

CHARLES M. J. LIVINGSTONE, by Mr. Orsborn

1 CHARLES MICHAEL JOSEPH LIVINGSTONE, being called and duly sworn,
2 testified as follows:

3 BY MR. ORSBORN:

4 Q. Mr. Livingstone, could you state your full name please?

5 A. Charles Michael Joseph Livingstone.

6 Q. Mr. Livingstone with an "e" on the end?

7 A. Yes.

8 Q. Where do you live right now, sir?

9 A. R. R. #2, East Bay.

10 Q. R. R. #2, East Bay?

11 A. Yes.

12 Q. And how old are you?

13 A. I'm thirty-four.

14 Q. Thirty-four?

15 A. Yes.

16 Q. Were you in the Wentworth Park area, sir, the night Sandy
17 Seale was stabbed in 1971?

18 A. Yes, sir.

19 Q. And you would have been approximately seventeen at the time?

20 A. Yes, sir.

21 Q. Can I ask you to relate, sir, as best as you can remember
22 any involvement that you might have had with that incident
23 that night?

24 A. Well, I was walking through the Park with the girl that
25 I was going out with at the time.

1 Q. Who was that girl, sir?

2 A. Judy MacIsaac.

3 Q. And are you able to show us on the map where you were walking?

4 A. Somewhere on George Street.

5 Q. On George Street, were you coming from the dance?

6 A. Yes, we were coming from the dance at St. Joseph's.

7 Q. I see, thank you.

8 A. And when a fellow came running up to me -- up to us, and
9 said that his buddy was stabbed down in the Park.

10 Q. Do you have any idea of what time this was?

11 A. No, I couldn't say what time it was. It was late in the
12 evening.

13 Q. Had the dance finished when you --

14 A. No, the dance wasn't quite over, like, when we left.

15 Q. Are you able to show us where on George Street this man ran
16 up to you?

17 A. I can't remember exactly. I remember it was up around the
18 corner of George Street and Argyle there.

19 Q. Somewhere in the vicinity of the drug store?

20 A. Yeh, yes, sir.

21 Q. Okay, thank you. Did you know the gentleman?

22 A. No, not at the time.

23 Q. Okay, continue please.

24 A. So I went down through the Park with him, down to where Mr.
25 Seale was laying on the ground. There was a bunch of people

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1 | there when I got there. Few people talking and that was about
2 | it. About all I can really remember of the case at the time.

3 | Q. Did you know Mr. Seale?

4 | A. No, I didn't.

5 | Q. Did you have any opportunity to speak with Mr. Seale?

6 | A. No.

7 | Q. When he was on the ground?

8 | A. No.

9 | Q. When you got back do you recall if there were any police cars
10 | there?

11 | A. There was a crowd of people there when I got there. I can't
12 | really state whether the police were there or not.

13 | Q. When you say a crowd, can you give us some idea --

14 | A. Eight or ten people.

15 | Q. Eight to ten people?

16 | A. Yes.

17 | Q. Do you recall how long you stayed there?

18 | A. I can't recall, can't recall.

19 | Q. I see, do you recall having any discussions with any police
20 | that night?

21 | A. Well, I was talking to different people there and there was
22 | somebody there asking names, taking names at the time.

23 | Q. Somebody taking names --

24 | A. Somebody asked by name and where I lived.

25 | Q. Yes, right. Do you know if the somebody was a police officer
 | or not?

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1 | A. I couldn't say right now.

2 | Q. I see, do you recall if they were wearing a uniform or anything
3 | like that?

4 | A. I remember the police were there but I can't remember exactly
5 | if they were there when I got there or did they arrive
6 | exactly when I got there.

7 | Q. But you do recall somebody taking your name?

8 | A. Yes.

9 | Q. At the scene?

10 | A. Yes.

11 | Q. Do you recall how long you stayed there?

12 | A. Well, I couldn't say.

13 | Q. Do you recall what you did after you left?

14 | A. Well, I went back up to where the girl I was with was standing
15 | and I guess, I went home later on that night.

16 | Q. She didn't come across the Park with you?

17 | A. No, she didn't.

18 | Q. I see, did you have occasion to talk with the Sydney Police
19 | at any time after that, sir?

20 | A. Yes, they called looking for me a few days after that to
21 | go in and give a statement.

22 | Q. Do you remember going to the police station?

23 | A. Yes, I went to the police station.

24 | Q. And would you know who you spoke to at the police station?

25 | A. I can't really remember who the officers were, I think it

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1 | was MacIntyre and another constable, I can't really remember.

2 | Q. Did you know Mr. MacIntyre at the time?

3 | A. No.

4 | Q. How do you know it was MacIntyre?

5 | A. Well, I am certain that was the name.

6 | Q. I'm sorry.

7 | A. I think -- I believe that was the name, John MacIntyre, was
8 | one of the constables at the time.

9 | Q. I see, and was there another constable there as well?

10 | A. Yeh, there was -- I believe another one or maybe two officers
11 | that day I was talking to them.

12 | Q. I see, and you say you gave a statement, do you --

13 | A. Well, I didn't give a statement, they asked me questions
14 | about it and I told them what I knew and I don't think
15 | they ever took a written statement of it at the time.

16 | Q. I see, you don't remember signing a statement?

17 | A. No, no I never signed a statement.

18 | Q. I see, was that the only time in which you talked with the
19 | police, sir?

20 | A. Yes, sir.

21 | Q. And after that did you have any contact with anybody else
22 | involved in the case?

23 | A. No.

24 | Q. In 1971, I'm thinking of, did you talk to any of the lawyers
25 | involved?

CHARLES M. J. LIVINSTONE, by Mr. Orsborn, by Ms. Edwardh,
by Mr. Pugsley

1 A. No.

2 Q. Did you talk to any R. C. M. P. officers in 1982?

3 A. No.

4 Q. You didn't.

5 A. No.

6 Q. Thank you, sir. There maybe some other lawyers here have
7 some questions for you.

8 BY MS. EDWARDH:

9 Q. Mr. Livingstone, just a couple of questions. Do you know
10 Junior Marshall?

11 A. No, I don't really know him.

12 Q. When you arrived at the area where Mr. Seale was, did you see
13 a young Native person who you now believe to be Mr. Marshall?

14 A. I can't really recall. There was a bunch of people there and
15 I can't remember.

16 Q. So it's fair to say that your recollection of these events
17 is very vague at this time?

18 A. Yes, ma'am.

19 Q. Those are my questions, thank you, sir.

20 BY MR. PUGSLEY:

21 Q. Mr. Livingstone, it maybe that I didn't hear your evidence
22 when my friend was questioning you earlier. Did you say
23 that the person who came up to you on George Street said to
24 you "My buddy has been stabbed"?

25 A. He said "my buddy" or "my friend has been stabbed" down in
the Park.

1 Q. "My friend has been stabbed"?

2 A. Yeh.

3 Q. Did you subsequently find out that that person that came up
4 to you was Scott MacKay?

5 A. Yeh, afterwards.

6 Q. Yes --

7 A. But I didn't know him at the time.

8 Q. You didn't know him at the time?

9 A. No, I didn't know any of them at the time.

10 Q. The person who approached you on George Street was not Donald
11 Marshall?

12 A. No, I don't -- I couldn't say, I can't really remember.

13 Q. Can you recall whether or not it was an Indian who
14 approached you or a white person?

15 A. No, I couldn't say. No, I couldn't say.

16 Q. But your recollection is that the person who did approach
17 you subsequently gave his name to you as Scott MacKay?

18 A. Yes.

19 Q. Yes. Thank you.

20 BY MR. MURRAY:

21 Q. Mr. Livingstone, my name is Donald Murray, I represent William
22 Urquhart. I ask you to look at Volume 16 and Page 31, this
23 is a statement given by Scott MacKay and I refer you to the
24 middle of that where he says

25

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1 He told me he was stabbed and he needed
2 help. I told her to go get a bus and I
3 ran and tried to find a person to help
4 me. I ran across the Park up to Pollett's
5 and I found a boy names Livingstone from
6 East Bay. He was with a girl at the time.
7 So we ran back down through the Park and
8 up to Crescent Street.

9 He says when you got back

10 that at that time a car arrived and Junior
11 Marshall got out.

12 Do you remember that?

13 A. No, I don't really remember. I remember there was a lot going
14 on but I don't really remember people at the time.

15 Q. And you didn't know -- you testified you didn't know Scott
16 MacKay at the time?

17 A. Yeh.

18 Q. Could it have been Scott MacKay that asked you what your name
19 was?

20 A. I couldn't really say, I can't really remember.

21 MR. MURRAY:

22 I have no further questions, My Lord.

23 NO QUESTIONS FROM THE REMAINDER OF COUNSEL

24 MR. CHAIRMAN:

25 That's all, thank you, Mr. Livingstone.

MR. MACDONALD:

The next witness will be John Butterworth, My Lord.

I understand he's on his way, My Lord. He may be five minutes.

We'd like to have him on before Mr. Pratico. We don't expect he'll

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1 | be long.

2 | MR. CHAIRMAN:

3 | Okay, well --

4 | MR. MacDONALD:

5 | Do you want to rise until he gets here?

6 | MR. CHAIRMAN:

7 | Yes.

8 | INQUIRY ADJOURNED: 2:19 p.m.

9 | INQUIRY RECONVENED: 2:26 p.m.

10 | MR. MacDONALD:

11 | Mr. Butterworth.

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JMK.

JOHN BUTTERWORTH, by Mr. MacDonald

1 | JOHN BUTTERWORTH, being called and duly sworn, testified as follows:

2 | BY MR. MacDONALD:

3 | Q. Now your name, sir, is John Butterworth?

4 | A. Yes, sir it is.

5 | Q. Are you the Deputy Sheriff for the present time for the
6 | County of Cape Breton?

7 | A. Yes, sir, I am.

8 | Q. How long have you held that position?

9 | A. Oh, I've been with the Attorney General's Department
10 | approximately seven years.

11 | Q. Okay, prior to that you were employed with the Sydney Police
12 | Department?

13 | A. Yes, sir.

14 | Q. When did you join the Police Department?

15 | A. Oh, twelve -- I was on twelve years -- '68, I guess.

16 | Q. Okay, what was your formal education, sir?

17 | A. I went to high school.

18 | Q. Did you graduate from high school?

19 | A. Grade eleven.

20 | Q. Okay, joined as a constable did you?

21 | A. Yes, sir, that's right.

22 | Q. As a patrolman?

23 | A. Yes, sir, that's correct.

24 | Q. What training were you given when you joined the Force?

25 | A. I had a series of lectures probably for over a period of

JOHN BUTTERWORTH, by Mr. MacDonald

1 | maybe a week to two weeks while I was, you know, when I was
2 | appointed.

3 | Q. Who would be giving those lectures?

4 | A. The Deputy Chief of Police would have you spend a few hours
5 | a day with you.

6 | Q. And the Deputy Chief at that time was Mr. MacAskill?

7 | A. Was Norman D. MacAskill, right, sir.

8 | Q. Okay, any other training?

9 | A. Other than the Maritime Police School in 1975, I do believe
10 | it was or '76 and there was a period of time that the
11 | Department would have some inservice, like, lectures from
12 | various lawyers and Crown Prosecutor and --

13 | Q. During your time with the Police Department, did you --
14 | did you remain a patrolman or did you go to some other
15 | division?

16 | A. Yes, I worked as a patrolman. I was -- worked at times
17 | acting sergeant in charge of a shift and then I later moved
18 | to the Detective Division for a short while on a temporary
19 | basis.

20 | Q. Okay, and do you know when that was?

21 | A. In 1979.

22 | Q. Okay, let me take you back to 1971 if we can?

23 | A. Yes, sir.

24 | Q. And at the time when Sandy Seale was stabbed and subsequently
25 | died, have you been able to determine if you were on duty at

JOHN BUTTERWORTH, by Mr. MacDonald

1 | around that time?

2 | A. No, sir, I was -- the night of the incident -- I was -- in
3 | Wentworth Park -- I was the four days off. We referred to
4 | that as a long weekend.

5 | Q. Okay, and when would the weekend start?

6 | A. Well, I would finish day shift on Thursday and you'd be off
7 | Friday, Saturday, Sunday and Monday and you would return to
8 | work on the twelve midnight to eight a.m. shift on Tuesday.

9 | Q. Would that be starting Tuesday morning?

10 | A. No, that would be Tuesday night.

11 | Q. Tuesday night?

12 | A. Yes, sir.

13 | Q. So you're off Friday, Saturday, Sunday, Monday, Tuesday --

14 | A. Actually Tuesday, yeh.

15 | Q. When you returned to duty on that Tuesday night, would you
16 | have been briefed as to what took place in this matter over
17 | the times that you've been off duty?

18 | A. At that time, sir, we didn't have what you call a briefing
19 | period of -- you'd be taken into a room, like, the whole
20 | shift and like we'll say the sergeant would brief you. All
21 | the reports for usually three or four days would be on a
22 | table in the station -- the occurrence reports, crime reports
23 | motor vehicle reports -- they would be on a table and it was
24 | up to you to make yourself familiar with these reports.

25 | Q. And would that be your normal practice to read the occurrence

JOHN BUTTERWORTH, by Mr. MacDonald

1 and crime reports that have been filed since you last worked?

2 A. Yes, sir.

3 Q. Are you able to say whether you would have done that on this
4 occasion?

5 A. Oh, yes, any -- before I started any shift, I made that a
6 habit that I read everything that was available before I went
7 out on my tour of duty.

8 Q. Do you have any independent recollection today about the
9 events of that time?

10 A. Not too much.

11 Q. Do you have any recollection today whether when you came back
12 to work on that Tuesday and that would have been what the
13 second of June, first is it -- first of June, are you able
14 to say whether there was any indication given to you that
15 there were suspects in this matter?

16 A. Yes, it was common knowledge that there was a suspect but --

17 Q. Who was the suspect?

18 A. Who -- Donald Marshall.

19 Q. And it was common knowledge when you came back to work on that
20 Tuesday night?

21 A. Yes, sir.

22 Q. And how would you get that that knowledge?

23 A. To be honest with you -- with this time, you know, being back
24 that far, I don't recall just, you know, whether it be just
25 talk amongst the men in the station. You know, knowing what

JOHN BUTTERWORTH, by Mr. MacDonald

1 had taken place, you know, but, you know, I can remember, you
2 know --

3 Q. Okay, when you go back to work then on the Tuesday night,
4 what would be your shifts from that point forward, can you
5 tell us that?

6 A. Well, from Tuesday to Saturday, like Tuesday, Wednesday,
7 Thursday, Friday and Saturday, we would work what we called
8 the backshift at twelve midnight to eight a.m. shift and
9 then we would come out Sunday with what we called a quick
10 change and we'd start the four to twelve week. That would
11 be Sunday, Monday, days off Tuesday and Wednesday, Thursday
12 Friday and Saturday four to twelve.

13 Q. Did you play any role yourself in the investigation leading up
14 to the arrest of Donald Marshall, Junior, for this crime?

15 A. No, sir, I did not.

16 Q. Now I understand during your tour of duty the week following
17 that is when you're on the four to twelve, you had occasion to
18 run into John Pratico, is that correct?

19 A. Yes, sir.

20 Q. Did you know Mr. Pratico?

21 A. Just knew him to see him. He'd always say hi to you and
22 that's not personally, no.

23 Q. He wasn't what -- he wouldn't have been one of your informants
24 or someone that you looked to from time to time?

25 A. No, sir.

JOHN BUTTERWORTH, by Mr. MacDonald

1 Q. Tell us about the encounter that you had with him on the week
2 following, that is when you were working four to twelve?

3 A. I was working foot patrol, Charlotte Street beat --

4 Q. Charlotte Street?

5 A. Charlotte Street, yeh, right.

6 Q. Right.

7 A. I don't recall what night it was but I can remember two nights
8 in succession I was with Constable Arthur --

9 Q. I'm sorry, I'm just going to interrupt you a moment. Would
10 you speak up because apparently people have trouble hearing
11 in the hall here.

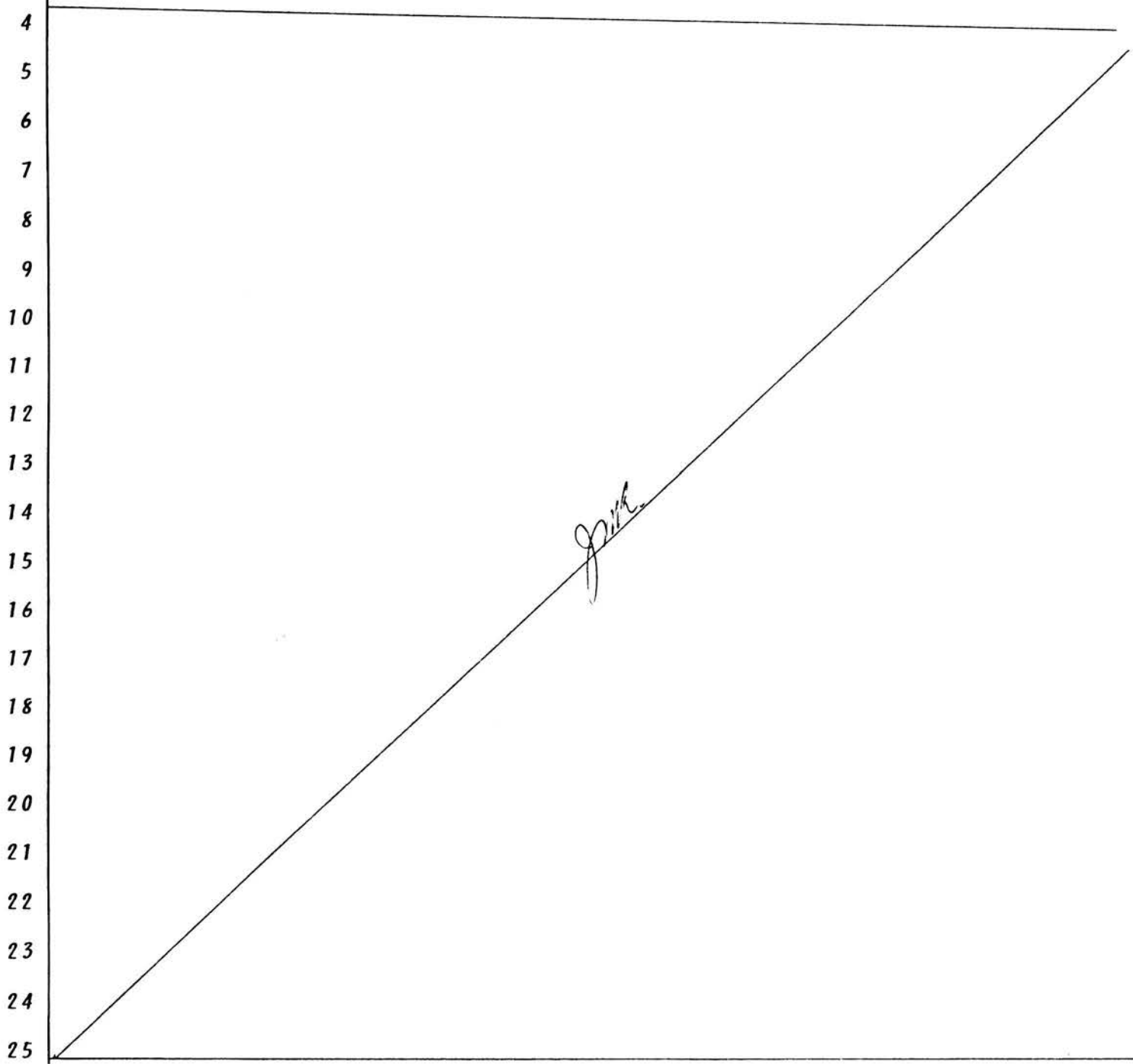
12 A. I was with Constable Arthur Woodburn; we were working together
13 and Mr. Pratico appeared just as we were walking along our
14 beat, he appeared. A short while later we went into the Maple
15 Leaf Restaurant which is on Charlotte Street and we had a cup
16 of coffee. Constable Woodburn, I can remember that night, --
17 if I can recall, was to my left and John Pratico followed us
18 in. We didn't ask him in -- it was Constable Woodburn and I
19 don't recall him doing -- and he was saying to my right --
20 Constable Woodburn and I were talking then out of the blue --
21 well I was getting -- I can remember getting up to leave, like
22 we were through and as we're getting up, he was facing me and
23 he mentioned that he'd never forget what he had seen in the
24 Park and he described the stabbing.

25 Q. And do you -- do you have independent recollection of that

JOHN BUTTERWORTH, by Mr. MacDonald

1 night and this conversation with Mr. Pratico, do you recall
2 that now?

3 A. What's that --



JOHN BUTTERWORTH, by Mr. MacDonald

1 Q. Do you recall now the actual conversation you had with Pratico?

2 A. Not the actual word for word. I can remember, you know, what
3 I'm saying now to you, you know. That's about all I can
4 remember. The rest of the short time he was with us was
5 probably just small talk, you know, and it was -- that's
6 the only time he mentioned anything about this incident, and
7 he described the stabbing and first he said he wouldn't want
8 to see it again. He'd never forget what he saw. And with
9 that point, we were walking on the way out the door. And I
10 can remember -- I can remember standing there and he was
11 looking at me and I can remember I had a raincoat on that
12 night. Whether it was raining or not, I don't know, but it
13 was a traffic coat. We used to wear them sometimes in place
14 of an overcoat or a Burberry, you know. And he mentioned that
15 he didn't mind talking to the fellows who didn't wear the
16 uniforms. They were pretty good, and he said, "especially
17 the big fellow." And I can remember that, and just out of
18 the blue I said, "John MacIntyre", and he said, "Yes, he's
19 a good fellow".

20 Q. He remember -- He said, "I don't mind speaking to the
21 fellows..."?

22 A. "That didn't wear the uniforms".

23 Q. That didn't wear the uniform.

24 A. Yeh.

25 Q. And you took that to mean?

JOHN BUTTERWORTH, by Mr. MacDonald

- 1 A. The detectives.
- 2 Q. Okay.
- 3 A. Yes.
- 4 Q. And he said, "They are good fellows, especially the big
5 fellow"?
- 6 A. Especially the big fellow.
- 7 Q. And you said, "Do you mean MacIntyre"?
- 8 A. I just automatically said, "John MacIntyre". He said, "Yeh,
9 he's a good fellow". And that was about it. We went and walked
10 along the street for a short while and that was it. Then he
11 disappeared. Where he went, I don't know. And then the next
12 night he was --
- 13 Q. Before we leave that night, John, you said that he described
14 the stabbing to you?
- 15 A. Yes, sir.
- 16 Q. Could you tell us how he described the stabbing?
- 17 A. He mentioned about a knife going in, bringing her down,
18 twisting her and across. I took it to mean like an "L" shape.
- 19 Q. A knife going in and coming down --
- 20 A. Coming down and twisting, and --
- 21 Q. --and twisting and across?
- 22 A. --going across. I can remember that like yesterday and I'm
23 not off the side. If you're sitting with somebody and they
24 say something like that --
- 25 Q. And just again, it starts from the top and it's like making an "L"?

JOHN BUTTERWORTH, by Mr. MacDonald

1 A. Yeh, it's just like he went down like and he "twisted her" and
2 he said, "he brought her across." I can remember that. As a
3 matter of fact, it was with his right hand. He was -- because
4 I was looking right at him.

5 Q. So he's describing what he saw as you recall?

6 A. Yes, sir.

7 Q. And "I'd never like to see anything like that again", is that --

8 A. He'd never forget. I think it was that he'd never forget what
9 he'd saw in the park.

10 Q. Did you pass along that information to your superiors?

11 A. No, sir, I didn't.

12 Q. Have you given that information to anyone until the last couple
13 of weeks?

14 A. Oh, no, it was back in 1982. I always remember this in my
15 mind, you know. Of course, I wasn't involved in the
16 investigation and, of course, you knew it was a stabbing and
17 I -- in 1982, I guess when things had taken a new look there,
18 I mentioned to Chief MacIntyre, I told him I could remember
19 this night, you know. And so I mentioned that Arthur Woodburn
20 had been working with me and I said, "Maybe, you know, if you
21 speak to him he might even refresh him more, you know, he
22 might remember more". "That's basically", I said, "all I can
23 remember". You know, and --

24 Q. Did you have any discussion about that event with the R.C.M.P.
25 in 1982?

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1 A. No, sir, I didn't. No.

2 Q. At any time have you spoken to the R.C.M.P. about your
3 recollection?

4 A. No, sir, no. No, just Chief MacIntyre and I mentioned it to
5 retired Inspector Urquhart.

6 Q. Now you -- I interrupted you before. You went on to say that
7 the next night something else happened?

8 MR. CHAIRMAN:

9 Who's the retired inspector?

10 THE WITNESS:

11 Urquhart.

12 MR. CHAIRMAN:

13 Urquhart. Could you speak a little more slowly and a little louder.
14 It's difficult --

15 BY MR. MacDONALD:

16 Q. We're having difficulty throughout, Mr. Butterworth.
17 There's people having -- The audio system is not working
18 perfectly.

19 A. Okay.

20 Q. You did say that the next night something else happened?

21 A. Yes, he -- Mr. Pratico appeared the next night up on the street
22 with us and he wasn't there that long and he never mentioned
23 anything more of, you know, what we just talked about. He
24 was just more or less -- I guess small talk. I don't -- I
25 don't recall, you know, and that was it. He was only with us

1 a short while if I do recall and he just disappeared.

2 Q. That was the only two occasions you ever had contact with
3 Mr. Pratico?

4 A. Yes, sir.

5 Q. Did you know or were you aware that Mr. Pratico had spent time
6 in the Nova Scotia Hospital?

7 A. Not at that time I didn't, but later on I --

8 Q. You subsequently became aware of that?

9 A. Yes.

10 Q. How much later on?

11 A. Actually to be honest with you I think it was in 1982 when
12 this -- You see I didn't know him and he wasn't one to be
13 around the streets much.

14 Q. And just to make it clear for the -- for the record from a
15 chronological point of view, your discussions with Pratico
16 took place the week after Mr. Marshall was charged with this
17 murder, isn't that correct?

18 A. It would have to be because we were four to twelve and it
19 was right after that. Now the next week after the four to
20 twelve week we worked what was called the floating week.
21 We'd call it -- You'd work the three shifts in the one week.
22 You'd work Sunday, Monday, on the back shift, Tuesday and
23 Wednesday, four to twelve, and you'd be off Thursday and
24 Friday, and Saturday, day shift, but I was working on
25 Charlotte Street so I would presume I was off either Tuesday

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1 or Wednesday, so it would have to be the week previously. It
2 would have to be the week previously!

3 Q. In any event, the discussion took place with Mr. Pratico after
4 Marshall had been charged?

5 A. Yes, yes.

6 BY MR. CHAIRMAN:

7 Q. I assume you were aware at that time that Marshall had been
8 charged?

9 A. Yes, to my recollection, yes, I would think I would have been,

10 BY MR. MacDONALD:

11 Q. Did you know Marshall?

12 A. Just to see him.

13 Q. Did you know -- Did he have any reputation so far as you knew?

14 A. I never had any personal dealings with him that I can recall,
15 but, you know, around dances and the -- you kind of kept
16 an eye on him if I can remember. You know, other officers
17 would say, keep an eye on him. You know, he was known, you
18 know, for fighting and whatnot.

19 Q. Did you used to do duty at the dances as well?

20 A. Not that many.

21 Q. You had done dances?

22 A. Oh, yes. Yes.

23 Q. And do you specifically recall being told to keep an eye
24 on, in particular, Junior Marshall; he's a fighter, or --

25 A. I wouldn't say specifically, you know, but I knew that he

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1 was one that you -- you kept an eye on at dances and how I
2 knew or -- today to tell you, to be honest, I can't recall.

3 Q. But you did know that?

4 A. Yes.

5 Q. And it would have to have been before he was charged?

6 A. Oh, yes.

7 Q. Because after that time he didn't spend much time at dances?

8 A. That's right. That's right.

9 Q. Were you with the police when -- in 1982? When did you say
10 you joined the Sheriff's Office?

11 A. I left the Police Department in February. I think it was
12 February, 1980.

13 Q. Of '80?

14 A. Yes, sir.

15 Q. Okay. Have you had occasion to discuss this matter with
16 Sergeant MacIntyre since the events transpired where
17 Mr. Marshall was released from jail?

18 A. It was in 1982. I think he was still in jail at that time
19 when I mentioned to former Chief MacIntyre about what I've
20 said here today. I can't recall now if he was released or
21 not then. It was just when it first started, you know --

22 Q. Your recollection is that the only time you mentioned this
23 encounter with Pratico was to Chief MacIntyre in around
24 1982?

25 A. Yes, when the -- when I first heard of--there possibly had

JOHN BUTTERWORTH, by Mr. MacDonald

1 | been threats and things like that. I think it was '82.

2 | I'm almost sure.

3 | Q. I'm sorry, I didn't understand. There possibly might have
4 | been threats about what?

5 | A. Well, remember there was -- what started was regarding
6 | people being pressured and -- You see, when I first heard
7 | about this --

8 | Q. Okay. I see. When you first heard it --

9 | A. I think it was in 1982.

10 | Q. What you meant by threats is when you first heard the
11 | suggestion that some of these young witnesses may have been
12 | threatened or pressured to give evidence?

13 | A. That's right.

14 | Q. And you then advised Chief MacIntyre of your discussion with
15 | Pratico?

16 | A. Well, I remember it and I mentioned -- I said, "I don't know
17 | what it's worth, you know, but I said I can remember that".
18 | Like I say, I asked him to check with Constable Woodburn. He'd
19 | been working with me that night, you know.

20 | Q. Constable Woodburn is still with the Sydney Police, is he?

21 | A. Yes, sir, he is.

22 | Q. Have you discussed that with Constable Woodburn recently or
23 | at all?

24 | A. No, sir.

25 | Q. Okay. Were you aware in 1971, in November, that the police

JOHN BUTTERWORTH, by Mr. MacDonald

1 had been contacted by an eye witness to this crime saying
2 that someone else had done it?

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

4 Q. You weren't aware of that?

5 A. No. No. No.

6 Q. Did you know during your term as a police officer in this
7 City, Roy Ebsary?

8 A. No, sir, I didn't. I never laid eyes on the man until
9 maybe four or five years ago.

10 Q. And what about Jimmy MacNeil?

11 A. I knew Jimmy MacNeil to see him, yes.

12 Q. And what was your knowledge of him?

13 A. He used to drink. He used to drink quite a bit, but other
14 than that he was harmless.

15 Q. When you had your discussion with Pratico were you aware that
16 he was one of the eye witnesses to this event at that time?

17 A. Yes, sir, I was.

18 Q. You were aware of that?

19 A. Yes. It was common knowledge, yes.

20 Q. It was common knowledge within your Department?

21 A. Within the -- Yes.

22 Q. And is there any particular reason you did not relate to your
23 superior at that time the conversation which you had with
24 Pratico?

25 A. Well, yes, I knew he had given a statement and I -- you know,

JOHN BUTTERWORTH, by Mr. MacDonald

1 I knew he said he had witnessed it. I presumed that what
2 he was saying to us was what he was saying -- what he had
3 told them.

4 Q. Would you have had access to the statements that Pratico was
5 giving to the detectives?

6 A. No, sir.

7 Q. That's not something that the foot patrol had access to, is it?

8 A. No, the detectives usually did all the investigations, yes.

9 Q. Was there any dialogue between the -- the patrolmen and the
10 detectives being kept aware of what was going on?

11 A. Oh, yes, the detectives would come to you periodically and
12 they would -- they would ask you if they were investigating
13 a situation, whether it be a break and entry, for example,
14 or whatever, and they -- they were wanting to know who might
15 be around or if you knew this person. They would ask you, yes,
16 they would.

17 And we would frequently go in to them with information or
18 whatever, you know, something that --

19 Q. Have you ever seen the statement that Pratico gave to the
20 detectives in June -- on June the 4th of 1971?

21 A. No, sir.

22 Q. You've never seen it?

23 A. No, I've never seen any of the -- any of the file.

24 MR. MacDONALD:

25 Thank you. That's all I have.

1 | BY MS. EDWARDH:

2 | Q. Sir, do I take it in the four days that you were on your
3 | long weekend around the time of this stabbing, no one called
4 | you to bring you in for -- or request that you come in to
5 | do some extra work?

6 | A. No, ma'am.

7 | Q. Now when you had your conversations with Mr. Pratico, did you
8 | make a note of those conversations in your notebook?

9 | A. I don't recall. I can't recall if I did or not. I -- I --
10 | To be honest with you --

11 | Q. Did you keep a notebook?

12 | A. Oh, yes, I always had a notebook. Yes.

13 | Q. And I take it that's the kind of contact you would have
14 | recorded in your notebook?

15 | A. If -- If -- Yes, if I had taken -- you know, if I recorded
16 | it, it would be in the notebook, that's right.

17 | Q. Yes, but isn't that the kind of contact that you might record--
18 | might well record in your notebook?

19 | A. It's hard to say. Like I say on the -- on the -- when I was
20 | talking to him I just took it for granted that that's, you
21 | know, what he had told the detectives because this was --
22 | Well, we were led to believe that he did give a statement
23 | regarding what -- that he had seen a stabbing, so I just
24 | felt he was repeating on to us and that was it.

25 | Q. Do you have your notebook from that time period?

JOHN BUTTERWORTH, by Ms. Edwardh

1 A. No.

2 Q. I take it you did not keep notebooks then for any substantial
3 period of time?

4 A. I did and after I left the Police Department I destroyed any
5 notebooks I had.

6 Q. Now you have known John Pratico prior to his following you
7 into the restaurant on that evening, correct?

8 A. Not personally but --

9 Q. You knew him.

10 A. I knew him on the street, yes.

11 Q. And your relationship would have been with him, you might have
12 said hello or some very small chitchat?

13 A. That's all.

14 Q. But beyond that you didn't have any contact with him?

15 A. No, none at all.

16 Q. When he sat down with you that night and you knew he was
17 an eye witness to a homicide I take it you were also aware
18 that he was pretty young -- a pretty young teenager?

19 A. Well, yes, you would know he was.

20 Q. And did you get any impression from him when he was talking to
21 you that somehow being associated with this event made him
22 feel a little important?

23 A. Not really because, ma'am, I didn't know him. I didn't know
24 him so I wouldn't --No, I wouldn't notice anything like that.

25 Q. Do you recall him saying anything to you about being afraid

1 | in that time period?

2 | A. No. No.

3 | Q. If I could ask you, sir, to address your mind just to a
4 | comment, did you get the impression through Constable Woodburn
5 | that the detectives -- you -- were aware that Pratico was
6 | with you?

7 | A. That's right.

8 | Q. Now can you assist me in understanding what you meant by that?

9 | A. Just that he was nervous I guess, probably after giving statements
10 | to the police and he might have been a little nervous maybe
11 | that harm may come to him. This is what I understood it to
12 | be, you know.

13 | Q. So as a result of that he was being treated a little bit by
14 | you as kind of a puppy at that time?

15 | A. No, really he wasn't with us that long. He'd only been with
16 | us a short while other than the night he followed -- he
17 | followed us in the restaurant. We were just walking along
18 | and doing our regular work and he might make small talk and--
19 | but not that much. He was more or less, if I can use the
20 | expression, tagging along, I guess.

21 | Q. He was tagging along?

22 | A. Yes.

23 | Q. And when you say he was a little nervous and he had given
24 | the statements to the police. It was your understanding
25 | that -- from what he said obviously that that was one of the

1 reasons he was tagging along?

2 A. Well, I understood that it was a -- there was a possibility
3 he feared -- he feared that harm might come to him from what
4 I gather. Like I say, it's so far back to really -- but
5 that's why I figure he was with us, yes. He was a little
6 nervous that somebody maybe, you know--get revenge on him
7 or what --

8 Q. And did you do or say anything to him about those feelings
9 he might have had as just a young kid?

10 A. No, I didn't know this until the second night.

11 Q. On the second night did you do or say anything?

12 A. No, no. I didn't know until after he left us. He was only
13 with us a short while. If I can recall the second night,
14 but then again it's going back sixteen years.

15 Q. When you say a short while, would it be ten or fifteen minutes?

16 A. A half hour maybe.

17 Q. And do you recall at what time of night you first saw
18 Mr. Pratico on the first night?

19 A. I can't recall exactly but I'm -- I'd only be guessing but
20 it would be in the vicinity we'll say of ten o'clock, maybe
21 ten-thirty, in that -- in around or about that time.

22 Q. And was he just out on the street at that time?

23 A. Yes, I don't even know where he came from both nights. We
24 just happened to look and he was walking with us, you know.

25 Q. So he came to you from the street area?

1 A. Yes. Oh, yes. I would presume that, yes.

2 Q. And the second night as you can recall, was it roughly the
3 same time?

4 A. It was around the same time and he wasn't with us as long I
5 can remember and where he came from, I don't know.

6 Q. And he was unaccompanied at that time?

7 A. That's right. I presume he just walked up behind and probably
8 saw us walking and came up behind us.

9 Q. When you spoke with Mr. Pratico on those two occasions, did you
10 form any general opinion about him, not a long contact, but
11 for example, did you form any opinion that perhaps he was a
12 little slow?

13 A. Oh, yes. Yes. I knew that -- We thought of -- Like you refer
14 today a slow learner maybe in school, that would be about
15 what I --

16 Q. In your first contact would it be fair to say that it didn't
17 take you long to form that opinion of Mr. Pratico?

18 A Well, I -- I would see him around, you know. Like I knew
19 he lived on Bentinck Street and "Hi", and "Hello", sort of
20 thing and that was it. I knew he was -- I felt a slow
21 learner at that time maybe.

22 Q. But my question to you, sir, is this?

23 Given the fact you've never really talked to him before,
24 would it be fair to say that it was clear to you after just
25 even a few minutes from the first time you actually talked

1 | to him, that he was that kind of a young person, that he
2 | was a pretty slow kid?

3 | A. I'll try and answer that. Like I say I -- I knew probably
4 | before I spoke to him that he might have been a slow learner
5 | just by, you know, seeing him on the street like, you know.

6 | Q. So then what you're really saying to us is it was so obvious
7 | that you didn't really need to speak to him, just observing
8 | him casually would have given you that information?

9 | A. Yes, I wouldn't put him as retarded or anything like that.

10 | Q. No, I'm not suggesting that.

11 | A. No. No. No, it was just I believed he was a slow learner at
12 | that time, yes. Not being a Doctor, I guess it's hard to
13 | put into words.

14 | Q. I'm just asking of your general impression?

15 | A. Yes. Yeh.

16 | Q. And I take it, sir, that it's your evidence that you did not
17 | know the name Roy Newman Ebsary at this time?

18 | A. No. I didn't know the man. I knew the name Ebsary. I knew
19 | his son, but I didn't know -- I never knew there was a
20 | Roy Newman Ebsary.

21 | Q. Did you know Greg Ebsary?

22 | A. Yes, I did.

23 | Q. And had Greg Ebsary talked to you about his dad?

24 | A. Never.

25 | Q. Did you know -- Forgetting the name, did you know the man to

1 see him around in the City of Sydney?

2 A. I never -- I never laid eyes on him until maybe 1981 or
3 someone around there. I thought his name was Embree because
4 I asked somebody one day who this gentleman was and they
5 said they thought his name was Captain Embree.

6 Q. You said that Marshall was a young man who you had no personal
7 knowledge of, correct? I take it you never seen him be
8 involved in any kind of fight or altercation?

9 A. No, I didn't.

10 Q. But he was someone who, I take it, the information about the
11 Police Department was, "Watch this kid", at a dance?

12 A. Well, I don't know if it was at a dance or -- but, you know,
13 I knew he --

14 Q. To what this kid?

15 A. Well, yeh.

16 Q. Was it "this kid" specifically? I think my friend asked you
17 this question, or was this kid as part of a group of kids?

18 A. Well, he would be apart of, I guess, a group. Like I say,
19 I really don't recall. I can't recall.

20 Q. If I understand your evidence, you can't recall today whether
21 someone said, "Watch this kid", or watch this kid as in part
22 of a group?

23 A. I knew that he had been in, I thought a little bit of --
24 maybe intoxicated, just minor like that, you know. I didn't
25 know of anything -- But I can remember it seems to me at the

JOHN BUTTERWORTH, by Ms. Edwardh, by Mr. Pugsley

1 dances he would be one you'd keep an eye on, you know, maybe
2 drinking and that sort of thing, you know.

3 Q. And I take it if you had received that information it would
4 have been from your fellow police officers?

5 A. That's right.

6 MS. EDWARDH:

7 Thank you. Those are my questions.

8 MR. CHAIRMAN:

9 Mr. Pugsley.

10 MR. PUGSLEY:

11 Thank you, My Lord.

12 BY MR. PUGSLEY:

13 Q. Mr. Butterworth, during the course of time that you were at
14 the Police Department or in the Detective Division, did you
15 ever have an opportunity of sitting in while John MacIntyre
16 was taking the statements from witnesses?

17 A. No, not really. I can remember -- A long, long way back I
18 remember coming in -- in -- When we were at the old police
19 station I can remember one evening being in the detective
20 office with Sergeant MacIntyre. He was talking to an
21 individual, but I can't tell you any more than that, whether
22 it was a statement, just an interview, I can't --

23 Q. Can you give us any assistance -- Can you give the Commission
24 any assistance at all as to what kind of a policeman he was?

25 A. Well, in my estimation John MacIntyre was one of the finest

JOHN BUTTERWORTH, by Mr. Pugsley, by Mr. Murray

1 policemen I've ever known.

2 Q. And on what do you base that opinion, sir?

3 A. His ability as an investigator and he was -- and a good
4 Chief of Police.

5 Q. And you served under him when he was Police Chief?

6 A. Yes, I did.

7 Q. I think he became Police Chief around 1976 if I recall
8 correctly?

9 A. I would -- Yes, it'd be '76 probably.

10 Q. In '79, was it?

11 A. In '79, did you say?

12 Q. Was it '79?

13 A. In '79 I heard --

14 Q. I thought it was '76.

15 A. In '76, I would think, yes.

16 Q. And you remained in the Department until when?

17 A. In 1980.

18 Q. And then did you become Deputy Sheriff immediately?

19 A. That's right.

20 Q. A position you presently hold?

21 A. Yes.

22 MR. PUGSLEY:

23 Thank you, sir.

24 BY MR. MURRAY:

25 Q. Mr. Butterworth, I represent William Urquhart and I understand

JOHN BUTTERWORTH, by Mr. Murray

1 | that you worked with Mr. Urquhart when you were in the
2 | Detective Division?

3 | A. That's right, sir.

4 | Q. And as I understand it you have sat in with Mr. Urquhart on a
5 | number of statements?

6 | A. Yes, I've sat in on a few statements with the then
7 | Sergeant Urquhart.

8 | Q. And would I be correct, sir, that Mr. Urquhart had a
9 | reputation around the station that developed into a nickname
10 | as the "Father Confessor"?

11 | A. Yes, I believe there was something.

12 | Q. And the reason for that nickname was because people wanted
13 | to talk him. They seemd to open up to him. Is that correct,
14 | sir?

15 | A. Yes. In my recollection while he was working in the Detective
16 | Division, Sergeant Urquhart, yes, had a lot of people -- a
17 | lot of -- the phone would ring many times and he would
18 | seem to -- if you were working on something -- there was
19 | nothing -- It wasn't unusual for him to call you in the
20 | office and tell you something that he picked up, and go out
21 | and work on it. He was well liked. In my estimation he
22 | was well liked by the community.

23 | Q. With respect to statements that you took with William
24 | Urquhart, do you remember taking any specifically with
25 | respect to juveniles?

JOHN BUTTERWORTH, by Mr. Murray

1 A. Yes, I remember one that stands out.

2 Q. Without mentioning any names perhaps you could tell us what
3 Mr. Urquhart's practice was in taking a statement from a
4 juvenile?

5 A. I can remember one occasion that just stands out now. I
6 remember a father and mother being in the office when he
7 was interviewing the youth, and he explained to the parents
8 and the youth, you know, what he had and what he was
9 working on and whatnot, but I found him, you know, fair
10 and square and there was -- He was as gentleman, you know.

11 Q. So I take it from that that he would have the parents in
12 unless the juvenile suggested that they did not want the
13 parents in?

14 MS. EDWARDH:

15 My Lord, I don't think that's what -- I don't think it's fairly
16 answered.

17 MR. CHAIRMAN:

18 Go back --

19 MR. MURRAY:

20 I'm asking him a further question.

21 MR. CHAIRMAN:

22 Pardon.

23 MR. MURRAY:

24 I'm asking him a further question.

25

JOHN BUTTERWORTH, by Mr. Murray, by Mr. Chairman

1 MR. CHAIRMAN:

2 Why don't you go back -- go all over again.

3 BY MR. MURRAY:

4 Q. Would you repeat your answer with respect to the statement
5 you remember specifically, sir?

6 A. Yes, I can remember Sergeant Urquhart had an individual
7 youth and I believe it -- it was -- it was a break and entry,
8 and I remember he had the boy -- The parents got the
9 boy-breaking -- it was with regards to a break and enter.

10 Q. Perhaps if you could slow down your speaking rate it would
11 be easier for everyone to understand.

12 A. Okay. I remember the parents of this youth being in Sergeant
13 Urquhart's office when he was interviewing.

14 Q. Do you remember any other incidents, sir?

15 A. Do you mean where parents would be -- I can remember -- I
16 wasn't sitting in with him, but I can remember on a few
17 occasions when he would be interviewing a juvenile, I can
18 remember parents going in, in his office when he'd be
19 interviewing them.

20 MR. MURRAY:

21 I have no further questions.

22 BY MR. CHAIRMAN:

23 Q. I take it the Deputy Sheriff is quite separate from that of
24 the Sydney Police Department. Is that correct?

25 A. Just what to you mean, My Lord.

1 Q. Are you still an employee of the City of Sydney?

2 A. No, sir, no, the Province of Nova Scotia, the Attorney
3 General's Department.

4 MR. CHAIRMAN:

5 All right.

6 NO QUESTIONS BY FOLLOWING COUNSEL

7 MR. CHAIRMAN:

8 Mr. Wildsmith.

9 MR. WILDSMITH:

10 Just one little point of detail I want to ask the Deputy Sheriff.

11 BY MR. WILDSMITH:

12 Q. I'm wondering, sir, what rank did you hold in the Sydney Police
13 Department at the time you were appointed Deputy Sheriff for
14 the County of Cape Breton?

15 A. Constable.

16 Q. Thank you.

17 MR. CHAIRMAN:

18 Mr. MacDonald, any re-direct?

19 BY MR. MacDONALD:

20 Q. Mr. Butterworth, when Pratico gave you that statement that
21 night did you believe him? Did you believe he was telling
22 you the truth?

23 A. Yes, I did at that time. Yes.

24 Q. And so later when you heard that he recanted and said he
25 wasn't there, did that strike you as a surprise?

JOHN BUTTERWORTH, by Mr. MacDonald

1 | A. Yes, I was.

2 | MR. MacDONALD:

3 | That's all I have. Thank you. My Lord, the next witness is
4 | going to be John Pratico and you ruled last week, I believe,
5 | that his evidence would be taken in the absence of T.V. cameras
6 | so if we could perhaps break to give the cameras the opportunity
7 | to be removed and then call Mr. Pratico.

8 | MR. CHAIRMAN:

9 | I don't know if they have to be removed or turned off.

10 | MR. MacDONALD:

11 | I think Mr. Pratico -- If it can be removed would probably be
12 | the best because they he would understand it's not operating.

13 | MR. CHAIRMAN:

14 | Fine. Okay. We'll -- You can let us know when you're ready
15 | to start again. I think it might also be appropriate if Counsel
16 | would examine this witness sitting down.

17 | MR. MacDONALD:

18 | Fine, My Lord. Thank you.

19 |

20 | (WITNESS WITHDREW)

21 |

22 |

23 | INQUIRY ADJOURNED AT: 3:03 p.m., and RECONVENED AT: 3:10 p.m.

24 |

25 |

JOHN L. PRATICO, by Mr. Spicer

1 INQUIRY RECONVENED AT 3:10 p.m.

2 JOHN LOUIS PRATICO, being called and duly sworn, testified as
3 follows;

4 BY MR. SPICER:

5 Q. What's your full name, please?

6 A. John Louis Pratico.

7 Q. And how old are you, John?

8 A. 32.

9 Q. When's your birthday?

10 A. December 31st, 1954.

11 Q. Have you lived in Sydney all your life?

12 A. All my -- most of my life, yes.

13 Q. Where do you currently live?

14 A. 12 South Bentinck.

15 Q. Is that a house, an apartment building?

16 A. It's an apartment building.

17 Q. Do you live on your own?

18 A. I live on my own.

19 Q. Are you currently working?

20 A. No. No, sir.

21 Q. What do you do?

22 A. I'm receiving social assistance.

23 Q. What do you with yourself from day to day?

24 A. Well, I walk -- exercise, walking around. Visiting people
25 I know. Go to the coffee shop once in a while. Cook my

JOHN L. PRATICO, by Mr. Spicer

1 meals. That's about all of it.

2 Q. How are you feeling these days?

3 A. Great.

4 Q. Are you currently taking any medication?

5 A. Yes, sir.

6 Q. Could you tell us what they are?

7 A. I'm taking ten milligrams of Nozinan a day, two milligrams
8 of Artane and a half a cc of Modecate which is an injection.

9 Q. Okay. Could you just slow down a little bit because

10 I didn't understand what those things --

11 A. Ten milligrams of Nozinan at night.

12 Q. What is that, sir?

13 A. Nozinan.

14 Q. Do you know how to spell it?

15 A. Nozinan. N-o-z-i-n-a-n.

16 Q. Okay, you take that at night.

17 A. At night. Two milligrams of Artane in the morning. And
18 a half of cc of Modecate every three weeks.

19 Q. Okay, with respect to those first two ones John, what
20 are they -- What do you take them for?

21 A. Just to calm my nerves, and make me sleep better.

22 Q. Okay. And the one that you take once every three weeks?

23 A. I take just so much of the medication to keep me relaxed.

24 Q. Okay. Take me through that again. The one you take every
25 three weeks. You take it for what?

JOHN L. PRATICO, by Mr. Spicer

1 A. For relaxation. Keep me relaxed and keep me calm.

2 Q. And that one, I believe, you take by -- that's an
3 injection?

4 A. By injection intramuscular.

5 Q. Did you take anything -- any extra medication before
6 you came down here today?

7 A. No, I took five milligrams of Nozinan before I left.

8 Q. Five milligrams of what?

9 A. Nozinan.

10 Q. Okay, and that's the one you would normally take?

11 A. I usually take ten but I took five. I'll take five tonight.

12 Q. I see. So there's nothing unusual --

13 A. No, nothing unusual.

14 Q. -- to you? Okay. Where did you go to school, John?

15 A. I went to Don Bosco, Holy Redeemer Boys, Villanova School
16 and Woodill.

17 Q. Okay. Let's start at the beginning of that.

18 A. I went to Villanova.

19 Q. What would have been the first school you went to?

20 A. Villanova.

21 Q. Villanova?

22 A. Elementary.

23 Q. And whereabouts is that, John?

24 A. That would be on the Victoria Road, in Whitney Pier.

25 Q. Sorry? In the Pier?

JOHN L PRATICO, by Mr. Spicer

1 A. Victoria Road in Whitney Pier.

2 Q. Whitney Pier?

3 A. Yes, sir.

4 Q. Okay. And what grade would you have been in when you
5 left that school?

6 A. Oh, grade four or something like that.

7 Q. Grade four? Okay. And then where did you go?

8 A. I went to Holy Redeemer Boys.

9 Q. Holy?

10 A. Holy Redeemer Boys.

11 Q. Holy Redeemer?

12 A. Boys school.

13 Q. Boys school. Okay. And where is that?

14 A. Church Street in Whitney Pier.

15 Q. In Whitney Pier, again? Okay. And then you went to
16 Don Bosco?

17 A. Don Bosco Junior High.

18 Q. Okay. How old were you when you left Don Bosco?

19 A. 15, 16 possibly. I'm not really sure.

20 Q. Not really sure? Do you remember what grade you were in?

21 A. Eight.

22 Q. Do you remember how old you were, John, at the time when
23 you left?

24 A. 15 or 16. Something like that. Then I went to Woodill and
25 then I dropped out of school for a little while.

JOHN L. PRATICO, by Mr. Spicer

1 Q. When was it that you dropped out of school?

2 A. When I left Don Bosco.

3 Q. Do you remember what year that was?

4 A. '70 -- '69, something like that.

5 Q. Around 1970 or so?

6 A. Around 1970.

7 Q. And can you tell us why you dropped out of school?

8 A. Well, I wasn't getting along too well with the school. I wouldn't
9 get the school work right all the time, eh. I used to
10 have a hard time in school with the school work.

11 Q. Right. Can you tell us why you're having a hard time
12 with your school work, at the time?

13 A. Well, I just -- I found that the work was just a little
14 to hard for me.

15 Q. Right. And when you dropped out of school, what did
16 you do?

17 A. Hang around town. Hang around the Pier. You get --
18 you just do a little bit of shovel snow just to make a
19 few dollars.

20 Q. And you were what? 15 or 16 at the time?

21 A. Yeh, roughly.

22 Q. Yeh. How long were you out of school for?

23 A. Couple of years.

24 Q. Do you remember when you went back to school?

25 A. Well, after I went to the Nova Scotia Hospital, I come back

JOHN L. PRATICO, by Mr. Spicer

1 home and tried to go back to school. I did about
2 six months and I couldn't handle it.

3 Q. Okay. And you didn't -- You went to the Nova Scotia
4 Hospital in 1971? Is that right?

5 A. Right. Right.

6 Q. Okay. So you were out of school prior to that?

7 A. Prior to that.

8 Q. And you tried to go back to school?

9 A. I tried to go back when I returned back to Sydney.

10 Q. When you came back from the Nova Scotia Hospital?

11 A. Came back from the Nova Scotia Hospital.

12 Q. Okay. We'll get to all that later. Did you have any
13 hobbies, when you were in school?

14 A. Well, I used to -- I used to like doing the sheet
15 metal work when I was in the school.

16 Q. Yes. You're living most of the time in the Whitney
17 Pier area?

18 A. In the Whitney Pier area.

19 Q. Yeh. Can you remember the kids that you used to hang around
20 with?

21 A. Some of them, yes.

22 Q. Yeh. And are some of them still around, today?

23 A. I would -- I'm not sure. I imagine there's a few around.

24 Q. Yeh. Did you used to hang out on the streets a fair amount?

25 A. Well, in future years, I did. Yeh.

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1 Q. Yes. When you say, in future years?

2 A. '70, '71, '72 or something like that, you know, around a
3 bit.

4 Q. Yeh. And when you were growing up, John, who were you
5 living with?

6 A. My dad for a while.

7 Q. Yes. For how --

8 A. For -- Oh, well my mom moved to New Brunswick after my mom
9 and dad split up. And I stayed with my dad most of the
10 time. And dad --

11 Q. How old were you when that happened, John?

12 A. I was eight or nine when mom and dad broke up.

13 Q. Then you stayed with your dad for a while and then --

14 A. I stayed with my dad for quite a while till my mom came
15 back. My mom came back to Sydney in 1967, the summer
16 of '67 and I still stayed with my dad right up until about
17 '69.

18 Q. Okay. When did you start living with your mom?

19 A. I moved to my mom's in roughly '69 or '70.

20 Q. '69 or '70. And who else besides you and your mom was
21 living there?

22 A. It was me and mom and my kid sister.

23 Q. Your kid sister?

24 A. Yes.

25 Q. Do you have a twin sister as well?

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1 A. Yes, sir. I have a twin sister.

2 Q. Did you ever move back and live with your dad again or
3 did you always live with your mom after that?

4 A. Well, I lived with my mom for a while and then I went
5 out on my own. I moved back with my dad and then I went
6 back out me own. I lost everything. I had a fire out
7 to where I used to live. And I had to move back to my
8 dad in order to have a place to live.

9 Q. Okay. Let me just -- I'm having a little trouble hearing
10 you sometimes so we'll just have to come back.

11 A. Well, I got a little cold.

12 Q. You say you were living with your mom and then you
13 moved out --

14 A. Then I went out on my own.

15 Q. Went out on your own. Okay.

16 A. Yes.

17 Q. About how old were you when you did that?

18 A. I was about 19 when I went out on my own. 19 or 20.

19 Q. Okay. And then after that you went back and lived with
20 your --

21 A. Well, I'll tell you, I moved up to -- I was living in
22 the Ashby area. And I was living in the basement.

23 Q. This was when you were living on your own then?

24 A. Yes, sir. And the place, it caught on fire when I was
25 out one day. It was electricity problems. So I had to

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1 go stay with my dad until I found a place to go.

2 Q. I see. Okay. So you --

3 A. But it was only for a short while.

4 Q. And you were about 19 or 20 when this happened?

5 A. Yes, sir.

6 Q. Okay. So you lived with your dad for a short while and
7 then what did you do? Move out again?

8 A. Then I went back on me own.

9 Q. Back on your own.

10 A. And I've been on me own ever since.

11 Q. Okay. When you were growing up, John, as a teenager, was
12 there -- did you have much experience with drinking?

13 A. I did a fair amount of drinking. Yes, sir.

14 Q. About how old were you when you started drinking?

15 A. About 15.

16 Q. About 15? Where would you get booze from?

17 A. Well, I'd pay a wino or one of the alcoholics to go to
18 the store. Give him a few cents, you know, and he'd get
19 me a bottle of wine or something or sometimes I'd go in
20 on my own.

21 Q. Right. Were you able to get in a tavern and stuff?

22 A. I used to go to taverns a lot. Yes, sir.

23 Q. Even when you were 15?

24 A. Even though I was 16 I would go to the tavern.

25 Q. 16? Yeh. And this would have been about the time

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1 when you were -- when you dropped out of school, is
2 that right?

3 A. Yes, sir.

4 Q. Okay. Can you give us some idea of how much drinking you
5 would have been doing?

6 A. Well, I did a fair amount. More than what you would
7 believe for a teenager. You know, I did a fair amount.

8 Q. What do you mean by a fair amount?

9 A. Well, I could drink a couple of cases of beer in a
10 day.

11 Q. Couple of cases of beer?

12 A. A couple of dozen.

13 Q. In a day?

14 A. Yeh.

15 Q. Would that be something that you'd do fairly regularly
16 or?

17 A. Well, just whenever I had the money, you know what I
18 mean, if I had enough I would drink a couple of cases
19 of beer.

20 Q. How much would a case of beer cost?

21 A. Well, a case of beer was about five dollars, at that time.
22 Five eighteen, five twenty, something like that.

23 Q. So you'd need about 10 bucks to get some?

24 A. You'd need about 10 bucks to get a couple cases of beer.

25 Q. And would you drink that all yourself or would you drink

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1 it with a bunch of buddies?

2 A. Well, sometimes I'd share and sometimes I'd drink most
3 of it myself and take a few home and put them away and
4 drink them later.

5 Q. Sorry, say that again, sir?

6 A. I would -- sometimes I would share my beer and take a
7 few home -- if there any I'd take it home and put it
8 away and drink it the next day or that night or the
9 next morning.

10 Q. And would you be doing that Monday, Tuesday, Wednesday or would
11 this just be something you'd be doing on the weekends?

12 A. Sometimes -- mostly weekends. Sometimes though the week
13 I would drink too.

14 Q. All right. Would there be any particular reason why
15 you'd drink on one day and not on another?

16 A. Well, I never had the money sometimes.

17 Q. If you had the money, would you --

18 A. I would have.

19 Q. You would have been drinking?

20 A. Yes, sir.

21 Q. Okay. And at that stage of the game, when you were 15 or
22 16 and doing that kind of drinking, were you hanging around on
23 the streets a fair amount?

24 A. Well, I'd be on the street, you know, walking, going to
25 dances and, you know, hanging around the street. Yes, sir.

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1 Q. Other than beer, did you drink --

2 A. Sometimes I had wine.

3 Q. Right. And --

4 A. And if I could afford a bottle of rum, I'd get a bottle
5 of rum.

6 Q. And if somebody gave you something else, would you
7 drink that too?

8 A. Well, depending on what it was.

9 Q. Well, I won't go through the whole list. The ones you
10 liked were rum and wine and beer.

11 A. I really like beer a lot.

12 Q. Like beer a lot. Okay. Do you want to make a pitch
13 for Olands or anything? At that time, John, when you
14 were 15 or 16, did you spend any time with any of the
15 Indian kids?

16 A. Yes, sir.

17 Q. And do you remember who?

18 A. Yes, sir.

19 Q. Can you tell us?

20 A. Donald Gordon.

21 Q. Donald Gordon.

22 A. Tom Christmas.

23 Q. Tom Christmas.

24 A. Junior Marshall, sometimes.

25 Q. Junior Marshall. Anybody else that you can remember?

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1 A. Lawrence Paul would be around every now and then.

2 Q. Right.

3 A. Artie Paul.

4 Q. Artie Paul? What kinds of things would you be doing
5 with them?

6 A. Well, just hanging around, you know, going to pubs, dance,
7 have a few drinks. That's about all.

8 Q. Right. And whereabouts would you be hanging around?

9 A. Well, we'd go down to the park, go around to St. Joseph's
10 Hall, things like that, eh.

11 Q. Right. And would that be during the day as well as
12 during the evening?

13 A. That would be mostly evenings.

14 Q. Mostly evenings?

15 A. Yeh, early in the evening, you know, and then we would
16 go the dance.

17 Q. What about girls? What girls were you hanging around with?

18 A. Well, I don't want to remember the girls.

19 Q. What?

20 A. Well, there was a few but I can't remember names. I -

21 Q. Can't remember the names.

22 A. No. No.

23 Q. Were you ever down in the park bumming money at all?

24 A. A few times.

25 Q. Yeh. And would you be by yourself or would you be with

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1 other kids?

2 A. Sometimes no, sometimes with friends.

3 Q. Yeh, and if you were with friends, who would you likely
4 be with when you were doing that sort of thing, bumming money?

5 A. Well, I can't recall names now, buddies and friends, eh.

6 Q. Okay. Can you describe to us what kind of thing you
7 understand by bumming money, what would you do?

8 A. Just ask if you -- somebody had a bit of change he
9 could spare.

10 Q. Right. And if they said no, what would you do?

11 A. That was fine.

12 Q. Just walk away from it?

13 A. That was fine. Yes, we haven't got any. That's fine.

14 Q. Were you ever down in the park with other people when they
15 were bumming money when they'd get pushy with people?

16 A. Not that I recall.

17 Q. Not that you recall. Prior to night of the Seale stabbing,
18 John, in May of 1971, before that, do you remember if you
19 were ever picked up by the police and sort of kept in the
20 drunk tank over night?

21 A. Yeh, for drinking I was feeling good and a couple of times
22 I was put in a cell if I'd been drinking. Yes, sir.

23 Q. Okay. So --

24 A. My mom requested that I be picked up. I used to get
25 a bit rowdy when I drank, eh. So my mom requested that

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1 I be put in a cell just so -- until I sobered up so they did,
2 eh.

3 Q. Okay. So -- and this sort of incident that you just
4 related to us is something that would have -- may have
5 happened to you prior to May of 1971 when this whole
6 Donald Marshall, Seale thing happened?

7 A. Yes, sir. Yes, sir. Yes, sir.

8 Q. Do you remember how it would happen? Would you just get
9 picked up on the street by the police?

10 A. Well, sometimes I be walking and I would be staggering
11 and they would arrest me -- not arrest -- just pick me
12 up, put me in a cell at least until I would sober up
13 and then they would let me go home.

14 Q. Do you remember any of the officers that picked you
15 up?

16 A. No, sir.

17 Q. You don't remember any names or?

18 A. No, sir.

19 Q. And how would it happen? You'd get picked up and put
20 in a police car and taken to the station?

21 A. In a police car.

22 Q. In a police car?

23 A. Yes, sir.

24 Q. Okay. And would the policemen call you by name?

25 A. Well, I would probably be too drunk to realize whether he

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1 called me by my name or not.

2 Q. What about the next morning though, would they call you
3 by name?

4 A. Yes, sir.

5 Q. Yeh. And do you remember on any of those occasions whether
6 there was anybody else in the cells with you?

7 A. Well, there might have been, but I'm not sure.

8 Q. And I believe you indicated, a couple of minutes ago,
9 that there would be occasions when your mom would call?

10 A. Well, she called once or twice just -- I used -- I'd get
11 a little tight, you know, and start hollering a bit, eh,
12 so mom, I said I just -- Her nerves are getting bad
13 because of all the hollering I was doing. I was drinking --
14 She was getting sick that I was drinking. So she had
15 me picked up one night and just locked up until I sobered
16 up.

17 Q. Okay. Let me just thrash that out for a minute. When
18 on that occasion, when that happened, when you mom called
19 to have you come -- to have you taken to the cells for
20 night?

21 A. Yes, sir.

22 Q. Were you at home when that happened?

23 A. No, I -- Well, -- See, one night I was out and someone went
24 to my moms and said Johnny's drunk up on Charlotte Street,
25 you know, and mom knew if I came home, I'd be a little bit

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1 rowdy, eh, so it was just -- either went down to the
2 police station or called the City Police and just
3 asked would they pick me up just until I sobered up
4 so they done it for her.

5 Q. And did the police actually pick you up that night?

6 A. Yes, sir.

7 Q. And do you remember now, John, whether or not that was
8 before the Seale incident or --

9 A. Before.

10 Q. That was before?

11 A. Yes, sir.

12 Q. And you say that when you were drinking, you used to
13 get a little rowdy?

14 A. Oh, I'd holler a bit, you know. I'd holler a bit.

15 Q. Yeh. And did you sometimes do that at home?

16 A. Yes, sir.

17 Q. And your mom got upset?

18 A. She'd get upset. See, mom was trying to raise up
19 my kid sister and she couldn't have that in the house, eh.

20 Q. Right. Can you give us any -- other than that one
21 incident when you mom called, can you give us any idea
22 of how many times you might have been picked up by the
23 police?

24 A. Very little.

25 Q. More than once?

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1 A. Two or three times. That's about all.

2 Q. Over what period of time, do you remember?

3 A. Oh, I couldn't say that.

4 Q. I take it from what you said a few minutes ago, that
5 you used to -- used to go to the dances?

6 A. Yes, sir.

7 Q. And did you go to them fairly frequently?

8 A. Usually every weekend I'd go a dance.

9 Q. Friday and Saturday or --

10 A. Well, sometimes both days. Sometimes just Friday or
11 sometimes just Saturday, you know, that was about all.

12 Q. Did you go by yourself most of the time?

13 A. Most of the time I'd meet people there.

14 Q. Meet people there?

15 A. I'd make -- you know.

16 Q. And most of the time when you went to these dances,
17 would you have been drinking before you went?

18 A. Yes, sir.

19 Q. Yeh. Would you be drunk when you got there, do you
20 think?

21 A. Sort of feeling good.

22 Q. Sort of feeling good. When you say, sort of feeling good, that's
23 I take it, less than being drunk?

24 A. Less than being drunk.

25 Q. But more than being sober?

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1 A. More than being sober.

2 Q. All right. I see. Did you ever get -- did you ever get
3 in fights at any of the dances?

4 A. I've been in a few fights, yes, sir.

5 Q. And did you ever -- On occasion, did you ever get spoken
6 to by the police at those dances?

7 A. Well, one they told me to leave and I left.

8 Q. And do you remember whether or not that was before the --

9 A. Before.

10 Q. Before the Seale incident?

11 A. Yes, sir.

12 Q. And do you remember why it was that you were asked to leave?

13 A. We just -- like, I was walking a lot, you know, and --

14 Q. Walking?

15 A. Around the dance hall and having too much to drink, I guess
16 he figured it would be better to be at home so I went home,
17 eh.

18 Q. Right. Do you remember who the police officer was?

19 A. No, sir.

20 Q. Do you remember whether or not he called you by name?

21 A. He could have.

22 Q. You don't remember?

23 A. No, sir.

24 Q. Okay. I think you told us that you knew Junior Marshall?

25 A. Yes, sir.

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- 1 Q. Did you know Sandy Seale?
- 2 A. Yes, sir.
- 3 Q. And how did you know him?
- 4 A. Well, I knew Sandy from the Pier.
- 5 Q. From the Pier?
- 6 A. Yes, sir.
- 7 Q. Did you hang around with him at all?
- 8 A. No, sir.
- 9 Q. No. Did you know him to talk to him?
- 10 A. Yes, sir.
- 11 Q. What about Junior? Had you hung around with him?
- 12 A. Sometimes.
- 13 Q. Sometimes?
- 14 A. Yes, sir.
- 15 Q. When you were hanging around with him, what sorts of things
- 16 would you have been doing?
- 17 A. Just hanging around the park, you know, having a few drinks,
- 18 that's about all.
- 19 Q. Before the -- Prior to the night of the Sandy Seale stabbing,
- 20 did you know Maynard Chant?
- 21 A. No, sir.
- 22 Q. No? Did you know the names of any of the -- This is, again,
- 23 before the Seale incident, did you know the names of any
- 24 of the police officers?
- 25 A. Some of them. Yes, sir.

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1 Q. Did you?

2 A. Yes, sir.

3 Q. And can you tell us what the names of the police officers
4 were that you knew?

5 A. I knew Howard Dean.

6 Q. You knew Howard Dean?

7 A. Yes, sir.

8 Q. And where did you know him from?

9 A. Just from around town.

10 Q. From the beat?

11 A. From the beat, yeh.

12 Q. From the beat? Anybody else?

13 A. Mr. Woodburn. I know Mr. Woodburn. He was used to live in
14 the Pier, eh.

15 Q. Mr. Woodburn was in the Pier?

16 A. He was from the Pier.

17 Q. From the Pier?

18 A. Yes, sir.

19 Q. All right. Did you know him as a police officer?

20 A. Yes, sir.

21 Q. Okay. So you've Howard Dean and Woodburn, anybody else?

22 A. I knew Mr. Butterworth.

23 Q. Butterworth?

24 A. Yes, sir.

25 Q. Okay. And again, where would you know Mr. Butterworth from?

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1 A. Just around the beat or around town. He was, you know,
2 he'd speak once in a while. Hi. He used to speak to
3 anybody, any young people, you know what I mean. And he
4 used to say to people -- he'd speak to young people.

5 Q. And would these police officers then talk to you when
6 they saw you on the street?

7 A. Just say hi, how are you, not to bad, you know, just
8 how are you keeping, you know.

9 Q. Do you know whether or not these particular officers,
10 Dean and -- well, I'm just going to take them-- or whether
11 Constable Dean knew you by name?

12 A. I would imagine. I'm really not sure but I would imagine.
13 He usually knew everybody in Sydney, eh.

14 Q. Yeh. Well, do you think that they -- do you think
15 he knew you?

16 A. Do I think he knew me?

17 Q. Yeh.

18 A. Yes, I would say that he would.

19 Q. Okay. What about Butterworth?

20 A. He would know me.

21 Q. And Woodburn?

22 A. He really knew me because he knew me when I was in the
23 Pier, eh. He knew my family.

24 Q. Right. And would you see them, like, from time to time
25 on the beat and on the street --

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1 A. Just passing by, I would see them. Yes, sir.

2 Q. Then would you normally say hi to them or?

3 A. Sometimes.

4 Q. I see. Do you have any recollection of whether any of those
5 three -- that's Woodburn, Dean and Butterworth, ever saw
6 you before the Seale incident when you were -- if you
7 were drunk on the street, at all?

8 A. They could have.

9 Q. You don't remember.

10 A. No, sir.

11 Q. And do I take it that on the -- the incidents when you
12 were taken down to the police station and kept over there
13 over night, that you were never charged?

14 A. No, sir.

15 Q. Did anybody ever talk to you the next morning about you
16 better not do this again or you're going to get charged?

17 A. They never threatened to charge me.

18 Q. No. Just took you up -- Did -- Would they take you home?

19 A. No, I'd go home on my own.

20 Q. Go home on your own?

21 A. It was seven or eight o'clock in the morning. I'd go home
22 on my own.

23 Q. Now, in 1971, -- that's -- at that point you were out
24 of school, are you or are you in school?

25 A. Yes, sir. Out of school.

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1 Q. Out of school? What sort of shape were your nerves in
2 in 1971?

3 A. Well, they were a little bad but they weren't really all
4 that bad. I -- you know, some small sedation. Medication
5 took care of it. I take some Valium. Doctor A. B. gave
6 me a few Valium, as he called them.

7 Q. Doctor meaning Doctor?

8 A. Doctor A. B. Gaum.

9 Q. Oh, Doctor A. B. Gaum.

10 A. He used to give me a few Valium.

11 Q. Okay. What -- Did -- Can you tell us when you started
12 taking that medication?

13 A. The Valium?

14 Q. Yeh. Was it after you stopped going to school?

15 A. After I stopped going to school.

16 Q. After you stopped going to school, okay. And were you
17 taking the Valium, then, in 1971?

18 A. I would say so, yes.

19 Q. Okay. Do you remember?

20 A. Yes, sir. I was taking Valium.

21 Q. Okay. Do you remember whether or not you were taking
22 anything else?

23 A. No, that was about it.

24 Q. And this now in -- This would be -- Let's restrict ourselves,
25 for the moment, to the early part of 1971 before this Seale --

JOHN L. PRATICO, by Mr. Spicer

- 1 A. Yes, the early -- this is the early part.
- 2 Q. Okay. Before this whole Seale --
- 3 A. Before the whole thing.
- 4 Q. Okay. On the -- Do you remember the day of the Seale
- 5 stabbing, May 28th?
- 6 A. Well, sir, I went to a dance that night --
- 7 Q. Right. Before we get to the dance, John, do you remember
- 8 what you were doing anytime --
- 9 A. Just hanging around home waiting for the dance to start.
- 10 Q. Hanging -- waiting for the dance to start?
- 11 A. Yeh.
- 12 Q. Had you been doing any drinking that day?
- 13 A. A little bit. I hardly had any amount. Six o'clock in
- 14 the evening, maybe seven, eight o'clock, a little bit.
- 15 Not all that much. But later on I got some beer and that,
- 16 eh.
- 17 Q. All right. Well, let's not get ahead of ourselves --
- 18 A. Okay.
- 19 Q. -- we'll get there in a couple -- Earlier in the day,
- 20 in the morning, in the the afternoon --
- 21 A. No, I wouldn't be drinking in the morning. The morning is
- 22 too early to drink. It's too early.
- 23 Q. What about the afternoon?
- 24 A. Maybe a couple of bottles of beer around three o'clock.
- 25 Q. Around three o'clock in the afternoon?

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- 1 A. Yeh.
- 2 Q. Why would you recollect that you might have had a couple
3 of bottles of beer around three o'clock in the afternoon?
- 4 A. I usually did.
- 5 Q. Used to --
- 6 A. Whenever I had beer, I'd get it around three or so.
- 7 Q. That would be your habit?
- 8 A. That would be my habit.
- 9 Q. Okay. And you said a couple of minutes ago, before I
10 interrupted you, at around six or seven o'clock --
- 11 A. I might have got a couple dozen beer.
- 12 Q. You might have got a couple of dozen of beer?
- 13 A. I usually get a couple dozen of beer if I go to a dance, eh.
- 14 Q. Okay. Now, you're saying I might, and usually and --
- 15 A. Well, I did then -- I did have beer.
- 16 Q. Yeh. Just do your best to tell us what you actually now
17 remember.
- 18 A. Well, I had a dozen beer around six o'clock.
- 19 Q. You -- you bought a dozen?
- 20 A. I bought a dozen of Schooner.
- 21 Q. Schooner?
- 22 A. That was the regular -- that was my beer. That was the beer I drank.
- 23 Q. Around six o'clock?
- 24 A. Yeh.
- 25 Q. And do you remember what you did with them?

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1 A. Well, I drank them at home. I drank some home and I
2 took -- you know, and I gave a few away.

3 Q. Right. Do you remember who you gave any away?

4 A. No, sir.

5 Q. No? Okay. What did you do then?

6 A. I just hung around home and then I got dressed for the
7 dance and went to the dance.

8 Q. Do you remember, now, what time you might have got to
9 the dance?

10 A. About eight -- eight o'clock.

11 Q. And what sort of shape were you in when you got there?

12 A. Feeling good.

13 Q. Feeling good?

14 A. Yes, sir.

15 Q. Why do you figure you were drunk by the time you got there?

16 A. Well, I might have drank a quart of wine, maybe a half --
17 a quart and a half of wine before I got to the dance.

18 Q. Sorry. You might have drunk?

19 A. A quart and a half of wine.

20 Q. Before you got to the dance?

21 A. Yeh.

22 Q. Before you got to the dance?

23 A. Yeh.

24 Q. So you got a quart and a half of wine and some beer?

25 A. Yeh.

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1 Q. Okay. And you would have consumed that before
2 you got to the dance?

3 A. Yes, sir.

4 Q. Okay. You get to the dance; have you got enough money
5 to get in?

6 A. Some money was given to me to go to the dance.

7 Q. Did your mom give you the money?

8 A. No, some friends of mine gave me the money.

9 Q. Oh, do you remember who?

10 A. I'm not sure who it was. You know --

11 Q. Okay. But in any event, you're given -- you're given some
12 money to get in to the dance?

13 A. Yes, sir.

14 Q. You get there, I think you said, around eight-thirty?

15 A. Yes, sir.

16 Q. Okay, then how long did you stay at the dance?

17 A. Couple of hours.

18 Q. Do you remember anything that happened at the dance?

19 A. Not particularly.

20 Q. Do you remember whether you danced?

21 A. I danced a little bit.

22 Q. Do you remember leaving?

23 A. Yes, sir.

24 Q. How were you feeling by the time you left the dance?

25 A. Feeling good.

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1 Q. During the course of the evening, did you have anything
2 more to drink?

3 A. I -- I had a couple of bottles of beer.

4 Q. That you drank, where? At the dance?

5 A. At the dance, outside.

6 Q. So, what would you do? Would you go out and drink them and
7 then go back in?

8 A. Just go out and have a couple of bottle of beer and we
9 would go back in.

10 Q. I see. And did -- Do you remember doing that, that night?

11 A. Yes, sir.

12 Q. Do you remember whether or not you were -- you might have
13 gotten ill at the dance because you've been drinking?

14 A. I could have got sick.

15 Q. But do you know? Do you remember or not?

16 A. No, sir.

17 Q. Don't remember, okay. If you don't remember just tell
18 me you don't remember.

19 A. No.

20 Q. Okay. So you left the dance, do you remember -- just
21 as you were leaving the dance, do you remember seeing anybody
22 at all?

23 A. I can't remember.

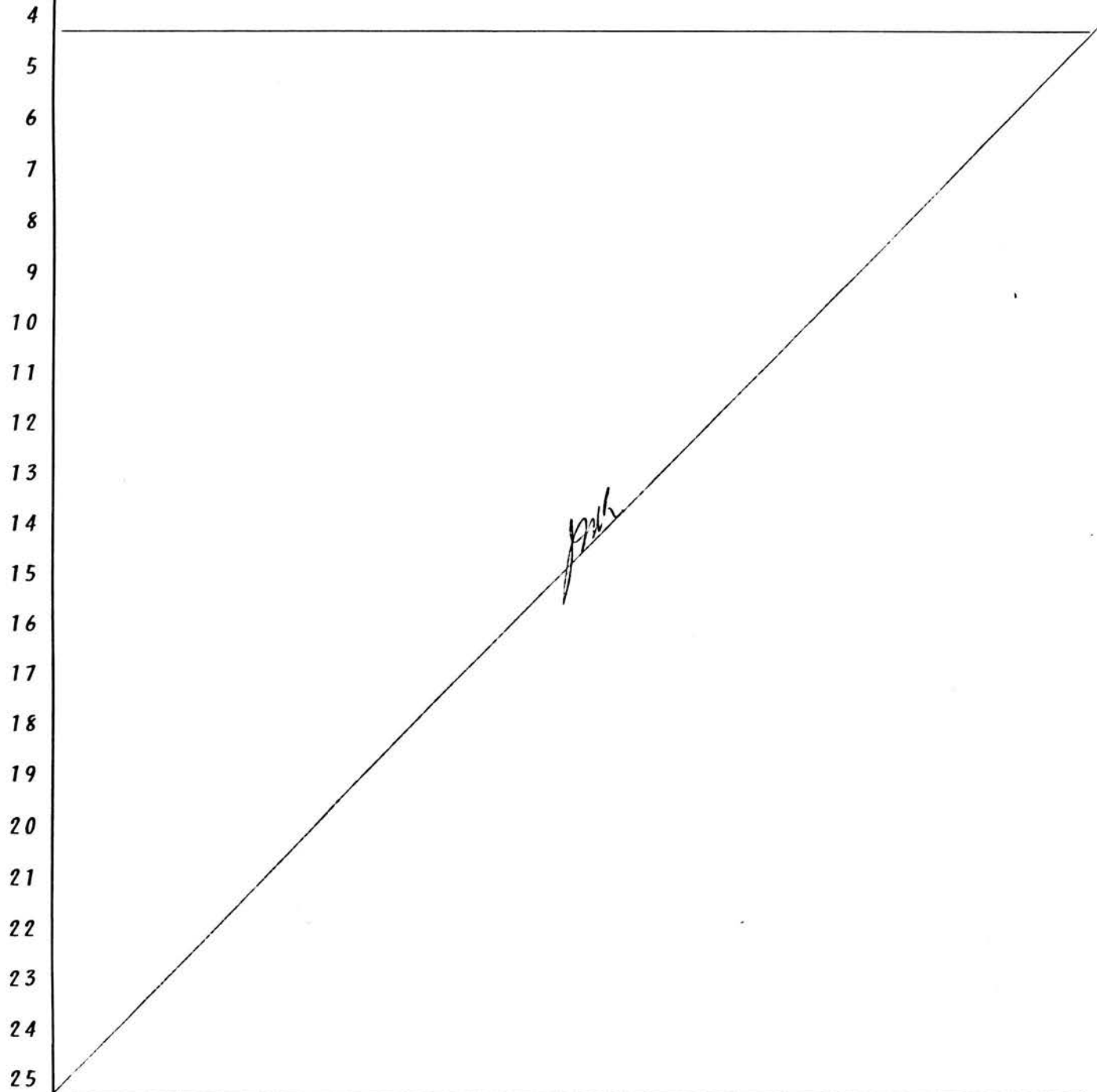
24 Q. When you left. Did you know Barbara Floyd in 1971?

25 A. I'm not sure. I could have known her. Today, her name is not

- 1 clear but I could have.
- 2 Q. You don't remember?
- 3 A. No, sir.
- 4 Q. What about Ricky Risk?
- 5 A. That's a name I can't get in my head. I can't remember that
- 6 name.
- 7 Q. No recollection at all?
- 8 A. No, sir.
- 9 Q. Now when you left the dance, can you tell us whether or not
- 10 you had any -- anything --
- 11 A. I had two or three bottles of beer.
- 12 Q. You had two or three bottles. Where did you keep all of
- 13 these bottles of beer?
- 14 A. Well, somebody gave me a couple of bottles but I can't
- 15 remember who.
- 16 Q. Right. But did you have them in your pocket or something?
- 17 A. No, I had them in my pocket when they give them to me, put
- 18 them in my pocket, eh.
- 19 Q. Right. And they were still in your pocket when you left the
- 20 dance?
- 21 A. Yes, sir. Well, I had left the dance and they was in my
- 22 pocket, eh.
- 23 Q. Okay. And that's the last time you left the dance, not going
- 24 out and coming back?
- 25 A. Yes, sir. The last time. I didn't come back.

JOHN L. PRATICO, by Mr. Spicer

1 Q. Okay, now I want you just to tell us to the best of your
2 recollection, when you left that dance on that evening,
3 where did you go?
4



JOHN L. PRATICO, by Mr. Spicer

1 A. I went into the park.

2 Q. Okay, now are you able --

3 A. I came -- I came down George Street, into the park. I went
4 up to the foot bridge.

5 Q. Okay. Are you able to show the Commissioners on that map where
6 you would have gone?

7 A. Yes, sir. I came down George, eh.

8 Q. You would have gone down?

9 A. Down from St. Joseph's Hall, down George Street and through
10 the foot bridge.

11 Q. How would you have gotten to the foot bridge now?

12 A. Right -- you know where the drug store is at at the corner of --

13 Q. You show us where the drug store is.

14 A. -- Argyle.

15 Q. Argyle and George.

16 A. This would be -- I'd say this would be the drug store.

17 Q. Okay.

18 A. So I came down through the little concrete walk there and
19 through the park and over the foot bridge, right down, you
20 know, right past the pond there.

21 Q. Okay, let's just take it a little bit slower now. Where were
22 you going.

23 A. Past the drug store.

24 Q. You can stand up and just point if you want.

25 A. Okay. I came this way and I came past the drug -- into that

JOHN L. PRATICO, by Mr. Spicer

1 little concrete walk till I got in the park and I guess this
2 here would be it.

3 Q. I think the Commissioners are having a little trouble seeing
4 you. If you could just sort of stand back a little bit.

5 A. I came up George Street and I came as far as the drug store
6 and I walked down that little concrete walk to where they sell
7 the ice cream.

8 Q. Where is that, John, more or less?

9 A. Well, like, the drug store is here, eh. So I guess it would
10 be about here I would imagine. I'm not sure.

11 Q. All right, it would be the next little block is --

12 A. I'm not sure of these plans. Well, this would be the cul-de-
13 walk here, eh.

14 Q. Okay, so you're walking down toward the band shell, are you?

15 A. Yeh, I passed the band shell. The little -- the pond there
16 coming to the band shell. I came in that way and I went across
17 and up the foot bridge onto Crescent Street. I'm going this
18 way, then, okay?

19 Q. No, I'm not quite sure yet how you -- You go out --

20 A. Okay, I came down George Street and through that little
21 concrete walk there, out to the foot bridge.

22 Q. Okay, and is that along this walk here?

23 A. This would be along -- this is the street here and the band shell,
24 right.

25 Q. To the right of Wentworth Creek on the water side.

JOHN L. PRATICO, by Mr. Spicer

- 1 A. So I would come this way and I would go this way.
- 2 Q. You're going over the bridge.
- 3 A. Over the bridge, and then I would go this way.
- 4 Q. On Crescent Street?
- 5 A. On Crescent Street.
- 6 Q. Okay. Now when you get onto Crescent Street, where do you
7 go?
- 8 A. I go toward the bushes.
- 9 Q. Towards the bushes.
- 10 A. Yes, sir.
- 11 Q. And why are you going towards the bushes?
- 12 A. I wanted to drink a couple of bottles of beer.
- 13 Q. Okay. All right. Are you able to tell us today, John, with
14 any certainty at all whereabouts on Crescent Street these
15 bushes would have been you went --
- 16 A. Well, I'm not going to be too accurate on that, eh, okay.
- 17 Q. Oh, sure, just --
- 18 A. But I would -- I would imagine it would be this way somewheres.
- 19 Q. Up around here somewhere?
- 20 A. Up around here somewhere in these bushes.
- 21 Q. All right, then you're --
- 22 A. There was a -- you know where that little trestle is in back
23 of the bushes along the C.N.R. tracks?
- 24 Q. Okay.
- 25 A. So it would be up around this area somewheres.

JOHN L. PRATICO, by Mr. Spicer

1 Q. You think it's fairly handy to Bentinck Street, is that --

2 A. Fairly handy to South Bentinck there, handy where I live now.

3 That would be them part of the bushes, like, but on this side,
4 like. The trestle, see this would be the trestle, eh.

5 Q. Yes.

6 A. All right, it would be on the same end as the trestle.

7 MR. PUGSLEY:

8 Maybe Counsel could indicate --

9 MR. SPICER:

10 Yeh, it's 106, 108 is where he's indicating.

11 MR. PUGSLEY:

12 Thank you.

13 BY MR. SPICER:

14 Q. Now, John, you can see these little green things all along
15 here on the plan --

16 A. These are the bushes.

17 Q. Those are bushes. Are you able to say with any degree of
18 certainty whereabouts you were?

19 A. Anywheres around here.

20 Q. All right, now when you say "anywheres along here", what you're
21 indicating to us is somewhere opposite the houses that are
22 marked 106 and 108.

23 A. Well, I wouldn't know the addresses.

24 Q. No, I understand that. I'm just doing that so that the record
25 can tell us where you were.

JOHN L. PRATICO, by Mr. Spicer

1 A. Which would be the area.

2 Q. Okay, 106, 108. Down in there, okay.

3 A. Okay.

4 Q. What did you do, John, when you got there?

5 A. Well, I drank my couple of bottles and then I left the park.

6 I went home. I went over Bentinck -- South Bentinck, onto
7 Byng Avenue, right up Bentinck, past Parkdale House. That's
8 on the corner of Byng Avenue and Bentinck.

9 Q. Okay, let's just go back to the bushes for a sec. What do
10 you do? Do you sit down behind a bush or something?

11 A. I only sit there.

12 Q. Why do you do that?

13 A. I just sat there that night and I drank my couple of bottles
14 of beer and then I went -- I threw my bottles away and I went.

15 Q. Okay, why do you -- Why do you sit down behind the bushes to
16 drink your beer?

17 A. Well, it's more comfortable than standing up.

18 Q. Yeh. I'll try not to ask you any more questions like that.

19 Is there any particular reasons you go to the bushes at all?

20 A. No, sir.

21 Q. No. Okay. So you sit down.

22 A. I drank my two or three bottles of beer and then I left.

23 Q. Okay and those are the beers that you had in your pocket that
24 you brought --

25 A. Yes, sir.

JOHN L. PRATICO, by Mr. Spicer

1 Q. Okay, and then you left.

2 A. And then I left. And then I went over to South Bentinck, up
3 South Bentinck, past Byng Avenue to Bentinck and right into
4 my home at 201 Bentinck.

5 Q. Did you see Sandy Seale or Junior Marshall at all in the park?

6 A. I'm really not sure.

7 Q. Not sure?

8 A. No, sir.

9 Q. Did you see any stabbing incident in the park that night?

10 A. No, sir.

11 Q. Now are you today quite sure that you didn't see any stabbing?

12 A. Yes, sir.

13 Q. But it's possible that you may have seen Sandy Seale or Junior --

14 A. It's possible but I'm not really sure.

15 Q. You're not sure about that.

16 A. It's possible but I'm not sure.

17 Q. Okay. Do you recollect whether or not you saw anybody else
18 in the park?

19 A. I can't remember back.

20 Q. Okay.

21 A. I can't remember back if I did or not.

22 Q. Okay. Did you know that night at any time, perhaps after you
23 got home, that there'd been a stabbing in the --

24 A. No, sir.

25 Q. So when you got home, you had no idea?

JOHN L. PRATICO, by Mr. Spicer

- 1 | A. No, sir.
- 2 | Q. Okay. Was your mom up when you got home?
- 3 | A. Yes, sir.
- 4 | Q. Did you talk to her when you got home?
- 5 | A. I just said, "good night, mom" and went to bed.
- 6 | Q. Do you have any idea what time it was when you got home?
- 7 | A. No, sir. I didn't own a watch. I never -- I just went right
- 8 | to bed.
- 9 | Q. You don't -- you dind't wear --
- 10 | A. I didn't own a watch, eh. I just went right to bed.
- 11 | Q. Okay. And how would you -- how would you describe your
- 12 | condition by the time you got home?
- 13 | A. Pretty well under the weather.
- 14 | Q. Pretty well under the weather. That's more than feeling good.
- 15 | A. Yes, sir.
- 16 | Q. Okay. Is that drunk at that stage of the game? Is that how
- 17 | you would characterize it?
- 18 | A. I would say I was drunk.
- 19 | Q. You were drunk by that stage.
- 20 | A. Yes, sir.
- 21 | Q. Okay. Do you figure you were drunk when you got to these bushes?
- 22 | A. Just about. Yes, I'd say so.
- 23 | Q. Just about.
- 24 | A. I'd say so.
- 25 | Q. Okay, so you get home, say good night to your mom and go to bed.

JOHN L. PRATICO, by Mr. Spicer

- 1 A. Right.
- 2 Q. Okay, when's the first time that you know that there'd been a
3 stabbing?
- 4 A. On the radio the next morning but there was no names mentioned.
- 5 Q. All right. Do you recollect what time you woke up and when --
- 6 A. No, sir.
- 7 Q. -- when you would have heard that?
- 8 A. No, sir.
- 9 Q. But anyway you hear it on the radio?
- 10 A. Yes, sir.
- 11 Q. Okay. Did you ask anybody about it?
- 12 A. I asked my mom if she knew what happened and she didn't know.
- 13 Q. And did you at that stage recollect anything from the night --
- 14 A. No, sir.
- 15 Q. No. Did you tell your mom you'd been in the park the night
16 before?
- 17 A. No, sir.
- 18 Q. No. Did you tell your mom anything about what you'd been up
19 to the night before?
- 20 A. No, sir.
- 21 Q. No. Do you remember whether or not you saw Junior Marshall on
22 the Saturday?
- 23 A. I'm not sure if it was Saturday when Junior Marshall come up
24 and was passing by my house. I believe it was Saturday.
- 25 Q. Saturday.

JOHN L. PRATICO, by Mr. Spicer

- 1 A. Saturday afternoon, around dinner hour possibly.
- 2 Q. Where were you?
- 3 A. On my mother's doorstep at 201 Bentinck.
- 4 Q. Was anybody else around?
- 5 A. Rudy Poirier and Glen Lamson.
- 6 Q. I'm sorry, Rudy Poirier.
- 7 A. And Glen Lamson.
- 8 Q. And Glen Lamson. Okay, and this is when you see Junior Marshall?
- 9 A. Yes, sir.
- 10 Q. Okay. Do you have any recollection today of whether or not he
- 11 said anything to you?
- 12 A. Well, I asked him -- He had a mark -- a bandage on his arm.
- 13 Q. Do you remember which arm it was?
- 14 A. No, sir.
- 15 Q. Okay, he had a bandage on his arm.
- 16 A. We asked him what happened and he said, "Something terrible
- 17 happened last night." That's all he said.
- 18 Q. Okay. Did he give you any description?
- 19 A. No, sir.
- 20 Q. No?
- 21 A. Not that I can recall.
- 22 Q. Did anybody ask him, "Well, what was it that happened?"?
- 23 A. No, sir.
- 24 Q. He just came by and said --
- 25 A. Not that I can recall anybody asking him what happened anyway.

JOHN L. PRATICO, by Mr. Spicer

1 Q. How long did this discussion --

2 A. Oh, it wasn't very long. He was -- He was shook up, you know,
3 and he was on the way up the road. God knows where he was
4 going but he was on the way up the road anyway.

5 Q. All right, when you say "he was shook up", how would you know
6 that he was shook up?

7 A. Well he was just a little excited, you know what I mean?
8 Hyper like.

9 Q. Okay, and other than -- Other than saying what, "something
10 terrible happened.", is that what you said?

11 A. That's all he said. Like he didn't even say where he was going
12 when he left the house -- the doorstep.

13 Q. And you guys were just sitting on the doorstep.

14 A. We were sitting there, yes, sir. It was a warm day.

15 Q. Yeh. Anything else happen on that day, John, in connection
16 with this?

17 A. No, sir.

18 MR. SPICER:

19 I think perhaps, My Lord, it might be an opportune moment to take
20 a ten or fifteen minute break.

21 INQUIRY ADJOURNED: 3:50 p.m.

22 INQUIRY RECONVENED: 4:03 p.m.

23 BY MR. SPICER:

24 Q. John, just before we broke, we were talking about seeing Junior
25 on the -- I think you said on the Saturday.

JOHN L. PRATICO, by Mr. Spicer

1 | A. Yes, sir.

2 | Q. Do you have any idea of where he was going?

3 | A. No, sir.

4 | Q. Okay. On May 30th, John, you gave a statement to the police.

5 | A. Yes, sir.

6 | Q. In fact, we all know this: you ended up giving a couple of
7 | statements to the police.

8 | A. Yes, sir.

9 | Q. Before we get to those statements themselves, on the May 30th,
10 | the first statement you gave, do you recollect how you came to
11 | give that statement? Did the police call you or what happened?

12 | A. They came to my home.

13 | Q. They came to your home.

14 | A. Yes, sir.

15 | Q. And do you remember now who the police officers were that came
16 | to your home?

17 | A. No, sir.

18 | Q. Do you remember whether there was one or two of them?

19 | A. I'm not too sure. I believe there was two. I'm not really
20 | sure.

21 | Q. Okay and where were you when they arrived?

22 | A. In bed.

23 | Q. In bed.

24 | A. Yes, sir.

25 | Q. Do you remember what time of the day it was?

JOHN L. PRATICO, by Mr. Spicer

1 A. No, sir.

2 Q. When was the first that you knew that the police officers had
3 arrived at your place?

4 A. My mother told me.

5 Q. Your mom came and what, got you up?

6 A. Yes, sir.

7 Q. Okay. And what did she say to you?

8 A. She said the police want you. I said, "What do they want?".
9 She said, "I don't know."

10 Q. I'm sorry, John, you're going to have to --

11 A. She said, "The police want you." I said, "What do they --
12 She said, "You're wanted at the door." I said, "Who wants me?"
13 She said, "Just get up.", so I got up and they were there --

14 Q. Why don't we do this, John -- Can we move that mike up a
15 little bit so he doesn't have to look down at it?

16 A. My mother came in and woke me up, said, "You're wanted at the
17 door." So I said, "Who is it?", she said, "Get up now." So
18 I got up and got dressed. It was the City Police.

19 Q. Did you know when you were in the process of getting up that
20 it was the police that were there?

21 A. No, sir.

22 Q. Your mom didn't say that to you?

23 A. As soon as I was -- after I got dressed, she told me.

24 Q. Okay.

25 A. She just hollared in, eh. And I got dressed and when I was

JOHN L. PRATICO, by Mr. Spicer

1 coming out, she told me.

2 Q. Were you surprised?

3 A. Yes, sir.

4 Q. And did you then leave with the police to go to the station?

5 A. If I can remember correctly, I did.

6 Q. You're not sure. Is that what you're saying?

7 A. No, sir.

8 Q. Okay. Do you remember what time of the day it was that you
9 went to the station?

10 A. No, sir.

11 Q. Do you remember whether or not it was after lunch or before
12 lunch?

13 A. I'm not too exact what it was. I'm not really sure.

14 Q. Okay. Would you normally get up before noon or after --

15 A. Yes, sir.

16 Q. Before noon.

17 A. Around eleven o'clock.

18 Q. Around eleven o'clock?

19 A. Yes, sir.

20 Q. Did you have anything to eat before you went to the station?

21 A. No, sir.

22 Q. Did you go in the police car?

23 A. Yes, sir.

24 Q. Did your mother go with you?

25 A. No, sir.

JOHN L. PRATICO, by Mr. Spicer

1 Q. Do you know whether or not your mother --

2 A. He told my mom after she was ready to come up to the police
3 station.

4 Q. I'm sorry, you're going to have to just slow down.

5 A. They told my mother after she got her housework done to come
6 up to the police station.

7 Q. It's not the volume that's the problem, John. You're going
8 -- you're talking too fast for me to understand you.

9 A. They told my mom after she got her housework done to come
10 up to the police station.

11 Q. Okay, they told your mom after she got her housework done to
12 come up to the police station.

13 A. Yes, sir.

14 Q. Thank you. And did you hear them telling your mom that?

15 A. No, sir. My mom told me.

16 Q. Your mom told you that later?

17 A. Yeh.

18 Q. Okay. Did you ask whether or not your mom could go with you?

19 A. No, sir.

20 Q. Did you know when you left the house why you were going to
21 the police station?

22 A. No, sir.

23 Q. Did you have any idea at all?

24 A. No, sir.

25 Q. What did the police officer say to you about why you were going

JOHN L. PRATICO, by Mr. Spicer

1 to the police station?

2 A. They didn't say why.

3 Q. Well, what did they say?

4 A. They said, "We want to see you at the police station."

5 Q. Did you ask why?

6 A. No, sir. I didn't know what to say.

7 Q. Okay. So you get in the police car and you go to the station.

8 A. Yes, sir.

9 Q. How far a ride -- how far is it from where you were living to
10 the police station?

11 A. Well, the police were right across the street here from this
12 hall.

13 Q. I know but at the time, John, in 1971, how far away from the
14 police station did you live?

15 A. Well, I lived right down by the Library.

16 Q. And where is that?

17 A. On Bentinck Street.

18 Q. Okay, and where was the police station at the time?

19 A. On Bentinck Street.

20 Q. On Bentinck Street, so how long would it take you to get from
21 your place to the police station?

22 A. By car, about two minutes.

23 Q. About two minutes.

24 A. Yeh.

25 Q. Okay. When you were in the police car going to the station,

JOHN L. PRATICO, by Mr. Spicer

1 do you remember whether or not you had any dicussion with the
2 police officers?

3 A. I can't remember, sir.

4 Q. You can't remember. Okay. Do you remember whether or not
5 anything at all was said?

6 A. No, sir.

7 Q. You don't have any memory at all really of that part of it.

8 A. No, sir.

9 Q. Okay, you get to the police station. What happens when you
10 get to the police station?

11 A. I sit on a bench by the desk.

12 Q. You sit on a bench by the desk?

13 A. Yes, sir.

14 Q. Were you asked to sit on the banch by the desk?

15 A. Yes, sir.

16 Q. By whom?

17 A. Just by one of the officers who picked me up.

18 Q. Do you remember who those officers were?

19 A. No, sir.

20 Q. Okay. Was there anybody else on the bench?

21 A. There was a another gentleman, a young teenager but I didn't
22 know who he was, sir.

23 Q. I'm sorry, there was a young?

24 A. There was a young man there and I didn't know who he was.

25 Q. Okay, do you know now who he was?

JOHN L. PRATICO, by Mr. Spicer

1 | A. Yes, sir.

2 | Q. Who was he?

3 | A. Maynard Chant.

4 | Q. Okay, but you didn't know that at the time?

5 | A. No, sir.

6 | Q. Did you have any discussion at that time, John, with the other
7 | guy on the bench?

8 | A. No, sir. We just sat there. I didn't know the man so I didn't
9 | talk to him.

10 | Q. Didn't talk to him. Did you see Junior Marshall at the police
11 | station that day?

12 | A. No, I -- I believe I saw him coming out. I'm not sure.

13 | Q. Okay, do you remember --

14 | A. And I believe he was with Roy Gould.

15 | MS. EDWARDH:

16 | Who did he say?

17 | MR. SPICER:

18 | He says he believes it was -- He saw Junior coming out and he believes
19 | he was with Roy Gould.

20 | BY MR. SPICER:

21 | Q. Do you remember when that was, John? Was that at the beginning
22 | or at the -- when your first --

23 | A. It was after when I was going in, sir.

24 | Q. I see. Before you got to the bench?

25 | A. Yes, sir.

JOHN L. PRATICO, by Mr. Spicer

1 Q. Just as you were walking in?

2 A. Yes, sir.

3 Q. Okay. Now at this stage of the game, do you have any idea at
4 this point what time it is when you get to the police station?

5 A. No, sir.

6 Q. Okay, you're sitting there on the bench beside Maynard Chant.
7 What happens then, John?

8 A. I'm called into a room.

9 Q. Okay, who calls you into the room?

10 A. One of the police officers.

11 Q. Do you know who the police officers are?

12 A. No, sir.

13 Q. Do you know now who the police officers were?

14 A. No, sir.

15 Q. Okay. You were called into the room -- into a room.

16 A. A room.

17 Q. And did you go into the room?

18 A. Yes, sir.

19 Q. Okay. By this point in time, do you have any idea why you're
20 being called into this room?

21 A. No, sir.

22 Q. None at all?

23 A. No, sir.

24 Q. Okay. You were called into the room by the police officer.
25 What do you do? You go into the room.

JOHN L. PRATICO, by Mr. Spicer

1 | A. I just sit down.

2 | Q. In the room.

3 | A. In the room.

4 | Q. Okay. Who is in the room?

5 | A. Sergeant MacIntyre.

6 | Q. And it was somebody --

7 | A. And Sergeant MacDonald.

8 | Q. Okay, just a sec. It was somebody other than Sergeant MacIntyre
9 | and Sergeant MacDonald, then, that called you into the room.

10 | Is that right?

11 | A. Yes, sir.

12 | Q. Okay. Did you -- when you got into the room and you say to
13 | me now it was Sergeant MacIntyre and Sergeant MacDonald.

14 | Did you know in 1971 it was Sergeant MacIntyre --

15 | A. Well, he introduced himself, he.

16 | Q. He introduced himself. Did you know him -- did you know him
17 | prior to that?

18 | A. No, sir.

19 | Q. Okay, so how did he introduce himself to you?

20 | A. He said, "I'm Sergeant MacIntyre and this is Sergeant MacDonald."

21 | Q. Okay, do you know what does Sergeant MacDonald look like?

22 | A. A short man, kind of hefty, grayish black hair, I'd say. I'm
23 | not really sure about the hair but that would be it.

24 | Q. Can you describe the room to us?

25 | A. It's like that room over there. I suppose like that room over

JOHN L. PRATICO, by Mr. Spicer

1 | there.

2 | Q. Can you give us any idea how big it was, John?

3 | A. Well, I wouldn't know measurements, you know.

4 | Q. Was there a table in it?

5 | A. Yes, sir. There was a desk.

6 | Q. A desk?

7 | A. A desk.

8 | Q. Anything else?

9 | A. Not that I can recall. I didn't look around too much.

10 | Q. You sat on a chair or a bench?

11 | A. A chair.

12 | Q. A chair. And what about Sergeant MacIntyre?

13 | A. He was sitting at the desk.

14 | Q. Were you sitting on the other side of the desk from him?

15 | A. On the other side of the desk. He was sitting there and I
16 | was sitting like where you and I are facing now.

17 | Q. Okay. So if there were the desk --

18 | A. You would be there and I would be here.

19 | Q. On opposite sides of the desk?

20 | A. Yes, sir.

21 | Q. And where's MacDonald?

22 | A. Behind me.

23 | Q. Behind you.

24 | A. Yes, sir.

25 | Q. I see.

JOHN L. PRATICO, by Mr. Spicer

- 1 A. I got to about -- to about on this side, eh.
- 2 Q. On your side about an arm's length.
- 3 A. About an arm's length of me sitting in a chair.
- 4 Q. On the right-hand side.
- 5 A. I would say it would be on the right-hand side.
- 6 Q. Okay. Do you remember -- was there anybody else in the room?
- 7 A. Not that I can recall. I'm not really sure.
- 8 Q. Okay. At this point in time, do you have any idea why you're
- 9 in this room?
- 10 A. No, sir.
- 11 Q. Okay. So what happens then? Sergeant MacIntyre introduces
- 12 himself and --
- 13 A. Sergeant MacDonald.
- 14 Q. And Sergeant MacDonald introduces himself. What happens then.
- 15 A. We're talking a little bit. "Were you at the dance Saturday
- 16 night?" "Yes, sir."
- 17 Q. I'm sorry. Just slow down --
- 18 A. "Were you at a dance Saturday night."
- 19 Q. No, it's not the volume.
- 20 A. He said, "Were you at a dance?" I said, "Yes, sir."
- 21 Q. Okay, and you're responding to who, Sergeant MacIntyre?
- 22 A. Sergeant MacIntyre, sir.
- 23 Q. Okay. And you say, "Yes, I was at the dance."?
- 24 A. Yes, sir.
- 25 Q. Okay. Now I want you to be sure when you're telling me this

JOHN L. PRATICO, by Mr. Spicer

1 | that it's what you today remember of what happened.

2 | A. It's what I remember today.

3 | Q. Okay. So what happened next?

4 | A. So I was sitting there and I was talking. Just sitting there
5 | and he said, "Where were you last night?" So I said, "Well, I
6 | was at St. Joseph's dance.", and I told him what I did after
7 | that.

8 | Q. All right, just let me stop you there. Do you remember telling
9 | him what you did after that?

10 | A. I remember telling him I went to the park and then I went home.

11 | Q. Right. Do you remember whether you told him anything as
12 | detailed as you told us a few minutes ago about where you went
13 | and where you sat?

14 | A. Yes, sir.

15 | Q. Do you remember -- I'm not sure what that answer means. Do
16 | you remember whether you did tell him that or --

17 | A. I told him I went through the park and went up to the bushes
18 | and I went home.

19 | Q. Okay.

20 | A. Up to South Bentinck, onto Byng Avenue and over Bentinck and
21 | I'm home.

22 | Q. Do you remember whether or not you told him you -- who you'd
23 | seen at the dance?

24 | A. I can't remember that, sir. I don't believe that question was
25 | asked of me.

JOHN L. PRATICO, by Mr. Spicer

1 Q. Okay, after you described where you went to get home, what
2 happened next?

3 A. We started talking and he said, "You..." Wait now.

4 Q. Just take your time.

5 A. We were talking and he said -- We started talking and he
6 said, "You don't know a thing." I said, "No." He said --

7 Q. Just -- sorry, go on.

8 A. He said, "You were in the park.", I said, "Yes, sir." and then
9 "Do you know anything?". I said, "No, sir."

10 Q. Just a sec, John. Do you know anything about what?

11 A. Well, he didn't particular say what.

12 Q. So that -- okay. So he asked you, "Do you know anything?",
13 and you said?

14 A. "No, sir."

15 Q. What happened next?

16 A. Well we sat a little more and then he -- we talked and he
17 said, "Well, something happened in the park last night." I
18 said, "Well, I don't know anything about it." So we started
19 talking about it.

20 Q. And you knew at that time, John, that there had been a --

21 A. A stabbing, yes, sir.

22 Q. -- stabbing and by this time, did you know anything else other
23 than there had been a stabbing?

24 A. No, sir.

25 Q. Okay, sorry. Continue.

JOHN L. PRATICO, by Mr. Spicer

- 1 | A. So I gave a statement, see, that I didn't know anything.
- 2 | Q. This is -- in other words, when you say you gave a statement
- 3 | saying you didn't know anything, --
- 4 | A. They wrote it down.
- 5 | Q. Did you talk to them?
- 6 | A. Talked to them, yes, sir. They wrote it down and I left. I
- 7 | might have been there an hour, an hour and a half, I'm not
- 8 | really sure. We left. "All right," he says, "You can go now."
- 9 | and I left.
- 10 | Q. Okay. Do you remember today anything that you said in that
- 11 | statement?
- 12 | A. I said I didn't know anything.
- 13 | Q. Okay. John, I'm showing you Volume 16, page 22.
- 14 | A. Yes, sir.
- 15 | Q. And I'm going to show you page 23 as well.
- 16 | A. Yes, sir.
- 17 | Q. Do you recognize your signature at the bottom?
- 18 | A. Yes, sir.
- 19 | Q. And we understand that 22 is a typed version of this hand-
- 20 | written statement on page 23 which you've signed.
- 21 | A. Yes, sir.
- 22 | Q. Do you want to just have a look at that and tell me whether
- 23 | or not you remember that as being the first statement you
- 24 | made?
- 25 | A. I remember being at the dance.

JOHN L. PRATICO, by Mr. Spicer

1 Q. No, no, just a sec. Just review the statement and tell me
2 whether or not you remember that as the first statement that
3 you gave to the police. Okay.

4 A. I did not give that statement when first I went to the police
5 station.

6 Q. I'm sorry?

7 A. I did not give that statement. I told the police that I didn't
8 know anything. I remember being at the dance. I did not say
9 nothing about no seeing Joyce Bungay. I don't recall it being
10 said.

11 MR. PUGSLEY:

12 What did he say?

13 BY MR. SPICER:

14 Q. What --

15 A. I did not recall saying anything about seeing Joyce Bungay.

16 Q. Okay, let's just start at the beginning, John. On page 23 here,
17 this is your signature down at the bottom.

18 A. Yes.

19 Q. Okay. Do you remember whether or not this statement, on page
20 22, was read over to you before you signed it?

21 A. It wasn't read over.

22 Q. No. Do you remember -- Do you remember signing?

23 A. I remember signing the statements. My mind wasn't all that
24 good. I was shook up over the whole thing. I didn't know
25 what was going on. I was pretty shook up. I was having some

JOHN L. PRATICO, by Mr. Spicer

1 | pretty bad problems at the time and I signed the statement.

2 | Possibly I didn't know what I was signing.

3 | Q. Okay. Let's just come back to -- It's easier to see the typed
4 | version which is on 22. I just want to be clear that we're
5 | understanding each other. What is your recollection of what
6 | you think you told the police the first time?

7 | A. I remember signing a statement I didn't know nothing.

8 | Q. Now looking at this statement on page 22, do you remember
9 | giving any of the information that's contained on page 22 to
10 | the police?

11 | A. I can't recall this. I know my mind wasn't that clear but I
12 | can't recall this.

13 | Q. Okay, and what you're telling me you can't recall, John, is
14 | what? You can't recall giving the statement --

15 | A. Giving the statement to the police.

16 | Q. Okay. You do recall going down to the station that day?

17 | A. Yes, sir.

18 | Q. And you do recall being there for awhile and being questioned
19 | by Sergeant MacIntyre?

20 | A. Sergeant MacIntyre, yes, sir.

21 | Q. And do you recall signing on page 23 or do you just recognize
22 | that as your signature?

23 | A. That's -- I -- that's my signature. I can't recall signing
24 | it but that is my signature.

25 | Q. I see. Okay. When you went to the police station on May 30th,

JOHN L. PRATICO, by Mr. Spicer

1 | John, the first time, that's the statement on 22 and 23 there.

2 | A. Right.

3 | Q. Do you remember what -- do you remember whether or not you
4 | were on any type of medication?

5 | A. I was still on Valium. I was taking Valium at that time I
6 | believe.

7 | Q. Okay, anything other than Valium?

8 | A. No, sir.

9 | Q. Are you able to tell us whether or not to your knowledge
10 | Sergeant MacIntyre or MacDonald knew that you were taking
11 | medication?

12 | A. I'm not sure if they did or not, sir.

13 | Q. You don't know.

14 | A. No, sir.

15 | Q. How did you get home from the police station that day?

16 | A. I'm not quite sure. I believe my mom took me home or I
17 | walked home. I'm not really sure.

18 | Q. Okay. Did your mom come to the station or you're not --

19 | A. My mom came to the station, sir.

20 | Q. All right. Do you recollect whether or not your mom was sat
21 | in at all when you were being questioned?

22 | A. She did not sit in at all, sir.

23 | Q. Well, do you know whether or not she asked to sit in?

24 | A. I have no -- I don't believe she knew anything about being
25 | whether she was allowed to sit in or not.

JOHN L. PRATICO, by Mr. Spicer

1 Q. I'm sorry, do you want to just --

2 A. I don't believe my mom knew whether she was allowed to sit in
3 on that little meeting or what.

4 Q. I see. Okay, well, we can ask your mom about that later. Okay.
5 I believe you indicated to us, John, that you don't remember
6 that statement?

7 A. No, sir.

8 Q. Okay. Do you recollect -- Other than what you've already
9 told us, do you recollect any more -- any other questions
10 that were asked to you by Sergeant MacIntyre?

11 A. There wasn't too many questions asked. I was just a short
12 while there, you know, so there wasn't that many questions
13 asked.

14 Q. That was the first time, now?

15 A. Yes, sir.

16 Q. And do you remember anything about the way in which the
17 questioning took place? Was it the same tone of voice as
18 mine?

19 A. It wasn't like you and I've been talking.

20 Q. Sorry?

21 A. It's not like you and I are talking.

22 Q. What was it like?

23 A. It was kind of roughish.

24 Q. Kind of roughish?

25 A. Yes, sir.

JOHN L. PRATICO, by Mr. Spicer

1 Q. And -- Now we're still talking about the first time you were
2 down at the police station?

3 A. Yes, sir.

4 Q. Okay, and what do you mean by that, "kind of roughish"?

5 A. Well, like I wasn't being believed. I just took they thought
6 I knew more than I knew.

7 Q. That was what, your impression?

8 A. Yes, sir.

9 Q. And who was doing the questioning, was it both of them?

10 A. Sergeant -- Sergeant MacIntyre, sir.

11 Q. Just Sergeant MacIntyre?

12 A. Just Sergeant MacIntyre.

13 Q. And what was MacDonald doing?

14 A. He was just sitting back in the side lines.

15 Q. Okay. Can you think of any reason today why you would have
16 signed a statement --

17 A. I couldn't give you any reason, sir.

18 Q. No.

19 A. There wasn't the honesty we got today.

20 Q. And you can't help us at all as to why you might have done it
21 in '71?

22 A. No, sir.

23 Q. After you got home that day, John, did you talk to your
24 mother about your visit to the police station?

25 A. I told my mother I didn't know anything.

JOHN L. PRATICO, by Mr. Spicer

1 Q. So you did talk to your mom about it?

2 A. Yes, sir.

3 Q. And when you say you told your mom you didn't know anything,
4 what was it you were telling her you didn't know anything
5 about?

6 A. Well, the police were asking if I knew what happened in the
7 park and I told them no, and I don't them I didn't know
8 nothing because I wasn't in the park when it happened.

9 Q. Do you remember what time it was when you got home?

10 A. No, sir.

11 Q. Do you remember whether or not you had supper when you got
12 home?

13 A. I had supper when I got home. I believe I did.

14 Q. So you think probably then it was before supper time?

15 A. I would say so. Mom -- Mom usually has supper around four
16 or five o'clock.

17 Q. Four or five o'clock?

18 A. Yes, sir. I usually -- I probably would be in the house for
19 supper.

20 Q. Okay. And how did you feel when you left the police station?

21 A. I didn't know how I felt.

22 Q. And do you recollect today how you felt?

23 A. Well, I feel today that --

24 Q. All I'm asking you is if you really -- if you have any
25 recollection today of how you felt when you left the police

JOHN L. PRATICO, by Mr. Spicer

1 station that day?

2 A. Well, I felt frightened and lonely.

3 Q. And can you help us at all with that? Why you were frightened?

4 A. Well, I didn't know what was expected of me.

5 Q. Yes. What did you think was expected of you?

6 A. I didn't know.

7 Q. Did you think something was expected of you?

8 A. Yes, sir.

9 Q. Expected of you by whom?

10 A. The Police Department or whoever. There was something
11 expected and I didn't know who expected it.

12 Q. And that made you frightened and lonely?

13 A. Yes, sir.

14 Q. Did you tell your Mom that?

15 A. No, sir.

16 Q. Were you at this time, John, at the end of May in 1971, were
17 you seeing any doctors?

18 A. Yes, sir.

19 Q. And who were they?

20 A. Doctor Binney.

21 Q. Doctor Binney?

22 A. Yes, sir.

23 Q. And is he a psychiatrist?

24 A. Yes, sir.

25 Q. Do you recollect whether or not you told Doctor Binney anything

JOHN L. PRATICO, by Mr. Spicer

1 | about it?

2 | A. I can't recollect sir.

3 | Q. You don't have any recollection. Were you seeing any doctors
4 | other than Doctor Binney?

5 | A. Just Doctor A. B. Gaum for medical reasons.

6 | Q. A. B. Gaum?

7 | A. Yeh, he's dead today.

8 | Q. He'd deceased?

9 | A. Yes, sir, but I would see him on different occasions.

10 | Q. Do you recollect whether or not you told him anything about
11 | this?

12 | A. I can't recollect, sir.

13 | Q. Do you recollect telling anybody other than your Mom?

14 | A. I didn't know if they would believe me or not.

15 | MR. SPICER:

16 | My Lord, perhaps we could break.

17 | MR. CHAIRMAN:

18 | All right. Until 9:30 --

19 |

20 |

21 | INQUIRY ADJOURNED AT 4:26 o'clock in the afternoon on the 23rd
22 | day of September, A.D., 1987.

22 |

23 |

24 |

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 23rd 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