

R644
Vol 248
#5

ROYAL COMMISSION ON THE
DONALD MARSHALL, JR., PROSECUTION

VOLUME XII

- Held:** September 24, 1987
- At:** St. Andrew's Church Hall
Bentinck Street
Sydney, Nova Scotia
- Before:** Chief Justice R. A. Hickman, Chairman
Assoc. Chief Justice L. A. Poitras, Commissioner
Hon. G. T. Evans, Commissioner
- Counsel:** George MacDonald, Q.C., Wylie Spicer, & David Orsborn:
Commission Counsel
- Clayton Ruby, Ms. Maryls Edwardh, & Ms. Anne S. Derrick:
Counsel for Donald Marshall, Jr.
- Michael G. Whalley, Q.C.: Counsel for City of Sydney
- Ronald N. Pugsley, Q.C.: Counsel for John F. MacIntyre
- Donald C. Murray: Counsel for William Urquhart
- Frank L. Elman, Q.C., & David G. Barrett:
Counsel for the Donald MacNeil estate
- Jamie W. S. Saunders, & Darrel I. Pink:
Counsel for Attorney General
- James D. Bissell: Counsel for the R.C.M.P.
- Al Pringle: Counsel for Correctional Services Canada
- William L. Ryan: Counsel for Evers, Green and McAlpine
- Charles Broderick: Counsel for Carroll
- S. Bruce Outhouse: Counsel for Wheaton & Scott
- Guy LaFosse: Counsel for Davies
- Bruce H. Wildsmith: Counsel for Union of N. S. Indians
Assisted by Daniel Christmas
- E. Anthony Ross, & Kevin Drolet: Counsel for Oscar N. Seale
- E. Anthony Ross, & Jeremy Gay: Counsel for Black United Front
- Court Reporters:** J. Graham Robson, & Judith M. Robson, OCR, RPR

MEDIA POOL COPY

INDEX - VOLUME XII

John L. Pratico, resumes testimony

By Mr. Spicer	2060
By Ms. Edwardh	2121
By Mr. Pugsley	2135
By Mr. Murray	2217
By Mr. Barrett	2220
By Mr. Saunders	2222
By Mr. Drolet	2234
By Mr. Wildsmith	2236
DISCUSSION BETWEEN COMMISSION AND COUNSEL	2246
COURT REPORTER'S CERTIFICATE	LL

INQUIRY RECONVENED AT 9:37 o'clock in the forenoon on Thursday, the 24th day of September, A.D., 1987, at Sydney, in the County of Cape Breton, Province of Nova Scotia

1

2 MR. CHAIRMAN:

3 Good morning. Mr. Spicer.

4 JOHN L. PRATICO, resumes testimony, as follows:5 BY MR. SPICER:6 Q. When we finished up yesterday, you had been telling us about the
7 first statement that you gave to the police.

8 A. Yes, sir.

9 Q. Was that the first time you'd ever been questioned by the
10 police?

11 A. Yes, sir.

12 Q. It was. And you may have answered this yesterday. When you
13 went home from having given that first statement, did you
14 talk to your mom at all about it?

15 A. No, sir.

16 Q. You didn't. Did you talk to anybody about it?

17 A. No, sir.

18 Q. Now a few days later, you gave a second statement to the
19 police.

20 A. Yes, sir.

21 Q. And we'll get to that in awhile. Now between the time you
22 gave that -- the first statement that you told us about
23 yesterday, and the second statement, did you see Sergeant
24 MacIntyre at all?

25 A. I'm not sure if I did or not, sir. I really can't remember

JOHN L. PRATICO, by Mr. Spicer

1 | now.

2 | Q. You can't remember. Okay. This is Volume 16, page 41 and
3 | I'm just going to flip over to the hand-written version of
4 | this, John, on page 43.

5 | A. Yes, sir.

6 | Q. Do you recognize your signature down at the bottom?

7 | A. Yes, sir.

8 | Q. Okay. Now before I ask you about that statement itself, can
9 | you tell us how it was that you came to be asked by the
10 | police to give that second statement?

11 | A. Well, I came into the police station -- They got me to go to
12 | the police station. I went up there and we sat and there
13 | was Sergeant MacIntyre and we were talking. He asked a few
14 | questions and we -- I answered to the best of my ability. I
15 | felt a little like the heat was put on me a bit.

16 | Q. Okay, before we get that far ahead, do you remember who it was
17 | -- Did somebody come to your house to pick you up?

18 | A. I believe so, sir.

19 | Q. You don't remember?

20 | A. No, sir.

21 | Q. Do you remember whether or not on the occasion of the second
22 | statement whether or not your mom went with you to the police
23 | station?

24 | A. No, sir.

25 | Q. You don't remember?

JOHN L. PRATICO, by Mr. Spicer

- 1 A. She didn't go, sir.
- 2 Q. She didn't go at all?
- 3 A. No, sir.
- 4 Q. Did she show up later?
- 5 A. I'm not really quite sure if she did or not.
- 6 Q. You don't remember.
- 7 A. No, sir.
- 8 Q. When you got to the police station, were you taken directly
9 in to give your statement or did you sit outside on the bench
10 again or do you remember?
- 11 A. For a few minutes, sir, and then I went inside.
- 12 Q. For a few minutes you sat out on the bench?
- 13 A. Yes, sir.
- 14 Q. Had you been told by the time you got to the police station
15 why you were being taken there again?
- 16 A. Well, I -- the -- I figured it was because -- to do with what
17 was going on.
- 18 Q. Yes, I understand that's what you figured but were you told
19 that by --
- 20 A. No, sir.
- 21 Q. Were you told anything by the police?
- 22 A. Very -- no, sir, I don't believe so.
- 23 Q. Okay. Do you remember who you were interviewed by?
- 24 A. Sergeant MacIntyre, sir.
- 25 Q. Was there anybody else there?

JOHN L. PRATICO, by Mr. Spicer

1 A. I believe Sergeant Urquhart was there.

2 Q. Sergeant Urquhart?

3 A. Yes, sir.

4 Q. And did they provide you with any explanation as to why you
5 were being --

6 A. Well, we started discussing the scene in the park.

7 Q. Okay, I'm -- let me ask you that question again. Did they
8 give you any explanation as to why you were being asked?

9 A. Well, it was regarding what happened in the park.

10 Q. It was in regard to what happened in the park.

11 A. Yes, sir.

12 Q. Okay, and did they refer at all to your first statement, the
13 one you had given a few days before?

14 A. I can't say for sure.

15 Q. Okay. And if you want to take a couple of minutes and just
16 -- you read this statement recently?

17 A. Yes, sir.

18 Q. You reviewed it -- you've reviewed it with me a few days ago,
19 have you?

20 A. Yes, sir.

21 Q. Okay. Are you generally familiar with it now?

22 A. Yes, sir.

23 Q. Okay. Okay, tell us, John, how it was that you came to give
24 that second statement.

25 A. I went to the police station. We started talking and he said:

JOHN L. PRATICO, by Mr. Spicer

1 "All we want is the truth."

2 Q. Who said that to you?

3 A. Sergeant MacIntyre.

4 Q. All right, and what did you say?

5 A. I said well -- I said -- I didn't know what to say so we kept
6 talking and he said, "You know, if we don't get the truth, you
7 could be going to gaol."

8 Q. Just a minute now. Could you repeat that for me?

9 A. "If you did not tell us what happened, you could be going to
10 gaol."

11 Q. Okay. Why --

12 A. And I was nervous when he said that.

13 Q. And why were you nervous?

14 A. Because I was never in gaol before and I know -- I know what
15 gaol is all about.

16 Q. Right, okay, go on.

17 A. So we're talking a little bit and he said, "We have a witness
18 saying you were in the park that night."

19 Q. "We have a witness that said you were in the park that night."?

20 A. That I was in the park and seen what happened.

21 Q. Did he tell you who that witness was?

22 A. No, sir.

23 Q. Okay. Did you believe him?

24 A. I didn't -- I knew -- I knew in my mind he had no witness but
25 he sort of insisted that there was a witness there that seen

JOHN L. PRATICO, by Mr. Spicer

1 me in the park.

2 Q. All right. Okay, go on.

3 A. So I just sat and we're talking. So we talked for a little
4 while about the witness and then he said -- so we talked and
5 then we talked and he said, "All we want is the truth. If we
6 get the truth, that would be just fine.". And I didn't know
7 what the truth was at that time. So we talked a little bit
8 and we discussed what happened in the park.

9 Q. Did he tell you what happened in the park?

10 A. In around about way.

11 Q. What do you mean in around about way?

12 A. Well sort of -- like he sort of implied to that I knew what
13 happened in the park, eh.

14 Q. Do you remember -- when you say, "he sort of implied", --

15 A. Well, he said, "You were seen there and we believe you know
16 what happened.".

17 Q. And what did you say to that? Do you remember?

18 A. I said I don't. He said, "Yes, you do.".

19 Q. All right.

20 A. He said, "We know different.".

21 Q. What did you think about that?

22 A. I started getting pretty scared. I didn't know what in the
23 heck they were up to.

24 Q. All right, go on.

25 A. Well, what he said, threatened to be put in gaol is pretty scary

JOHN L. PRATICO, by Mr. Spicer

1 for a young teenager, you know, who's never in gaol before and
2 young. You know, and I heard a lot of bad things about gaol.

3 Q. In the second statement, John, you say down here towards the
4 end of it, on the end of the first page: "What did you see
5 or hear next? I did not hear. I just seen Donald Marshall's
6 hand going toward the left-hand side of Seale's stomach."

7 A. Yes, sir.

8 Q. "He drove his hand in, turned it and pulled it back."

9 A. Yes, sir.

10 Q. Now did you in fact see that?

11 A. Well, it was implied to me that I seen that.

12 Q. All right. I think you told us yesterday that you didn't see
13 any stabbing.

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

15 Q. All right, if that were the case, that you didn't see any
16 stabbing, then why would you sign a statement that obviously --

17 A. Well, I was scared. My mind wasn't that clear, you know. I
18 was -- I had a lot of emotional problems and just, I couldn't
19 take the pressure and I figured if I give them what they
20 wanted, they'd leave me alone.

21 Q. And did you in fact give them what they wanted?

22 A. Well I gave them the statement which I figured they wanted.

23 Q. Did you know at the time you gave that statement that it
24 wasn't what you recollected?

25 A. Yes, sir.

JOHN L. PRATICO, by Mr. Spicer

1 Q. And after you gave this statement, were you allowed then to
2 leave the police station?

3 A. Shortly afterwards.

4 Q. Okay. How long were you at the police station on that occasion?

5 A. I couldn't say that.

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

7 A. No, sir.

8 Q. Do you remember whether or not the statement was read over to
9 you before you signed it?

10 A. It was read to me.

11 Q. And what did you think as you heard it being read back to you?

12 A. I didn't know what to think.

13 Q. You knew it wasn't true?

14 A. Yes, sir.

15 Q. But you signed it anyway?

16 A. Yes, sir.

17 Q. How did you feel after you gave that statement, John?

18 A. I didn't feel that good.

19 Q. Did you get yourself home that day or did the police take
20 you home?

21 A. I'm not sure if I walked home or they took me home. I'm
22 not really sure.

23 Q. I'm sorry, you're not sure if you walked home or?

24 A. Or they took me home. I'm not really sure.

25 Q. And do you recollect whether or not whether your mom came to

JOHN L. PRATICO, by Mr. Spicer

1 the station?

2 A. She was not there when I was up there. She may have come
3 afterwards. I'm not really sure.

4 Q. Okay. And when you got home, did you tell your mother what
5 had happened?

6 A. Yes, sir.

7 Q. Did you tell her -- did you tell your mother when you got home
8 that you'd given this statement?

9 A. I believe I did.

10 Q. Do you recollect whether or not you told your mother that the
11 -- that the statement you signed wasn't in fact true?

12 A. I didn't know what to tell her. I didn't want to get her too
13 involved in this. You know, she had my sister to look after.
14 My sister was only a kid and I didn't want to get her too
15 deeply involved.

16 Q. Okay. Now just -- I just want to be sure that we understand
17 each other. Do you recollect today whether or not you told
18 your mom anything about this statement when you got home?

19 A. I just told her I gave a statement and that was it. I didn't
20 want to get her too deeply involved because she had a lot
21 to do around looking after my sister and she couldn't handle
22 pressure like that at that time.

23 Q. I see. And by saying that, are you telling me that you didn't
24 -- to your recollection, you didn't tell her that the
25 statement was not true?

JOHN L. PRATICO, by Mr. Spicer

1 | A. No, sir.

2 | Q. You didn't tell her that?

3 | A. No, sir.

4 | Q. That statement was given on June the 4th?

5 | A. Yes, sir.

6 | Q. Okay. Now between or subsequent to giving that statement,
7 | do you remember an incident involving Tom Christmas?

8 | A. Yes, sir.

9 | Q. Do you remember when that happened?

10 | A. I don't know what day it was, sir, but I remember the episode.

11 | Q. Do you remember whether it was before or after you gave this
12 | second statement?

13 | A. After I gave the second statement.

14 | Q. After you gave the statement.

15 | A. Yes, sir.

16 | Q. Do you remember whether it was shortly after you gave the
17 | statement?

18 | A. Oh, could be a week, three days; I'm not really sure.

19 | Q. You don't remember.

20 | A. No, sir.

21 | Q. Okay. Tell us what happened.

22 | A. Well, I was in my mother's -- in my home at 201 Bentinck Street
23 | and Tom Christmas and Howard Hawkins came to my door.

24 | Q. Tom Christmas and Howard --

25 | A. And Howard Hawkins.

JOHN L. PRATICO, by Mr. Spicer

1 Q. Okay.

2 A. And they knocked on my mom's door and they asked to see me.

3 My mom said, "What do you want him for?".

4 Q. Could you hear this conversation?

5 A. No, sir. My mom told me, so she just told them to leave the

6 building, eh, leave the doorstep so they left the doorstep

7 and I went for a walk about a half --

8 Q. Just a sec. Just a sec.

9 A. They left my doorstep.

10 Q. She -- yeh, just before that, though. Your mom asked them to

11 leave, is that --

12 A. Yes, sir.

13 Q. Okay, and then you're saying they left your doorstep?

14 A. Yes, sir.

15 Q. Okay, go ahead.

16 A. And then I started up to -- up the road and I got as far as

17 the corner of Bentinck and Falmouth.

18 Q. I see. So you went out the front -- You went out the front

19 door --

20 A. There was only one door in our apartment and that was the front

21 door.

22 Q. Okay, so you went out the front door and started up the street.

23 A. Yes, sir.

24 Q. Okay, go ahead.

25 A. And I was met up by Tom Christmas and Howard Hawkins.

JOHN L. PRATICO, by Mr. Spicer

1 Q. You were?

2 A. I met up with Howard Hawkins and Tom Christmas.

3 Q. Okay, and what did they say to you?

4 A. We were talking a bit and this about what happened, you know,
5 and I talked to them.

6 Q. Now just a sec before you go any farther. When you say, "We
7 were talking about what happened." --

8 A. Yeh.

9 Q. Can you tell us what the substance of the conversation was?

10 A. Well, just that he figured I could tell the truth.

11 Q. He figured?

12 A. He figured that the truth should be told.

13 Q. Right.

14 A. He threatened me a little bit to tell the truth.

15 Q. Did he indicate to you that he knew you hadn't told the truth
16 before or how did that come up?

17 A. Well, I guess he knew that what was done wasn't right.

18 Q. And when you say "what was done wasn't right", what are you
19 talking about?

20 A. Well, this testimony, this statement --

21 Q. The statement that you gave.

22 A. The statement I gave.

23 Q. Did you understand that Mr. Christmas knew that you'd given
24 this statement?

25 A. Well, I figured he did.

JOHN L. PRATICO, by Mr. Spicer

1 Q. And you figured that why? Why did you figure that?

2 A. Just the way he talked to me and I think he knew that there
3 was a statement given. Well, it was all over the news and
4 everything anyway, eh.

5 Q. I'm sorry, It was all in the news that you'd given the
6 statement?

7 A. Well, there was news about the arrest, you know, and I guess
8 by then they knew there was statements given that would lead
9 them to an arrest.

10 Q. They knew that you'd given a statement?

11 A. Yes, sir.

12 Q. Okay, and I think you said a couple of minutes ago he threatened
13 you a little bit. What do you mean by that?

14 A. Well, just he -- he gave me a little push, you know, just so
15 not to be -- He pushed just to make me -- make me come around
16 and tell the truth, eh.

17 Q. Right. And what did you do?

18 A. I didn't know what to do.

19 Q. What did you do?

20 A. I left. I walked away.

21 Q. Did you walk away or run away?

22 A. Well, whatever.

23 Q. Do you remember?

24 A. No.

25 Q. No, okay. And what was it that Mr. Christmas was trying to

JOHN L. PRATICO, by Mr. Spicer

1 | get you to do?

2 | A. I guess he wanted me to retract my statement.

3 | Q. Did he say that to you?

4 | A. No, sir.

5 | Q. You just figured that from what was going on.

6 | A. Just figured what was going on. He didn't pressure me to
7 | retract it but, you know.

8 | Q. But he wanted you to tell the truth.

9 | A. Yes, sir.

10 | Q. Okay. Who was the person who was speaking to you? Was it
11 | Tom Christmas or Howard Hawkins?

12 | A. Tom Christmas.

13 | Q. Tom. What was Mr. Hawkins doing?

14 | A. He was stand -- just standing there.

15 | Q. Okay. This incident happened in the day time or in the
16 | evening?

17 | A. I'd say early evening.

18 | Q. Early evening?

19 | A. Yes, sir.

20 | Q. Do you remember whether it was a weekend night or --

21 | A. Oh, I wouldn't know that.

22 | Q. Wouldn't know that. Had you been drinking that day?

23 | A. I don't believe so.

24 | Q. No. When you left the company of Mr. Christmas, where did you
25 | go?

JOHN L. PRATICO, by Mr. Spicer

1 A. I think I returned back to my mom's.

2 Q. All right. And did you tell your mom what had happened?

3 A. Yes, sir.

4 Q. And do you know what your mom did as a result of that?

5 A. I -- she called the City Police.

6 Q. Did the two of you talk about whether or not the police ought
7 to be called?

8 A. No, my mom said it would be best.

9 Q. Okay. And what did you do? Just agree?

10 A. I just agreed to it.

11 Q. And you recollect telling your mom, then, what it was that
12 had happened with Mr. Christmas.

13 A. I don't recollect.

14 Q. Okay. One thing I meant to ask you a couple of minutes ago,
15 at the time you gave the second statement back on June the
16 4th, --

17 A. Yes, sir.

18 Q. -- are you able to tell us whether or not the Detectives were
19 aware that you were on any kind of medication?

20 A. I don't know if they did or not.

21 Q. You don't know. You ended up giving testimony on a couple of
22 occasions, at the Preliminary hearing and then at the trial.

23 A. Yes, sir.

24 Q. Between the time of your second statement in June and the
25 time of the Preliminary later that summer, --

JOHN L. PRATICO, by Mr. Spicer

1 | A. Yes, sir.

2 | Q. Do you remember whether or not you spent any nights at the
3 | police station?

4 | A. I could have. I'm not really sure.

5 | Q. You're not sure?

6 | A. No, sir.

7 | Q. Okay. Did you ask the police for any kind of protection?

8 | A. My mom sort of asked that I have protection. My mom did.

9 | Q. Your mother did?

10 | A. Yes, sir.

11 | Q. And did she tell you that she'd done that?

12 | A. Yes, sir.

13 | Q. And do you know whether in fact the police did provide that?

14 | A. We had a police officer around our door.

15 | Q. You had a police officer on your door?

16 | A. In a plain car.

17 | Q. Just sitting outside?

18 | A. Just sitting outside in the car.

19 | Q. Do you know who the police officer was?

20 | A. No, I have no idea.

21 | Q. You're certain it was a police officer.

22 | A. Yes, sir, because they said they would put a man on the door.

23 | Q. I'm sorry? They said?

24 | A. The police said they would put a man on the door.

25 | Q. Okay. And why would you have asked or why would -- do you know

JOHN L. PRATICO, by Mr. Spicer

1 why your mom would have asked that?

2 A. Well, my mom was scared of my -- because of my sister, you
3 know, and she didn't know anything, you know. Just nervousness,
4 you know what I mean, and she figured just for a little
5 protection so she did that.

6 Q. I see, and how were you feeling at this time?

7 A. I was getting pretty sick.

8 Q. When you say you were "getting pretty sick", John, can you
9 tell us what you mean by that?

10 A. Well, I wasn't sleeping. I was nervous all the time, couldn't
11 think straight, didn't know what was going to happen next.

12 Q. And do you have any idea why you were feeling that way?

13 A. Well this was putting a lot of pressure on me, this --

14 Q. When you say "this was putting a lot of pressure on me", what
15 is it you're talking about?

16 A. Well, the case was putting a lot of pressure on me. I didn't
17 know what to do about it. I didn't know who would believe
18 me and who wouldn't.

19 Q. And between the time that you gave that second statement and
20 the time of the Preliminary hearing, the first court appearance,
21 did you talk to anybody about that second statement?

22 A. I'm not really sure.

23 Q. Did you -- do you recollect whether you saw any of your
24 doctors between the time you gave the second statement and
25 the time --

JOHN L. PRATICO, by Mr. Spicer

1 A. I saw doctors, yes sir.

2 Q. And -- All right. Just so you're sure that you understand
3 my question. Do you recollect whether you saw any of these
4 doctors between the time you gave the second statement
5 and the time of the Preliminary hearing?

6 A. Yes, sir.

7 Q. You did?

8 A. Yes, sir.

9 Q. Okay. Do you recollect who those doctors would have been?

10 A. I seen Doctor Donovan for a little while.

11 Q. Doctor Donovan?

12 A. Donovan.

13 Q. Okay. And where would you have seen him?

14 A. At the Mental Health Clinic on St. Peter's Road.

15 Q. Is he a psychiatrist?

16 A. Yes, sir.

17 Q. Okay. What about A.B. Gaum?

18 A. I saw A. B. Gaum different times for medication.

19 Q. Right. And, with respect to both those doctors, would
20 those visits have taken place between the time you gave
21 that second statement and the time of the Preliminary hearing?

22 A. Yes, sir.

23 Q. Okay. Do you recollect whether or not you told either of
24 those doctors about the -- about your giving that second
25 statement?

JOHN L. PRATICO, by Mr. Spicer

1 A. I could have told Doctor Donovan.

2 Q. You could have told Doctor Donovan.

3 A. Yes, sir.

4 Q. You're not sure?

5 A. No, sir.

6 Q. Now, between the time you gave the second statement and
7 the time of the Preliminary hearing, were you contacted
8 by any of the lawyers acting for Mr. Marshall?

9 A. No, sir.

10 Q. No. Did you have occasion to see the Crown Prosecutor,
11 Mr. MacNeil before the Preliminary?

12 A. Yes, sir.

13 Q. And for what reason did you see him?

14 A. We went down to the park.

15 Q. We went down to the park. Now, who went down?

16 A. Sergeant MacIntyre, me and Mr. MacNeil.

17 Q. Okay. And you recollect that as being after you gave the
18 second statement?

19 A. After I gave the second statement.

20 Q. Okay. And you go down to the park and tell us what
21 your recollection is?

22 A. Well, we're standing. We're going around the park and
23 this -- they -- they showed me about where -- they went
24 around, like just around the bush and "Would you be about
25 here?" You know, they sort of --

JOHN L. PRATICO, by Mr. Spicer

1 Q. Around the bushes that you described --

2 A. Around the bush --

3 Q. -- to us yesterday?

4 A. That's right, yesterday. So we talked about that for
5 a little while and I agreed. I said, "Yeh, that's where
6 I was at", eh? So we -- they showed me the other layout,
7 you know, where Seale's body would be and where Mr.
8 Marshall was standing. And they said they found a couple
9 of beer bottles with my fingerprints on it. And I was
10 never fingerprinted by the City Police in my life.

11 Q. Well, who would have said they found a couple of beer
12 bottles --?

13 A. Well, I can't remember who said it but I -- one of them
14 said that there was beer bottles found with my fingerprints
15 on it and I was never fingerprinted by the City Police.

16 Q. Okay. What did you think when you were told that?

17 A. I didn't know what -- I said: "What's going on now?",
18 you know, when I -- I didn't know what to think.

19 Q. And your recollection, is that this happened after you
20 gave a second statement?

21 A. Yes, sir.

22 Q. Okay. So you were down in the park with MacIntyre and
23 MacNeil. What else happened at that time? Any -- Do you
24 remember anything else about going to the park?

25 A. Just -- We just looked around, you know, and they showed --

1 -- they -- we pointed out -- they went around the bushes
2 and so this is about where you were, and they
3 said, "we found beer bottles with your fingerprints on
4 it," and I said, "Oh, yeh". So -- but they never fingerprinted
5 me and they showed me just where -- most the body was
6 laying -- laying.

7 Q. Were they asking you what you saw and that sort of stuff?

8 A. They were sort of coaching me as -- as to what I saw, eh.

9 And where --

10 Q. Who was doing that?

11 A. Well, it was either/or MacIntyre or MacNeil.

12 Q. Right. And what were you doing when they were coaching
13 as to what you saw?

14 A. I was just standing there.

15 Q. Were you agreeing, disagreeing?

16 A. Well, agreeing and not agreeing -- disagreeing a little bit.

17 Q. Sorry?

18 A. Agree and disagreeing.

19 Q. Okay. Agreeing with what though?

20 A. With things, like where -- to where I was at and when
21 they said they found the beer bottles, I agreed with them.
22 They did find beer bottles but I didn't know there was
23 that like -- and I didn't disagree about the fingerprints.
24 And I didn't -- I knew in my mind they never fingerprinted
25 me before.

JOHN L. PRATICO, by Mr. Spicer

1 Q. Right. Did you have any discussion with them, when
2 you were in the park that day, about what you'd actually
3 seen?

4 A. Well, we talked about the incident and we just -- it was all
5 all mumble-jumble to me, you know what I mean.

6 Q. Why was it -- Why was it --

7 A. Well, just that things were going to fast. Just everything
8 was happening all at once and I was getting more and more
9 confused.

10 Q. When you say, "things were happening to fast and it was
11 mumble-jumble?"

12 A. Well, they were talking about what was going on in the
13 park and it was just making my mind more and more confused.
14 And going with this statement that I gave, that was
15 confusing me and this made me a little more confused.

16 Q. Did you say to either of those gentlemen, on that day, either
17 MacIntyre or MacNeil, look, the statement I gave on
18 June the 4th just isn't true?

19 A. No, sir.

20 Q. Why not?

21 A. I didn't think they would believe me.

22 Q. And why didn't you thing they'd believe you?

23 A. Well, like I said -- like I told people before, if you're
24 having emotional problems, people just don't want to
25 believe you. You know, automatically, you're crazy, you

JOHN L. PRATICO, by Mr. Spicer

1 don't know what you're talking about and then nobody
2 takes your word for nothing.

3 Q. You heard some testimony in the last day or so by Mr.
4 Butterworth?

5 A. Yes, sir.

6 Q. And he basically indicated that you'd spoken to him, when
7 he was on the beat one day,--

8 A. Yes, sir.

9 Q. -- after you'd given the second statement and --

10 A. Yes, sir.

11 Q. -- told him that you'd seen it and described how it
12 happened and everything?

13 A. Yes.

14 Q. Do you have any recollection of that, John?

15 A. Yes, sir.

16 Q. Okay. And what do you say about that?

17 A. Well, I figured he -- that's what he wanted to hear.

18 Nobody told -- Like I said a few seconds ago, no -- If
19 I tried to change that story, there's no way in this
20 God's earth that they are going to believe that I didn't
21 see nothing, cause they were so damned convinced that I
22 knew what was going on. And there was nobody going to
23 change that.

24 Q. Okay. So you -- you think, then, it's possible that
25 you may have said to Mr. Butterworth that you, in fact, did

JOHN L. PRATICO, by Mr. Spicer

1 see it?

2 A. Yes, because nobody's going to believe me anyway. Because
3 I tried, you know, and nobody would take my word for it.

4 Q. Yeh, okay. Do you remember the incident with Mr. Butterworth?

5 A. Yes, sir.

6 Q. You do. Now, you went to Court on two occasions?

7 A. Yes, sir.

8 Q. I want to ask you a few questions about the Preliminary
9 Hearing, the first time you went.

10 A. Okay, sir.

11 Q. Do you remember how you got to Court that day? Were you
12 taken by the police or --

13 A. I believe I was escorted.

14 Q. Escorted?

15 A. By the police, I believe so.

16 Q. You believe so. Okay. And when you got to court that
17 day, where did you go? Do you remember? Did you go in to
18 the Court Room? Did you wait outside?

19 A. I believe just -- we stayed in the -- out in the corridor.
20 They took us one at a time, eh.

21 Q. I see. Okay. And when you arrived in the corridor, did
22 you see any of the other witnesses around?

23 A. I could have, but I really can't say. Excuse me. I really
24 can't say for sure.

25 Q. Okay. Were you spoken to by the Crown Prosecutor that day

JOHN L. PRATICO, by Mr. Spicer

1 before you gave your testimony?

2 A. Yes, sir.

3 Q. And what did he say to you?

4 A. He said: "Are you ready?" I said: "Yes, sir." And he
5 said: "What are you"-- That's all he said to me and then
6 he went on his way, eh.

7 Q. Did he ever -- Did he ask you, on that day or at any other
8 time, about your two statements? The fact that you'd
9 given two statements?

10 A. No, sir.

11 Q. No. Do you know whether or not Mr. MacNeil had copies
12 of both your statements?

13 A. I have no idea.

14 Q. No idea, okay. Did you see Maynard Chant that day?

15 A. Not that I know of.

16 Q. Not --

17 A. But he was there but I might not have seen him. But
18 he was there.

19 Q. Okay. You understand that he was there but you don't
20 have any recollection of seeing him yourself?

21 A. No, sir.

22 Q. Okay. At the Preliminary, the record will show that
23 you told the story that you'd seen the incident?

24 A. Yes, sir.

25 Q. Okay. Why did you tell that story at the trial?

JOHN L. PRATICO, by Mr. Spicer

1 A. Because I was scared.

2 Q. And what were you scared of?

3 A. Well, I -- If I started to changing my story and telling
4 the truth, what really happened, they weren't going to
5 believe me. Because if they wouldn't believe me from
6 the start, and they weren't going to believe me then, they
7 weren't going to believe me at that time.

8 Q. And is that why you told the story that you did?

9 A. Yes, sir.

10 Q. And were you on medication, John, at the time?

11 A. Yes, sir.

12 Q. Okay. And by this point in time, that is by the time
13 of the Preliminary in the summer, do you know whether or
14 not the Crown Prosecutor knew that you were on medication?

15 A. I have no idea, sir.

16 Q. What about Sergeant MacIntyre?

17 A. I would imagine.

18 Q. And why would you imagine?

19 A. Because the City -- one of the City Police took me out to
20 the Nova Scotia Hospital before the Preliminary hearing.

21 Q. Before the Preliminary?

22 A. I believe so. I know I was taken there in, you know, during
23 one of those hearings I was taken to the Nova Scotia Hospital.

24 Q. And if that had happened after the Preliminary then you
25 wouldn't have any reasons to think that Sergeant MacIntyre

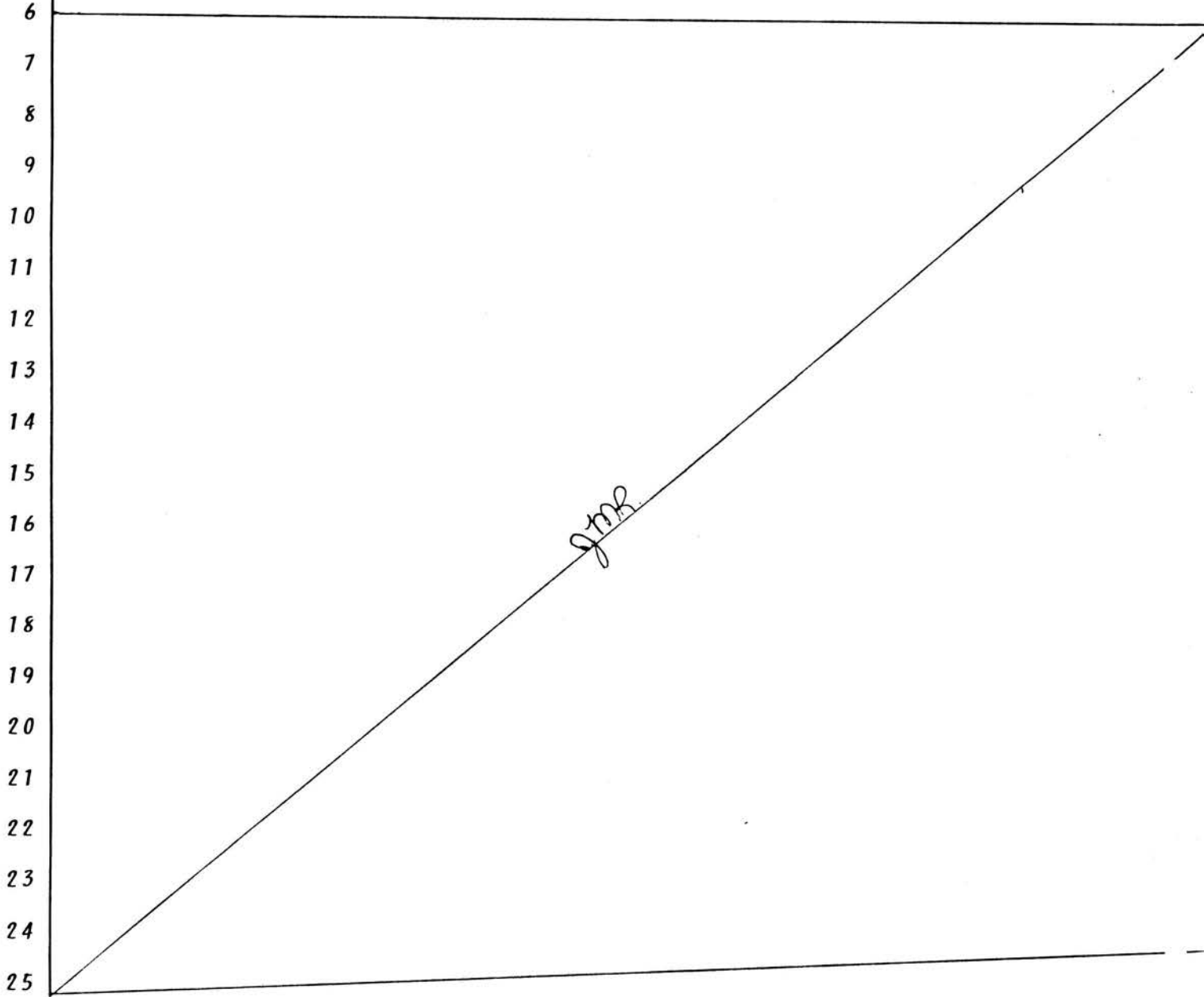
JOHN L. PRATICO, by Mr. Spicer

1 knew at the Preliminary, is that so?

2 A. No, sir.

3 Q. Okay. How did you feel, after the Preliminary, after telling
4 that story again?

5 A. I got worse.



JOHN L. PRATICO, by Mr. Spicer

- 1 Q. When you say you got worse --
- 2 A. My health started to get worse. My mental health started to
3 get worse.
- 4 Q. Okay. I know this -- maybe this isn't easy for you, but can you
5 tell us in what way you were getting worse?
- 6 A. Well, I stopped -- I stopped eating. I wasn't sleeping, shaking
7 all the time, cry, you know, because I had a lot bottled up
8 inside of me and I didn't know who to go to, and then I didn't
9 think anybody was going to believe anything I said any more.
- 10 Q. You were living at home, John?
- 11 A. Yes, sir.
- 12 Q. After you told your story at the Preliminary, did you speak
13 to your mom, did you tell her that what you -- what you had
14 done at the Preliminary wasn't right?
- 15 A. I'm not sure if I did or not.
- 16 Q. We can ask your mom?
- 17 A. Yes, sir.
- 18 Q. Do you remember an incident after the Preliminary and before
19 the trial and, I think, before you went to the Nova Scotia
20 Hospital, when you locked yourself in your bedroom?
- 21 A. Yes, sir.
- 22 Q. And the police -- Do you remember whether the police were
23 called?
- 24 A. I believe my mom called them.
- 25 Q. Your mom called the police?

JOHN L. PRATICO, by Mr. Spicer

1 | A. Yes, sir.

2 | Q. And why did you lock yourself in your bedroom?

3 | A. Because I got -- I was right scared. I was scared of everything.

4 | Q. Then your mom called the police?

5 | A. And they just got me to open the door. They opened the door
6 | and that was it.

7 | Q. Did you open the door voluntarily or did they have to --

8 | A. No, I opened it.

9 | Q. You opened it?

10 | A. Yes, sir.

11 | Q. Do you remember at all who the police officers were?

12 | A. I wouldn't know that, sir. I was -- My mind -- My state of
13 | mind was bad that night. That was -- I was very confused.

14 | Q. After the Preliminary, and I think the hospital records and
15 | other records will show that he was taken to the Nova
16 | Scotia Hospital in August. Can you -- Before you went to
17 | the Nova Scotia Hospital did you have occasion to speak to
18 | your doctors after the Preliminary hearing?

19 | A. I met with my doctors.

20 | Q. All right, and again who would you have met with, John?

21 | A. I was seeing Doctor McDonough for awhile.

22 | Q. Doctor?

23 | A. McDonough.

24 | Q. McDonough?

25 | A. Yes, sir. Well, she's deceased today.

JOHN L. PRATICO, by Mr. Spicer

1 Q. Okay. Anybody else?

2 A. Well, that was the doctor that was treating me at that time
3 as you know.

4 Q. And do you have any recollection at all today of what sort of
5 medication you were on after the Preliminary --

6 A. Yes, sir.

7 Q. Could you tell us what that was?

8 A. I was on Chlorpromazine.

9 Q. Were you on that before you went to the Nova Scotia Hospital?

10 A. After the Nova Scotia Hospital.

11 Q. All right. Let's just not get ahead of ourselves. Before
12 you went to the Nova Scotia Hospital.

13 A. I was taking some mild tranquillizers.

14 Q. Valium --

15 A. Valiums.

16 Q. Anything else?

17 A. No, sir.

18 Q. And do you remember who that was prescribed by?

19 A. Well, Doctor A. B. Gaum was giving them to me.

20 Q. Doctor A. B. Gaum?

21 A. Yes, sir.

22 Q. Okay. Do you remember whether or not you told any of these
23 doctors before you went to the Nova Scotia Hospital what had
24 happened to you?

25 A. I was too confused to talk. I just -- I was just down, you know,

JOHN L. PRATICO, by Mr. Spicer

1 | pretty down in my health.

2 | Q. Do you have any recollection at all of what you might have
3 | told them?

4 | A. No, sir.

5 | Q. No?

6 | A. But it would be in my medical records.

7 | Q. You were taken off -- taken to the Nova Scotia Hospital?

8 | A. Yes, sir.

9 | Q. Before the trial?

10 | A. Yes, sir.

11 | Q. Do you remember who took you?

12 | A. My mom and one of the Sydney Detectives (It was Mr. MacDonald.)
13 | and my kid sister came up with us.

14 | Q. Okay. The people that took you to the Nova Scotia Hospital on
15 | the first occasion then were your mother --

16 | A. And Mr. MacDonald.

17 | Q. --and your kid sister --

18 | A. And Mr. MacDonald.

19 | Q. --and Mr. MacDonald. Now is that the same Mr. MacDonald that
20 | you said had been involved with your first statement?

21 | A. I believe so, sir. Not the one with the moustache, the other
22 | guy.

23 | Q. This is the shorter man?

24 | A. Yeh.

25 | Q. And he was one of the City Detectives?

JOHN L. PRATICO, by Mr. Spicer

1 | A. Yes, sir. Doctor A. B. Gaum arranged that.

2 | Q. Okay, and did you talk to Doctor A. B. Gaum before you went,
3 | about why you were going --

4 | A. I just told him my nerves were really bad and I had a lot of
5 | things on my mind and I need to get away.

6 | Q. You told --

7 | A. And get -- and get help.

8 | Q. You told him you needed to get help?

9 | A. Yeh.

10 | Q. Do you remember anything at all about the drive down to the
11 | Nova Scotia Hospital?

12 | A. We were just driving -- It was -- We just drove up there and
13 | I was admitted and --

14 | Q. Did you have any -- Do you remember any discussions going
15 | up?

16 | A. I didn't say too much on the way up because I was too busy
17 | with --

18 | Q. Yeh. Do you remember whether or not on that visit to the
19 | Nova Scotia Hospital, whether you told anybody at the hospital
20 | that you hadn't told the truth?

21 | A. My mind was too mixed up and too confused and -- and I was
22 | on heavy sedation when I was up there. I was on real heavy
23 | sedation.

24 | Q. You gave testimony at the trial?

25 | A. Yes, sir.

JOHN L. PRATICO, by Mr. Spicer

- 1 Q. So obviously you'd been brought back from the N.S. by that time?
- 2 A. Yes, sir.
- 3 Q. Do you recollect who brought you back?
- 4 A. I came back on the train.
- 5 Q. You came back on the train?
- 6 A. Yes, sir.
- 7 Q. By yourself?
- 8 A. By myself.
- 9 Q. How long were you home before the trial?
- 10 A. I couldn't say.
- 11 Q. You don't have any recollection?
- 12 A. No, sir.
- 13 Q. Did you know when you came back that you were going to have to
- 14 testify at the trial?
- 15 A. Yes, sir.
- 16 Q. You did. And when you came back from the Nova Scotia Hospital
- 17 and were -- did you move back into your home?
- 18 A. Yes, sir.
- 19 Q. Okay. What sort of medication were you on then?
- 20 A. I was on Chlorpromazine.
- 21 Q. Chlorpromazine?
- 22 A. Yes, sir, and Stelazine
- 23 Q. Stelazine?
- 24 A. Yes, sir.
- 25 Q. Yes.

JOHN L. PRATICO, by Mr. Spicer

1 | A. Mellaril?

2 | Q. Mellaril?

3 | A. Yes, sir.

4 | Q. And you were taking that medication when you were out of the
5 | hospital?

6 | A. Yes, and in the hospital.

7 | Q. Okay, but all I'm trying to establish at the moment is what you
8 | were taking -- what you were taking --

9 | A. Well, that's what I was taking after I returned back to my home
10 | on 201 Bentinck.

11 | Q. You were taking the medications you just referred us to?

12 | A. Yes, sir.

13 | Q. Okay. Are you able to tell us how many times a day you would
14 | take these, sir?

15 | A. I was taking them four times a day, heavy dosages.

16 | Q. Of each of those drugs?

17 | A. Of each of those drugs.

18 | Q. And do you have any idea what those drugs were for?

19 | A. Not really. The doctor really didn't discuss that much about
20 | the medication with me.

21 | Q. He just told you to take it?

22 | A. He just told me to take it, it would straighten me up.

23 | MR. SPICER:

24 | My Lord, perhaps we could have a five or ten minute break.

25 |

JOHN L. PRACTICO, by Mr. Spicer

1 MR. CHAIRMAN:

2 All right.

3
4 INQUIRY ADJOURNED AT: 10:13 a.m., AND RECONVENED AT: 10:29 a.m.

5
6 BY MR. SPICER:

7 Q. Okay?

8 A. Okay.

9 Q. Just before we broke, John, we kind of brought ourselves up to
10 the time of the trial in November. Before we get to the actual
11 trial, can you tell us whether or not you spoke to Mr. Khattar
12 or Mr. Rosenblum in the days preceding the trial?

13 A. No, sir.

14 Q. You were never called by them?

15 A. No, sir.

16 Q. And what about the Crown Prosecutor other than the circumstance
17 you told us about earlier?

18 A. We just met to go over the statements before the trial.

19 Q. Okay. You just met to go over the statement or statements before
20 the trial?

21 A. The statement.

22 Q. The statement, before the trial?

23 A. Before the trial.

24 Q. And was that the day of the trial or the day before?

25 A. No, it could have been a couple of days before. I'm not really

JOHN L. PRATICO, by Mr. Spicer

1 | sure.

2 | Q. A couple of days before?

3 | A. Possibly.

4 | Q. Okay. Do you remember where that meeting took place?

5 | A. In the court house.

6 | Q. In the court house?

7 | A. Yes, sir, in his office.

8 | Q. In his office?

9 | A. Yes, sir.

10 | Q. Are you able to tell us whether or not you know whether Mr. MacNeil
11 | had both your statements?

12 | A. I have no idea.

13 | Q. Okay. Which one was it that you were going over?

14 | A. The second one.

15 | Q. The second one. Okay, and what was it that you were doing,
16 | just reviewing it?

17 | A. Just reviewing and getting ready for my testimony.

18 | Q. I see, and did you indicate to Mr. MacNeil at that meeting at
19 | all, anything about the fact that you hadn't been telling
20 | the truth?

21 | A. No, sir.

22 | Q. You did not. Did you think about doing that?

23 | A. I thought about it but I didn't think he would believe me.

24 | Q. Sorry.

25 | A. I thought about it but I didn't think he would believe me.

JOHN L. PRATICO, by Mr. Spicer

1 Q. Okay.

2 A. Like I said, nobody was believing me from the start.

3 Q. Okay. So you didn't in any event?

4 A. No, sir.

5 Q. Okay. On the day that you gave testimony at the trial, do you
6 recollect how you got to the court house on that day?

7 A. I went on my own.

8 Q. You went on your own?

9 A. Yes, sir.

10 Q. Did your mom go with you?

11 A. Yes, sir.

12 Q. Okay. When you got there did you go in the court room or did
13 you sit outside?

14 A. I sat out in the corridor of the Supreme Court.

15 Q. Okay. Now what do you remember about what happened at the
16 trial that day?

17 A. Well, I was sitting there and they were calling the other
18 witnesses, and I was sitting there and there was a lot of
19 people around the lobby of the court room -- of the Supreme
20 Court Room, so I -- I was doing a lot of deep thinking before
21 I went in that court room about what was going to happen in
22 there and what the outcome of the whole thing would be, so I
23 went to Mr. Marshall, Sr.

24 Q. Now is this -- Where was Mr. Marshall, Sr.?

25 A. He was out in the corridor.

JOHN L. PRATICO, by Mr. Spicer

1 Q. In the corridor?

2 A. Yes, sir.

3 Q. Okay, and this is before you gave testimony?

4 A. Before I gave testimony.

5 Q. Okay, so you went to Mr. Marshall, Sr., and what happened?

6 A. And I told him what was being done here wasn't right.

7 Q. And what did you -- what did you tell him?

8 A. He said, "You" -- "You mean you're going to" -- "You mean you
9 want to tell it"? I said, "Yes, sir". So he called the
10 Sheriff over.

11 Q. And who was the Sheriff?

12 A. Mr. MacKillop.

13 Q. Okay.

14 A. So Mr. MacKillop came over and I started talking to Mr. Marshall
15 and then they called over Mr. Simon Khattar. Mr. Khattar came
16 over and we talked a bit and I told Mr. Khattar --

17 Q. Just a second. Just a second. Did you -- Did you know at
18 that time that Mr. Khattar was one of --

19 A. Marshall's lawyers, yes, sir.

20 Q. --Mr. Marshall's lawyers?

21 A. Yes, sir.

22 Q. Okay. So at this time there's yourself and Mr. Marshall and
23 Mr. MacKillop and Mr. Khattar?

24 A. And Mr. Khattar.

25 Q. Okay, and what is it that you're telling them?

JOHN L. PRATICO, by Mr. Spicer

1 A. I'm telling them I didn't know what happened and I told
2 them I was -- that I wanted to -- I wanted to fix everything
3 up right there.

4 Q. Okay, and did you tell that to Mr. Khattar?

5 A. Yes, sir.

6 Q. Okay.

7 A. So I started talking to Mr. Khattar for about five minutes and
8 Mr. MacNeil, the Crown Prosecutor, came along and --

9 Q. And by the time -- I'm sorry, I just got to stop you again.

10 A. All right.

11 Q. By the time Mr. MacNeil came over had you already told
12 Mr. Khattar --

13 A. I told him my story.

14 Q. You already told -- And the story was that you wanted to fix
15 things up?

16 A. That I wanted to fix things up before it got out of -- before
17 it got out of hand.

18 Q. Did you say anything to them about -- about your second
19 statement?

20 A. I told them whatever I said wasn't right.

21 Q. Okay, and then Mr. MacNeil came over?

22 A. Mr. MacNeil came over and Mr. MacIntyre.

23 Q. And what happened?

24 A. They took -- They took me away.

25 Q. They took you away?

JOHN L. PRATICO, by Mr. Spicer

1 A. To a room.

2 Q. And was there any conversation, John --

3 COMMISSIONER POITRAS:

4 Who was that?

5 MR. SPICER:

6 MacIntyre and MacNeil.

7 THE WITNESS:

8 Mr. MacIntyre and Mr. MacNeil.

9 BY MR. SPICER:

10 Q. Before they took you away to the room, do you recollect any
11 conversation between MacIntyre and MacNeil and the other
12 people that were there?

13 A. You mean Mr. Khattar and Mr. Marshall -- Mr. Marshall and
14 Mr. MacKillop?

15 Q. Yeh.

16 A. They just said, "Let's go", and they took me, but Mr. Khattar
17 didn't go with us.

18 Q. He did not go with you?

19 A. No, sir. It was just Mr. MacNeil and Mr. MacIntyre. So
20 they got me. They said, "Come on, Pratico, all we want is
21 the truth". "You've got nothing to be afraid of".

22 Q. Now where did this happen, John?

23 A. In a little room. I don't know what room. It was just a
24 room.

25 Q. Okay. And who is -- Sorry, I just have to slow you down a little

JOHN L. PRATICO, by Mr. Spicer

1 bit.

2 A. Okay.

3 Q. Okay. Was there anybody else in the room?

4 A. Just Mr. Khattar and Mr. MacIntyre -- Mr. MacNeil and
5 Mr. MacIntyre.

6 Q. Mr. MacNeil and Mr. MacIntyre, and yourself?

7 A. Yes, sir.

8 Q. Okay. Now tell us what it was that they --

9 A. They said, "Look, John, all we want is the truth".

10 Q. Are you able to tell us today whether it was MacNeil or
11 MacIntyre who said that to you?

12 A. I believe it was Mr. MacNeil.

13 Q. Okay, and what did you say to him?

14 A. Well, I said -- I -- I -- Then I panicked and I didn't know
15 what to do.

16 Q. What did you do?

17 A. I just -- Everything just -- All they said was, "We want the
18 truth and that's all that matters here is the truth".

19 Q. Do you remember saying anything to them about that?

20 A. I just froze.

21 Q. Yeh.

22 A. Then I was in a -- Then I was in a bind. I didn't know what
23 I was going to do next.

24 Q. And why did you think you were in a bind, John?

25 A. Because I didn't know -- Mr. Khattar didn't come to the room with

JOHN L. PRATICO, by Mr. Spicer

1 me when they took me in and I -- and I said, "I don't know
2 whether this Mr. Khattar believes me or what". And then
3 I went in that room --

4 Q. Just a second. Just a second. At that time, what are you
5 saying, that you didn't know whether or not Mr. Khattar
6 believed what you just told him?

7 A. Yes.

8 Q. I see. Okay.

9 A. Because he didn't -- so he didn't persist
10 to come into the room with us and I wondered why.

11 Q. Yes.

12 A. So then we just left the room, and I went back out in the
13 corridor and then it was my time to testify.

14 Q. All right. Just a second. Before -- When you left that room
15 and went back out into the corridor, did you talk to anybody
16 else again?

17 A. I just sat there.

18 Q. You just sat there. And what were you thinking at that time?

19 A. "Now", I said, "perhaps I'll get into the court room and this
20 will all come out".

21 Q. What will all come out?

22 A. The truth.

23 Q. Yes.

24 A. So when I got in the court room and I got on the stand, nobody
25 questioned me of what happened out in the corridor and I wonder

JOHN L. PRATICO, by Mr. Spicer

1 right to this day, why nobody questioned me in that court
2 room to the -- to what I said in the corridor.

3 Q. What did you want to do when you went into that court room?

4 A. I wanted to -- You mean before I was taken into the little
5 room or after I was --

6 Q. No, after when you got into the court room to give your
7 testimony.

8 A. I wanted to be questioned in the right manner to be -- to get
9 the truth to come out, but nobody done that.

10 Q. And what story did you tell that day?

11 A. I told my story that I gave to the police because I was afraid
12 and I figured -- Well, if Mr. Khattar had went about it the
13 right way and questioned me, the truth would have come out
14 and we wouldn't be here today.

15 Q. Did you want to tell Mr. Khattar the truth?

16 A. Yes, sir.

17 Q. And did you think you were unable to tell him the truth?

18 A. If I had been questioned, eventually I would have told the
19 truth.

20 Q. Is there any reason why when you were on the stand, you didn't
21 just say, "Look, this is -- this is the way it -- this is
22 what really happened"?

23 A. I was afraid.

24 Q. You were afraid. Why were you afraid?

25 A. I was afraid that people wouldn't take my word for it and

JOHN L. PRATICO, by Mr. Spicer

1 | they'd think, you know, this guy is incompetent and he
2 | doesn't know what the hell he's talking about. It's been
3 | a fact over the years if you've even had any kind of emotional
4 | breakdown, people just don't believe nothing you say. You're
5 | incompetent, you're crazy or whatever you want to call it,
6 | and people don't take your word for it.

7 | Q. So unless you were questioned by Mr. Khattar, you were afraid
8 | to say anything. Is that right?

9 | A. Yes, sir.

10 | Q. When you left the court room that day, John, how did you
11 | feel?

12 | A. Terrible.

13 | Q. When you went home after having given that testimony, did you speak
14 | to your mom?

15 | A. I was too shook up.

16 | Q. Did you speak to anybody about it?

17 | A. No, I was too shook up.

18 | Q. Yes.

19 | A. That was my breaking point. That's where I broke. My nerves
20 | went completely.

21 | Q. And what happened?

22 | A. I went back to the hospital.

23 | Q. Pretty shortly after the trial?

24 | A. Very shortly afterwards.

25 | Q. After you gave your testimony, did you -- and you'd left the--

JOHN L. PRATICO, by Mr. Spicer

1 | you'd left the court and you'd seen that Donald Marshall
2 | had been convicted --

3 | A. Yes, sir.

4 | Q. -- did you try and get in touch with Mr. Khattar or
5 | Mr. Rosenblum?

6 | A. I didn't know how to get in touch with them and I didn't think--
7 | and I figured if I did have a way, would they take my word
8 | for it, would they believe what I told them in the
9 | corridor, and it came back to my mind that he never
10 | questioned me in the court room to what I had said in the
11 | corridor and I always wondered why.

12 | Q. Could we have volume 21 please. John, some eleven years later
13 | you were contacted by the R.C.M.P.?

14 | A. Yes, sir.

15 | Q. Okay, and we'll -- We'll get to that incident in a few
16 | minutes, but in the meantime, during that period from 1971 to
17 | 1982, generally what were you doing and how were you feeling?
18 | Do you have any recollections of that?

19 | A. I wasn't feeling that good.

20 | Q. Yeh. Were you in and -- in and out of the Nova Scotia
21 | Hospital at all?

22 | A. Well, I haven't been in the hospital in seven years,
23 | but I was in for a few occasions and, yeh, for a couple
24 | of months.

25 | Q. You haven't been in since 1980?

JOHN L. PRATICO, by Mr. Spicer

1 | A. Right.

2 | Q. Right. During the years from 1971 to 1980 --

3 | A. I was back and forth.

4 | Q. Back and forth?

5 | A. Yes, sir.

6 | Q. Did you work at all during that period?

7 | A. Just odd jobs.

8 | Q. Yes.

9 | A. Whatever I could get.

10 | Q. Where were you living?

11 | A. Well, I lived in Sydney most of my life and I lived in New
12 | Waterford for a short while.

13 | Q. Right, and were you living by yourself then?

14 | A. Well, I was in with some people at first and then I got a
15 | room.

16 | Q. And this is between 1971 and 1982?

17 | A. 19-- I believe it was 1981 I moved to New Waterford.

18 | Q. Okay. Other than doing the odd jobs and stuff in those years,
19 | did you --

20 | A. Ever work steady?

21 | Q. Yes.

22 | A. No. No.

23 | Q. Were you doing any drinking between 1971 and 1980?

24 | A. Yes, sir.

25 | Q. A lot?

JOHN L. PRATICO, by Mr. Spicer

1 A. Not as -- At times. Not all the time, but at times.

2 Q. Okay.

3 A. But I quit drinking in 1980.

4 Q. You haven't had a drink since then?

5 A. No, sir.

6 Q. Between the years 1971 to '82, when you spoke to the R.C.M.P. --

7 A. Yes.

8 Q. --were you on any medications?

9 A. Well, when I -- when I -- when I was speaking to the R.C.M.P.

10 I wasn't on medication.

11 Q. We'll get to when you --

12 A. I was on medication all them years.

13 Q. That whole time?

14 A. The whole time.

15 Q. Yeh, and what were those medications for?

16 A. I was taking Nozinan for my nerves.

17 Q. You were taking?

18 A. Nozinan for my nerves.

19 Q. Nozinan?

20 A. Nozinan.

21 Q. Nozinan.

22 A. N-o-z-i-n-a-n.

23 Q. Okay. For your nerves?

24 A. Yes, sir.

25 Q. And that's throughout that period of time?

JOHN L. PRATICO, by Mr. Spicer

- 1 A. Throughout that period of time.
- 2 Q. From '71 to '82?
- 3 A. No, it was '76 I went on the Nozinan. I was taking
4 Chlorpromazine before that.
- 5 Q. Okay. You were taking Chlorpromazine prior to '76, and it
6 was Nozinan after that?
- 7 A. And then the Nozinan.
- 8 Q. Okay, and were you drinking when you were taking these drugs?
- 9 A. At times, and sometimes I wouldn't bother taking them when
10 I drank because I knew what would happen.
- 11 Q. So you'd just drink instead?
- 12 A. Just drink instead because if I drank with the medication I
13 could possibly go into a coma.
- 14 Q. All right.
- 15 A. Because there's a lot of different chemicals in those drugs.
- 16 Q. Right. Okay. In 1982 you were contacted by?
- 17 A. Corporal James Carroll.
- 18 Q. Corporal Carroll. Where were you when he got in touch with
19 you?
- 20 A. At the Mental Health Clinic in New Waterford in the New
21 Waterford Consolidated Hospital.
- 22 Q. Were you a resident there?
- 23 A. No, sir, I was just going back and forth to Out-Patients at
24 the Mental Health Clinic in New Waterford.
- 25 Q. I see, and is this about the time you were living in New

JOHN L. PRATICO, by Mr. Spicer

1 Waterford?

2 A. Yes, sir.

3 Q. Okay, and at that time when you were contacted by Corporal
4 Carroll were you living by yourself?

5 A. No, sir. I was boarding.

6 Q. Boarding?

7 A. Yes, sir.

8 Q. Who were you boarding with?

9 A. R. C. Gittens.

10 Q. And were you phoned by Corporal Carroll?

11 A. My Social Worker got a hold of my mother and I went to see
12 my Social Worker Andy Arsenault at the Mental Health Clinic.

13 Q. Just a second. Your Social Worker's name was what?

14 A. Andy Arsenault.

15 Q. Arsenault?

16 A. Yeh.

17 Q. Okay.

18 A. He phoned my mom and I went out to the Clinic in New Waterford
19 and Andy Arsenault talked to me and he said, "Would you like
20 to meet with the R.C.M.P.". I said, "What's it all about?".
21 So when he told me I agreed to it.

22 Q. Okay, and when he told you -- What did he tell you?

23 A. He said, "We'd like you to meet with the R.C.M.P.". And I
24 said, "What's this all about?", "Regarding the Donald
25 Marshall, Jr. case", and I agreed to it.

JOHN L. PRATICO, by Mr. Spicer

1 Q. And you did meet with Corporal Carroll?

2 A. Yes, sir.

3 Q. Where did that meeting actually take --

4 A. At the Mental Health Clinic in New Waterford.

5 Q. And was Carroll by himself?

6 A. Me and Mr. Carroll.

7 Q. Do you remember anything about that meeting?

8 A. Yes, sir.

9 Q. Tell us what you remember?

10 A. I gave Mr. Carroll a statement.

11 Q. Okay. Apart from the statement, do you remember what he
12 told you about why he was there and what was going on?

13 A. He explained that he was there and there was a re-
14 investigation into the Donald Marshall, Jr. prosecution.

15 Q. Right.

16 Were you glad to see him?

17 A. Yes, sir.

18 Q. And why was that?

19 A. Because I figured at last something's going to be done
20 that wasn't done all these years.

21 Q. And what did you tell Corporal Carroll?

22 A. I told him just what I told -- I told him the story I tried
23 to tell Mr. Khattar in '71.

24 Q. And that was what?

25 A. That I did not see Donald Marshall, Jr., kill Sandy Seale.

JOHN L. PRATICO, by Mr. Spicer

1 Q. And you did tell Corporal Carroll that story?

2 A. Yes, sir.

3 Q. And what did Corporal Carroll say?

4 A. Corporal Carroll started talking to me and he wrote down
5 everything I said on a piece of paper.

6 Q. All right.

7 A. He had a long piece of note pad.

8 Q. Did he -- Did Corporal Carroll ask you before he started taking
9 that statement, whether or not you were on any kind of
10 medication?

11 A. Yes, sir, he knew I was and I told him I was.

12 Q. You did.

13 A. I was taking three hundred milligrams of Nozinan when he
14 questioned me.

15 Q. A day?

16 A. A day.

17 Q. And you told him that?

18 A. Yes, sir, and my doctor told him that.

19 Q. Okay. Do you remember whether or not Corporal Carroll
20 suggested anything to you --

21 A. He never suggested a thing to me, sir.

22 Q. So the statement that you gave him was just --

23 A. It was voluntarily.

24 Q. --it was just your recollection of --

25 A. Yes, sir.

JOHN L. PRATICO, by Mr. Spicer

1 Q. Okay. Page 75 of volume 21. This is a typed version of a
2 two-page statement, John.

3 A. Right.

4 Q. It has your name at the end and Corporal Carroll as a witness.
5 I don't have the handwritten version here.

6 A. Right. Right.

7 Q. You've had occasion to see that statement again in the last
8 few days?

9 A. Yes, sir.

10 Q. Are you able to tell us whether or not you recollect that that's
11 the statement that you gave to Corporal Carroll?

12 A. That is the statement I gave to Corporal Carroll.

13 Q. Just take a second and read through it again, John. Do you
14 remember how long this interview with Corporal Carroll took?

15 A. An hour and a half possibly.

16 Q. All right, and how did you feel after you gave this statement?

17 A. Much better than I felt in '71.

18 Q. Have you had a chance to read through it?

19 A. Yes, sir.

20 Q. About halfway down the page -- I just want to see whether or
21 not this is different than something you said to me earlier
22 today. With respect to your statement that you gave in '71,
23 you say:

24 My mother took me to the Sydney Police
25 Station around one or two. I think I
talked -- I talked to MacIntyre. I

JOHN L. PRATICO, by Mr. Spicer

1 sent my mother home to look after
2 my sister.

3 I think you said to me earlier today that your mom wasn't there.

4 A. Well, she -- I said she came after she got her housework done.

5 Q. Well, are you talking here about the -- about the first
6 statement, John, or the second, or do you remember?

7 A. I'm not sure, but my mom was up there on a few occasions.
8 It's just not all clear to me, but this is the statement I
9 gave to Corporal Carroll.

10 Q. Okay. Is it clear to you at all whether or not your mom was
11 there during the time you gave the second statement in 1971?

12 A. It's not clear to me.

13 Q. It's not clear to you?

14 A. No.

15 Q. But you said in -- in '82, I guess that you sent her home?

16 A. Yeh, I probably did. Like now '82 was five years ago and
17 I could have, could not have, I don't know.

18 Q. Okay.

19 A. You know what I mean?

20 Q. Yeh, I think so. After you gave this statement to Corporal
21 Carroll, do you remember whether or not you had discussions
22 then with your psychiatrists and other doctors about --

23 A. I talked to a doctor about it.

24 Q. Which doctor would it have been?

25 A. Doctor Mian.

JOHN L. PRATICO, by Mr. Spicer

1 Q. Doctor Mian?

2 A. Yes, sir.

3 Q. And that would have been in 1982?

4 A. Yes, sir.

5 Q. Okay, and do you have any recollection of what you would
6 have said to Doctor Mian after?

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

2/2/82

JOHN L. PRATICO, by Mr. Spicer

1 A. I guess he told me that things might get better for me now.
2 And they did.

3 Q. And was this the first time that you'd ever said to Doctor
4 Mian or any of your other doctors that you'd been having
5 a problem because of what had happened in '71?

6 A. Yeh.

7 Q. That was the first time?

8 A. Yeh.

9 Q. So for that eleven year period, you hadn't told anybody?

10 A. No.

11 Q. No. Volume 12 -- we'll just get rid of 21 here, John, we'll
12 get to this in a minute. Volume 12 at page 271.

13 A. Yes.

14 Q. Do you remember being contacted after you gave the statement
15 to Corporal Carroll in connection with a hearing that was
16 going to take place concerning Junior Marshall at a Court
17 in Halifax?

18 A. Yes, sir.

19 Q. And do you remember who you were contacted by?

20 A. No, I don't. C. B. C. contacted me at one point to go to
21 Halifax.

22 Q. Okay, I think that was in connection with the action against -

23 A. The lawsuit.

24 Q. The lawsuit, okay. Let's just for the moment concentrate on
25 the this particular affidavit that's in front of you. Do you

JOHN L. PRATICO, by Mr. Spicer

1 | have any recollection of -- we'll get you to flip over here
2 | a couple of pages, you'll see that you seem to have signed
3 | that affidavit, is that your signature?

4 | A. Yes, sir.

5 | Q. Okay, do you recollect the circumstances when you signed this
6 | affidavit? Do you remember where you were?

7 | A. Well, I was living in a room on Arthur Street, I believe, when
8 | Corporal Carroll and some other gentleman and Chief Crowe came
9 | to my apartment, my room.

10 | Q. Okay, and prior to them coming to your room, had you had any
11 | discussions with anybody concerning your psychiatric history
12 | or --

13 | A. My doctor.

14 | Q. Your doctor. Any discussion with -- with Carroll --

15 | A. I told Corporal Carroll my emotional problem.

16 | Q. Okay, did you know prior to these gentlemen coming to see you
17 | to get you to sign this affidavit on the 15th of July, '82.

18 | A. Yes.

19 | Q. Did you know that they were going to be coming to you that day
20 | to get you to sign this?

21 | A. No, sir, I did not know.

22 | Q. No. So what happened then, did they --

23 | A. Just that I happened to be home and they came to my apartment
24 | or my room early in the morning.

25 | Q. And what did they say to you?

JOHN L. PRATICO, by Mr. Spicer

1 | A. They just -- they -- well, Corporal Carroll -- pardon me --
2 | Corporal Carroll and some other gentleman came -- I have no
3 | idea who this other gentleman was he was an R. C. M. P.
4 | officer -- I had no idea who he was -- they came in, they
5 | discussed it with me, and they said would I sign it.

6 | Q. Yeh.

7 | A. And I agreed to it. They said they needed a Commissioner
8 | of Oaths and well, I said, "well, who is that?" Chief Crowe.
9 | So one of them gentlemen got Chief Crowe and Chief Crowe came
10 | and I signed this.

11 | Q. All right now, do you remember if at the time you signed this
12 | whether you reviewed it?

13 | A. I reviewed it.

14 | Q. You read over it?

15 | A. Yes, sir, he let me read it.

16 | Q. And were you satisfied with the contents of it?

17 | A. Yes, sir.

18 | Q. Prior to signing this affidavit, had you ever been contacted
19 | by any lawyers acting for Junior Marshall?

20 | A. No, sir. Oh, yes, Steve Aronson, yes, sir, Steve Aronson,
21 | yes, sir.

22 | Q. Okay, all right, and Mr. Aronson contacted you prior to your
23 | signing this affidavit?

24 | A. I think it is, I believe so.

25 | Q. Okay, do you remember whether or not Mr. Aronson talked to you

JOHN L. PRATICO, by Mr. Spicer

1 about the sorts of things that might be in this affidavit?

2 A. I can't recall at this point.

3 Q. Okay. Do you recall what Mr. Aronson was talking to you
4 about at all?

5 A. Just about my statements that I gave him. I discussed it
6 with him.

7 Q. There's just one point that I wanted to raise with you in
8 this affidavit, John, paragraph nine, you say that

9 I stated I had witnessed the murder
10 of Sandy Seale as referred to in
11 exhibit C.

11 And you can take it from me that that was your second
12 statement?

13 A. Yes, it is.

14 Q. As a result of the said, John F. MacIntyre
15 accusing me of having been a witness to
16 the murder and threatening to gaol me
17 unless I stated I did witness the murder.
18 I was further informed by

17 And this is the part I want to ask you about

18 by the said MacIntyre and Urquhart.

19 Do you have any recollection as to whether it was MacIntyre
20 and Urquhart or whether it was --

21 A. Well, both of them were in the room.

22 Q. Right.

23 A. Mr. Urquhart was behind me.

24 Q. Right.

25 A. Only on my side, you know, just about here. And Mr. MacIntyre

JOHN L. PRATICO, by Mr. Spicer

1 | was -- like, I was -- Mr. MacIntyre would be sitting there
2 | and I was sitting facing you.

3 | Q. Sitting on the other side of the table?

4 | A. Yes, sir.

5 | Q. Okay, and are you able to help us today as to whether or not
6 | it was both of them that were telling what you purportedly
7 | witnessed?

8 | A. Well, MacIntyre was mostly the -- Mr. Urquhart was just
9 | to this side, I guess he was to witness to what I was saying,
10 | type thing, eh.

11 | Q. I see, okay. If that's the case, can you help us at all today
12 | as to why you would have said MacIntyre and Urquhart?

13 | A. Well, MacIntyre and Urquhart were in the room, so I just --
14 | well, I used both names because they were both in the room,
15 | eh.

16 | Q. I see. Were you ever contacted by anybody concerning going
17 | to give testimony in connection with the --

18 | A. The investigation?

19 | Q. Not the C. B. C. thing -- yeh, in connection with the
20 | re-investigation?

21 | A. Well, I was supposed to, my doctor figured I shouldn't.

22 | Q. Your doctor figured you shouldn't?

23 | A. He said it wasn't good for me at the time.

24 | Q. I see, and did you talk -- who was that Doctor Mian?

25 | A. Doctor Mian, yes, sir.

JOHN L. PRATICO, by Mr. Spicer

1 Q. And did you talk to him about that?

2 A. A little bit.

3 Q. Yes.

4 A. He said -- he said from for at the time I was not ready.

5 Q. Okay.

6 A. I'll tell you, as this investigation reopened, I finally got
7 something off my mind that was on my mind for eleven years.

8 Q. Right.

9 A. And I was just starting to stablize.

10 Q. Right.

11 A. And I wasn't quite ready for that kind of pressure; but today,
12 I am.

13 Q. So in any event you didn't testify?

14 A. No, sir.

15 Q. Okay.

16 A. The doctor referred to the Court, so I didn't testify as I
17 wasn't quite stable enough at the time.

18 Q. I think I asked you this at the beginning of your testimony,
19 John, that -- what medication are you currently taking?

20 A. Right now.

21 Q. Yeh.

22 A. Ten milligrams of Nozinan once a day at night. Two milligrams
23 of Artane every second day and a half a cc of Modecate intra-
24 muscular every three weeks.

25 Q. All right, okay. And can you give us any indication of how

JOHN L. PRATICO, by Mr. Spicer

1 | you've been feeling since '82 up until --

2 | A. Great, it gets better every day.

3 | Q. I don't think I have any more questions I want to ask you,
4 | John, is there anything -- anything else that you wanted to?

5 | A. I'd just like to say, if this scene hadn't a happened,
6 | perhaps I wouldn't have been sick today and that's just a
7 | thing that was very misunfortunate. It hurt me and a lot
8 | other people. And a lot of people suffered because of this.

9 | Q. Okay, there's some other lawyers here that are going to have
10 | some questions to ask you if you'll just be as patient --

11 | A. I'd like to get a break first.

12 | Q. You'd like to have a break before that starts?

13 | A. Yes, sir.

14 | Q. Yes, smart man.

15 | INQUIRY ADJOURNED: 10:57 a.m.

16 | INQUIRY RECONVENED: 11:09 a.m.

17 | THE CHAIRMAN:

18 | Now, John, before we -- before we start the questions from the
19 | other lawyers.

20 | BY THE WITNESS:

21 | Yes, sir.

22 | THE CHAIRMAN:

23 | This will be the same as when Mr. Spicer was questioning you, so
24 | don't be at all concerned. You're doing a good job.

JOHN L. PRATICO, by Ms. Edwardh

1 BY MS. EDWARDH:

2 Q. John, my name is Marlys Edwardh and I act for Donald Marshall,
3 Junior.

4 A. Yes, ma'am.

5 Q. And I'm going to ask you just a few questions and I'd like
6 you if you can just to listen to the questions before you
7 try to answer them.

8 A. Okay.

9 Q. Great. You have described to Wylie that you have been in the
10 Nova Scotia Hospital and under doctors care for many years.

11 A. Yes, ma'am.

12 Q. And is it correct to say that you started to have these
13 problems before the stabbing of Sandy Seale?

14 A. Well, dear, I had -- I had a bit of a nervous condition, yes,
15 but I wasn't all that bad. It was pretty well -- it was under
16 control to a certain level and when all this broke out, it
17 was too much to handle.

18 Q. Okay, so although the problems started before the stabbing,
19 you got worse after the Preliminary and again worse still
20 after the trial?

21 A. Yes, ma'am.

22 Q. Is that correct?

23 A. Yes.

24 Q. Now in the last few years you said that you felt that you
25 had stablized?

JOHN L. PRATICO, by Ms. Edwardh

1 | A. Yes, ma'am.

2 | Q. So are we to understand from that that you think you are doing
3 | better now than you have at any time?

4 | A. Yes, ma'am.

5 | Q. Since 1971?

6 | A. Yes, ma'am.

7 | Q. And I take it, John, that you, you have your own apartment?

8 | A. Yes, ma'am.

9 | Q. And you do your own cooking and --

10 | A. Yes, ma'am.

11 | Q. And take care of yourself?

12 | A. Yes, ma'am.

13 | Q. And that you have been seeing your doctors regularly?

14 | A. Yes, ma'am.

15 | Q. And that you take your medication as they tell you you're
16 | supposed to?

17 | A. Yes, ma'am.

18 | Q. Now in the last few years, would it also be fair to say that
19 | you haven't had any problems with, I'm going to use the
20 | term hallucination; but what I mean by that --

21 | A. Well, I never had hallucinations.

22 | Q. You never have?

23 | A. No.

24 | Q. Certainly now, you don't have any problems like that?

25 | A. No, dear.

JOHN L. PRATICO, by Ms. Edwardh

1 Q. Okay, and you don't have any problems feeling that people
2 are out to bother you or get you?

3 A. Nobody bothers me, nobody bothers me.

4 Q. Now do you recall whether at the Trial or at the Preliminary
5 Inquiry on either occasion, you saw Doctor Gaum around?

6 A. Who.

7 Q. Doctor Gaum?

8 A. You mean as a child.

9 Q. Yeh, did you see him around?

10 A. No, ma'am, I didn't him there. Doctor Dave was always there
11 but not Doctor Abe Gaum. Doctor Dave was there but not Doctor
12 Abe. Doctor Dave was there for his testimony for being at
13 the hospital the night of the incident.

14 Q. Okay, which doctor was there?

15 A. Doctor David Gaum.

16 Q. Yeh, I'm sorry. And he's not the gentleman who was treating
17 you?

18 A. No, dear, that was his brother.

19 Q. Okay, my confusion, thank you.

20 COMMISSIONER POITRAS:

21 That was his brother.

22 BY THE WITNESS:

23 That was his brother, dear.

24 BY MS. EDWARDH:

25 Q. Thank you. Now when you talked to the police on either of

JOHN L. PRATICO, by Ms. Edwardh

1 | the occasions you talked to them, did you make it clear to
2 | them that you had been drinking and were really drunk on
3 | the night?

4 | A. Yes, ma'am.

5 | Q. And I take it even for you during this time period on that
6 | day you had had an awful lot to drink?

7 | A. Yes, ma'am.

8 | Q. And if I can just jog your memory and ask you to turn to page
9 | 223 of Volume 12. Do you have that in front of you? Turn
10 | to page 223, what you said on this occasion --

11 | A. Just a second.

12 | Q. That I just want to draw your attention to --

13 | A. Could you just wait until I find it, please.

14 | Q. Yep. Okay take your time, I'll see if I can give you a hand.
15 | Page 223.

16 | A. I got it.

17 | Q. You got it?

18 | A. I got it.

19 | Q. Where's it at?

20 | A. Right here.

21 | Q. Right here, okay. Starting from about there, will you just
22 | take a second and read it.

23 | A. To myself.

24 | Q. Just take a second and read it.

25 | A. To myself.

JOHN L. PRATICO, by Ms. Edwardh

1 Q. Yes.

2 A. Okay.

3 Q. Just to refresh your mind. Just those first few lines.

4 A. Yes.

5 Q. And what I want to draw your attention to, John, is the

6 question that was asked to you was asked

7 Whether you were sick?

8 And further down

9 Liquor sick?

10 And you said

11 Yes.

12 Does that refresh your memory as to whether on the night,

13 the 28th of May, that you had enough to drink so that you

14 actually vomited?

15 A. Yes, ma'am.

16 Q. Okay, and that would be before you were sitting in the Park

17 drinking some more beer, is that right?

18 A. Yes, ma'am.

19 Q. Now you knew Mr. Marshall fairly well?

20 A. Yes, ma'am.

21 Q. And although you've indicated you hung around with him, I

22 take it you also hung around with some of the other Native

23 kids in the community?

24 A. Yes, ma'am.

25 Q. And do you recall -- if I can ask you to turn your mind back

JOHN L. PRATICO, by Ms. Edwardh

1 to the time before the stabbing -- do you recall an incident
2 where Junior actually stepped in and helped you when some
3 guys were roughing you up in the Park?

4 A. Possibly.

5 Q. Just take a moment to think about it rather than say "possibly".

6 A. Well, that's the best that I can do with it, possibly.

7 Q. That's the best you can do, okay. Junior was for you a
8 friend?

9 A. Yes, ma'am.

10 Q. Now when you gave your statements to the police and I'd like
11 to talk to you for a while about the second statement.
12 And maybe it would be best to turn to it. And that's in
13 Volume 16, page 41, it's a different Volume. If you need
14 some help finding it, just let me know.

15 A. It's okay.

16 Q. You got it? Page 41.

17 A. It's 41 here.

18 Q. I'm going to underline a passage so you can just read it
19 carefully and I've underlined the words

20 I stopped where I showed you.

21 Now I want you to just read those few lines.

22 A. Yes, I read that.

23 Q. Yes -

24 A. I read it.

25 Q. You read it?

JOHN L. PRATICO, by Ms. Edwardh

1 A. Yes, ma'am.

2 Q. And let's read it together just so we don't miss it

3 I did not pay much attention to
4 them. I kept walking for the
5 tracks. On the tracks I stopped
6 where I showed you.

7 Those are the words I want you to think about "where I showed
8 you". Now you told us a little while ago that you thought
9 you'd gone to the Park --

10 A. Now we got to go through the Park to get to the tracks, you
11 got to go across the foot bridge.

12 Q. Right, can you just give me a second, John, I'm going to give
13 you a question. You told us a little earlier that you
14 thought you went to the Park after you gave this statement,
15 okay. Now --

16 A. That don't make sense.

17 Q. That's why I -- that's why I pointed --

18 A. You're confusing me, I mean, you're confusing me.

19 Q. Well, I don't --

20 A. What do you mean, "I went to the Park after the tracks".

21 Q. What I'm trying to get you to just think about for a
22 moment, is you said to Wylie that you thought you'd gone
23 to the Park with Mr. MacNeil --

24 A. Oh, oh I follow you now.

25 Q. Sergeant MacIntyre, yes. Following your June 4th statement.

26 A. Okay, dear.

JOHN L. PRATICO, by Ms. Edwardh

1 Q. What I'm going to ask you is just to take a moment and think
2 about whether you must have gone to the Park before you gave
3 or signed this statement because of what you say here?

4 A. Dear, I told Mr. Spicer what you're trying to get to
5 this is the second statement. I went to the Park with them
6 after the first statement, dear.

7 Q. Okay, that's what I wanted to just draw your attention. So
8 let's talk about the time you went to the Park before you
9 gave this second statement.

10 A. Yes, dear.

11 Q. Okay, and do you recall who you went to the Park with on that
12 on that occasion?

13 A. Yes, dear.

14 Q. Who was that?

15 A. Sergeant MacIntyre.

16 Q. Okay, and do you recall seeing Maynard Chant in the Park at
17 that time?

18 A. No, dear, he was not there.

19 Q. And when you went through the Park, can you describe for us
20 what you recall happened in the Park on that occasion?

21 A. You mean with the Police Department?

22 Q. With the Police Department before you gave your second
23 statement?

24 A. Well, we were around the bushes, showing me the -- we went
25 by the bushes and they said, "Would this be about where you

JOHN L. PRATICO, by Ms. Edwardh

1 at?", you know. So we point out a spot and then they showed
2 to me where the body was laying. Which I did not know where
3 the body was laying; but it was showed to me.

4 Q. And did they -- did they say anything about Mr. Marshall
5 where he was?

6 A. Well, they described, you know, the scene and where Mr.
7 Seale's body was laying, whereabouts Mr. Marshall would be
8 that type of thing, you know what I mean.

9 Q. Did they talk at all to you or didn't Sergeant MacIntyre
10 talk at all to you about what other things you might have
11 seen that night; such as, Mr. Marshall taking a knife from
12 his pocket. Was there any talk about that?

13 A. They didn't come out and say knife, dear, it was -- it was --
14 then there was no mention of knife, it was just, you know,
15 a hand was moving, you know, and no knife, no such shinny
16 object, no whatever, just to like and Mr. Marshall's
17 arms struck out.

18 Q. And that's what they told you?

19 A. Yes, dear.

20 Q. Now when you had gone through that process with the officers?

21 A. Yes, dear.

22 Q. Was it clear in your mind and I want you to think very
23 carefully about this before you answer this question, was
24 it clear in your mind after you left the Park what you
25 should be saying?

JOHN L. PRATICO, by Ms. Edwardh

1 A. Yes, dear, it was very clear to m e. Well, like I said to
2 Mr. Spicer, who's going to take my word for it?

3 Q. No, no. Listen to the question, John, for a second. Was it
4 clear what -- did you have some image of what they wanted you
5 to say?

6 A. Yes, dear.

7 Q. Okay.

8 A. I -- what they wanted and actually and persisted on and they
9 intended on it.

10 Q. Okay, now if I can just go back about the conversation about
11 the beer bottle and ask you to think about it.

12 A. Yes, dear.

13 Q. Could that be the time the mention of the beer bottle was made?
14 Let me give you an example: Did they suggest that that's how
15 they knew where you were sitting?

16 A. They said my fingerprints were on the bottle and how the hell
17 do you get fingerprints. They never fingerprinted me before.

18 Q. Okay, so as far as you were concerned, they shouldn't have
19 your fingerprints?

20 A. No, dear, they never -- I was never fingerprinted by the
21 Sydney Police or any R.C.M.P. or anybody in my life.

22 Q. Now can you explain what you thought when they said that?

23 A. That's a trick. That's a trick.

24 Q. But what were they trying to say to you?

25 A. Trying to trick me.

JOHN L. PRATICO, by Ms. Edwardh

1 Q. Okay, and did you have any response that you can recall?

2 A. I didn't know what to say.

3 Q. Now could that conversation about the beer bottle have taken
4 place before you --

5 A. Before the statement.

6 Q. Before the June 4th statement?

7 A. Yes, dear.

8 Q. Okay, now when you came to testify at the trial of Mr.
9 Marshall in November?

10 A. Yes, ma'am.

11 Q. You had come home from the hospital?

12 A. Yes, ma'am.

13 Q. There's some suggestion in the medical records that you
14 may not have taken your medication dutifully during that
15 period of time in November?

16 A. I've stopped my medication different times, yes.

17 Q. And in November during this time period when you came home
18 late October/November?

19 A. Yes, ma'am.

20 Q. Were you also drinking pretty heavily as well?

21 A. Not always, at times I did take a drink. When I took a drink
22 I couldn't take my medication because like I said to Mr.
23 Spicer, if you drink and take medication, there's
24 a possibility you go into a coma and never coming out of
25 it.

JOHN L. PRATICO, by Ms. Edwardh

1 Q. Right, so you knew you shouldn't mix the two.

2 A. That's right.

3 Q. So when you decided you were going to drink you didn't --

4 A. I wouldn't take the medication.

5 Q. And -- so during the time of the trial sometimes you were
6 on your medication, sometimes you weren't?

7 A. Yes.

8 Q. Is that correct?

9 A. Yes, at times.

10 Q. And some times you drank during that period as well?

11 A. Yes, ma'am.

12 Q. Now I just want to ask you to think back about the conversations
13 that you had with the Prosecutor, Mr. MacNeil.

14 A. Yes, ma'am.

15 Q. Before the trial you had a conversation with him about your
16 statement.

17 A. Yes, ma'am.

18 Q. Now can you describe for their Lordships just how that
19 conversation occurred. Did you have a copy of your statement?

20 A. No, dear.

21 Q. Did Mr. MacNeil ask you to tell him the story so he could
22 watch you?

23 A. Yes, dear.

24 Q. And did he -- did he sometimes correct you?

25 A. He corrected me at times but if he would sort of in around about

JOHN L. PRATICO, by Ms. Edwardh

1 way type thing, you know, kind a question, saying he was
2 joking, "Are you sure this is right?", type thing, you
3 know what I mean. Because it's like saying it's -- you
4 were talking about the subject here, "Are you sure you're
5 correct?" "Are you sure you got your story straight?"

6 Q. Did he ever said -- did he ever suggest when you said
7 something that you had said something different on your
8 statement and you should keep to your statement?

9 A. Not really sure on that.

10 Q. Were you afraid of Mr. MacNeil?

11 A. Well, I was afraid of the whole damn system.

12 Q. We're getting that impression. Did Mr. MacNeil as far as
13 you were concerned do anything to make you feel afraid or
14 was it just because of who he was?

15 A. Just because of who he was and all the power he had.

16 Q. Did you think that he could send you to gaol? I mean what power
17 did you think Mr. MacNeil had?

18 A. Well, he had the power to put anybody in gaol if he could.
19 And a sixteen year old boy or a teenager or whatever you
20 wish to call it, with emotional problems and people playing
21 tricks on his mind, he could probably convince you of anything.
22 He would tell you the world was flat and he'd probably
23 convince you.

24 Q. Do you recall whether Mr. MacNeil talked to your mom at all?

25 A. Not that I recall.

JOHN L. PRATICO, by Ms. Edwardh

1 Q. Do you recall whether any of the police officers around
2 this time talked to your mom?

3 A. You'd have to ask my mom that question because I wouldn't
4 know.

5 Q. Okay, and I take it from what you say today, you're not
6 able to tell us whether or not Mr. MacNeil would have been
7 aware that you had been in the hospital before the trial?

8 A. Well, if he wasn't he should have been.

9 Q. Yes, I don't think we disagree, but I'm asking you, sir,
10 as best you can tell?

11 A. I don't believe he was --

12 Q. You don't believe he was?

13 A. No, but -- well, it was in the newspaper that I was in the
14 hospital, you know.

15 Q. It was in the newspaper.

16 A. I would imagine there was records kept of my trips to the
17 hospital and my emotional state.

18 Q. Okay. Is it -- leaving aside all the details, John, of
19 what may have transpired, are you trying to tell us today
20 that you would never have said those things --

21 A. If I wasn't --

22 Q. Let me finish the question. -- about seeing the stabbing?

23 A. If I wasn't pressured.

24 Q. If you weren't pressured?

25 A. That's right.