 Oh, forty.

16 BY MR. CHAIRMAN:

17 Q. As a matter of interest, Staff Sergeant, how long do you keep  
18 your notes?

19 A. I don't know exactly how far my notes go back, sir, but at  
20 least to '63 or '64.

21 Q. At least to 1963 or 1964?

22 A. Yes. I think I have every notebook from that time forward.

23 Q. What happens when an officer retires from the Royal Canadian  
24 Mounted Police, does he turn in his notebooks?

25 A. I don't believe it's a practice that he turns them in.

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1 Q. They're regarded as personal property?

2 A. No, I don't think they are regarded -- I think they're  
3 regarded as the R.C.M.P. property in fact.

4 MR. WILDSMITH:

5 Now, My Lord, I hate to interrupt. We're having difficulty  
6 hearing this witness back here and I believe in the Public Gallery  
7 and in the Press Gallery as well.

8 MR. MacDONALD:

9 My Lord, may I suggest we take a few minute break. I had a lot  
10 of copies of these diaries this morning and now I'm not able to put  
11 my hands on them, so could I have a few minutes to find them and  
12 produce them into evidence.

13 MR. CHAIRMAN:

14 All right, and maybe we can make sure the volume is working.

15

16 INQUIRY ADJOURNED AT: 3:06 p.m., AND RECONVENED AT: 3:21 p.m.

17

18 MR. MacDONALD

19 My Lords, I've had marked as Exhibit 40, a copy of an extract of  
20 certain pages from Staff Sergeant Wood's diary and he has the  
21 original with him and you can see that the copies are not great so  
22 I'm going to take him through it and have him actually read it  
23 so we'll all understand what's on those pages.

24 MR. ROSS:

25 Mr. MacDonald, there are two sets, one of them is two pages and

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1 | the other one is five. Which one is being marked?

2 | MR. MacDONALD:

3 | I'm sorry, it's the one with five pages.

4 | MR. ROSS:

5 | Thank you.

6 | BY MR. MacDONALD:

7 | Q. Now, Staff Sergeant, I've handed you a document marked as  
8 | Exhibit 40. Can you tell us, sir -- Those are taken from  
9 | your books. What is on the first page of that Exhibit  
10 | number 40?

11 | A. Okay, the first page is a note that I made on the 15th of  
12 | May and it's somewhat out of sequence. When you refer to  
13 | the note on the 29th it'll have more significance.

14 | Q. Okay. So let's go to page two first then of this document.  
15 | That is the note, is it, from your handwritten diary dated  
16 | the 29th of May, 1971?

17 | A. That's correct.

18 | Q. Okay. Now to help us all out recognizing that you look like  
19 | a fairly light handwriter and coming through it's not that  
20 | easy to read. Would you read what's on that page and can I  
21 | ask you to speak up so that people will be able to hear you  
22 | throughout the hall?

23 | A. Okay. At the top I have the date the 29th of May, '71, and  
24 | I have entered the times, "nine-thirty a.m. to eleven a.m.,  
25 | Office and Sydney City Police Station, Re: Stabbing in



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1 | Wentworth Park, early a.m. this date, two youth, Seale and  
2 | Marshall". "Conversation with Edward MacNeil and Detective  
3 | MacIntyre". "Feeling at this time, Marshall was responsible".  
4 | "An incident happened as a result of argument between both  
5 | Seale and Marshall". "Mentioned Rotary Park incident two  
6 | weeks previous where knife was used". "Thought at this time  
7 | to be of no connection". "Only description received from  
8 | Marshall was a man forty-five - fifty years with grey hair".

9 | Q. Okay. Now let me ask you again, do you have any independent  
10 | recollection of the events of that day?

11 | A. I do not.

12 | Q. Do you know and did you know Edward MacNeil?

13 | A. Yes, I did.

14 | Q. And who was Edward MacNeil?

15 | A. He was a member of the Sydney City Police Force.

16 | Q. Do you know what rank he had or what -- was he a detective  
17 | or was he a patrolman or do you know?

18 | A. I don't know.

19 | Q. Well, what about Detective MacIntyre?

20 | A. Just as I described him. That's all I knew him, as a  
21 | detective.

22 | Q. Now nine-thirty to eleven a.m., what was your practice  
23 | as to when you would make notes?

24 | A. I would be -- I'm guessing, but my practice was that I made  
25 | notes either at the time or shortly thereafter and I would say

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1 | that I made this note when I finished at eleven a.m.

2 | Q. Now you wanted to refer back to page one as a result of  
3 | something that's said on page two. What is that referring to?

4 | A. That's referring to where -- it's on the 29th where I  
5 | mentioned the incident in Rotary Park that on the 15th I have  
6 | a note in my book that at "two-thirty a.m., patrolled to  
7 | Rotary Park area, Re: Constable Murphy's attempted assault  
8 | by unknown male". I'd say that Constable Murphy was a  
9 | member of our Sydney Detachment at the time and had something--  
10 | had responded to this complaint, "An assault by an unknown  
11 | male wearing grey pull-over with a hood, part facial mask,  
12 | carrying rock in right hand and a long butcher knife in  
13 | left hand, a stocky build, and approximately thirty-five to  
14 | forty years". "Departed area on foot into wood Corporal  
15 | Scott advised". Corporal Scott was again a member of the  
16 | Sydney Detachment. "Advised Sydney City Police". "In case,  
17 | no further effort made".

18 | Q. Now "no further effort made", what does that mean?

19 | A. On my part, I did nothing else in regards to that incident.

20 | Q. Why would that be?

21 | A. Well, I was only responding to -- I don't know why but  
22 | obviously I was aware of the incident and maybe went  
23 | to assist Constable Murphy and when the -- the incident,  
24 | when I got there was in the Sydney City Police jurisdiction  
25 | and I can't elaborate too much more than that.

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1 Q. For the benefit of those who may not know, where is Rotary  
2 Park?

3 A. Rotary Park backs on Membertou Reserve as I recall.

4 Q. Can I ask you to look at this map that's on the wall here and  
5 I don't know what the Exhibit number is, thirty-seven. On  
6 thirty-seven just become -- take a moment to become familiar  
7 with the layout and see if you can show us where Rotary Park  
8 is.

9 A. Okay. There's Rotary Drive, right here, so Rotary Park is in--  
10 in this area.

11 Q. Would you just --

12 A. It looks like there's some streets in there now that weren't  
13 likely there when I was here.

14 Q. Would you just circle with blue generally the area that you're  
15 talking about as Rotary Park and just stick your initials  
16 opposite of that would you, Staff Sergeant?

17 Okay. That's great. You can just take your seat.

18 MR. MacDONALD:

19 My Lords, the witness has circled in blue and put his initials  
20 on an area starting with Rotary Drive and he's indicated that  
21 the streets that run perpendicular to Rotary Drive may not have  
22 been there at that time.

23 BY MR. MacDONALD:

24 Q. Where generally do you think the Membertou Reserve boundaries  
25 are, Sergeant?

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1 A. As I recall it would be in this area here.

2 Q. And you can get a north direction on this plan. If you assume  
3 north is to the top, you were pointing generally to the  
4 southwest of that circle you drew us. Is that correct?

5 A. That's right, but now I see that I am somewhat incorrect  
6 because I see here it's Membertou, but it's somewhat in  
7 the -- in that area.

8 Q. Okay. Thank you. In any event, on May 29th, 1971, according  
9 to your notes, you pointed out to the Sydney Police that  
10 some two weeks earlier there had been an incident in Rotary  
11 Park involving a person wielding a butcher knife?

12 A. That's correct.

13 Q. Now your notes says: "Thought at this time to be no  
14 connect". Do you have any idea why that note is there?  
15 Who thought it would be of no connection?

16 A. Looking at my notes I would say this was a feeling of likely  
17 Detective Sergeant MacIntyre or Edward MacNeil because I  
18 had no -- no access to what went on in Rotary -- in Wentworth  
19 Park and I don't think I could draw that conclusion.

20 Q. Again on your notes for May 29th, you say: "Conversation  
21 with Edward MacNeil and Detective MacIntyre..." Are you  
22 about to say which of those individuals would have given  
23 you the indication that the feeling at that time was that  
24 Marshall was responsible?

25 A. No, I could not.

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1 Q. Are you able to say at this time whether your  
2 conversation took place with both of those people at the  
3 same time?

4 A. I don't know for certain but I would think it did.

5 Q. And why would you think that?

6 A. I don't know. It just -- That's just the way. I think I would  
7 have conducted-my contact with me.

8 Q. And the bottom part of that date where it says the  
9 description was a man forty-five to fifty years old with  
10 grey hair, are you able to say who gave you that description?

11 A. No, I'm not.

12 Q. What's the next note in your diary then, Sergeant?

13 A. The next note is the 30th.

14 Q. And is that what's shown on page three of Exhibit 40?

15 A. That's correct.

16 Q. All right. Read that for us, would you please?

17 A. The 30th of May, '71, nine-thirty --"nine a.m. to ten-thirty  
18 a.m., office discussion with Edward MacNeil and Wyman Young,  
19 both of Sydney City Police, Re: Stabbing and resulting  
20 murder". "Both of opinion, Marshall responsible". At this  
21 time I gave two name of possible suspects and they're  
22 blacked out on my notes here.

23 MR. MacDONALD:

24 We, My Lords, by way of explanation discussed this with Counsel  
25 for the R.C.M.P. and were asked to request that those names be

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1 | blacked out. They had nothing to do with this particular case  
2 | and rather than subject those people to the scrutiny of this  
3 | kind.

4 | BY MR. MacDONALD:

5 | Q. Okay. Let's continue onward.

6 | A. The names were given to them of New Waterford as possible  
7 | suspects and the name is mentioned again as, "grey hair,  
8 | recently released, Dorchester, believed living in Sydney on  
9 | parole", are my notes.

10 | Q. Who was Wyman Young?

11 | A. Wyman Young was a member of the Sydney City Police?

12 | Q. Do you know what rank or position he held?

13 | A. No, I do not.

14 | Q. Do you have any independent recollection of that discussion?

15 | A. No, I do not.

16 | Q. Continue on then. What is the next note in your diary?

17 | A. The next note is the 31st of May, '71, which I believe was  
18 | a Monday. "I have eight a.m. to nine a.m., office, Re:  
19 | General duties, mail, discussion of Seale murder", "nine  
20 | a.m. to eleven a.m. Woolco, Re: General contacting of  
21 | merchants, observed light blue Volkswagon parked on Pitt  
22 | Street near Chick'N'Coop Restaurant, New York License:  
23 | 9993-OR, noticed grey haired man with grey beard, thirty-five  
24 | to forty years standing in front of Maple Leaf Restaurant",  
25 | "Appeared to be a stranger". "Later observed a man thirty-

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1 three to thirty-eight years, brown hair, receding hairline,  
2 wearing a brown T-shirt, driving above noted Volkswagon,  
3 Sydney Shopping Centre, went into Lord's pharmacy and purchased  
4 a chocolate bar and left, walked down towards bowling alley  
5 and into corner book store at Mall, didn't purchase anything,  
6 walked out and got into Volkswagon, drove out Prince Street  
7 towards K-Mart, Sydney City Police advised".

8 Q. Once again do you have any independent recollection of the  
9 events of that day?

10 A. No, I don't.

11 Q. Are you able to say where you got the indication that--if you  
12 did, to be on the lookout for a light coloured Volkswagon?

13 A. No, I can't say where.

14 Q. Are you able to tell us who in the City's Police would have  
15 been advised of your observations on that day?

16 A. I can't tell you.

17 Q. What is the next note in your diary then?

18 I think June 1st is -- Is there one on June the 1st?

19 A. Yes, there is.

20 I have a note: "Four p.m., office duties, Re: mail, and  
21 C-2- 38". That's our occurrence report. "Patrolled to  
22 C.P. station", Sydney City Police Station, "with three  
23 young lads who found knife case". Then I have: "Five p.m.,  
24 off duty".

25 Q. Are you able to say whether that entry has any relevance at all

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1 to the investigation of the Seale murder?

2 A. Not with any certainty, no.

3 Q. Would it be your normal practice to deliver people to the  
4 Sydney Police because they had found a knife case?

5 A. Not normally, depending on where they found it, and I'm  
6 only guessing here.

7 Q. Okay. Let's go on then to the final page on Exhibit 40.

8 A. It's on June 3 of '71. I have two entries: "One p.m. to  
9 three-thirty p.m., Woolco, Re: Alexander Seale murder of  
10 Wentworth Park". "Photo to Detective MacIntyre". And the  
11 next entry of significance is: "Four p.m. to six p.m.,  
12 local athletic club, Pier, contacting informant, Re: Seale  
13 murder". "Discussion with Sydney City Police, Detectives  
14 accompanied with Constable Ryan, named Marshall as suspect".

15 Q. Constable Ryan was your partner, was he?

16 A. That's right.

17 Q. And now Inspector Ryan?

18 A. That's correct.

19 Q. "Named Marshall as suspect", are you able to tell us what that  
20 refers to?

21 A. No, I can't -- I can't tell from this note if that is the  
22 informant or the detectives naming Marshall as a suspect.

23 Q. Okay. Any other entries in your notebooks, Staff Sergeant,  
24 have any reference whatever to the Seale murder or the  
25 charging of Mr. Marshall with that murder?



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- 1 A. No.
- 2 Q. Would you tell the Commissioners what role was being played  
3 by the Sydney R.C.M.P. or the G.I.S. section of the R.C.M.P.  
4 in the investigation as it proceeded?
- 5 A. It would have been strictly of assistance wherever we could  
6 assist them.
- 7 Q. And do you have any recollection of being requested for any  
8 assistance?
- 9 A. No.
- 10 Q. Let me get you to look at a document -- Do you have volume 16  
11 there in front of you?
- 12 A. Yes, I do.
- 13 Q. Would you turn to page 90 please. Take a moment to read that  
14 to yourself and I'll ask you several questions. Have you  
15 ever seen that document before?
- 16 A. I saw that document last night. It was shown to me by  
17 Commission Counsel.
- 18 Q. And that was the first time you saw it?
- 19 A. That's correct.
- 20 Q. And you can help me with perhaps some of the -- the notations  
21 on this document. There is an 'H' Division, H.F.X.M.C.I.S.,  
22 do you see that about the third line from the top?
- 23 A. Yeh.
- 24 Q. Can you tell us what that means?
- 25 A. Maritime Crime Index Section.

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1 Q. And that is in Halifax, is it?

2 A. That's correct.

3 Q. "H"Division is where?

4 A. "H"Division is the whole of Nova Scotia.

5 Q. The whole of Nova Scotia. Is -- Was M.C.I.S. a service  
6 that your force would make use of from time to time?

7 A. Yes, we would.

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- 1 Q. As a G.I.S. employee, would you make use of it?
- 2 A. Yes, I would.
- 3 Q. For what purpose?
- 4 A. Filing crime reports, suspects "M.O.'s", that sort of record  
5 keeping.
- 6 Q. Is that the type of service that you could make or that was  
7 made available to the Sydney Police on request?
- 8 A. Yes, I would think it would be.
- 9 Q. You have no knowledge of whether any request was made by the  
10 Sydney Police to have this particular document sent?
- 11 A. No, I have no knowledge.
- 12 Q. Were you kept aware as this investigation went on by the Sydney  
13 Police of the results they were obtaining?
- 14 A. I would say no.
- 15 Q. Were you ever shown copies of statements being obtained by  
16 the Sydney Police from time to time?
- 17 A. In connection with this, no.
- 18 Q. With this -- Had you occasion in your work in the Sydney area  
19 to work with Chief or Detective Sergeant MacIntyre at that time?
- 20 A. Yes, I had from time to time.
- 21 Q. What was your opinion or what is your opinion of him and the  
22 work that he was carrying out?
- 23 A. I'd say that Detective Sergeant MacIntyre was conscientious.  
24 He was a "take charge" type of individual who, I thought, tried  
25 to do his job to the best of his ability.

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1 Q. In your time in Cape Breton, did you have any experience with  
2 the late Donald C. MacNeil, Prosecutor?

3 A. Yes, I did.

4 Q. What type of experiences would you have had with him?

5 A. He was the Crown Prosecutor on a number of cases that I was  
6 involved with and an extremely capable and competent  
7 Prosecutor.

8 Q. What was your practice with respect to dealing with the  
9 Prosecutor and in particular getting to the Prosecutor copies  
10 of statements you would have obtained from witnesses?

11 A. It would have been part of the Court brief package that we  
12 would have presented to the Crown Prosecutor.

13 Q. Would the Prosecutor be given copies of all statements that  
14 you would have taken?

15 A. Yes, he would.

16 Q. Whether the witness was to be called or not?

17 A. That's correct.

18 Q. Are you able to tell us from your own experience, from your  
19 own knowledge, whether Mr. MacNeil followed a practice of  
20 giving those statements to defense counsel?

21 A. I don't know that he did do that.

22 Q. In your role or in your experience as a G.I.S. employee,  
23 did you have occasion from time to time to investigate crime?

24 A. Yes, I did.

25 Q. What practice would be followed by members of your division and

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1 | you in particular arriving on a crime scene?

2 | A. Well in my particular case, I likely wouldn't be the first  
3 | officer there in virtually all cases. It would likely be the  
4 | Detachment that would respond.

5 | Q. Were the Detachment given instructions what they were to do --

6 | A. Yes.

7 | Q. -- if they were the first people on a crime scene?

8 | A. Yes, they would have been.

9 | Q. And can you tell us what those instructions would be?

10 | A. Well, the first officer on the scene would be the very critical  
11 | officer in terms of lending aid to whoever was injured, if there  
12 | was anyone injured, preserving evidence, and protecting the  
13 | crime scene. He would be likely -- in all likelihood require  
14 | some assistance and significant, likely, in a major crime  
15 | scene.

16 | Q: Assistance to do what?

17 | A. To tend with the injured, to travel with them to wherever  
18 | they had to be taken, to collect exhibits, to protect the  
19 | scene, to interview witnesses that may have been in the area  
20 | at the time, and if it wasn't coming together, then there  
21 | would be canvassing of the area and a number of leads to be  
22 | followed up as they were developed.

23 | Q. Have you been involved in the investigation of homicides?

24 | A. Yes, I have.

25 | Q. What has been your experience concerning the ordering of a

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1 post-mortum or an autopsy?

2 A. I think it would be absolutely essential.

3 Q. And have you ever been involved in a homicide situation where  
4 that has not taken place?

5 A. Not that I can recall.

6 Q. What about the obtaining possession of the clothing worn by a  
7 victim of a homicide?

8 A. Again I think that's critical.

9 Q. Critical to be obtained?

10 A. Yes, in terms of evidence that it may reveal.

11 Q. And is that -- In your experience, is that obtained immediately?

12 A. As soon as possible. The sooner the better.

13 Q. Have you had experience, Staff Sergeant, over the years in  
14 interviewing and taking statements from juveniles?

15 A. Yes, I have.

16 Q. And in particular, did you have experience up to 1971?

17 A. Yes, I would have.

18 Q. Would you tell the Commissioners the practice that you would  
19 follow in those circumstances?

20 A. We would have one of the parents present at all times or a  
21 school teacher if it happened to be at a school, and there  
22 likely would be two officers present.

23 Q. You indicated I believe that one of the areas that was patrolled  
24 or policed by the Sydney Detachment was Eskasoni.

25 A. That is correct.

MURRAY WOOD, by Mr. MacDonald

1 Q. And that is an Indian Reserve, is it?

2 A. It is.

3 Q. Have you yourself been experienced in police work on the  
4 Eskasoni Reserve?

5 A. I have.

6 Q. And have you had occasion from time to time to charge Natives?

7 A. Yes, I have.

8 Q. Are you able to assist the Commissioners in telling us if  
9 there is in your experience been any indication of different  
10 treatment afforded to members of that race as compared to  
11 others?

12 A. Absolutely none.

13 Q. Were you aware that the R.C.M.P. were involved in a review  
14 of the Marshall matter in November of 1971?

15 A. I would say no.

16 Q. Were you aware that the R.C.M.P. was involved in a reinvestigation  
17 of the Marshall matter in 1982?

18 A. Again I would have to say no.

19 BY MR. CHAIRMAN:

20 Q. Staff Sergeant, would the communications that you have in front  
21 of you in Volume 16, 90, is that -- That is, I assume, internal  
22 communication within the R.C.M.P.?

23 A. Yes, sir. I would say that it was a telex that's sent out  
24 from Sydney Detachment to M.C.I.S. in Halifax.

25 Q. It says to forward to N.C.O. Sydney. Who was the N.C.O.? Do

MURRAY WOOD, by Mr. MacDonald

1       you recall right now?

2   A.  No, I don't.  I tried to think back but I can't say.

3   BY MR. MacDONALD:

4   Q.  Can you tell us why you would have attended at the Sydney  
5       Police Station on the morning of May 29th?

6   A.  I can't say specifically why except I -- again I'm guessing,  
7       that I heard about the incidents in some fashion (Whether I  
8       heard it when I went to the office through some of the Sydney  
9       Detachment members or just how, I don't know.) but I would  
10      have been -- as a practice, I would have gone there and  
11      offered any assistance.  I would have looked for any informa-  
12      tion that they had that would have helped me in trying to  
13      find out who was the perpetrator.

14   Q.  To help you in trying to find out.

15   A.  Yes.

16   Q.  Would you consider that part of your responsibilities, to  
17      try and find out who was the perpetrator of this crime?

18   A.  It wasn't our primary responsibility but I think in terms of  
19      the police community that we would automatically do that as  
20      they would help us if they had information.

21   Q.  And was it your -- Is it your understanding that you would  
22      have been there to offer whatever assistance you could as  
23      a force to the Sydney Police in their investigation?

24   A.  I would have been there to help them, yes, I guess, collecting  
25      information through our sources; not to get involved in the  
      investigation and collecting of exhibits and that sort of



MURRAY WOOD, by Mr. MacDonald

1 thing necessarily.

2 Q. But to offer whatever assistance you could.

3 A. That's right.

4 Q. And was that normal, whenever there was a serious crime occurred  
5 in the Sydney City area that your or the R.C.M.P. would attend  
6 upon the Sydney Police to offer whatever assistance they could?

7 A. I would say that it was a practice. I recall the Seto murder,  
8 I think, where we offered assistance right up into '72 and  
9 we were still offering assistance wherever possible.

10 Q. What murder was that?

11 A. The Seto murder.

12 Q. Seto, S-e-t-o?

13 A. That's right.

14 Q. That was never solved, was it?

15 A. That's my understanding.

16 MR. CHAIRMAN:

17 Mr. MacDonald, would you direct the witness once again to the  
18 29th of May, the first line where he refers to "office and  
19 Sydney City Police Station". Is there any --

20 MR. MacDONALD:

21 Okay.

22 BY MR. MacDONALD:

23 Q. What is the significance of that entry?

24 A. Well, I would have been at the office at nine-thirty and some  
25 time between nine-thirty and eleven I went from the office to

MURRAY WOOD, by Mr. MacDonald

1 the Sydney City Police Station.

2 Q. Now this is a Saturday morning. Would you have been normally  
3 on duty on Saturday mornings?

4 A. No, I wouldn't have been unless there was some reason for me  
5 to go out.

6 Q. In your experience when you were in Sydney and in the G.I.S.  
7 Division, did the Sydney City Police accept your offer of  
8 assistance?

9 A. Yes, I would say they did.

10 Q. And what sort of assistance would they accept from you from  
11 time to time?

12 A. Any assistance that we were prepared to offer in terms of  
13 briefing our contacts and gathering intelligence that may  
14 assist them.

15 Q. What type of assistance were you offering in this case? What  
16 specifically could you do for the Sydney City Police who were  
17 conducting this particular investigation?

18 A. Well, I would have liked to have, I guess, get from them the  
19 -- what happened, as they knew it. They were the -- likely  
20 the first on the scene. What were the facts as they knew  
21 them and then take those facts and contact the people that  
22 would give -- were providing us with information and see how  
23 it married up.

24 Q. You say contact the people who were providing you. Are you  
25 talking about your own sources of information?

MURRAY WOOD, by Mr. MacDonald

- 1 | A. That's correct.
- 2 | Q. Well, what facts were you given to enable you to go contact  
3 | anybody on May the 29th? As I read this, you were told that  
4 | the feeling at that time was that Marshall was responsible.
- 5 | A. That's correct.
- 6 | Q. And that there had been a -- what was that, a result of an  
7 | argument, and then you have a description of a man, forty-  
8 | five or fifty years with gray hair. Is that the only facts  
9 | you had?
- 10 | A. I would say that's the only fact that I was provided with at  
11 | that time and that's the only note that I made. If I had  
12 | been provided with some other fact, I feel quite confident  
13 | that I would have put that in there.
- 14 | Q. That's what I was going to suggest to you, Staff Sergeant,  
15 | because your notes tend to be fairly detailed with respect to  
16 | factual matters.
- 17 | A. Where I can be detailed, I will and where I think it's  
18 | important, I will be detailed.
- 19 | Q. The only fact that you appear to have been given by the Sydney  
20 | Police then as you -- on the 29th into the 30th is that there  
21 | was a man, forty-five to fifty years with gray hair and the  
22 | fact that at least some people in the Sydney Police thought  
23 | that Marshall was responsible?
- 24 | A. That's correct.
- 25 | Q. Now would you -- with that information, could you go to your own

MURRAY WOOD, by Mr. MacDonald

1 informants and try and elicit some further information?

2 A. We would and we did and -- but it would be limited. We'd have  
3 to depend on what they were providing us with.

4 Q. What "they", being the Sydney Police?

5 A. The informants.

6 Q. Oh, what the informants.

7 A. That's right. And we would --

8 Q. What --

9 A. We would take that information, try to develop it further if  
10 we could. If we couldn't, we would give it to them just as  
11 we received it.

12 Q. Give it to whom?

13 A. The Sydney City Police.

14 Q. I guess what I'm trying to find out is given that rather bare-  
15 bone information, what could you do to get further information?

16 A. It was limited and it was I would say primarily contacting  
17 our sources of information.

18 Q. To ask them what sort of questions?

19 A. What do they know? What have they heard?

20 Q. Okay, what have they heard about what happened that night.

21 A. That's correct.

22 Q. So is it fair for me to say that the only assistance that you  
23 were able to provide the Sydney Police in this investigation  
24 is whatever information your informants were able to give you  
25 as to what may have happened that night?

MURRAY WOOD, by Mr. MacDonald, by Ms. Edwardh

1 | A. That's -- I think that's fair.

2 | MR. MacDONALD:

3 | That's all I have, My Lord.

4 | BY MS. EDWARDH:

5 | Q. Sir, you've said that the purpose of obtaining information  
6 | was to match it up with information that you could take to  
7 | your own sources. Do I understand what you mean by sources  
8 | to be confidential informants in the community?

9 | A. Yes, confidential informants and just general -- the general  
10 | public.

11 | Q. And do you recall today whether in fact you did that? Did  
12 | you or one of your colleagues take that information and go  
13 | forth into the community?

14 | A. Yes, we did.

15 | Q. And did you get responses?

16 | A. Yes, there were but they weren't that helpful.

17 | Q. And can you assist us today and indicate what those responses  
18 | were without identifying the sources?

19 | A. I would say I can't tell you specifically but I would say it  
20 | was very, very limited because if it was anything of any  
21 | importance, I would have it in my notebook and I would have  
22 | passed that on.

23 | Q. Okay. Now would it be fair to go so far as to say certainly  
24 | none of the information you could get from your sources pointed  
25 | out at a suspect?

MURRAY WOOD, by Ms. Edwardh

1 A. That's correct.

2 Q. And that's the kind of thing you would have noted in your  
3 notebook?

4 A. Yes, I would have.

5 Q. Did any of the information from your sources come back to you  
6 and say anything about the so-called eye witnesses?

7 A. No.

8 Q. Mr. Pratico or someone like that?

9 A. No.

10 Q. You don't recall anything like that?

11 A. No, I've never heard those names until I guess last night or  
12 today.

13 Q. Now can you assist us, sir, in indicating something about  
14 your notebook? Am I correct in understanding that your  
15 notebook is sequential? In other words, you begin one day  
16 of the month and you're just writing as each day goes by?

17 A. That's correct.

18 Q. And it's the only source of notes you would have used? Is  
19 that correct?

20 A. That's right.

21 Q. So can we be certain today, given the limits of your recollection,  
22 that the notes you made about Mr. Marshall, and I think you've  
23 described it as "feeling at the time Marshall was responsible  
24 and that the incident happened as a result of an argument  
25 between Seale and Marshall", that that note was in fact made on

MURRAY WOOD, by Ms. Edwardh

1 Saturday morning?

2 A. Yes.

3 Q. Not later.

4 A. I would say it was made Saturday morning.

5 Q. And you can be quite certain of that?

6 A. Yes.

7 Q. Now you have described your contacts with the police and your  
8 offers of assistance -- offers of assistance in this case and  
9 I take it the point of the note at the top of the page on  
10 Saturday morning that you had been to the office and then'  
11 went to the police station. You would never indeed have gone  
12 to the police station if there hadn't been something that  
13 called you there on Saturday morning.

14 A. That's correct.

15 Q. And to the best of your knowledge, the only thing that had  
16 happened of significance in terms of policing was this serious  
17 stabbing?

18 A. That's correct, and I make a note of that.

19 Q. Yes. Now in light of the limited information that was given to  
20 you on that day, would it be apparent that you were not being  
21 asked to provide any great assistance? Was that clear to you?

22 A. That's correct. I don't think we were asked to provide any  
23 great assistance.

24 Q. In fact what the Sydney Police Department was really in effect  
25 saying is: We have this under control, thank you.

MURRAY WOOD, by Ms. Edwardh

1 A. I think they were. They thought they had it under control and  
2 they were likely no doubt very, very busy when I arrived there  
3 Saturday and Sunday.

4 Q. But they gave you the -- I'm just trying to get the impression  
5 that they gave you if I can as conveyed in your notes that  
6 they in fact did not seek your involvement and gave you the  
7 impression that they had the matter under control -- under  
8 control?

9 A. I would say you're right, that they did not seek our assistance.

10 Q. Now --

11 A. Not at that time but my partner has notes that indicate that  
12 they did.

13 Q. Yes, we have in fact heard from Constable Ryan and understand  
14 that he took a series of photographs.

15 A. Oh, that's the Ident member. There's another --

16 Q. Another person.

17 A. Inspector Ryan.

18 Q. Inspector Ryan. I think we're going to hear from him.

19 A. Yes.

20 Q. Now you have performed what I'm going to call general policing  
21 functions throughout Cape Breton in some communities. And  
22 can I just ask you a little bit about your relationship with  
23 the Sydney Police Force? Has there been any benign but  
24 nonetheless real interforce rivalry?

25 A. Not that I can recall.



MURRAY WOOD, by Ms. Edwardh

- 1 Q. And would it be wrong to say that the detectives in Sydney were  
2 quite conscious in wanting to conduct their own investigation?  
3 That's just part of the private policing.
- 4 A. I think so, yes.
- 5 Q. They did want to do that.
- 6 A. That's fair.
- 7 Q. They felt themselves to be confident and qualified detectives  
8 and they felt quite capable of handling such investigations.
- 9 A. I would say they did, yes.
- 10 Q. And was Detective MacIntyre the officer that you have the  
11 greatest personal knowledge of?
- 12 A. I would say equally, he and Detective Urquhart.
- 13 Q. And I take it you had worked with them before that?
- 14 A. I had.
- 15 Q. And you were satisfied from your observations or you felt  
16 that Detective MacIntyre was a competent investigator.
- 17 A. I thought he was conscientious, yes.
- 18 Q. Competent, not conscientious. Competent.
- 19 A. Competent. Yes, I had --
- 20 Q. You felt that?
- 21 A. I had no reason to believe otherwise.
- 22 Q. So if I were to suggest to you that throughout the course of  
23 this investigation on the first few days that there was no  
24 blood work or no blood taken from what ultimately was the  
25 accused, no blood taken from the victim, there was no post-

MURRAY WOOD, by Ms. Edwardh

1 mortem examination. There was not a cordoning off or separating  
2 the crime scene. There was nothing but a visual search of the  
3 crime scene. There were no seizures affected of the victim's  
4 clothing. There was no search of the victim's clothing, etcetera.  
5 And that a good portion of that or some percentage of that would  
6 be related to Sergeant MacIntyre's decisions, would that  
7 suggest to you, sir, that in fact he knew or had already  
8 formed a very clear image of what transpired so that those  
9 items were unnecessary?

10 A. That's a possibility, yes.

11 Q. From your knowledge of him, isn't it fair to say that he would  
12 not have just ignored that, those items, if in fact he didn't  
13 believe that he'd already come to a conclusion?

14 A. My experience would be that he couldn't afford to ignore those  
15 items.

16 Q. If he did ignore them, for example, not have a post-mortem,  
17 not get fingernail scrapings, etcetera, etcetera; if he  
18 chose not to ask for a post-mortim -- In fact, from your  
19 knowledge of Detective MacIntyre, isn't the only explanation  
20 is that he believed he already had the crime solved?

21 A. Again that's a possibility. I couldn't tell you what  
22 Detective MacIntyre thought.

23 Q. He would from your knowledge of him, I take it, knowing that  
24 otherwise it would be essential to do those things, correct?

25 A. The fact that they weren't done, I wonder if he -- why they

MURRAY WOOD, by Ms. Edwardh

1 weren't done and I wonder if he realized the importance of  
2 them.

3 Q. Well, you testified, sir, in answer to a question put to you  
4 by Commission Counsel that in your opinion from your work  
5 with him, and I believe the words you said was that he was  
6 "conscientious", that he was a "take-charge" kind of officer.  
7 "He would try and do a good job", and again in answer to my  
8 question you said you thought he was competent. So are you  
9 saying that in giving your opinion that he was competent you  
10 really don't know him well enough to give that opinion now?

11 A. I don't know Detective MacIntyre like my brother or like I  
12 know Inspector Ryan who was my partner. I only know him from  
13 the exposure that I would have had in dealing with criminal  
14 aspects as I did the police work in this area so I -- I  
15 never worked a murder scene with Detective Urquhart or  
16 MacIntyre, either one, in detail so --

17 Q. Let me put it this way: with respect to those investigations  
18 you did work with them in detail, I take it they had not  
19 missed the obvious before?

20 A. I can't say that I have ever worked on a case in great detail  
21 with them, where we worked hand in hand through to the  
22 presentation of evidence in court. I don't recall a case  
23 ever -- where I have ever done that.

24 Q. So then I would suggest to you, sir, that the opinion you  
25 gave is really not based on any experience you've had with

MURRAY WOOD, by Ms. Edwardh

1 | these two officers as detectives or Sergeant MacIntyre as a  
2 | competent detective?

3 | A. It's based on what I observed from my exposure of Detective  
4 | MacIntyre.

5 | Q. Without working with him in actual investigations on a day to  
6 | day basis. Any careful investigations that you worked along  
7 | with him.

8 | A. In detail, that's correct.

9 | Q. In detail. Now had you any prior knowledge of Edward MacNeil?

10 | A. I know of him. I knew of him prior to that.

11 | Q. And do you recall, sir, whether you had in fact met him prior  
12 | to this morning?

13 | A. Yes, I would have.

14 | Q. And I take it that you are not able to indicate today which  
15 | of the two officers made the comment about Mr. Marshall and  
16 | the argument?

17 | A. No, I haven't -- I'm not able to.

18 | Q. Would you agree with me, sir, that the next comment you  
19 | make on this page which is about the limited nature of the  
20 | description provided by Mr. Marshall is in fact in part, if  
21 | you use some logic here, buttressing the argument that he's  
22 | really a suspect, that he couldn't describe them very  
23 | adequately?

24 | A. Could you repeat that again please?

25 | Q. Yes. You make a note --

MURRAY WOOD, by Ms. Edwardh

1 A. Where are you referring to?

2 Q. I'm reading from Saturday, the 29th of May, the very bottom of  
3 the page and you have the note:

4           Only description received from Marshall was  
5           a man, forty-five to fifty years with gray  
6           hair.

6 A. That's correct.

7 Q. Is that note in part also an indication of that being a  
8 reason why Marshall is a suspect, the inadequacy of the  
9 description?

10 A. He was a suspect, obviously, at that time.

11 Q. But does the inadequacy of his description at all fit into  
12 your understanding of why he was a suspect?

13 A. My understanding of that note is that's what Marshall relayed  
14 to the detectives.

15 Q. And it doesn't go any farther than that, I take it?

16 A. That's right.

17 Q. And I take it then on the next day, Sunday, when you spoke  
18 with the two other officers, Edward MacNeil and Wyman Young,  
19 both of those individuals indicated they believe that Marshall  
20 was responsible and that's what your notes said. "Both of  
21 opinion Marshall responsible".

22 A. That's correct.

23 Q. So I would take it they would have both expressed that view  
24 to you.

25 A. Yes, they either both expressed it or one expressed it and

MURRAY WOOD, by Ms. Edwardh

1 | the other acknowledged it.

2 | Q. Now you made some comment with respect to Mr. MacNeil who you  
3 | described as an experienced Crown Prosecutor and someone who  
4 | you had done, I take it, two trials with?

5 | A. Several trials.

6 | Q. And were those trials in which you had participated in  
7 | creating what I'm going to call a Crown brief and handing  
8 | it over to Crown Counsel?

9 | A. Yes, there would have been.

10 | Q. And your evidence I take it is that you would include in that  
11 | Crown brief all statements of any witnesses you had interviewed  
12 | that were relevant and you would leave it to Crown Counsel  
13 | to select which witnesses to call.

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MURRAY WOOD, by Ms. Edwardh

1 A. That's correct.

2 Q. And I take it Crown Counsel would make that decision  
3 in conjunction with you in discussions about your  
4 views of the witness and the strengths and weaknesses  
5 of various witnesses, is that correct?

6 A. Yes.

7 Q. Now, you were asked the question, do you know whether  
8 it was Mr. MacNeil -- roughly, I'm not precisely quoting,  
9 whether it was his custom to give all these statements  
10 to defense counsel and your answer sir was; you don't  
11 know whether Mr. MacNeil did that.

12 A. I don't know whether he did or not.

13 Q. I take it you're familiar with the fact that it is the practise  
14 of some prosecutors to, in fact, give the brief. Lock, stock and  
15 barrel.

16 A. Particularly of recent vintage, yes.

17 Q. And when you don't know here are you saying that Mr. MacNeil  
18 sometimes did and sometimes didn't or that you have just  
19 no knowledge of what his practise was?

20 A. I just have no knowledge of what his practise was.

21 Q. Now, I'd like you to cast your mind back to the administration  
22 of criminal justice in 1971 in Sydney. And at that time, would  
23 you as a police officer who was an investigating officer on  
24 the case, take it upon yourself to have conversations with  
25 defense counsel?

MURRAY WOOD, by Ms. Edwardh, by Commissioner Evans, by Mr. Pugsley

1 I don't recall waiting for some order to come for an  
2 autopsy here.

3 COMMISSIONER EVANS:

4 Q. With your -- would you order one yourself or would you  
5 get instructions from your divisional headquarters where ever  
6 it happened to be?

7 A. Again sir, I would say that it was so automatic that if someone  
8 were to oppose the autopsy then I would likely go to Crown  
9 and say I think we should be having one. And he would take  
10 it from there likely.

11 BY MR. PUGSLEY:

12 Q. Sergeant Wood, what is your age sir?

13 A. I'm 46.

14 Q. And your education?

15 A. Grade 12, Ontario, and I've taken a number of courses --  
16 , maybe 16, 17, 18 credits at community colleges and universities.

17 Q. And when did you apply for the force?

18 A. 1961, November 6th.

19 Q. And did you go through a period of training before you  
20 started official duties?

21 A. I did, sir.

22 Q. And would you describe that to the Commission please?

23 A. Approximately nine months of training in Ottawa. It covered  
24 statutes, criminal code, history of the force, equitation  
25 was a good part of it. Physical training, boxing, drill, --



MURRAY WOOD, by Mr. Pugsley

- 1 Q. And that was at a R.C.M.P. College, was it?
- 2 A. Yes, it was.
- 3 Q. Yes.
- 4 A. In Ottawa.
- 5 Q. What kind of staff would be on hand at that college?
- 6 A. At the time I went through training it varied, but when I was  
7 going through there was six troops of thirty-two members  
8 per troop in the college and the staff, maybe fifty and that's  
9 just a guess.
- 10 Q. And between -- After you became a member of the force, did you  
11 take refresher courses from time to time or other training?
- 12 A. Yes, I've taken numerous courses through the R.C.M.P. In  
13 Ottawa, a number of areas.
- 14 Q. How many courses have you taken, sir?
- 15 A. With the R.C.M.P., and I'd have to guess here, another ten  
16 or twelve, fifteen.
- 17 Q. And for what period of time would each of those courses last?
- 18 A. Anywheres from a week to five weeks.
- 19 Q. And what subjects would they embrace?
- 20 A. Administration, Criminal Code, Arson, Serious Crime Offenses,  
21 Scenes of Crime Investigation, that sort of thing, Drugs.
- 22 Q. In 1971, if one was applying for the force would you go  
23 through essentially the same kind of training that you went  
24 through in 1961?
- 25 A. I would say essentially, yes, excluding the equitation.

MURRAY WOOD, by Mr. Pugsley

1 Q. Addressing your attention to Exhibit 40, the second page,  
2 the first note is on May 29th, 1971, "nine-thirty a.m. to  
3 eleven a.m., Office, Sydney City Police Station". You were  
4 at the Sydney City Police Station where you had a discussion  
5 with Edward MacNeil and Detective MacIntyre for a period of  
6 up to an hour or an hour and fifteen minutes, something like  
7 that?

8 A. I couldn't say exactly how long I was there, sir, because the  
9 note is not specific in that regard. I could have been there  
10 fifteen minutes and I could have been there a half an hour.

11 Q. You could have been there an hour?

12 A. I could have been, yes.

13 Q. Yes. On May 30th, 1971, the discussion apparently took  
14 place between nine a.m. and ten-thirty for about an hour and  
15 a half, did it?

16 A. Again that would be the same thing. I couldn't say how long  
17 the dicussion was because I don't know how long I was at the  
18 office and --

19 Q. Do you know whether or not that discussion took place at  
20 your office or at the Sydney City Police Office?

21 A. I can't tell by my notes and I have no independent recollection  
22 of where it was.

23 Q. The note on the 29th of August, "A conversation with Edward  
24 MacNeil and Detective MacIntyre". "Feeling at this time  
25 Marshall was responsible", and I just contrast that with the

MURRAY WOOD, by Mr. Pugsley

- 1 | note on May 30th, "Discussion with Edward MacNeil and  
2 | Wyman Young, both Sydney City Police in stabbing...", and  
3 | I'm sorry, I can't read the next -- "...and resulting  
4 | murder, both opinion, Marshall responsible". The word "both"  
5 | is there, but the word "both" does not appear in the note  
6 | on the 29th of May. Is that correct?
- 7 | A. That's correct.
- 8 | Q. Yes, and the one person who was in common attendance at both  
9 | those meetings was Edward MacNeil?
- 10 | A. That's correct.
- 11 | Q. Yes, now on the 31st of May which according to my recollection  
12 | was the Monday, you were obviously interested in a light blue  
13 | Volkswagen?
- 14 | A. That's correct.
- 15 | Q. We know from the information tabled with this Commission that  
16 | on Sunday the 30th of May, the day before the 31st, one  
17 | witness described a Volkswagen -- Let me just see if I can  
18 | give you a more accurate description. The description is  
19 | found on page 22 of volume 16. He says: "In part, they  
20 | jumped into a white Volkswagen, blue license and white  
21 | number on it". May I suggest to you that the request to  
22 | be on the look out for a light blue Volkswagen came from the  
23 | Sydney City Police and that sponsored your investigation on  
24 | the 31st of May?
- 25 | A. That's a very good possibility, yes.

MURRAY WOOD, by Mr. Pugsley

1 Q. Yes. Indeed at the present time you can think of no other  
2 reason why you would be looking for a light blue Volkswagen  
3 and why you would report such an incident to the police?

4 A. That's correct.

5 Q. I'm sorry, in your notes and to the police.

6 MR. PUGSLEY:

7 Excuse me just one moment, My Lord.

8 BY MR. PUGSLEY:

9 Q. May autopsies be performed at the request of a Medical  
10 Examiner?

11 A. I believe so, yes.

12 Q. And at the request of the Crown Prosecutor?

13 A. Yes.

14 Q. And is it conceivable that a request of this kind is forthcoming  
15 and that an investigating officer would have a discussion  
16 with the Crown Prosecutor concerning the desirability of  
17 ordering an autopsy?

18 A. Yes, I would think that would be normal.

19 Q. When did you leave the Sydney area?

20 A. September of '72.

21 Q. I see. It was understood in your comment that you never  
22 heard of Chant or Pratico until last evening. You were  
23 here during the course of the trial of November, 1971?

24 A. During the trial, I believe, I was in Ottawa on an arson course.

25 Q. You didn't hear any publicity about the trial and about these

MURRAY WOOD, by Mr. Pugsley, by Mr. Elman

1 witnesses?

2 A. I may have, sir, and it's totally washed from my mind.

3 Q. Sure. My friend asked you about whether or not you were  
4 familiar with the 1971 R.C.M.P. investigation or the 1982  
5 R.C.M.P. investigation and you said, no, you were not. Were  
6 you familiar with the 1974 R.C.M.P. investigation into  
7 this matter?

8 A. No, I wasn't, sir.

9 MR. PUGSLEY:

10 Thank you very much.

11 MR. MURRAY:

12 No questions on behalf of Inspector Urquhart.

13 MR. CHAIRMAN:

14 Mr. Elman.

15 BY MR. ELMAN:

16 Q. Sergeant Wood, during the period of time that you were in  
17 Sydney, you had the occasion of attending various Courts?

18 A. Yes, I did.

19 Q. All right, and were there various prosecutors besides  
20 Mr. Donald C. MacNeil conducting cases on behalf of the  
21 Crown?

22 A. Yes, there were.

23 Q. Do you remember how many that there may have been?

24 A. I believe yourself, sir, was a prosecutor, Mr. Lou Matheson,  
25 Simon MacDonald, and Donnie MacNeil are the ones that come

MURRAY WOOD, by Mr. Elman

1 | to mind.

2 | A. Right.

3 | Q. And were those prosecutors at that time full-time prosecutors  
4 | or part-time prosecutors?

5 | A. I believe Lou Matheson and Donald MacNeil were full-time, but  
6 | I'm not certain about Lou Matheson.

7 | Q. Now you've described Mr. Donald C. MacNeil, the prosecutor  
8 | as being extremely capable and a competent prosecutor?

9 | A. Yes, I'd say he was one of the -- one of the better prosecutors  
10 | that I've come across in my time.

11 | Q. And just to break that down, would you say that he was honest in  
12 | his approach to the prosecution job?

13 | A. Yes, I thought he was.

14 | Q. Would you say that he was competent in the exercise of his  
15 | judgement?

16 | A. Yes.

17 | Q. Would you say that he was diligent in the conduct of his  
18 | duties?

19 | A. Yes.

20 | Q. Would you say that he was fair to both the police and the  
21 | accused as well?

22 | A. I thought so, yes.

23 | MR. ELMAN:

24 | That's all the questions I have.

25 | MR. CHAIRMAN:

Who's next? Mr. Pink.

MURRAY WOOD, by Mr. Pink

1 BY MR. PINK:

2 Q. Staff Sergeant, I just want to pursue two very brief areas with  
3 you. Could you look at page 90 in Exhibit 16, the Telex that  
4 we were looking at earlier, page 90. The very last sentence  
5 in the Telex says: "May records be checked for persons in  
6 Sydney Metropolitan using similar type M.O. with photos,  
7 etcetera forwarded to N.C.O. in charge of Sydney Detachment".  
8 I take it that's the translation?

9 A. Yes.

10 Q. M.O. means what?

11 A. Motus operandi.

12 Q. And what was -- what does that request mean to you?

13 A. That we're asking M.C.I.S. to search their records for any --  
14 any occurrences which similar motus operandi was used and  
15 if they were to come up positive to send those photographs  
16 if they were available or any information to the N.C.O. see  
17 Sydney Detachment who no doubt would relay that to the Sydney  
18 City Police.

19 Q. So M.C.I.S. would maintain records not just by names of accused  
20 persons or names of people that were investigated but also with  
21 regard to types of offenses?

22 A. That's correct.

23 Q. So if your detachment, for example, had investigated a  
24 knifing offense that had lead to charges, that would be  
25 recorded as a knifing offense?

MURRAY WOOD, by Mr. Pink

1 A. Quite possibly, yes.

2 Q. And I just didn't quite catch your answer on this, did the  
3 Sydney Police Department feed their criminal records into  
4 M.C.I.S.?

5 A. I don't know for sure.

6 Q. And how would one determine whether or not they were able to  
7 and if they did?

8 A. Well, you may -- If you were doing an inquiry you may get a hint  
9 that indicated that this information did come via Sydney  
10 City Police which would indicate obviously that they had  
11 contributed?

12 Q. The second area that I'd just like to pursue briefly deals  
13 with disclosure of information to Defence Counsel. You  
14 indicated that you didn't know what Donald MacNeil's practice  
15 was in 1971?

16 A. That's correct.

17 Q. Can you comment on the practice of the other Crowns that you  
18 referred to in questioning from Mr. Elman?

19 A. No, I cannot.

20 Q. You don't know or you just don't recall what their practice  
21 was?

22 A. I just don't recall what their practice was.

23 Q. Around the rest of the Cape Breton area, you're stationed in  
24 this area, was it the practice of the Crown Counsel to  
25 disclose all information to Defence Counsel in 1971?



MURRAY WOOD, by Mr. Pink

1 A. Again I can't -- I don't know.

2 Q. You indicated that the practice in Ontario with regard to  
3 providing the Crown Brief to Defence Counsel is of recent  
4 vintage. How recent is recent?

5 A. I'd say the last five, six, seven years and likely longer  
6 that it's usually complete disclosure.

7 Q. Has there been an evolution in that process up until today?

8 A. I would say there has been, yes.

9 Q. And have you -- You've obviously been party to that in terms  
10 of being a police officer involved in providing information  
11 to Defence Counsel. Are you able to attribute any reasons to  
12 that change in practice?

13 A. It's obviously assumed that it provides for a fairer trial and  
14 it likely shortens a trial.

15 Q. You knew Messrs. Rosenblum and Khattar in 1971 when you were  
16 in the Sydney area?

17 A. I did.

18 Q. They were senior Defence Counsels in this area?

19 A. They were.

20 Q. Did you ever have any occasion to provide them with any  
21 information with regard to an investigation that you were  
22 involved with when they were representing the defence?

23 A. I knew Mr. Rosenblum quite well, but I don't have any  
24 recollection of providing him with information. I couldn't  
25 give you a specific incident.

MURRAY WOOD, by Mr. Pink

1 Q. And do I take it that if a request had come from Mr. Rosenblum  
2 that that request would have been fed to the Crown or would  
3 you have dealt with it directly?

4 A. I would think so, yes.

5 Q. It would have gone through the Crown?

6 A. To the Crown.

7 Q. And you don't recall ever being asked for any information regarding  
8 a matter in which they were involved in the defense?

9 A. No, I don't.

10 Q. Just one final thing, look at your June 3rd entry which I believe  
11 is the last page of your notes. The entry: "Photo to  
12 Detective MacIntyre", can you tell us what that refers to?

13 A. I cannot.

14 Q. I might just point you to one other document to see if that  
15 assists you and I'll just have to find it here. We have  
16 the Ident Officer Ryan testify last week and I'm just looking  
17 for the report--page 96. Now this, of course, occurs much  
18 later. This is dated the 24th of August, '71, but it refers  
19 to photos that the Ident Officer Corporal Ryan took, is there  
20 any correlation between the two?

21 A. I can't make any correlation.

22 MR. PINK:

23 That's all. Thank you.

24 MR. CHAIRMAN:

25 Mr. Ross.

MURRAY WOOD, by Mr. Ross

1 BY MR. ROSS:

2 Q. Officer Wood, my name is Anthony Ross and I'll be asking you  
3 some questions on behalf of Oscar Seale. Now my information  
4 is that Mr. Seale was calling the R.C.M.P. Office on  
5 Saturday the 29th of May, 1971. Do you recall receiving any  
6 calls from Mr. Seale?

7 A. No, I do not.

8 Q. And tell me about the office policy. If calls did come in from  
9 Mr. Seale, these would be recorded somewhere, wouldn't they?

10 A. I would think they would be, yes.

11 Q. And they spoke about filing occurrence report, and these  
12 occurrence reports, did you have a chance to review them before  
13 coming here today?

14 A. No, I did not.

15 Q. But the occurrence reports are maintained?

16 A. They were maintained and whether those records are still  
17 available at this date, I don't know.

18 Q. I see, but I take it you do not know whether anybody looked  
19 for these occurrence reports?

20 A. I think they were looked for, but I have no firsthand  
21 knowledge of that.

22 Q. Looked for by whom?

23 A. Grant Shaw.

24 Q. Pardon me.

25 A. Grant Shaw.

MURRAY WOOD, by Mr. Ross

- 1 Q. Grant Shaw?
- 2 A. Yes.
- 3 Q. I see. Now what makes you say that Grant Shaw would have  
4 been looking for these reports?
- 5 A. Well, he was the officer that contacted me in Toronto and  
6 obviously had some dealings with -- with the Inquiry and  
7 the R.C.M.P. involvement.
- 8 Q. Did he indicate to you what, if any, records were actually  
9 found?
- 10 A. Just this Telex on page 96.
- 11 Q. On page 60?
- 12 A. Ninety.
- 13 Q. Page 90, sorry, yes, of volume --
- 14 A. It's the only record that he's referred to me. Do you know  
15 of any other notes or records which the R.C.M.P. might have  
16 which could touch on the circumstances surrounding the death  
17 and the investigation of the death of Sandy Seale?
- 18 A. No, I don't, sir.
- 19 Q. Do you recall who would have been working with you in the  
20 Sydney area in May of 1971?
- 21 A. Who would have been working with me?
- 22 Q. Yes.
- 23 A. Most of the time it would have been Terry Ryan.
- 24 Q. That's another person who is being called?
- 25 A. He's being called, yes.

MURRAY WOOD, by Mr. Ross

1 Q. Yes, and if it was not you and Ryan, would it be anybody else?

2 A. Sergeant McKinley who was the N.C.O. in charge of Sydney G.I.S.  
3 at that time.

4 Q. And am I to understand it was just the three people that were  
5 posted here in the Sydney area?

6 A. That's my recollection, sir, yes.

7 Q. I see, so then if these calls came in and if they were answered  
8 and if it was not you then it would be either Ryan or McKinley?

9 A. No, it could have been calls received by the Sydney Detachment  
10 and there were fifteen or twenty members there. There was a  
11 highway patrol unit as well, so there are many other members.  
12 There are only three in the G.I.S. that I recall at that time.

13 Q. So if one was to try and track down whether or not these calls  
14 were made -- If I was to ask you and you say, well, the calls  
15 were not received by you, how would you go about tracking  
16 down whether or not there were records kept of these calls?

17 A. You would just simply go and look for the records/occurrences  
18 where the call was received, if there was an occurrence made,  
19 and if that record is still available. It's as simple as that  
20 I believe.

21 MR. ROSS:

22 Thank you very much, sir.

23 MR. CHAIRMAN:

24 Mr. Wildsmith.  
25

MURRAY WOOD, by Mr. Wildsmith

1 | BY MR. WILDSMITH:

2 | Q. Just a couple of questions, Staff Sergeant Wood. My name is  
3 | Wildsmith and I'm here for the Union of Nova Scotia Indians.  
4 | You made a statement to Commission Counsel about their being  
5 | no difference in the treatment of natives. I take it that you  
6 | were referring only to the treatment of natives by you and  
7 | other members of the R.C.M.P.?

8 | A. That's correct. I can only speak for myself primarily and  
9 | those I worked with.

10 | Q. Thank you, and is it not the case that there -- that you are  
11 | assisted in the policing of the Eskasoni Reserve by special  
12 | Indian Constables?

13 | A. Yes, we were.

14 | Q. And these special Indian Constables are special members of the  
15 | R.C.M.P.?

16 | A. Yes, they were at that time.

17 | Q. Yes, and they wear R.C.M.P. uniforms and received training  
18 | by the R.C.M.P. and are supervised by the R.C.M.P.?

19 | A. That's correct.

20 | Q. Thank you, and part of their function is to act as a liaison  
21 | between you and other members of the R.C.M.P. and the native  
22 | population at Eskasoni?

23 | A. Yes, they were. That's correct.

24 | Q. Thank you. Now you were also asked some questions about the  
25 | Prosecutor Donald C. MacNeil, and you've described

MURRAY WOOD, by Mr. Wildsmith, by Mr. Bissell

1 certain of his attributes. Would it also be fair to say  
2 that Mr. MacNeil was a person who liked to win his cases?

3 A. Yes.

4 Q. And would it also be fair to say that Mr. MacNeil was a person  
5 who tried hard to win his cases?

6 A. Yes, he did.

7 MR. WILDSMITH:

8 Thank you. No further questions.

9 MR. CHAIRMAN:

10 Mr. Bissell.

11 BY MR. BISSELL:

12 Q. Now Staff Sergeant Wood I just have a couple of questions  
13 for you. You've described the advisory role that you played  
14 with the Sydney Police Department during the course of this  
15 particular murder investigation. Was that the same type --  
16 Was that a customary type of advisory role that you played  
17 when a major crime was being investigated by other municipal  
18 police forces?

19 A. Yes. I wouldn't describe it as an advisory. I would describe  
20 it as an assistance.

21 Q. So in the cases such as that, were you are given full  
22 briefings on details of investigations?

23 A. We were given the details as they saw fit.

24 Q. Yes, and that -- would that vary then from force to force?

25 A. Yes, it would and from individual to individual I would think.

MURRAY WOOD, by Mr. Bissell

- 1 Q. And I take it in those types of investigations you as an  
2 R.C.M.P. Officer did not take the investigative initiatives?
- 3 A. That's correct, we did not.
- 4 Q. I just want to ask you a couple of questions about the Telex  
5 that went up in the early morning hours of May the 30th and  
6 it's -- I think you have it in front of you there at page 90  
7 or volume 16. Would it be common or uncommon for a message  
8 such as that to be sent at the request of a municipal police  
9 force in Nova Scotia back in '71?
- 10 A. I would say this would be a common practice.
- 11 Q. Now I notice in that Telex there is a request that photos  
12 be sent down. It's in the last line: "Anyone who might  
13 have similar type M.O.'s in the Sydney Metropolitan area..".  
14 Is it possible that the photo referred to in your notes of  
15 June 3rd might relate back to photos that were sent down  
16 pursuant to that --
- 17 A. It's possible.
- 18 Q. And with respect to the evidence that you gave of your  
19 practices at crime scenes, have your practices of  
20 investigating scenes of crime varied much between 1971 and  
21 the present day?
- 22 A. Yes, because I don't do that type of policing any longer.
- 23 Q. Okay, but crime scene investigations, did you --
- 24 A. I would say they likely improved generally.
- 25 Q. Did the basic type of crime scene work that -- that is done



MURRAY WOOD, by Mr. Bissell

1 today, was it also done in 1971 by yourself if you were the  
2 one at the scene -- at a scene in 1971?

3 A. By and large, yes.

4 Q. When would you commence interviews of witnesses at the scene  
5 in a situation like that?

6 A. Immediately if they were available.

7 Q. Would you do anything to separate witnesses at a scene?

8 A. Yes.

9 Q. And what would be the purpose of doing that?

10 A. So their evidence wouldn't be contaminated, one by the other.

11 MR. BISSELL:

12 Those are all the questions that I have, sir, thank you.

13 MR. CHAIRMAN:

14 That's all. Thank you, Staff Sergeant.

15 THE WITNESS:

16 Thank you.


17 MR. CHAIRMAN:

18 I guess that's all we can do today. This list is getting very  
19 discouraging. It increases instead of decreasing. Tomorrow at  
20 nine-thirty.

21  
22  
23 INQUIRY ADJOURNED AT 4:37 o'clock in the afternoon on the 22nd  
24 day of September, A.D., 1987.  
25

COURT REPORTER'S CERTIFICATE

I, Judith M. Robson, an Official Court Reporter, do certify that the transcript of evidence hereto annexed is a true and accurate transcript of the Royal Commission on the Donald Marshall, Jr., Prosecution as held on the 22nd day of September, A.D., 1987, at Sydney, in the County of Cape Breton, Province of Nova Scotia, taken by way of recording and reduced to typewritten copy.

  
Judith M. Robson  
Official Court Reporter  
Registered Professional Reporter