

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

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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

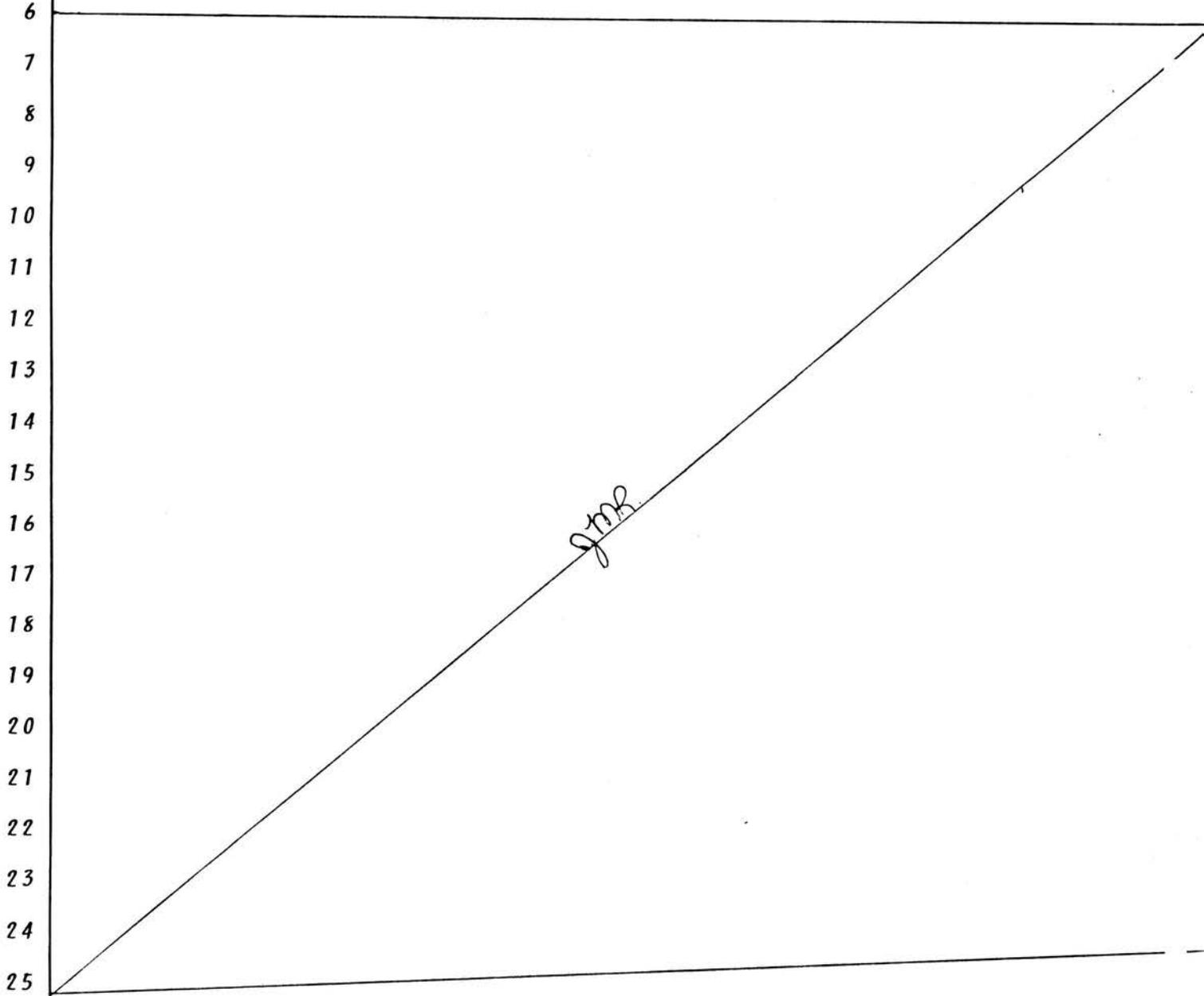
JOHN L. PRATICO, by Mr. Spicer

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

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Q. Doctor Mian?

A. Yes, sir.

Q. And that would have been in 1982?

A. Yes, sir.

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

2/23/82

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.

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.

JOHN L. PRATICO, by Ms. Edwardh, by Mr. Pugsley

1 Q. And today, sir, are you certain who pressured you?

2 A. Yes, ma'am, I am sure that I am.

3 Q. And who was that?

4 A. Chief John MacIntyre.

5 Q. And one other question before I leave it. On -- at the trial
6 when you spoke to Mr. Marshall, Senior, my client's father.

7 A. Yes, ma'am.

8 Q. He never threatened you, did he?

9 A. No, ma'am.

10 Q. Did anyone ever ask you, John, whether Mr. Marshall, Senior,
11 threatened you?

12 A. No, ma'am.

13 Q. Did Mr. MacNeil --

14 A. Not that I recall.

15 Q. Those are my questions.

16 THE CHAIRMAN:

17 Mr. Pugsley.

18 BY MR. PUGSLEY:

19 Q. Mr. Pratico, my name is Ron Pugnsey.

20 A. Yes, sir.

21 Q. And I'm acting for John MacIntyre.

22 A. Yes, sir.

23 Q. If you get tired at any time when I'm questioning you, you
24 just let me know.

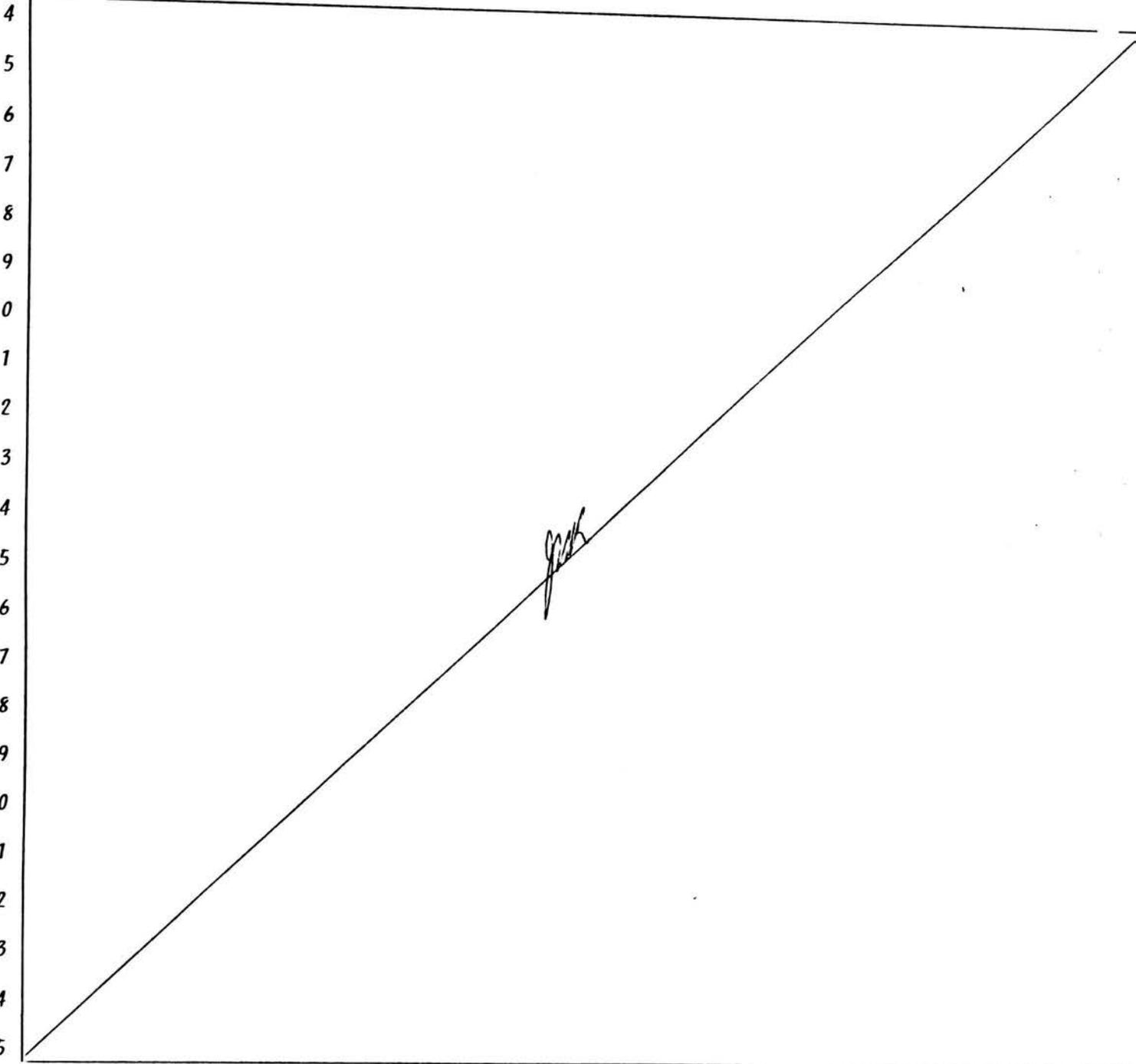
25 A. Yes, sir.

JOHN L. PRATICO, by Mr. Pugsley

1 Q. And we'll stop and take a break.

2 A. All right.

3 Q. Okay.



JOHN L. PRATICO, by Mr. Pugsley

1 Q. You have a wonderful memory, Mr. Pratico, about your medication
2 and about the doctors who treated you and I want you to tell
3 me if you would who were the doctors who have looked after you
4 from about 1970 up to the present time.

5 A. Doctor A. B. Gaum, Doctor Binney, --

6 Q. Just one second now, Doctor A. B. Gaum, he's a general
7 practitioner.

8 A. General practitioner and surgeon.

9 Q. A surgeon, right?

10 A. Yes, sir.

11 Q. And he's now deceased, is he?

12 A. Yes, sir.

13 Q. And when did he die? Do you recall?

14 A. A couple of years ago.

15 Q. A couple of years ago, okay. Has any general practitioner
16 been looking after you since Doctor Gaum died?

17 A. But I'm only seeing psychiatrists after that, eh. They are
18 more qualified to treat me for my emotional problem than a
19 general practitioner would be.

20 Q. All right, so is what you say there has been no general
21 practitioner looking after you since Doctor Gaum died?

22 A. Just for physical problems.

23 Q. Just physical problems. Who is that? Who is your --

24 A. Doctor Pandey.

25 Q. Doctor?

JOHN L. PRATICO, by Mr. Pugsley

- 1 | A. A. K. Pandey.
- 2 | Q. Bandy -- B-a-n-d?
- 3 | A. P-a-n-d-e.
- 4 | Q. P-a-n-d-e.
- 5 | A. Y.
- 6 | Q. D-e-y.
- 7 | A. Yeh.
- 8 | Q. Okay, thank you. And you say that there's been a number of
- 9 | psychiatrists who have looked after you as well?
- 10 | A. Yes, sir.
- 11 | Q. Who was the first psychiatrist that you saw?
- 12 | A. Doctor Binney.
- 13 | Q. And when did you first start seeing him?
- 14 | A. '71, '70. 1970 into '71.
- 15 | Q. Yes, and about -- for what period of time did you see him?
- 16 | A. I just told you, 1970, 1971.
- 17 | Q. No, for how long did you see Doctor Binney?
- 18 | A. I just told you, 1970 to 1971.
- 19 | Q. I see. You saw him for a period of one year, did you?
- 20 | A. Yeh.
- 21 | Q. And what happened to him then?
- 22 | A. He went away.
- 23 | Q. All right. And you used to go to his office, did you?
- 24 | A. At the Mental Health Clinic on St. Peter's Road, in Sydney.
- 25 | Q. Right. And approximately how often would you see him?

JOHN L. PRATICO, by Mr. Pugsley

1 A. A month. Every month.

2 Q. Once a month.

3 A. Yes, sir.

4 Q. Right. And did he give you any medication?

5 A. Yes, sir.

6 Q. What was the medication he gave?

7 A. Stelazine.

8 Q. I'm sorry?

9 A. Stelazine.

10 Q. Steladine?

11 A. Stelazine.

12 Q. Can you spell that for me?

13 A. No.

14 Q. Okay.

15 A. I haven't got a drug book with me to spell that.

16 Q. All right, and what was that, a form of tranquilizer, was it?

17 A. Yes, it was a tranquilizer.

18 Q. And how many of those pills would you take?

19 A. Three a day.

20 Q. Three a day. Do you know the strength?

21 A. Twenty-five milligrams.

22 Q. All right, does that -- is twenty-five milligrams for each
23 pill or is that the total?

24 A. Each medication, each pill.

25 Q. Each pill.

JOHN L. PRATICO, by Mr. Pugsley

- 1 | A. Yes, sir.
- 2 | Q. And you took those every day --
- 3 | A. Every day.
- 4 | Q. -- from the time you first started seeing him.
- 5 | A. Yes, sir.
- 6 | Q. Okay. And after Doctor Binney, who did you see after that?
- 7 | A. I seen Doctor Donovan for a little while.
- 8 | Q. Doctor Donovan, okay. And where was he?
- 9 | A. At the Mental Health Clinic on St. Peter's Road.
- 10 | Q. The same place.
- 11 | A. The same place.
- 12 | Q. He started looking after you after Doctor Binney left?
- 13 | A. Doctor Binney went away, yes, sir.
- 14 | Q. Okay, and for what period of time would Doctor --
- 15 | A. A couple of years, two or three years.
- 16 | Q. Two or three years?
- 17 | A. Yes, sir.
- 18 | Q. Okay. And did he change the medication, do you know?
- 19 | A. Yes, sir.
- 20 | Q. What was he giving you?
- 21 | A. Mellaril.
- 22 | Q. I'm sorry?
- 23 | A. Mellaril.
- 24 | Q. Mellaril?
- 25 | A. M-e-r-r-i-l-l.

JOHN L. PRATICO, by Mr. Pugsley

1 Q. Okay, and these were pills as well, were they?

2 A. Yes, sir.

3 Q. And how often would you take those?

4 A. Four times a day.

5 Q. Okay. Do you have any idea of the strength of those pills?

6 A. Fifty milligrams.

7 Q. Fifty?

8 A. Yes, sir.

9 Q. Were those better than the other pills that you took or?

10 A. What do you mean, better?

11 Q. Well did they help you more?

12 A. Sort of.

13 Q. Sort of.

14 A. Yeh.

15 Q. Okay. And then after Doctor Donovan, who did you next see?

16 A. I went to the Nova Scotia Hospital.

17 Q. I see. And who did you see there?

18 A. Doctor John.

19 Q. Doctor John.

20 A. Yes, sir.

21 Q. What kind of a fellow was Doctor John? Did you like him?

22 A. A good doctor.

23 Q. A good doctor. Did you have confidence in him?

24 A. Well, really I -- I really couldn't see him at times. I was
25 on -- I was on sedation and my mind wasn't clear. I didn't

JOHN L. PRATICO, by Mr. Pugsley

1 have confidence in nobody. Just that I did what he -- what
2 he'd think was good for me.

3 Q. Right. When did you first see Doctor John in the Nova Scotia
4 Hospital?

5 A. The first day I went there.

6 Q. The first day you went there?

7 A. Yes, sir, and he prescribed medication.

8 Q. Right, and did you see Doctor John every day that you were
9 in the hospital?

10 A. Well, we usually had meetings every day, you know, and every
11 -- on the ward and he would sit and discuss everything with
12 the patients and then have a private interview.

13 Q. And that would be with Doctor John, would it?

14 A. Yes, sir.

15 Q. Right. And it's -- do you recall the month that you first
16 went to the Nova Scotia Hospital?

17 A. Well, what do you mean about recall?

18 Q. Do you remember the month of the year?

19 A. Yeh.

20 Q. What month was it?

21 A. The summer.

22 Q. The summer, right. Okay, it was between the preliminary and
23 the trial.

24 A. Yes, sir.

25 Q. Right. And do you recall how long you were there?

JOHN L. PRATICO, by Mr. Pugsley

1 A. A couple of months.

2 Q. Couple of months, okay.

3 A. Yes, sir.

4 Q. Why did you go to the Nova Scotia Hospital on this first occasion?

5 Who --

6 A. For my nerves.

7 Q. Whose idea was it that you --

8 A. My own.

9 Q. Your own idea?

10 A. Yeh.

11 Q. Did you discuss that with Doctor --

12 A. With Doctor A.B. Gaum and Doctor A. B. Gaum made the arrangements.

13 Q. Okay. Was Doctor Donovan involved in that at all?

14 A. No, sir, Doctor A. B. Gaum made the arrangements and I went up.

15 Q. I see. Did you discuss it with Doctor Donovan at all?

16 A. Sir, I just told you Doctor A.B. made the arrangements and I
17 never seen no doctors until I got to the Nova Scotia Hospital.

18 Q. I see. All right. After you saw Doctor Donovan, who is the
19 next psychiatrist that you saw?

20 A. Doctor John.

21 Q. And after Doctor John? I meant in Sydney.

22 A. I came back to Sydney and I started seeing Doctor McDonough.

23 Q. Doctor McDonough.

24 A. Yes, she's deceased today.

25 Q. Right, that was a lady doctor, eh?

JOHN L. PRATICO, by Mr. Pugsley

1 A. Yes, sir.

2 Q. And do you know for what period of time you saw her?

3 A. Quite a period. Quite a long period of time.

4 Q. Can you give me a rough idea?

5 A. Couple -- five years, six years.

6 Q. Okay. And after Doctor Donovan, who was the next psychiatrist
7 in Sydney that you saw?

8 A. Doctor McDonough after Doctor Donovan.

9 Q. I'm sorry, after Doctor McDonough, I'm sorry. After Doctor
10 McDonough, who --

11 A. Doctor Mian.

12 Q. Doctor Mian, right. When did you first see Doctor Mian?

13 A. '76.

14 Q. 1976.

15 A. Yes, sir.

16 Q. And you have been seeing Doctor Mian --

17 A. Right up until last year.

18 Q. Until last year?

19 A. Yes, sir.

20 Q. Okay. Have you been seeing a psychiatrist this year?

21 A. Yes, Doctor Sothy, S-o-t-h-y.

22 Q. And when did you last see that Doctor?

23 A. Well, Doctor -- I seen Doctor Sothy six weeks ago and then
24 Doctor Sothy moved to Winnipeg, I believe, and I'm seeing a
25 Doctor O'Brien now.

JOHN L. PRATICO, by Mr. Pugsley

1 Q. Doctor O'Brien?

2 A. Yes, sir.

3 Q. And Doctor O'Brien's a psychiatrist?

4 A. Yes, sir.

5 Q. And when did you last see Doctor O'Brien?

6 A. I see him for five minutes about five weeks ago.

7 Q. I see, and have not seen him since?

8 A. I'll see him when I return on the 30th.

9 Q. On the 30th?

10 A. Of September.

11 Q. Right, and where -- and where is he located?

12 A. At the Mental Health Clinic at the Cape Breton Hospital in
13 Sydney River.

14 Q. Yes. Were you glad to get to the Nova Scotia Hospital on
15 your first admission in the summer of 1971?

16 A. Well, what do you mean "glad"?

17 Q. Well, did you find it a relief to be there?

18 A. Well, I figured I'd get my nerves straightened out.

19 Q. Yes, and did you get your nerves straightened out?

20 A. A little bit but not really because there was a lot of pressure
21 on me.

22 Q. Yes, and what was the pressure?

23 A. This whole ordeal we're here for today.

24 Q. The ordeal about giving evidence?

25 A. Yes, sir, and the way that it was handled.

JOHN L. PRATICO, by Mr. Pugsley

1 Q. Yes, and did you tell the people at the Nova Scotia Hospital
2 about the ordeal?

3 A. I was too confused.

4 Q. Did you tell them that you had been an eyewitness to --

5 A. They knew that.

6 Q. And how did they know that?

7 A. Because it was -- Well, Doctor A. B. sent the report up
8 when I went up.

9 Q. Yes, but did you tell them that you had --

10 A. I discussed it with the doctor, yes.

11 Q. You told the doctors at the Nova Scotia Hospital --

12 A. That I was involved in the case.

13 Q. Yes. You told them that you were an eyewitness to a murder
14 in the park?

15 A. Yes, sir.

16 Q. Yes, and you told them that the people involved were an
17 Indian and a Black?

18 A. No.

19 Q. You did not tell them that?

20 A. No.

21 Q. Did you tell them that you were going to have to give
22 evidence?

23 A. They knew I was going to have to give evidence.

24 Q. Yes, and they said there was nothing wrong with you giving
25 evidence?

JOHN L. PRATICO, by Mr. Pugsley

- 1 A. They weren't discussing all this with me because I don't know. They
2 wouldn't discuss the knowledge with me because I was just
3 too -- in a confused state of mind.
- 4 Q. I take it from what you say that they didn't tell you --
- 5 A. That's what I said.
- 6 Q. --that you should not give evidence?
- 7 A. They didn't tell me nothing.
- 8 Q. No. They didn't tell Doctor Gaum that you should not give
9 evidence?
- 10 A. No.
- 11 Q. They didn't tell Donnie MacNeil, the Crown Prosecutor,
12 that you should not give evidence?
- 13 A. Donnie MacNeil must have known. Judas Priest, he must have
14 known because everybody else knew.
- 15 Q. Everybody else knew what?
- 16 A. That I was in the Nova Scotia Hospital.
- 17 Q. Yes, and how would they know that?
- 18 A. Come on now.
- 19 Q. I don't know. How would they know that?
- 20 A. It's been in the -- It's been on record.
- 21 Q. On record where?
- 22 A. Because the Sydney Police took me to the Nova Scotia Hospital.
- 23 Q. Yes, but how would -- how would Donnie MacNeil know?
- 24 A. Well, why didn't the City Police report to Donnie MacNeil
25 of taking me to the Nova Scotia Hospital. They knew it.

JOHN L. PRATICO, by Mr. Pugsley,

1 Q. Did they report that to Donnie MacNeil?

2 A. That's what I'm -- You're saying they didn't. Well, why
3 didn't they.

4 Q. Well, I'm asking you.

5 A. Well, I don't know. I'm not the Police Department.

6 MR. CHAIRMAN:

7 I have to ask -- While I appreciate the very keen interest that the
8 audience is showing in this, in the inhibitance of this witness
9 I would ask, please, if you could restrain from any demonstration.
10 This is a very sensitive testimony and I am sure that nobody
11 in the audience wants to impede or make it any more difficult
12 than it is for Mr. Pratico.

13 BY MR. PUGSLEY:

14 Q. I guess the point I was trying to make, Mr. Pratico, was that
15 the people in the Nova Scotia Hospital knew you were going to
16 give evidence. They knew when --

17 A. So did the Sydney Police know that I was going to give
18 evidence. They knew that I went to the Nova Scotia
19 Hospital.

20 Q. All right. The people in the Nova Scotia Hospital knew you
21 were going to give evidence, they knew when you were going
22 to give evidence, they knew what you were going to give
23 evidence about?

24 A. Yes.

25 Q. And yet none of the people in the Nova Scotia Hospital told

JOHN L. PRATICO, by Mr. Pugsley

1 | anyone?

2 | A. So you're putting all the blame on the Nova Scotia Hospital.

3 | Q. Just a second. I'm not putting blame on anyone. I'm just

4 | saying the people in the Nova Scotia Hospital must have

5 | thought that you were quite capable of giving evidence in

6 | November, 1971, otherwise they would have told someone?

7 | A. Do you think I was capable?

8 | Q. They must have thought that, sir. They certainly -- There's

9 | certainly no record.

10 | A. So in other -- what are you trying to say?

11 | Q. I'm just trying to say that they must have thought that you

12 | were fit and competent to give evidence at the trial of

13 | Donald Marshall, Jr., in November of 1971. That's what

14 | I'm saying. Going back for a moment to the amount of time

15 | that you were in the Nova Scotia Hospital and you think --

16 | I think you said roughly about two months?

17 | A. Yeh.

18 | Q. It's my recollection that you went there about August the 25th,

19 | something like that?

20 | A. Well, I don't know. I don't know. It was sixteen years

21 | ago. I don't know.

22 | Q. No, I know. Of course, I don't -- and I don't expect you

23 | to remember the dates and I've just reviewed them so I

24 | know roughly what they are. It's further in my recollection

25 | that after you had been in the Nova Scotia Hospital for about

JOHN L. PRATICO, by Mr. Pugsley

1 ten days or two weeks they felt you were ready to be
2 discharged, but because your home life with your mother
3 had been unhappy and unsatisfactory, there was no place
4 for you to go.

5 A. What do you mean? Just -- Just -- Just hold on. What
6 do you mean by "unsatisfactory"?

7 Q. I mean that -- that you did not want to go home but they
8 were ready to discharge you around the 10th, something like
9 that, of September.

10 A. Not in my home life. I had a damn good home life with my
11 mother. It's just that I was not fit to go -- to come
12 out because my mind was still screwed up.

13 Q. All right. Okay. Fine.

14 A. And my mother's got nothing to do with this and my mother
15 was a good mother.

16 Q. I'm not suggesting she's not a good mother to you?

17 A. Well, I hope you're not suggesting anything else.

18 Q. I'm not suggesting that at all, sir. What I'm suggesting is
19 that the people at the Nova Scotia Hospital felt that you
20 were ready to leave around mid-September, but that because
21 there were difficulties --

22 A. I think you're putting all the blame on my home life
23 probably which is a lot of -- Never mind. I better not
24 say that.

25 Q. I'm not --

JOHN L. PRATICO, by Mr. Pugsley

1 | A. Anyway just that there was more involved in my home -- My
2 | home life was good until all this foolishness started and
3 | when I got -- and I got all messed up and everybody's life
4 | was throw off kilter all because of this and if it wasn't
5 | for this nobody would have had problems today.

6 | Q. Okay.

7 | MR. CHAIRMAN:

8 | John, would you like a short break.

9 | THE WITNESS:

10 | I think this gentleman is giving me a hard time so I would like
11 | a break.

12 | MR. CHAIRMAN:

13 | Yeh, and I -- No one is going to give you a hard time. You have
14 | my word for that. I think if we take a short break and we'll --
15 | it will give us a chance to settle down, you and I, and we'll
16 | come back in about ten minutes time. Is that satisfactory?

17 | THE WITNESS:

18 | Yes.

19 | MR. CHAIRMAN:

20 | Fine.

21 |

22 | INQUIRY ADJOURNED AT: 11:41 a.m., AND RECONVENED AT: 11:50 a.m.

23 |

24 | MR. CHAIRMAN:

25 | John, before we start again, I want you to know that this is not

JOHN L. PRATICO, by Mr. Pugsley

1 a Court of Law. This is not "the system." Nothing that you say
2 will hurt you, so don't -- We have a job to do. We have to try
3 and find out about these things. Mr. Pugsley and the other
4 lawyers who are representing various clients, they have a job to
5 do, but nobody will do anything that will in any way embarrass
6 you or hurt you. You have nothing to worry about. If you get
7 tired just let Mr. Pugsley know or Wylie know and we will adjourn.

8 THE WITNESS:

9 Okay. I'd just like to apologize because I didn't know --

10 MR. CHAIRMAN:

11 You have nothing to apologize for.

12 THE WITNESS:

13 And then things got out of hand there for a second.

14 MR. CHAIRMAN:

15 No, no, you're doing a superb job.

16 MR. PUGSLEY:

17 Thank you, My Lord. My Lord, one thing while I recall it, it's
18 my recollection that in the absence of the T.V. cameras we
19 received a word to the effect that the audio tape that is being
20 taken now will be destroyed within a week. I would request that
21 this audio tape be preserved for the -- for the Commission at
22 a later date and not be destroyed at the end of one week because
23 it's the only audio tape apparently that will exist of the
24 examination of Mr. Pratico.

25 MR. CHAIRMAN:

I don't think that will be a problem.

JOHN L. PRATICO, by Mr. Pugsley

1 | MR. PUGSLEY:

2 | Thank you.

3 | BY MR. PUGSLEY:

4 | Q. It's my recollection, Mr. Pratico, that you had -- that you
5 | gave two statements to John MacIntyre?

6 | A. Yes, sir.

7 | Q. The first statement according to the information we have was
8 | given on Sunday, May 30th --

9 | A. Yes, sir.

10 | Q. --1971?

11 | A. Yes, sir.

12 | Q. And the second statement was given about five days later on
13 | that Friday?

14 | A. Yes, sir.

15 | Q. On June the 4th?

16 | A. Yes, sir.

17 | Q. Can you give me an estimate of how long you would have been
18 | with John MacIntyre?

19 | A. Well, like I told Mr. Spicer, I'm not really sure of the
20 | time we spent together.

21 | Q. No. And I do recall you said that. But I -- Can you just
22 | give me a broad estimate?

23 | A. No.

24 | Q. All right. Was it as much as a day?

25 | A. Was -- Well, I was there that day. It was the

JOHN L. PRATICO, by Mr. Pugsley

1 | one day, but God knows how much time was spent.

2 | Q. I meant the time that you were in the room with John MacIntyre.

3 | A. I just told you it was that day but I don't know how much
4 | time was spent there.

5 | Q. You can't tell us whether it was a half an hour?

6 | A. No.

7 | Q. One hour?

8 | A. No.

9 | Q. Five hours?

10 | A. No.

11 | Q. Twelve hours?

12 | A. Well, it wasn't twelve hours.

13 | Q. All right. Would it be five hours?

14 | A. I don't know.

15 | Q. Okay. All right. The second interview on Friday, June the 4th,
16 | can you give us any estimate of how long that would have been?

17 | A. No, sir.

18 | Q. Okay. Now Mr. Spicer is sitting beside me, and you have met
19 | I understand with him before the last two days?

20 | A. Yes, sir. Yes, sir.

21 | Q. How many times have you met with Mr. Spicer?

22 | A. A couple of times.

23 | Q. A couple of times?

24 | A. Yes, sir.

25 | Q. And how long have -- And when you say a couple do you mean two?

JOHN L. PRATICO, by Mr. Pugsley

1 A. Three, four days, maybe.

2 Q. Three or four days?

3 A. Not the whole day, you know.

4 Q. No.

5 A. Three or four occasions.

6 Q. Three or four times?

7 A. Three or four occasions.

8 Q. Yeh. All right, and can you give us an estimate as to how
9 long each of those occasions --

10 A. An hour, an hour and a half.

11 Q. All right. Now Mr. Spicer has two other lawyers that are
12 assisting him?

13 A. Yes, sir.

14 Q. And do you know their names?

15 A. Mr. Orsborn and Mr. MacDonald.

16 Q. That's right, and have you met with them?

17 A. Yes, sir.

18 Q. How many times have you met with Mr. Orsborn?

19 A. A couple of times.

20 Q. A couple of times?

21 A. Twice maybe.

22 Q. Twice maybe. And about how long would those meetings be?

23 A. Oh, I don't know. An hour, an hour and a half, two hours,
24 maybe three.

25 Q. Maybe three hours?

JOHN L. PRATICO, by Mr. Pugsley

1 A. Yeh.

2 Q. And what about Mr. MacDonald, how many times did --

3 A. Well, Mr. MacDonald and Mr. Orsborn were together.

4 Q. I see. Okay. Mr. Spicer was by himself?

5 A. Yes, sir, Mr. Spicer --

6 Q. There's also another chap that the Commission has working
7 for them, a tall fellow, do you remember his name?

8 A. What's his name? I don't know.

9 Q. Mr. Horne.

10 A. Fred Horne.

11 Q. Fred Horne.

12 A. Yes, sir.

13 Q. And you've met with him as well, have you?

14 A. A lot of times.

15 Q. A lot of times?

16 A. Yes, sir.

17 Q. Okay. How much is a lot of times?

18 A. Well, since this all opened up and the investigation
19 started I met with Mr. Horne on several occasions.

20 Q. How many times would you say?

21 A. Oh, that's hard to say. It's been a lot of months and it's
22 hard to say how many I've met with him. I don't know. But
23 I've met with him on several occasions.

24 Q. Okay. Would you have met with Mr. Horne more than you
25 have met with Mr. Spicer?

JOHN L. PRATICO, by Mr. Pugsley

1 A. Yes, sir, I met more with Mr. Horne than Mr. Spicer.

2 Q. And would the interviews with Mr. Horne be -- how long
3 would you say?

4 A. Sometimes quite a period and sometimes a short period.

5 Q. Okay. All right.

6 MR. PUGSLEY:

7 My Lord, I would request that Mr. Horne's time, if he has kept it,
8 and my friend's time with respect to meetings with Mr. Pratico be
9 tabled with the Commission so we have an opportunity of
10 understanding how long these sessions have been. I think that
11 would be of some assistance to us.

12 MR. CHAIRMAN:

13 Well, if they're available.

14 MR. PUGSLEY:

15 I don't mean right now. I mean eventually --

16 MR. CHAIRMAN:

17 Well, I know, but if they are available and if they have kept
18 a diary I can see nothing wrong with it. The relevancy escapes
19 me at this time but I'm sure it may be relevant. In any event,
20 I don't see that that would pose any problem if logs are -- have
21 been kept.

22 MR. PUGSLEY:

23 Yes, of course.

24 BY MR. PUGSLEY:

25 Q. Have you been watching T.V. in the last couple of weeks?

JOHN L. PRATICO, by Mr. Pugsley

1 A. Yes, sir.

2 Q. And have you been watching the T.V. reports of these hearings?

3 A. Yes, sir.

4 Q. And have you been reading the newspaper?

5 A. Yes, sir, I do.

6 Q. What papers do you read?

7 A. The Cape Breton Post.

8 Q. The Cape Breton Post. Right.

9 A. I get it delivered.

10 Q. Yeh, have you been reading the Chronicle Herald as well, sir?

11 A. No, sir, I don't read the Halifax Herald.

12 Q. Is there a reason for that?

13 A. No, just that I don't read it. I don't need two newspapers
14 in the house.

15 Q. All right, and have you been -- Have you been reading the
16 evidence that Maynard Chant gave?

17 A. Yes, sir.

18 Q. All right. And have you seen Maynard Chant on television?

19 A. Yes, sir.

20 Q. Over the last couple of weeks I meant?

21 A. Yes, sir.

22 Q. Yeh. Do you recall Mr. Chant staying overnight in your house?

23 A. Mr. Chant never ever stayed over night in my house, not in
24 his life.

25 Q. Okay. I don't know whether you're aware but he told us --

JOHN L. PRATICO, by Mr. Pugsley

- 1 A. I am aware of that but he is wrong.
- 2 Q. He's wrong?
- 3 A. He never spent a night in my house in his life.
- 4 Q. He not only says that he spent the night in your house, he
- 5 says he slept in the same room that you slept in?
- 6 A. No way. No way.
- 7 Q. You would remember that?
- 8 A. Yes, sir, and you can ask my mother. That man never stayed
- 9 in my house.
- 10 Q. Okay. He says that this was shortly before the night before
- 11 one of the trials, the Preliminary?
- 12 A. No, sir. No, sir.
- 13 Q. But that's completely wrong?
- 14 A. That man never spent a night in my house.
- 15 Q. Okay. Do you know a Mrs. Gittens, a Mrs. R. C. Gittens?
- 16 A. Yes, sir, I do know that lady.
- 17 Q. Who is that lady?
- 18 A. That is the grandmother of Sandy Seale.
- 19 Q. That's the grandmother of Sandy Seale. Right.
- 20 A. Yes, sir.
- 21 Q. Okay, and where does she live?
- 22 A. It's 3 -- On McKay Street in the Town of New Waterford.
- 23 Q. And how do you happen to know her?
- 24 A. When I moved to New Waterford I was staying in Lingan.
- 25 Q. Yes.

JOHN L. PRATICO, by Mr. Pugsley

- 1 A. And I need a place. I had to find a place, so a friend of
2 mine in the Scotchtown area got a hold of this lady and she
3 had a room for me and I did not know who she was.
- 4 Q. No.
- 5 A. I moved in there. It was a long time after or a short
6 while after that I learned who she was.
- 7 Q. Yes.
- 8 A. Yes, sir.
- 9 Q. How long were you there staying at Mr. Gitten's house?
- 10 A. All together?
- 11 Q. Yeh, all together.
- 12 A. For two years.
- 13 Q. Two years. I see.
- 14 A. Roughly, a year and a half or whatever.
- 15 Q. Okay, and when was this -- how long ago was it?
- 16 A. In 1981.
- 17 Q. Right. It's my instruction that it was sometime around the
18 re-investigation?
- 19 A. Yeh, well, that was close to '81. It would be in the Summer
20 of '81 or into the Fall of '81. I was --
- 21 Q. Is that when you first went there?
- 22 A. That's when I first moved to New Waterford.
- 23 Q. Yes.
- 24 A. And when I moved in there it was either the Spring or early --
25 late Winter or early Spring to Mrs. Gittens.

JOHN L. PRATICO, by Mr. Pugsley

1 Q. To -- Of '81 or '82?

2 A. I was in Lingan the Summer of '81.

3 Q. Yes.

4 A. I lived in Lingan for part of the Fall of '81, so I'd say
5 it was either going into the middle of the Winter or into
6 the Spring of eighty -- Well, it would be adequate to say
7 it would be '82.

8 Q. '82, okay.

9 A. So it would be that Winter or going into that Spring.

10 Q. That you were at Mrs. Gitten's?

11 A. I was at Mrs. Gitten's.

12 Q. Right. It's my understanding that it was about the time that --

13 A. Of the re-investigation, yes.

14 Q. --when you first met Corporal Carroll?

15 A. Yes, sir.

16 Q. Do you remember having conversations with Oscar Seale and
17 his wife while you were at Mrs. Gitten's?

18 A. Yes, sir.

19 Q. And do you recall conversations about the death of Sandy?

20 A. Yes, sir.

21 Q. And what did you tell Oscar Seale?

22 A. What I told the City Police in '71.

23 Q. Yes. Now this was in 1982 at the time of the re-investigation
24 and you --

25 A. Well, it was before -- If I'm correct -- They questioned

JOHN L. PRATICO, by Mr. Pugsley

1 me for -- they -- we just talked about it when I first moved
2 there. We talked about what had happened in the park.

3 Q. All right, and what did you tell Mr. Seale?

4 A. Just what I told the police in '71.

5 Q. And do I understand by that that you mean that you told
6 Mr. Seale that you saw Junior Marshall --

7 A. Yes, sir.

8 Q. --strike Sandy with a knife?

9 A. Well, I didn't say, "a knife". I said, "I saw him strike".

10 Q. Yes, and did you tell the same thing to Sandy Seale's mother?

11 A. They were both there.

12 Q. Why did you tell them that?

13 A. Well, I didn't know whether they'd believe otherwise or not.

14 Q. I'm sorry.

15 A. I didn't know whether they'd believe otherwise or not because
16 nobody else believed me.

17 Q. You didn't know whether they would believe you or not?

18 A. Everybody else was convinced that Junior Marshall killed
19 Sandy Seale.

20 Q. Yes.

21 A. But that wasn't a true story and I was a-frightened of people.

22 Q. Were you frightened of Oscar Seale?

23 A. I didn't say I was frightened of him. I just said I was
24 frightened nobody was going to believe my -- if I told the
25 truth, nobody would believe me because nobody believed me

JOHN L. PRATICO, by Mr. Pugsley

1 over the -- the times I told -- but I tried to tell the truth
2 once already and nobody wanted to believe me, so I mean if
3 you try once and nobody believes you, nobody will ever believe
4 you. And knowing that I was in a psychiatric institution
5 then nobody would take my word for nothing and that's a
6 known fact a lot of years if you've been in any kind of
7 psychiatric facility nobody believes you know anything.

8 Q. Who has told you that?

9 A. It's happened to me. It's happened all these years, you know.
10 You've been around Sydney and you've been around this Island
11 and you know as well as anybody else that if you've been in
12 a psychiatric hospital your credibility is bad.

13 Q. I see.

14 A. I couldn't even get a job because of my psychiatric problem.

15 Q. Yes.

6 A. I get stuck on Social Assistance because I can't get a job
because I was considered crazy.

Q. Have your doctors told you that people won't believe you
just because --

A. No, the doctors never told me but I know. I lived in this
City with this for a lot of years and I knew what went on
in this City because of all I went through. People called
me crazy and retarded and whatever the case may be, and
nobody wanted to hire me and nobody would take me for what
I am. They told me I was a crazy preson.

JOHN L. PRATICO, by Mr. Pugsley

1 Q. No one is calling you that today, Mr. Pratico?

2 A. I never said that.

3 Q. No.

4 A. I just said, "Over the years people took me as a crazy person".

5 Q. All right.

6 A. And nobody wanted to believe otherwise.

7 Q. Okay, but you do say that you do recall telling Oscar and
8 Mrs. Seale the fact that you --

9 A. Yes, sir, but there was a reason for that, because I didn't
10 think anybody would believe otherwise.

11 Q. I see. Okay.

12 Do you remember how many interviews you had with Corporal
13 Carroll?

14 A. Well, I had one of them at the Health Clinic at the New
15 Waterford Consolidated Hospital. I had one in my room on
16 Arthur Street. That was about it. About maybe twice.

17 I guess that would be about -- I'm not really sure. I
18 remember -- I remember two occasions where I met with
19 Corporal James Carroll.

20 Q. And then -- What kind of a fellow was he?

21 A. He was a good fellow.

22 Q. Okay. Did you tell him everything?

23 A. Yes, sir.

24 Q. You told him the truth?

25 A. Yes, sir.

JOHN L. PRATICO, by Mr. Pugsley

1 Q. Yes.

2 A. And I'm glad that somebody listened to me for a change.

3 Q. Yes. Do you remember going on a radio station?

4 A. Yes, sir.

5 Q. About -- I think -- So I'm instructed. I didn't hear it so all
6 I can do is tell you what I'm told. I think the same
7 day that you signed the statement for Corporal Carroll, do
8 you recall going on a radio station on the air?

9 A. Not on the same day.

10 Q. Oh, I see. When did you?

11 A. I'm not sure.

12 Q. And what did you say on the radio station?

13 A. Well, there was a lot of confusing stuff when I gave that
14 statement to -- They -- They didn't ask me the right
15 questions I don't think and I didn't -- and I didn't feel
16 comfortable sitting in a truck giving a guy an interview.

17 Q. Why did you -- Why did you do that if you didn't feel
18 comfortable?

19 A. We were in and then he called me over to the truck.

20 Q. I see. Who was the fellow who --

21 A. I don't know.

22 Q. Do you know what radio station it was?

23 A. No.

24 Q. It was a Sydney station, was it?

25 A. It was a Sydney station.

JOHN L. PRATICO, by Mr. Pugsley

1 Q. And did you go on the air and tell the listeners that the
2 statement you signed for Corporal Carroll was untrue?

3 A. Not that I recall.

4 Q. What do you recall?

5 A. Just -- Look, I was so confused and I didn't know what was
6 going on, but I can say today in this hearing and my mind is
7 clear today and I know everything I'm saying and I'm talking
8 to the best of my ability.

9 Q. Yes.

10 A. But at that time I still wasn't absolutely stable. I was
11 just starting to stabilize.

12 Q. I see.

13 A. But in this present day I am as stable as you and everybody
14 else in this room.

15 Q. You understand that --

16 A. And I know what I'm saying here is true facts.

17 Q. All right. You understand that I have a job here to test your
18 memory?

19 A. I understand that.

20 Q. Yeh. Okay.

21 A. Very wholeheartedly.

22 Q. Do you recall at all what you said on the radio station?

23 A. I can't remember to this day.

24 Q. Okay. You do recall being interviewed though?

25 A. Yes, sir, I do.

JOHN L. PRATICO, by Mr. Pugsley

1 COMMISSIONER POITRAS:

2 When was that?

3 BY MR. PUGSLEY:

4 Q. It's my instruction that it was after you signed the statement
5 for Corporal Carroll?

6 A. I can't remember. It's just that everything was so confusing,
7 eh. There was a lot of confusing stuff going on and I didn't--
8 and I was still scared.

9 COMMISSIONER POITRAS:

10 Was that about 1982?

11 THE WITNESS:

12 About that, yeh, but I was still scared. I was still not over
13 the trauma that I went through for sixteen -- for eleven, twelve years and
14 it was a big shock for me, and then coming back to a re-investigation
15 into the whole thing brought back a lot of bad memories.

16 BY MR. PUGSLEY:

17 Q. Yes.

18 A. A lot of things that I tried to drown out for years, but it
19 was right there that I couldn't drown it out.

JOHN L. PRATICO, by Mr. Pugsley

1 Q. Were you scared of Tom Christmas?

2 A. To around -- to a point. Not scared of physical abuse, just
3 that I -- I didn't know what to do, see. There was so much
4 going on and there was so much confusion over the whole thing.
5 You didn't know who was your friend, who was your enemy or
6 who was trying to help you and who wasn't.

7 Q. All right. You talked to Mr. Spicer about the conversation
8 that Tom Christmas and another chap had with you.

9 A. Howard Hawkins.

10 Q. Howard Hawkins, that's the name.

11 A. Yes, sir.

12 Q. Right. And what did they tell you? What --

13 A. Just as he -- "What's going on?" and "Why don't you come out
14 with the truth?".

15 Q. All right. Didn't they tell you that you were to say that
16 you -- it wasn't Marshall that did it but someone else? Didn't
17 they ask you to do that?

18 A. They said that. They didn't ask me to do it. I didn't know
19 who done it. They just said, "Junior did not do it.".

20 Q. Yes.

21 A. "Somebody else done it." But I did not know who would have
22 killed Sandy Seale.

23 Q. But didn't they -- Didn't Christmas want you to say that someone
24 else did it?

25 A. No, sir, he just wanted me to say "I didn't know who done it.".

JOHN L. PRATICO, by Mr. Pugsley

1 Q. I see. Okay.

2 A. I didn't know who killed Sandy Seale but I knew damn well it
3 wasn't Junior Marshall.

4 Q. Yes. There's some evidence you gave at trial on this point
5 and if you'll just let me check my notes for one second, Mr.
6 Pratico, and I'll find it. Yes, do you have Volume 12 in
7 front of you?

8 A. Yes, sir, Volume 12 is here somewhere.

9 Q. Okay. And if you would look at page 258? Perhaps we can just
10 read it along together. I'll read it outloud and starting
11 at the top of the page. This is during the trial --

12 MR. WILDSMITH:

13 Now, My Lord, if I might just interrupt for a moment Mr. Pugsley
14 on this issue just to clarify it for the record that the portion
15 he's reading from is not in the trial per sé but in the voir dire
16 out of the presence of the jury.

17 MR. PUGSLEY:

18 Certainly, of course. Yes, that's quite right. Yes. My friend
19 is pointing out that it was during a voir dire. That is quite
20 right. But Mr. Pratico did give evidence during the voir dire
21 and --

22 MR. CHAIRMAN:

23 The voir dire is part of the trial but the -- with the voir dire
24 the jury are excluded at the time of that particular phase of the
25 trial.

JOHN L. PRATICO, by Mr. Pugsley

1 | MR. PUGSLEY:

2 | Yes.

3 | MR. CHAIRMAN:

4 | Yes, I was aware of that.

5 | MR. WILDSMITH:

6 | Yes, I just wanted it clear on the record.

7 | MR. PUGSLEY:

8 | Thank you.

9 | BY MR. PUGSLEY:

10 | Q. At the top of page 258, Mr. MacNeil says:

11 | If Your Lordship pleases, my questions
12 | relating to a conversation that took
13 | place with Thomas Christmas on Bentinck
14 | Street in the City of Sydney at which
 time Mr. Christmas threatened the witness.
 The witness also...

15 | And then the Court, that's Mr. Justice Dubinsky, says:

16 | Just ask him.

17 | And then

18 | By Mr. MacNeil:

19 | Q. What was the nature of that conversation?

20 | And then your answer, Mr. Pratico, was:

21 | He came to my house and he asked for me
22 | and I was coming out the door at the
23 | time he knocked on the door. So Mr.
24 | Marshall -- I mean, Mr. Christmas said,
25 | "Come on down the park. I want you."
 I said, "No." He said, "Why?" I never
 told him. He said, "I know why." and he
 told me, he said, "You're going to get
 it now." He said, "You squealed on
 Junior which is Donald -- Donald Marshall."

JOHN L. PRATICO, by Mr. Pugsley

1 And then Mr. MacNeil questions you:

2 All right, now, were you the recipient of
3 any other threats?

4 A. Well Artie Paul, he came up to me down
5 the circus. He told me, he said, "don't
6 you squeal on Junior." He said, "You
7 go up to the court house," he said, "and
8 you say that Junior never did it." And
9 he said that if I didn't, he would make
10 sure that I was killed.

11 Now do you --

12 A. I'll comment on that if you want me to.

13 Q. Yes, I do want you to.

14 A. I feel that the reason why they said that was just to get
15 me to tell the truth.

16 Q. All right. Okay. I -- Is the answer that you gave there
17 true?

18 A. It's true what they said but there was a reason for it. The
19 reason was not -- There wasn't actually an intent to kill.
20 It was just something to try and bring me around and make
21 me tell the truth.

22 Q. Oh, sure. Sure.

23 A. And I'm still afraid. You know, I'm a 16 year old man --
24 boy -- teenager with a lot of problems that I couldn't deal
25 with, the result of all this here and I'll say they did
threaten me but to the extent to get me to tell the truth
and to clear something up that which should have never
happened.

JOHN L. PRATICO, by Mr. Pugsley

1 Q. Well, did Artie Paul tell you that you were to say that Junior
2 never did it?

3 A. I was -- He said that for me to tell the truth. He wanted
4 the truth. He knew -- Everybody knew that Junior Marshall
5 -- they knew that Junior did not kill Sandy and they wanted
6 me to come up and be honest enough but I was still afraid.

7 Q. Okay.

8 A. And I still believe that nobody would take my word for it.

9 Q. All right. I want to go back to the first statement you
10 gave to the police and that's found on page 205 of the same
11 Volume that we were looking at, Volume 12. At page 205.
12 Now let's just read through that statement together and I
13 have a few questions on it. It says:

14 May 30, 1971; statement of John Pratico,
15 age 16 years, residing at 201 Bentinck
Street, Sydney.

16 That was the correct address, was it?

17 A. Yes, sir, that's the correct address.

18 Q. Okay.

19 Friday night I was at St. Joseph's
20 dance. I left there around twelve
p.m.

21 Was that right? Was that time about right?

22 A. Well, I never owned a watch but it's possible. It was quite
23 dark. I knew it was around that time. It was quite dark.
24 At eleven o'clock it's pretty dark.

25 Q. Sure. Okay.

JOHN L. PRATICO, by Mr. Pugsley

1 I seen Junior Marshall and Sandy Seale between
2 the store and dance hall.

3 Was that right?

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

5 Q. You're not really sure. Okay.

6 I was talking to them. They wanted me to walk
7 through with them.

8 Do you remember that at all?

9 A. Not at this point.

10 Q. Okay.

11 I said, "No." I went down Argyle Street
12 and I went over Crescent Street. I was
13 over by the court house when I heard a
14 scream.

15 A. Now, sir, just answer a question for me: How the devil could
16 you hear a scream by the court house when the court house is
17 on the opposite side of the park?

18 Q. Well, that's right, that's --

19 A. So I did not say I heard a scream over by the court -- There's
20 no god's way anybody can hear a scream from one -- from one
21 side of the park to the other side.

22 Q. All right. The Commission may or may not be familiar as
23 to where the court house is with respect to that plan.

24 A. I think they do.

25 Q. But -- I beg your pardon?

A. I think they do.

Q. Oh, you think, fair enough.

A. I think they would know where the court house is at.

JOHN L. PRATICO, by Mr. Pugsley

1 Q. Well, they may indeed. It's on the other side of Crescent
2 Street. It's over to the left of the plan.

3 A. That's right.

4 Q. Okay, in any event this statement says:

5 I was over by the court house when I heard
6 a scream...

7 And you say --

8 A. How could you hear -- Now come on. If you're down by the
9 Library and I'm up here, how could you hear me scream down
10 by the Library.

11 Q. All right. Why does this statement say that? Do you know?

12 A. I have no idea why that statement says that because that's
13 impossible.

14 Q. Okay. You then say "I looked.." or the statement says:

15 I looked. I seen two fellows running from
16 the direction of the screaming.

17 A. Just hang on, sir.

18 Q. Yeh.

19 A. I gave a statement saying that I was in the bushes. Now
20 the bushes are there. The court house is over here.

21 Q. Just a second now. You're pointing to the right. The court
22 house is, I think, to the left.

23 A. Well, whatever. The bushes and the court house are on the
24 opp -- So if I'm in a bush, how -- I mean, I can't be in
25 two places at once. I can't be behind a bush and over the
court house, too.

JOHN L. PRATICO, by Mr. Pugsley

1 Q. Well, you see --

2 A. See, only god can do that, be in two places at once.

3 Q. There's -- I don't think there's anything in this statement
4 about you being behind a bush.

5 A. Well, sir, that was the original statement I gave.

6 Q. But there's nothing in this statement.

7 A. I don't know why there's not because that's where I was at
8 so -- so some of this stuff is just all blown out of
9 proportion. I don't know where it came from and I don't want
10 to know where it came from but I know I was at those bushes.

11 Q. All right, okay.

12 A. Now I told Mr. Spicer -- now quote me on this. There was
13 some beer bottles found in those bushes and my fingerprints
14 are apparently on those beer bottles so if I got beer
15 bottles behind the bushes, I'm drinking beer. How can I
16 be over at the court house and drinking beer behind the
17 bushes at the same time?

18 Q. You felt the comment about the fingerprints on the bottle
19 was a trick.

20 A. That was a trick.

21 Q. It was a dumb trick, wasn't it?

22 A. Why -- well, it worked. It might be now but in my mind
23 at that time, I didn't know whether it was dumb or not.

24 Q. But it didn't work. You knew they didn't have your finger-
25 prints.

JOHN L. PRATICO, by Mr. Pugsley

1 | A. Yes, sir.

2 | Q. Yeh, so it didn't work.

3 | A. Well, it worked to a certain degree but it fooled me a bit but
4 | it didn't fool me altogether.

5 | Q. It didn't fool you altogether.

6 | A. No.

7 | Q. Okay. All right, you go on to say:

8 | I seen two fellows running from the direction
9 | of the screaming.

10 | Did you ever see that?

11 | A. I could have seen people running, but, god, that could have
12 | been anybody.

13 | Q. Did you hear a scream that night?

14 | A. No, sir.

15 | Q. Okay.

16 | A. Because I just told you. How could I hear a scream and be
17 | in the bush and be over at the court house at the same time?

18 | Q. All right, then --

19 | A. Sir, the bushes are there, look.

20 | Q. I understand.

21 | A. The court house is out -- it's the same as if I'm here or
22 | outside this hall and you're down by the Library. How can
23 | you hear me screaming from here to the Library?

24 | BY MR. CHAIRMAN:

25 | Q. John, I think I have what you're saying. You didn't hear any
screams.

JOHN L. PRATICO, by Mr. Pugsley

1 | A. No, sir.

2 | Q. And you don't know how that ever got into the statement.

3 | A. No, sir.

4 | Q. Okay.

5 | BY MR. PUGSLEY:

6 | Q. You go on to say that

7 | They jumped into a white Volkswagen.

8 | A. I never said nothing about a white Volkswagen, sir.

9 | Q. You said -- you never said anything about that.

10 | A. Not about a white and nothing about no bike gangs. I don't
11 | think I'm that tough enough to be involved in a bike gang.

12 | Q. Well let's see what it says here.

13 | They jumped into a white Volkswagen, blue
14 | license and white number on it.

15 | A. Where do you see "blue license" at? I don't see no "blue
16 | license" wrote there.

17 | Q. Don't you see it? It's about -- just take your time. It's
18 | about five or six lines down from the top. See -- Do you see

19 | They jumped into a white Volkswagen.

20 | A. Well, I see it now. I don't recall saying that. I see that
21 | now. I'm sorry, but I don't recall seeing that and saying
22 | that. So --

23 | Q. All right.

24 | One had a brown corduroy jacket.

25 | A. No.

Q. You didn't see anything like that?

JOHN L. PRATICO, by Mr. Pugsley

1 | A. No, sir.

2 | Q. And you didn't say that, you say?

3 | A. No, sir.

4 | Q. Five foot five, dark complexion, heavy set

5 | A. Sir, how in the heck are you going to tell if someone's five
6 | foot five when you're half in the bag and it's about twelve
7 | o'clock at night? How can you start to deal in height?

8 | Q. All right.

9 | The other, gray suit, about six feet tall,
10 | husky, red sweater, like a pullover.

11 | A. No, No. No, sir. That was never come out of my mouth.

12 | Q. That never came out of your mouth.

13 | A. No, sir.

14 | Q. Okay.

15 | I started to run home.

16 | And then question:

17 | Did you see the Volkswagen since?

18 | And your answer is as reported here:

19 | No, I saw the two fellows twice last night
20 | walking near the park.

21 | A. Sir, I was only near the park once that night.

22 | Q. Okay.

23 | Q. Did you see them at the dance?

24 | A. Yes, I seen them walking around.
25 | Bobby (Robert) Patterson said they are
from Toronto Saint's Choice Bike Gang.

A. Well, Bobby Patterson, he must have known that but I never

JOHN L. PRATICO, by Mr. Pugsley

1 | known about Saint's Choice Bike Gang because I'm -- this
2 | is something that -- I mean, Bobby Patterson might have
3 | told the City Police about the Bike Gang but it certainly
4 | didn't come out of my mouth about a bike because I never
5 | got involved with a Bike Gang in my life.

6 | Q. Do you know Bobby (Robert) Patterson?

7 | A. I wouldn't know him today. I wouldn't know the man to say
8 | today but I'm possibly could have known him in '71.

9 | Q. Okay. All right.

10 | A. Because people change over the years.

11 | Q. Yes. Are you saying that the police suggested all these
12 | things to you?

13 | A. Things, yes, sir, I am.

14 | Q. They suggested the white Volkswagen?

15 | A. I would say so.

16 | Q. They suggested the Toronto -- what is it, this Toronto
17 | Satan's Choice Bike Gang?

18 | A. Well, they were suggesting that Bobby Patterson said they
19 | are from the Toronto Satan's Choice Bike Gang. I'm not
20 | saying they suggest -- They're saying that Bobby Patterson
21 | suggested.

22 | Q. There's no suggestion, I mean --

23 | A. Well, said there or whatever you want to call it.

24 | Q. Sure. There's nothing in this statement that indicates that
25 | Donald Marshall was implicated at all in this, though, is there?

JOHN L. PRATICO, by Mr. Pugsley

1 I mean, there's no suggestion that Donald Marshall --

2 A. There's nothing wrote there.

3 Q. Nothing to say that Donald Marshall did it?

4 A. There's nothing about that.

5 Q. Nothing about that.

6 A. No.

7 Q. Right. Why would the police want to suggest to you something
8 about a white Volkswagen?

9 A. I have no idea.

10 Q. No. Okay. How were the police during that first interview
11 with you?

12 A. They were rough at points.

13 Q. Made it rough on points?

14 A. Yeh.

15 Q. Yeh. Do you want to tell me what they --

16 A. Well just the interrogation program was rough.

17 Q. Right, okay.

18 A. Just that they -- I mean, I didn't know what they were trying
19 to prove, if they were trying to prove something. And they
20 tried to prove that I knew something that I didn't know and
21 they wouldn't take my word for it.

22 Q. How were they on the second interview?

23 A. Twice as rough.

24 Q. Twice as rough, I see.

25 A. Yes, sir.

JOHN L. PRATICO, by Mr. Pugsley

1 Q. Okay.

2 A. They really wanted something out of me that I couldn't give.

3 Q. Well, if you -- if you signed that first statement --

4 A. Sir, I signed it, yes, but like I said to Mr. Spicer, my
5 mind wasn't altogether at that time.

6 BY MR. COMMISSIONER:

7 Q. I think, John, you were shown both statements and you --

8 A. And I already commented on that.

9 Q. Yeh, and you recognized that was your signature.

10 A. Yes, sir, and I already commented on that. I think -- and I
11 said to Mr. Spicer, and I'll say it to you now, my mind was
12 in a very mixed up position and my mind was scrambled.

13 BY MR. PUGSLEY:

14 Q. Okay. In the second statement which is I think the next page
15 over --

16 A. We went through that, too.

17 Q. Pardon?

18 A. Mr. Spicer and I went through that already and --

19 Q. Yeh, well, there's just a couple of comments --

20 A. I just don't want you to keep me going over and over this.

21 BY MR. CHAIRMAN:

22 Q. John, you and I are on the same side.

23 A. I'll be dreaming about this before the night is out.

24 Q. I've been trying for three weeks to do that without success.

25 A. I'll be dreaming about this tonight when I'm going to bed.

JOHN L. PRATICO, by Mr. Pugsley

1 Q. But there is some -- Mr. Pugsley, he's to going to take you
2 through all the same questions that Wylie Spicer did but
3 there's some questions that he may want to ask you about so
4 that he can understand it.

5 A. Okay, sir.

6 Q. And you help him and you'll help us as well.

7 A. Okay, sir.

8 BY MR. PUGSLEY:

9 Q. Mr. Pratico, do you remember a couple of years ago that
10 there was an action involving Mr. MacIntyre and the C.B.C.

11 A. Yes, sir, I do recall that.

12 Q. And there was a Mr. Murrant who acted for --

13 A. Yes, and Mr. Clarke.

14 Q. And Mr. Clark?

15 A. Yes, sir.

16 Q. Who was Mr. Clark?

17 A. He was the C.B.C. lawyer.

18 Q. Oh, I see.

19 A. Yes, sir. There was a number of them.

20 Q. I've forgotten about that. And do you remember you gave
21 evidence on Discovery at -- there was a room in the City
22 Hall building, the new City Hall building and you came up --

23 A. Yes, sir, I recall that.

24 Q. Right, and Mr. Murrant asked you some questions and you answered
25 them.

JOHN PRATICO, by Mr. Pugsley

1 | A. Yes, sir.

2 | Q. And you were shown the second statement, the June 4th
3 | statement and it's my recollection that you looked at the
4 | statement and you said, and I'll show you the evidence that
5 | you gave. It's my recollection that you looked at this
6 | statement of June 4th and you couldn't recall really much
7 | that was there and you felt that most of it was wrong but
8 | there was one thing that you did recall as being accurate
9 | and that was, you recalled "you crazy Indian and Black
10 | bastard."

11 | A. Well, that -- that -- my mind was still confused. I still
12 | was not stable enough to really know what I was saying.
13 | There's so much and I can say this to you: Mr. Murrant
14 | made a statement to me out in the corridor that which I
15 | didn't care too much for because it threw me all off kilter.
16 | He said to me and Mr. Chant, "Well, you're the liar." he said
17 | to Chant, and "You're the bad fellow." That throws it all
18 | right off right off the bat.

19 | Q. I'm sorry, just run that by me again.

20 | A. Mr. Murrant came out to the lobby of the Civic Centre where
21 | that boardroom was and made a statement that Mr. Chant was
22 | a liar and I was a bad fellow.

23 | Q. I had no idea.

24 | A. A bad fellow.

25 | Q. A bad fellow?

JOHN PRATICO, by Mr. Pugsley

1 A. Yeh, now how -- where would he get something like that at,
2 which threw me all off kilter.

3 Q. I see. When did he say that to you?

4 A. I just told you. Outside the corridor --

5 Q. No, but before or after you gave your evidence.

6 A. Before.

7 Q. Before.

8 A. Yes, sir, and that threw me right off kilter.

9 Q. I see. Okay. Did you -- Had you met with Mr. Murrant before
10 you gave your evidence?

11 A. No, sir.

12 Q. And Mr. Clarke, had you met with him?

13 A. No, sir, but I met with David Coles when they were going to
14 have the inquiry in Halifax, the lawsuit that time. I was
15 supposed to go to Halifax for that C.B.C. lawsuit by Mr.
16 MacIntyre but I ended up not going because Mr. MacIntyre
17 and that whole case was dropped.

18 Q. Yes, right. Okay.

19 A. But that's the only connection I had with C.B.C.

20 Q. The only point that I want to bring to your attention on that
21 was when you said you recalled the words "you crazy Indian
22 and Black bastard", did you recall those words as a fact?

23 A. No, sir, I was confused and I just -- just -- Everything
24 wasn't clear to me at the time. Nothing was still for me
25 because I was still just at the stage of getting my mental

JOHN PRATICO, by Mr. Pugsley

1 stability back in order.

2 Q. But I was under the impression that after you met with
3 Sergeant Carroll --

4 A. I was starting to get on my feet. I didn't say I was fully
5 adjusted. Now I can say this to the people here today, I
6 was still on quite a heavy medication which I am not on today
7 and my mind is much clearer today. See, medication has a
8 fact of affecting your mind at times. It scrambles your
9 thoughts. It makes -- it slows down your thinking power and
10 your mind.

11 MS. EDWARDH:

12 Could I just interrupt, My Lord, I think in fairness to the witness
13 if one reads page 278 and 279, it's unclear whether he's being
14 asked to remember whether he said it or whether he's recalling
15 an event and perhaps that should be drawn to his attention.

16 BY MR. PUGSLEY:

17 Q. Certainly. Would you take a look at page 278 --

18 MR. CHAIRMAN:

19 I was hoping you would avoid going through that evidence.

20 MR. PUGSLEY:

21 I think this may be the only point that I want to question the
22 witness about, My Lord, on this evidence but since my friend
23 has brought it up, I think I should refer the witness to it.

24 MR. CHAIRMAN:

25 All right.

JOHN L. PRATICO, by Mr. Pugsley

1 BY MR. PUGSLEY:

2 Q. At the bottom of 278, you say -- let's start about line 46,
3 if we can, Mr. Pratico?

4 A. What was it?

5 Q. About line 46.

6 A. Okay.

7 Q. You see in the column?

8 A. Okay. Yes, sir.

9 Q. Your answer:

10 I don't recall anybody giving me money.
11 I had my own money for the dance. I had
12 my own money. I had my own money for the
13 dance because my mother gave me the money.
14 While I can remember some of this, I can
15 remember going to the dance and I paid my
16 own way into the dance, like some of this
17 stuff ain't too clear to me, eh, not all
18 of it. I can remember this part here.

19 And then I said:

20 What part is the witness looking at, Bob?

21 And then Mr. Murrant said:

22 "I heard Sandy Seale say to Junior, you
23 crazy Indian and Junior called him a Black
24 bastard. They were standing."

25 And then you say:

I can't remember saying that but I can
remember saying this:

Question:

"They were standing at this time where the
incident happened."

JOHN L. PRATICO, by Mr. Pugsley

1 Answer:

2 I can't remember that part. All I remember
3 is this and this.

4 And then I interferred because I wasn't sure what you were
5 referring to. I said:

6 Sorry, what is he --

7 And your answer was:

8 I remember Black bastard and crazy Indian.

9 A. It could have been said somewheres long ago than that night
10 but god knows who because Black bastard and crazy Indian
11 was used quite a bit around that time -- People talking bad
12 about races, eh.

13 Q. And could it have been said --

14 A. Well, it was just the same point as me being called a crazy
15 bastard, the same thing. It's just that people are rude
16 and people -- and things build up that don't, you know, and
17 things are said that just might not be meant as said but
18 they're said.

19 Q. Well, did you hear anything said between Marshall and Seale
20 that night?

21 A. No, sir.

22 Q. Of that time?

23 A. No, sir. Just some of the stuff -- No, sir, I did not.

24 Q. Okay. I just have one question more before we adjourn for
25 lunch time, Mr. Pratico. You said that in 1982 you were

JOHN L. PRATICO, by Mr. Pugsley

1 just starting to get your act together and you were just --

2 A. My health was starting to get together.

3 Q. Right, and for what period of time would you say it took
4 before you --

5 A. It took a long period. It took right up to the present day.

6 Q. Up to the present day.

7 A. Yes, sir. But today my mind is sound as well as anybody
8 else in this room and I pretty well know what I'm doing.

9 Q. All right, sir.

10 MR. CHAIRMAN:

11 Are you through?

12 MR. PUGLSEY:

13 No, I'm not through, My Lord, but I'm not going to be through in
14 five minutes. I would suggest that perhaps it might be a good
15 time to break.

16 MR. CHAIRMAN:

17 All right. We'll rise until two.

18 INQUIRY ADJOURNED: 12:28 p.m.

19

20

21

22

23

24

25

JMC.

JOHN L. PRATICO, by Mr. Pugsley

1 INQUIRY RECONVENED AT 2:01 p.m.

2 MR. CHAIRMAN:

3 Before we start, I.G.A. apparently feels that people attending
4 the hearings are using their parking lot. And there's a
5 suggestion of ticketing. I pass that on. Now, back to work.

6 MR. PUGSLEY:

7 Thank you, My Lord.

8 BY MR. PUGSLEY:

9 Q. Mr. Pratico, one point that I wanted to clear up that I
10 wasn't quite clear about. You stated that you had a couple
11 bottles of beer with you and you went and you sat behind
12 some bushes --

13 A. Yes, sir.

14 Q. -- on Crescent Street?

15 A. Yes, sir.

16 Q. And you drank the beer? All the beer or just --?

17 A. Yes, the three -- the two or three bottles that I had,
18 I drank.

19 Q. You drank them there?

20 A. Yeh.

21 Q. Yes.

22 A. Yes, sir.

23 Q. How long, do you think, you were there drinking the beer?

24 A. It doesn't take long to down a couple pints of beer.

25 Q. How long would it take you?

JOHN L. PRATICO, by Mr. Pugsley

1 A. Ten minutes. Fifteen minutes.

2 Q. Ten or fifteen minutes each or for the three?

3 A. No, for the whole three of them.

4 Q. For the whole three of them, okay. After you drank the
5 beer, did you then get up and go home?

6 A. Yes, sir I left.

7 Q. And how did you get home?

8 A. I went over Crescent, down South Bentinck, across Byng
9 Avenue on to Bentinck and home.

10 Q. You lived on Bentinck Street at the time, I guess, did you?

11 A. Yes, sir.

12 Q. So you could go from Crescent to --

13 A. You could come across Bentinck, up Crescent, up South
14 Bentinck over to Byng, past Byng Avenue, onto Bentinck
15 and home.

16 Q. I see. That would be how long a walk from --

17 A. I don't know.

18 Q. -- Crescent Street?

19 A. Well, let me see. I live at 12 South Bentinck. That's
20 handy to Crescent Street. It takes -- My mom lives on
21 183 Bentinck which is about three or four houses from where
22 201 used to be. So it takes about ten or twelve minutes.

23 Q. All right, okay. There's some suggestion, in some of
24 the statements given by Barbara Floyd -- Do you know
25 Barbara Floyd?

JOHN L. PRATICO, by Mr. Pugsley

1 A. Not at this present -- I wouldn't recognize her
2 today, sir if I seen her.

3 Q. Or Sandra Cotie? Do you know --?

4 A. I have no idea who that lady is.

5 Q. They suggested, in their statements, -- I'm not going
6 to show them to you, but for the Commission, they're in
7 volume 13, at pages 178 and 181. They suggest that
8 a few moments after the stabbing took place, they saw
9 you on George Street.

10 Q. I was -- I was in the park and I had a couple of bottles
11 of beer and I -- I might have been on George but I -- I
12 did go up South Bentinck Street to go home.

13 Q. I see. Could you have gone on to George Street after
14 you had the beer?

15 A. I'm not sure.

16 Q. Okay. We were talking, earlier, about the statement
17 you gave on May 30th, the first statement.

18 A. Yes, sir.

19 Q. And you said, I think, that MacIntyre was "a little roughish"
20 at that time?

21 A. Yes, sir.

22 Q. Did he threaten you with gaol on that occasion or was that
23 the second statement?

24 A. I imagined he threatened me the first time but the second time
25 he did.

JOHN L. PRATICO, by Mr. Pugsley

1 Q. Okay. After you completed that first statement --

2 A. Yes --

3 Q. -- was he reasonably happy with you? I mean, did the -- was he
4 rough with you when you left?

5 A. I believe he was contented.

6 Q. He was content after the first statement. Okay. And I
7 asked you earlier about this Volkswagen, about where that
8 came from and you said --

9 A. I have no idea where that came from.

10 Q. No idea. And --

11 A. No, sir.

12 Q. -- indeed, if it didn't come from you, presumably
13 it must have come from MacIntyre?

14 A. Yes, sir.

15 Q. Yeh. I'd like to suggest to you that it came from Donald
16 Marshall --

17 A. I have no idea of that.

18 Q. No. No, I'm sorry. That it came from Donald Marshall to
19 you. That Donald Marshall was --

20 A. I have --

21 Q. -- the one who spoke to you?

22 A. I have no idea of that.

23 Q. And I'd like to suggest to you that Donald -- when Donald
24 Marshall spoke to you on the Saturday morning, that is,
25 the day after the incident in the park. The morning after

JOHN L. PRATICO, by Mr. Pugsley

1 the night before and he showed you his arm --

2 A. Yes, sir.

3 Q. -- and you were sitting on the steps with Rudy Poirier?

4 A. And Glen Lamsen.

5 Q. Right?

6 A. Yes, sir.

7 Q. That Donald Marshall told you, that the fellows who attacked
8 him, then jumped into a white Volkswagen?

9 A. I have no idea.

10 Q. No.

11 A. I can't recall at this present time.

12 Q. All right. Fair enough. The reason I suggest that to you,
13 is that, Rudy Poirier has given a statement as well and it
14 is found at page 85 of volume 16.

15 A. Yes, sir.

16 Q. Do you have volume 16 there?

17 A. Yes, sir.

18 Q. Okay.

19 A. 85?

20 Q. And if you'd look at page 85?

21 A. Okay.

22 Q. Now, have you seen this statement before?

23 A. No, sir.

24 Q. Well, just take a moment and read it, then, and let me
25 know when you're through and then I'll ask you a question

JOHN L. PRATICO, by Mr. Pugsley

1 about it. You're a fast reader.

2 A. Yes, sir.

3 Q. He says at the bottom of that page, 85. Rudy Poirier says,
4 when he's talking about Donald Marshall.

5 A. Yes, sir.

6 Q. He says:

7 He said then: The two men took off and jumped
8 in a white Volkswagen. He said: He did not
9 recognize them at all. He said: He was at the
 police station talking to the police.

10 Having read that statement, from Rudy Poirier, does
11 that assist your memory at all --

12 A. Not really.

13 Q. -- as to whether or not Donald told you that it --

14 A. Not really.

15 Q. Okay, fine. Somewhere I read, and I'm not sure where -- or
16 perhaps something I've heard. That you did not start
17 medication until after you were through school. Am I right
18 in that?

19 A. Sir, I quit school after my nerves -- after this happened.

20 Q. After this happened. So you were going to school at this
21 time?

22 A. Yes, sir. I believe I was. I was taking medication
23 way before I quit school. I started taking medication in
24 1970. I believe I was still in school in '70. It wasn't
25 until '71 that I quit school. I wasn't of age to quit

JOHN L. PRATICO, by Mr. Pugsley

1 school in '70. I was only 15 years of age. You can't
2 quit school at 15 years of age.

3 Q. So you were going to school during this incident and, I
4 presume, during the month of June as well, I take it?

5 A. Well, June time is summer vacation.

6 Q. Yes. Well, you'd continue in school probably until
7 around the 20th of June, I suppose?

8 A. Roughly.

9 Q. Yeh, Okay.

10 A. But I -- But I believe I took a bit of time off because
11 of my nerves. I didn't exactly quit. I had to have
12 a break from school because of my nerves.

13 Q. Yes.

14 A. That was it.

15 Q. I think you said that you were never interviewed by
16 Mr. Simon Khattar or by Mr. Rosenblum at any time?

17 A. Not before the trial.

18 Q. No.

19 A. Or not during the trial. Just that little episode
20 in the hallway at the Supreme Court. I was talking
21 to Mr. Khattar.

22 Q. That's right. And when you mentioned that, as I understand
23 it, you were sitting in the hall and then you decided
24 you wanted to speak to Junior's father?

25 A. Yes, sir.

JOHN L. PRATICO, by Mr. Pugsley

1 Q. And you went up to speak to Mr. Marshall, Senior?

2 A. Yes. Yes, sir.

3 Q. And then he said he wanted Simon Khattar?

4 A. The Sheriff.

5 Q. Oh it's Sheriff?

6 A. The Sheriff, Mr. MacKillop, was calling out and the
7 Sheriff called out Mr. Khattar.

8 Q. The Sheriff called out Mr. Khattar?

9 A. Yes, sir.

10 Q. And then you spoke to Mr. Khattar?

11 A. The Sheriff, Mr. Marshall and Mr. Khattar.

12 Q. All three of them?

13 A. All three, sir.

14 Q. And where did that conversation --

15 A. In the corridor in the Supreme Court.

16 Q. Right. Right outside the court room?

17 A. Right outside the court room, yes sir.

18 Q. And you told them what?

19 A. I told them this was wrong. What was happening here was
20 wrong.

21 Q. Yes. And did you tell them why?

22 A. I didn't get a chance.

23 Q. Did you tell Mr. Khattar that Donald Marshall didn't do
24 it or you didn't see it?

25 A. I said that.

JOHN L. PRATICO, by Mr. Pugsley

1 Q. You told Mr. Khattar --

2 A. I said: "I don't know nothing about this."

3 Q. All right.

4 A. And that's when I was dragged away.

5 Q. You were dragged away?

6 A. Well, not dragged but taken away. Not dragged. Walked
7 away, you know what I mean.

8 Q. By whom?

9 A. By Sergeant MacIntyre and Mr. MacNeil, the Crown Prosecutor.

10 Q. Were Mr. MacNeil and Mr. MacIntyre with Khattar and
11 MacKillop and Marshall, Senior, when you told them?

12 A. No, sir.

13 Q. They were not. Okay.

14 A. No, sir.

15 Q. So MacNeil and MacIntyre --

16 A. Walked over to see what was -- The court was stopped.

17 Q. Yeh.

18 A. They came out to see what was going on. And that's
19 when they took me down to the room.

20 Q. Took you down to a room?

21 A. To a room. God knows what room was that. I have no idea
22 where it was but they took me down to a room.

23 Q. They took you into a room?

24 A. Into a room.

25 Q. They closed the door?

JOHN L. PRATICO, by Mr. Pugsley

- 1 A. They closed the door.
- 2 Q. And so who was in the room?
- 3 A. Mr. MacNeil and Mr. MacIntyre.
- 4 Q. Was Mr. Khattar there?
- 5 A. No, sir.
- 6 Q. You're sure of that?
- 7 A. Yes, sir.
- 8 Q. Okay. And you said that you were sorry that you didn't
- 9 have an opportunity of telling Mr. Khattar or that
- 10 he didn't ask you --
- 11 A. Right.
- 12 Q. -- the right questions --
- 13 A. Right.
- 14 Q. -- when you gave your evidence?
- 15 A. Right. He didn't question about what happened out in
- 16 the hallway, either.
- 17 Q. Okay. Now, --
- 18 A. I can't see why he didn't.
- 19 Q. Okay. I just want to refer you to your evidence at trial.
- 20 Would you turn -- Do you have volume 12 there?
- 21 A. Yes, sir.
- 22 Q. If you'd turn to page 243? And perhaps you and I can
- 23 just read along together starting -- this is Mr. Khattar
- 24 who was cross-examining you and we'll start around
- 25 line 19. And Mr. Khattar says: "And do you recall --"

JOHN L. PRATICO, by Mr.Pugsley

1 A. I don't see no line 19. I see 10, 20 and 30. I don't see
2 no 19 here.

3 Q. Okay. Just start at the line before 20.

4 A. Okay.

5 Q. See Q?

6 A. Okay.

7 Q. "And do recall talking with me yesterday afternoon."

8 And you're answer was: "Yes."

9 Question: "Do you remember what time that was?"

10 Answer: "No."

11 Question: "Was there anyone else present?"

12 Answer: "Yes."

13 Question: "Who was present?"

14 Answer: "The Sheriff."

15 Question: "The Sheriff -- What did you say to me in the
16 presence of the Sheriff?"

17 Answer: "I said that Mr. Marshall did not -- didn't stab
18 Mr. Seale."

19 Question: "That Mr. Marshall didn't stab Mr. Seale.
20 Now, just to qualify that, before you started
to talk, you were --

21 I can't read that word. Something:

22 "to the Sheriff?"

23 Answer: "Yes."

24 Question: "By me?"

25 Answer: "Yes."

JOHN L. PRATICO, by Mr. Pugsley

1 Question: "And didn't I indicate to you that I didn't
2 wish to talk with you without the Sheriff being
present?"

3 Answer: "Yes."

4 Question: "And isn't it correct that there was no conversation
5 til the Sheriff was present?"

6 Answer: "Until he was present, yes."

7 Question: "What else did you say to me in the presence of
the Sheriff?"

8 Answer: "I think that's all I said."

9 Do you recall those questions and answers?

10 A. Mr. Khattar -- I can't recall them questions being asked of
11 me in the court room.

12 Q. Okay.

13 A. They might have been asking me outside of there. I can't recall
14 them being asked in the court room and even if he did, he
15 didn't pursue it enough.

16 Q. All right, would you --

17 A. If I -- I feel just that no -- There was -- nothing was going
18 right. Everything went backwards. See one -- I'm trying to
19 go one way and it went the other way.

20 Q. Yes. Would you turn to page 250 in the same volume?

21 A. Yes.

22 Q. 250. And Mr. Khattar is continuing his cross-examination of
23 you. And just before line ten, he says:

24 Question:

25 "Did you make the same statement to the Sheriff again?"

JOHN L. PRATICO, by Mr. Pugsley

1 Answer: "The Sheriff was there when you were there."

2 Question: "And wasn't the Sheriff present at the time
3 you made this statement to Mr. MacNeil?"

4 Answer: "I think he was."

5 Question: "And was Detective Sergeant MacIntyre present?"

6 Answer: "Yes."

7 Question: "Did you make the statement to him?"

8 Answer: "Made it there when he was there."

9 Question: "How many times did you make the statement?"

10 Answer: "Just the one statement."

11 Then the question: "These statements, to which I have
12 been referring, that is with the Sheriff in my
13 presence, with Donald MacNeil, Learned Crown
Prosecutor, Detective Sergeant MacIntyre, were
they made in this Court House?"

14 Answer: "Yes."

15 A. That was in the lobby of the Court House. Not in the
16 Court.

17 Q. I see. Okay. It was quite so.

18 A. It was --

19 Q. It was not in the Court room?

20 A. No, sir.

21 Q. No. No. Quite so. Okay. My suggestion to you, is sir,
22 that Mr. Khattar was present when you were talking to
23 Donald MacNeil?

24 A. I said Mr. Marshall, Mr. -- the Sheriff, Mr. Khattar
25 were together. I said that. I said that five times.

JOHN L. PRATICO, by Mr. Pugsley

1 Q. Yes, but after you spoke to them, I suggest to you --

2 A. I can't recall Mr. Khattar being in that room. Mr. MacNeil
3 and Mr. MacIntyre took me there. I don't believe to this
4 day they were.

5 Q. Okay. Now, you -- My friend, Mr. Spicer, asked you about
6 a conversation you had with Constable Butterworth.

7 A. Yes, sir.

8 Q. What do you remember about that conversation?

9 A. I discussed this case with Mr. Butterworth. But to the degree
10 I just told Mr. Butterworth that I was afraid, and I thought
11 that he wanted to hear what everybody wanted to hear.

12 Q. What did you tell Mr. Butterworth?

13 A. I told Mr. Butterworth that Marshall killed Seale but
14 I was afraid of Mr. Butterworth. I was afraid of the rest
15 of the outfit that was investigating the investigation.
16 I felt fear and I felt fear for a long time.

17 Q. Yes. Why were you --

18 A. And I -- I was afraid -- and I -- When you get -- sit down
19 with a sixteen or fifteen year old that's having problems
20 and are told they're going to gaol if they don't tell the
21 truth, and nobody's going to take you for nothing.

22 Q. Did Mr. Butterworth tell you you'd be going to gaol?

23 A. No, sir. I didn't say that.

24 Q. No, I know you didn't.

25

JOHN L. PRATICO, by Mr. Pugsley

1 Well, what --

2 A. Just to the extent that it was said me and I --
3 -- if you -- if you -- if you got tell a story then when
4 it's -- that's you're forced to tell that nobody else
5 that is working for the same department is going to
6 believe otherwise against their partners, their colleagues.

7 Q. Where was it that you had this conversation?

8 A. On Charlotte Street, sir.

9 Q. Whereabouts?

10 A. I don't know. Charlotte Street. Charlotte Street
11 is a big street. I don't know.

12 Q. Oh, just on the street?

13 A. On Charlotte Street.

14 Q. It wasn't in a restaurant?

15 A. I have no recall of that.

16 Q. I see.

17 A. But I don't believe -- I don't believe it was. But just
18 to the -- if --
19 if -- If the police want -- If you tell -- If you're
20 involved with the City Police and you know that there is
21 something wrong and you don't -- and you don't know
22 whether to tell another police officer because you figure they're
23 all working together and they're not -- and you know
24 darn well, as I do: one police officer is not going to go
25 against the other.

JOHN L. PRATICO, by Mr. Pugsley

1 Q. Why would you talk to Butterworth at all about it?

2 A. I have no idea. But just that I did. I don't know why
3 but -- but -- but just that there was a lot of things
4 that went wrong. Nobody wanted to take my word for nothing.
5 I -- There was no sense in telling Mr. Butterworth, you
6 know, I know nothing about this because I figured he
7 would do the same as MacIntyre and would not believe
8 me.

9 Q. But the evidence that Mr. Butterworth gave is that
10 he was going in to a restaurant and you came --

11 A. He might have been going to a restaurant
12 but I don't believe I was in a restaurant.

13 Q. No. No. You weren't. I think, he says you followed him
14 in and then you brought up the subject. That he didn't
15 introduce it?

16 A. I could have. But just to the point that -- that I didn't
17 know what else to do.

18 Q. Why would you bring up a subject like that to Mr. Butterworth?

19 A. I don't know.

20 Q. I see.

21 Q. I just did. It was just that I didn't know what else
22 to do and I was in a confused state of mind because of this
23 whole ordeal and I'm going to say what I said before, just
24 before we retired to dinner hour. If it wasn't for this
25 whole ordeal I would never have had an emotional breakdown.

JOHN L. PRATICO, by Mr. Pugsley

1 I wouldn't have went down to the Hospital and I would
2 have had a damn job today. I can't get nothing out of
3 all this.

4 Q. Yes. Do you have any explanation as to why you told
5 Oscar Seale and Leotha Seale, in 1982, that you witnessed
6 the stabbing and death of their son?

7 A. That was before the investigation opened.

8 Q. Well, there will be evidence on that point. Would you
9 turn to the statement that you gave to Sergeant Carroll and
10 I don't know what -- I think it's in volume 21 at page 75.

11 A. I don't know if I have 21 or not.

12 Q. Do you have 21 there?

13 A. Yes, sir.

14 Q. Good. If you --

15 A. What page?

16 Q. Page 75, I believe.

17 A. 75.

18 Q. Now, this we're told, is the statement that you gave to
19 Corporal Carroll?

20 A. Yes, sir.

21 Q. And you're residence at that time is 331 MacKay Street in
22 New Waterford?

23 A. Yes, sir. Yes, sir.

24 Q. Now, who's residence is that?

25 A. That's at Mrs. R. C. Gittens.

JOHN L. PRATICO, by Mr. Pugsley

1 Q. And that is Mr. Seale's mother-in-law?

2 A. Mother-in-law.

3 Q. Right. Okay. So you were living at -- there at the
4 time --

5 A. Yes, sir.

6 Q. -- you gave this statement?

7 A. Yes, sir.

8 Q. And -- I'm not going to ask you the entire statement but
9 there are just a few things I want to ask you about.

10 A. Yes, sir.

11 Q. You say -- and we might as well start from the beginning,
12 just to make it easier.

13 In 1971, May, I was questioned by John MacIntyre
14 and I believe Michael R. MacDonald about the
15 Seale stabbing in Wentworth. There was
16 a dance on a Friday night at St. Joseph's Hall
17 and I had been there. I was drinking some beer
18 outside the Hall and down in the park. I remember
19 Seale and Marshall being there for about half
20 an hour.

18 That would be in the park? Do you remember them being
19 there or --

20 A. Well, I --

21 Q. But you --

22 A. -- said I vaguely remember.

23 Q. You say what?

24 A. Well, I had a rough idea but I wasn't quite sure. I just --
25 But -- they were not fighting or arguing. They could have

JOHN L. PRATICO, by Mr. Pugsley

1 been there. Possibility. I said it to Carroll. Carroll
2 avoided that. I gave the statement to the best of my
3 ability because my mind was still not that clear.

4 Q. All right.

5 A. But if I was giving this statement today it would be clear
6 as day is light and night is dark.

7 Q. Well, if you were giving this statement today, did you
8 see Seale and Marshall in the park?

9 A. Not that I recall.

10 Q. Okay. They were not fighting or arguing. I don't
11 know if they were drinking or not. I didn't treat
12 them. Around eleven-thirty p.m. or eleven-forty-five
13 I was down in the park having a few beer. I saw
 Seale and Marshall come down into the park by
 the footbridge. I was hiding behind the
 bushes with my beer in case the cops saw me.

14 A. Right.

15 Q. I take it that, today, you don't recall whether or not
16 you saw them coming over the footbridge?

17 A. I could have. I could not have. I'm not quite sure.

18 Q. They were talking fairly loud, but it was
19 muffled. I couldn't hear what it was about.

20 A. Right.

21 I left before they did and took my beer with
22 me. When I left Marshall and Seale were still
23 there. I saw others in the park walking around
24 and some on park benches but no one near Seale
25 and Marshall. A couple of days later the police
 came. I wasn't home. My mother took me to
 the Sydney Police Station around one or two o'clock,
 I think. I talked to MacIntyre, alone at first,
 MacDonald came in a few minutes later. I sent my
 mother home to look after my sister.

JOHN L. PRATICO, by Mr. Pugsley

1 Q. Yes, sir.

2 Q. Is that accurate, that you sent your mother home?

3 A. Well, I asked her, not sent her. I had no right to tell my
4 mother what to do but I asked her.

5 Q. Oh, of course.

6 A. Yes, sir, And she did. She had things to do anyway. She had
7 to make meals for my sister and herself.

8 Q. Now you talked about your kid sister. Is that your twin sister
9 or is this the other one?

10 A. That's my kid sister. Now when she's my kid sister, she wouldn't
11 be my twin sister. She's half the age of me.

12 Q. Is she? Half the age you are.

13 A. She's only twenty-one today. She wouldn't be my twin sister.

14 Q. No, of course not. Did -- Your mother took you to the
15 Sydney Police Station, did she?

16 A. Yes, sir.

17 Q. Okay. Mr. Spicer asked you about the affidavit that you
18 swore and that is found on page 271 of Volume 12.

19 A. Twelve?

20 Q. yes.

21 A. What page?

22 Q. Page 271.

23 A. Yeh.

24

25

JOHN L. PRATICO, by Mr. Pugsley

1 Q. I believe, this affidavit was prepared by Mr. Aronson?

2 A. I don't know who it was prepared by.

3 Q. Well, that's my understanding. That is was prepared by him.

4 A. I don't know that. I don't know that.

5 Q. You had met with him, had you?

6 A. Yes, sir. I had met with him. Yes, sir.

7 Q. Do you remember how many times you met with him?

8 A. Just once.

9 Q. Just once.

10 A. Yes, sir.

11 Q. And that would be in Sydney, would it?

12 A. Pardon?

13 Q. That would have been in Sydney?

14 A. No, sir. New Waterford.

15 Q. In New Waterford?

16 A. Yes, sir.

17 Q. You say in -- on page 271, in the first paragraph that:

18 I was born on December 31st, 1954.

19 A. Yes, sir.

20 Q. And on the date of the murder of Alexander Sandy
21 Seale, May 28th, 1971, I was 16 years of age.

22 A. Yeh.

3 Q. That I had been continuously treated by a psychiatrist
Doctor Mian of Sydney since August of 1970 to date.

That's not quite accurate, I guess.

JOHN L. PRATICO, by Mr. Pugsley

1 A. No, I seen other doctors but Doctor Mian I seen but
2 they got the date wrong.

3 Q. Yeh.

4 A. Just, I guess, Doctor Mian just filled the
5 papers out that way, eh.

6 Q. Sure. I think you indicated this morning that Doctor
7 Mian first started to treat you in 1976?

8 A. Yes, I believe that was the year.

9 Q. Yes.

10 A. But Mian just wanted me to make the record out.
11 I have no idea. You'd have to take that up with Doctor Mian.

12 Q. Sure, Yes. As I understand your evidence, Mr. Pratico,
13 it is that in 1971, the police pressured you into
14 saying certain things and --

15 A. Yes, sir.

16 Q. -- you were emotionally unwell?

17 A. Yes, sir.

18 Q. And so we shouldn't pay attention to the statements
19 you gave in 1971?

20 A. No, sir.

21 Q. We shouldn't pay attention to the evidence you gave at
22 the Preliminary Inquiry?

23 A. No, sir.

24 Q. We shouldn't pay attention to the evidence you gave at trial?

25 A. It's not -- you should pay because it was -- it was the --

JOHN L. PRATICO, by Mr. Pugsley

1 -- not pay attention -- it was what was done to me that caused
2 me to make these statements. Not just don't pay any
3 attention.

4 Q. Oh, no. Quite so. But we shouldn't -- we shouldn't
5 look at them as if they were the truth.

6 A. No.

7 Q. That's what you're saying?

8 A. That's right.

9 Q. Yeh. You say that in 1982, however, that we should pay
10 attention to the statement you gave Sergeant Carroll because
11 that is the truth?

12 A. Yes, sir.

13 Q. But we shouldn't pay attention to what your told Mr.
14 and Mrs. Seale because that's not the truth?

15 A. That's right.

16 Q. Yeh. And that was in 1982 as well, same year?

17 A. Yes, sir. There is a lot of confusing facts there of
18 which I was afraid of people. I didn't know what the hell
19 was going to happen out of all this. When you have a fear
20 and people are outraged, you don't know what's going to
21 happen.

22 Q. What do you think could have happened to you?

23 A. I didn't know what would happen with anything.

24 Q. I'm sorry?

25 A. I didn't know what was going -- I didn't know what was

JOHN L. PRATICO, by Mr. Pugsley

1 going to happen next. I was very confused.

2 Q. But you were not confused when you spoke to Corporal
3 Carroll?

4 A. No, but I got -- Just that I just figured - I was a bit
5 confused but I gave the -- I mean, if I get this story
6 out and then maybe somebody will set the record straight
7 and all this foolishness will be over, which is a hard
8 time for everybody. Everybody went through pure hell.
9 Because a lot of mistakes were made.

10 Q. But could poor Mrs. Seale do to you if --

11 A. I didn't say Mrs Seale? Did you hear me say Mrs. Seale
12 could do anything to me?

13 Q. Well, --

14 A. Did you hear me say that?

15 BY MR. CHAIRMAN:

16 Q. John --

17 A. I think this gentleman is, you know, really pressuring
18 me too much.

19 Q. John, -- No, John -- No, he is not going to pressure you.
20 Let me repeat to you again. We -- There have to be questions
21 and all you have to do is answer them and --

22 A. Well, I think he's putting words in my mouth saying other
23 people were going to hurt me. I never said that.

24 Q. No, No, I know you didn't.

25 A. I think that's what he's saying to me.

JOHN L. PRATICO, by Mr. Pugsley

1 Q. Oh, no --

2 A. You know and I --

3 Q. We're listening very carefully here and it's what we
4 hear, what counts. But Mr. Pugsley and the other
5 lawyers, they also have responsibilities --

6 A. Oh, I realize that.

7 Q. And all he's doing is asking you questions.

8 A. Yeh.

9 Q. And if you'd answer the questions --

10 A. I take it Mr. Pugsley is questioning my credibility.

11 Q. No.

12 A. And I think that actually everybody else thought that
13 I'm nuts but I'm far from nuts.

14 Q. No.

15 BY MR. PUGSLEY:

16 Q. I never suggested that, Mr. Pratico.

17 A. And Mr. Pugsley that's what you're getting around to.

18 BY MR. CHAIRMAN:

19 Q. Now, --

20 BY THE WITNESS:

21 But sir, I made mistakes in my day but there's only one fellow
22 that's perfect in this world.

23 Nobody's perfect. Everybody makes mistakes. And, I mean, one
24 time in our life, we're entitled to a mistake. It was a bad
25 mistake. It was a serious mistake. And it's unfortunate it happened
but it happened.

JOHN L. PRATICO, by Mr. Pugsley

1 BY MR. CHAIRMAN:

2 Q. Now, John, you know, I know this is a -- you don't like
3 being there giving evidence now any more than anyone else
4 does --

5 A. I --

6 Q. -- so if we -- let's see if we can get it over with as
7 quickly as possible.

8 MR. CHAIRMAN:

9 Could you ask that question --

10 BY MR. CHAIRMAN:

11 Q. When Mr. Pugsley asks you a question, just answer it.
12 And don't worry about if you don't know the answer.

13 A. I think Mr. Pugsley is insisting I think everybody was out
14 to kill me or some damn thing. I did not say that, Mr.
15 Pugsley.

16 Q. No, no, no. That wasn't --

17 BY MR. PUGSLEY:

18 Q. Mr. Pratico, was it a mistake when you told Mrs. Seale that
19 you saw Donald Marshall knife Sandy Seale. Was that a
20 mistake?

21 A. Mr. Pugsley, that was my statement and I was confused. I
22 was afraid because you know who was going to believe what.
23 Okay?

24 Q. What were you afraid --

25 A. I was confused. I didn't know -- I figured I was in a scene

JOHN L. PRATICO, by Mr. Pugsley, by The Chairman

1 where I didn't know where I didn't know what I was
2 going to do and how people would react to what really
3 happened.

4 Q. This was in 1982?

5 A. Yes, sir. And I got a lot of feedback from the public
6 in 1982.

7 Q. Why -- Were you frightened of Mrs. Seale?

8 A. No, sir. I never said that.

9 Q. Fine. Why didn't you --

10 A. Just, sir -- There's just things -- It's not worth --
11 I wasn't afraid of Seale's family. Just a lot of people
12 in 1982 made comments. "You're a dead man, Mr. Pratico."

13 Q. Right.

14 A. "You did something you shouldn't have did. You're going
15 to suffer for it." And wouldn't that frighten you Mr.
16 Pugsley?

17 Q. Why did you -- If you were frightened about telling
18 the truth, you certainly --

19 A. Mr. Pugsley, it wasn't the fact of me being frightened to
20 tell the truth. Some people didn't want to believe the
21 truth.

22 BY MR. CHAIRMAN:

23 Q. John? John.

24 A. Yes, sir?

25 Q. How about let's try and answer the questions.

JOHN L. PRATICO, by Mr. Pugsley, by the Chairman

1 A. Well, I'm just answering the questions to Mr. Pugsley.
2 Not, I wasn't afraid of Mrs. Seale, Mr. Pugsley. But
3 just other poeple did not want to accept what really
4 happened.

5 Q. So you're answer to the question is, that you were not
6 afraid of Mrs. Seale?

7 A. No, sir.

8 Q. All right.

9 A. But just other people made me afraid.

10 BY MR. PUGSLEY:

11 Q. Did you try and tell Mrs. Seale the truth?

12 A. No, I did not explain it.

13 MR. PUGSLEY:

14 Thank you. That's all the questions I have.

15 MR. CHAIRMAN:

16 Mr. Murray?

17 MR. MURRAY:

18 I just have a few brief questions.
19
20
21
22
23
24
25

JMK

JOHN L. PRATICO, by Mr. Murray

1 BY MR. MURRAY:

2 Q. Mr. Pratico, my name is Donald Murray, I represent William
3 Urquhart.

4 A. Yes, sir.

5 Q. You mentioned that your statement to Corporal Carroll --

6 A. Yes, sir.

7 Q. Was the truth to the best of your recollection?

8 A. Yes, sir.

9 Q. In that statement and if you want to refer to it again, it's
10 at page 75 of Volume 21.

11 A. Page what?

12 Q. Seventy-five.

13 A. Okay.

14 Q. Of Volume 21.

15 A. Seventy-five?

16 Q. Seventy-five.

17 A. Okay.

18 Q. I don't believe if you look through that statement that that
19 refers to Mr. Urquhart at all?

20 A. No, sir.

21 Q. Is that because you did not recall Mr. Urquhart's involvement?

22 A. Mr. Urquhart just kind of sat on the side lines. He didn't
23 ask me no questions. He just sat aside and Mr. MacIntyre
24 was in front of me and Mr. MacIntyre asked the questions.

25 Q. I see, so Mr. Urquhart made no -- said nothing --

JOHN L. PRATICO, by Mr. Murray

- 1 | A. No, sir --
- 2 | Q. Made no gestures?
- 3 | A. No, sir. Mr. Urquhart sat about here on my side just sitting
4 | like this and Mr. MacIntyre sat there and I sat on this
5 | side of the desk.
- 6 | Q. Did you even know his name, sir?
- 7 | A. Pardon.
- 8 | Q. Did you even know him?
- 9 | A. He introduced himself.
- 10 | Q. I see, did you remember that name?
- 11 | A. Yes, sir.
- 12 | Q. Is there any reason why you would not have mentioned it to
13 | Corporal Carroll?
- 14 | A. Well, I didn't think it was important.
- 15 | Q. Pardon.
- 16 | A. I didn't think it was of much significance; Mr. Urquhart
17 | didn't ask any questions. I didn't think it was important.
- 18 | Q. I see, could you turn to Volume 12.
- 19 | A. Yes, sir.
- 20 | Q. Page 272.
- 21 | A. Two seventy-two?
- 22 | Q. Two seventy-two.
- 23 | A. Okay.
- 24 | Q. And I'd like you to look particularly at paragraph nine.
- 25 | A. All right, yes, sir.

JOHN L. PRATICO, by Mr. Murray

1 Q. You're talking about both MacIntyre and Urquhart?

2 A. No, Mr. Urquhart was present.

3 Q. He was present?

4 A. He was present.

5 Q. That's the only reason he's mentioned --

6 A. That's the only mention I made that Mr. Urquhart was present.

7 Q. I see, if you had drawn this affidavit, sir, would you
8 have even put Mr. Urquhart's name in?

9 A. Just to the fact that he was present.

10 Q. Just to the fact that he was present. You mentioned in your
11 evidence yesterday, Mr. Pratico, --

12 A. Yes, sir.

13 Q. That after you'd been in gaol overnight for being drunk, --

14 A. Yes, sir.

15 Q. That the police officers would call you by name?

16 A. Well, when they pick you up they asked your name because
17 they write your name in the book -- they have to log
18 that you're in the cell.

19 Q. I see and did you also carry a wallet at that time, sir?

20 A. No, sir, I never carried a wallet, very rarely.

21 Q. Carry any identification at all?

22 A. No, sir.

23 Q. No.

24 A. I always have my M. S. I. card; all my other I.D.'s are
25 at home so I couldn't lose them, eh.

JOHN L. PRATICO, by Mr. Murray, by Mr. Barrett

1 Q. Thank you, Mr. Pratico.

2 A. Your welcome.

3 MR. CHAIRMAN:

4 Can you move the thing up a bit higher, please.

5 MR. BARRETT:

6 Certainly.

7 BY MR. BARRETT:

8 Q. Mr. Pratico, just to introduce myself, my name is David
9 Barrett and I represent the estate of Donald MacNeil.

10 A. Barrett?

11 Q. Barrett.

12 A. Yes, sir.

13 Q. And unlike the counsel that we've had here that you've heard
14 from today, Mr. MacNeil is not alive any more --

15 A. I realize that, sir.

16 Q. And I wonder if perhaps you can assist me as well as the
17 counsel --

18 A. I'll try.

19 Q. The Commission in answering just a few brief questions.

20 A. I can try.

21 Q. You've indicated that you met with Mr. MacNeil three times?

22 A. Yes, sir.

23 Q. And as I understand it you met him once in the Park before
24 the Prelim?

25 A. Yes, sir.

JOHN L. PRATICO, by Mr. Barrett

1 Q. And the day of the Prelim, you've indicated he briefly
2 mentioned to you before you gave your evidence something
3 to the effect "are you ready?"

4 A. Yes, sir.

5 Q. And that was the only time you met with him on that day?

6 A. Yes, sir.

7 Q. Before the Trial, he met with you in his office?

8 A. Yes, sir.

9 Q. And he reviewed with you your statement?

10 A. Yes, sir.

11 Q. Okay, just to clarify a point, you told us earlier that you
12 were in the Park prior to giving the second statement to
13 the police?

14 A. Yes, sir.

15 Q. And on that day the police mentioned to you about finding
16 beer bottles with your prints on it in the bushes?

17 A. Yes, sir.

18 Q. Now Mr. MacNeil was not with you on that day?

19 A. No, sir.

20 Q. Okay and Mr. MacNeil was with you on the Park prior to the
21 Prelim and at that time he was reviewing the statement with
22 you?

23 A. Yes, sir.

24 Q. And you've testified that you never felt threatened by
25 Mr. MacNeil?

JOHN L. PRATICO, by Mr. Barrett, by Mr. Saunders

1 | A. Not really.

2 | Q. Okay, and you told the Commission that you felt you were
3 | coached when you were in the Park and you seemed to indicate
4 | that that was the first time you were in the Park?

5 | A. Yes, sir.

6 | Q. Did you feel coached by Mr. MacNeil in the Park?

7 | A. I felt more coached by the police more so than by Mr. MacNeil.
8 | Mr. MacNeil would just sit on the side sort of taking it all
9 | in and making sure everything was down right.

10 | Q. And this was the second time in the Park?

11 | A. Yes, sir.

12 | Q. And this was the time he was reviewing your statement with
13 | you?

14 | A. Yes, sir. He made sure every was right for his case.

15 | Q. Those are all my questions. Thanks, John.

16 | A. Your welcome.

17 | THE CHAIRMAN:

18 | Mr. Saunders.

19 | BY MR. SAUNDERS:

20 | Q. John, my name is Saunders.

21 | A. Yes, sir.

22 | Q. Remember me?

23 | A. Not really.

24 | Q. All right. I act for the Attorney General's Department, John.

25 | A. Right.

JOHN L. PRATICO, by Mr. Saunders

1 Q. And you'll be pleased to hear I think that most of the lawyers
2 who have asked you questions before me have gone over the
3 matters that I intended to put to you.

4 A. Yes, sir.

5 Q. And so I will try and stay away from my notes and just review
6 some things that are still of concern to me.

7 A. Okay, sir.

8 Q. And will try and get your answers so that you can give me
9 some insight and also give some insight to the members of
10 the Commission.

11 A. Okay, sir.

12 Q. And I would ask that you listen carefully to the questions
13 that I put to you and if there is something that you don't
14 understand or if I go a little too quickly, make sure that
15 you stop me and ask me to say it again.

16 A. Yes, sir.

17 Q. As I understood your evidence earlier today, John, you said
18 that you felt afraid of the system.

19 A. I said the Police Department.

20 Q. Well, late --

21 A. I think --

22 Q. Late this morning you said the System, I think, in answer to
23 a question put to you by The Chairman, Mr. Hickman.

24 A. Well, what ever.

25 Q. Yes, and I guess you could say that I act for the System today.

JOHN L. PRATICO, by Mr. Saunders

1 A. Yes, sir.

2 Q. And I would like to hear from you what it is that you were
3 frightened of?

4 A. Well, I just -- well to the extent -- when all this -- this
5 case took place in '71, the police wanted me to give a
6 story which was wrong which I couldn't help giving because
7 I was pressured by the Police. They wanted something that
8 I couldn't give and they forced me to give it.

9 Q. Just let me stop you for a moment, John --

10 A. And when I was -- okay.

11 Q. Just let me stop you for a moment and I want to take you back
12 to the first time that you were taken to Court, that would
13 be the Preliminary Inquiry before a Magistrate?

14 A. Yes, sir.

15 Q. Yes, and do you remember being asked questions by the
16 Magistrate as to whether or not you understood the difference
17 between telling the truth or lying?

18 A. I can't recall what I did; it was a long time ago and I
19 really -- my mind was confused and everything.

20 Q. Was that the first time that you were ever in Court; that is
21 when you went before the Magistrate for the Preliminary
22 hearing?

23 A. Yes, sir.

24 Q. Yes, and obviously you did not say to the Magistrate that
25 you had not seen anything happen in the Park that night?

JOHN L. PRATICO, by Mr. Saunders

1 | A. No, sir.

2 | Q. You did not?

3 | A. I didn't know what to do.

4 | Q. All right, the second time that you gave evidence under
5 | oath about what happened that evening, was before Mr.
6 | Justice Dubinsky and the jury in November of 1971, is
7 | that correct?

8 | A. Yes, sir.

9 | Q. Yes, and the record shows, John, that Mr. Justice Dubinsky
10 | asked you certain questions.

11 | A. Yes, sir.

12 | Q. To satisfy himself whether or not you were telling the truth?

13 | A. Yes, sir.

14 | Q. Did you remember him putting certain questions to you about
15 | that, the difference between right and wrong?

16 | A. Well, maybe you could give me the questions and answers and
17 | so I could recall?

18 | Q. Well, the record shows that the questions were asked but
19 | unfortunately the questions themselves are not set out in
20 | the transcript. So all I know according to the record is
21 | that he asked you questions.

22 | A. I would have to know the questions.

23 | Q. Yep, do you agree with me that he asked you certain questions?

24 | A. He could have.

25 | Q. All right, the record also shows that he was satisfied that

JOHN L. PRATICO, by Mr. Saunders

1 | you knew the difference between telling the truth and not.

2 | A. Yeh, well, yes, sir.

3 | Q. All right, now you described earlier today, John, in your
4 | evidence that when you got to the Court House you saw many
5 | people around the corridor and the court room, is that
6 | correct?

7 | A. Yes, sir.

8 | Q. Would you have felt better and more comfortable, John, if you
9 | were taken by the Judge into his chambers when he asked you
10 | questions about telling the truth or not?

11 | A. I would have.

12 | Q. Were your parents in Court, John, when you --

13 | A. My mom and dad were separated for years now and my mom was --
14 | I don't know if my mom was in the Court or not. But my mom
15 | and dad were separated for years.

16 | Q. Yes, but at the Preliminary hearing when you first testified under
17 | oath about any of this, were your -- either of your parents
18 | there?

19 | A. My dad was never -- I can't recall if my mom was there --
20 | my dad was never near the Court House. I don't know about
21 | my mom.

22 | Q. Yes, would you have felt more comfortable if either or both
23 | parents were present when you were giving your evidence before
24 | the Court?

25 | A. Well, I would have been more comfortable if the judge had took

JOHN L. PRATICO, by Mr. Saunders

1 me aside and talked to me a little more freely or alone, you
2 know --

3 Q. Yes, and you didn't have that opportunity?

4 A. No, sir.

5 Q. And at no time were you asked by counsel representing Mr.
6 Marshall who you had met with to discuss what you had
7 seen in the Park?

8 A. No, sir.

9 Q. At no time were you asked by defense counsel how many times
10 you had been contacted by the Police Department?

11 A. No, sir.

12 Q. At no time were you asked by defense counsel how many
13 statements you had given to the Police Department?

14 A. No, sir.

15 Q. In fact the record shows that at the Preliminary hearing
16 you were not asked any questions by defense counsel at all?

17 A. That's right, sir.

18 Q. You indicated, John, as well, that you've been under considerable
19 care over the last several years.

20 A. Yes, sir.

21 Q. By people both here and in Dartmouth.

22 A. Yes, sir.

23 Q. Correct. And in answering questions put to you by Mr.
24 Pugsley you gave him the names of as I counted about eight
25 doctors.

JOHN L. PRATICO, by Mr. Saunders

- 1 A. Well, maybe five.
- 2 Q. Maybe five?
- 3 A. Yeh.
- 4 Q. Well, if you could just stick with me for a moment or two
- 5 John, we were given by the Commission Counsel a record of
- 6 some of your treatment of the last several years.
- 7 A. Yes, sir.
- 8 Q. And I would just like to refer you to certain names to see
- 9 if you recall these people?
- 10 A. Just don't read out my records, okay.
- 11 Q. Yes. Now Doctor Mian, you talked of him.
- 12 A. Yes, sir.
- 13 Q. Doctor Wallace, do you remember Doctor Wallace in Whitney
- 14 Pier?
- 15 A. No, I have no idea who that Doctor is.
- 16 Q. You don't remember Doctor Wallace treating you?
- 17 A. No, sir, I don't know who Doctor Wallace is.
- 18 Q. In 1970?
- 19 A. No, sir.
- 20 Q. Doctor Binney you spoke of him, sir?
- 21 A. I can recall a Doctor Binney, yes, sir.
- 22 Q. Yes, and he'd been looking after you since you were a young
- 23 boy, is that correct?
- 24 A. What do you mean young boy?
- 25 Q. Well, fourteen, fifteen?

JOHN L. PRATICO, by Mr. Saunders

1 | A. I said fifteen, but not fourteen.

2 | Q. All right, when you were fifteen you were being treated by
3 | Doctor Binney?

4 | A. Just with a mild tranquillizer, yes.

5 | Q. Yes, and Doctor Donovan, did you mention him this morning?

6 | A. Yes, sir, I seen Doctor Donovan, yes, sir.

7 | Q. Yes, sir. And Doctor McDonough, you referred to her and
8 | she is now deceased?

9 | A. Yes, sir, she is now deceased.

10 | Q. Yes, Marie MacAdam, is she a doctor or --

11 | A. She is a social worker.

12 | Q. Social worker, so she looked after your professional care?

13 | A. See when Doctor McDonough said she .. didn't need to see me, she
14 | let her assistant, Marie MacAdam treat me. Not prescribe
15 | medication but counsel me.

16 | Q. Yes, but in any event Mrs. MacAdam was a social worker who
17 | was looking after your professional care in the 1970's and
18 | early 1980's?

19 | A. Yes, sir.

20 | Q. And Doctor Samuels; do you remember Doctor Samuels?

21 | A. I remember the doctor, yes.

22 | Q. Yes, sir. And did you also belong to a group therapy called
23 | the Modeten Group?

24 | A. Yes, sir, I belonged to that group and that's where I get
25 | my injections at.

JOHN L. PRATICO, by Mr. Saunders

- 1 Q. And was this -- pardon me -- and is this a group where other
2 people who are receiving similar injections go?
- 3 A. Injections, yes, sir.
- 4 Q. And you would be meeting with registered nurses who would
5 administer the injections?
- 6 A. Yes, sir.
- 7 Q. And what about the organization Community Friends?
- 8 A. Yes, sir, I'm quite active in that group.
- 9 Q. And where did you go to that, in Dartmouth?
- 10 A. At Christ Church Hall.
- 11 Q. That is in Sydney?
- 12 A. In Sydney here.
- 13 Q. Yes, and did you go see that group, Community Friends --
- 14 A. I would be there today, but I'm here.
- 15 Q. Yes, is that so; that's still going on?
- 16 A. Yes, sir.
- 17 Q. All right. And you were certainly doing that in the 1970's
18 and --
- 19 A. Yes, sir, right after I left --
- 20 Q. And up until 1982?
- 21 A. Yes, sir, right after I left the Hospital, yes.
- 22 Q. Yes, and Andy Arsenault you identified him as the social worker
23 who looked after your case?
- 24 A. Yes, sir, he was.
- 25 Q. Is that correct?

JOHN L. PRATICO, by Mr. Saunders

1 | A. Yes, sir.

2 | Q. And Pam Kennedy, do you remember her as also a social worker?

3 | A. Yes, sir, I remember her, yes, sir.

4 | Q. And you were consulting with her in the 1970's?

5 | A. A couple of times.

6 | Q. Yes.

7 | A. When Andy Arsenault wasn't around.

8 | Q. Yes, and Mr. Arsenault has prepared a report that we've been
9 | given which indicates that it was on August the 20th, 1981,
10 | that you moved into Mrs. Gitten's home?

11 | A. Yes, sir.

12 | Q. And it was not until February of 1982 that you gave the
13 | statement to R. C. M. P. officer, Carroll?

14 | A. Yes, sir.

15 | Q. Correct. And so I take it that you will agree with me, John,
16 | that there were a great number of professional health care
17 | workers working with you during the 1970's.

18 | A. Yes, sir, I agree with that.

19 | Q. Up until 1982?

20 | A. I agree with that.

21 | Q. Yes, and was there anything to prevent you, John, from ever
22 | telling any one of these health care professionals that in
23 | fact you saw nothing happening in the Park?

24 | A. My mind was too confused. I didn't know what to say.

25 | Q. And do you have any other explanation but that, John, that

JOHN L. PRATICO, by Mr. Saunders

1 | your mind was just too confused?

2 | A. Just that I was in a bad mental state.

3 | Q. Yeh.

4 | A. And you know it was a bad ordeal for me.

5 | Q. At the conclusion of the Trial, John, did you ever contact
6 | defense counsel acting for Mr. Marshall?

7 | A. No, sir, and they never contacted me either. Well, I --
8 | I took it -- The way I took it I tried to tell Mr. Khattar
9 | the truth in the court house and he wouldn't believe me so
10 | what's the point of going to him again.

11 | Q. Well, I heard what you said on that point, John, earlier
12 | today. You also told one of my friends ahead of me that
13 | the fact that you were on medication and being treated
14 | was well-known because it was in the newspapers.

15 | A. Yes, sir.

16 | Q. What papers was it in?

17 | A. Well, in 1982 it was out in the Cape Breton Post.

18 | Q. Oh, yes, 1982 --

19 | A. Well, you see this is a small city around here; it don't
20 | take long for things to get out.

21 | Q. Well, just listen though, John, in 1971, I take it that
22 | there was nothing that ever appeared in the papers indicating --

23 | A. No, but people knew -- people -- this is a small city -- and
24 | I know quite a few people in Sydney; I've lived here all
25 | my life.

JOHN L. PRATICO, by Mr. Saunders

1 | Q. Was there anything in the newspapers in 1971, suggesting
2 | that, John?

3 | A. Possibly during the trial, I'm not sure.

4 | Q. Well, do you know of any record --

5 | A. No, sir, but just to the point that people knew me in Sydney.
6 | And they knew and some people had had been here in the city
7 | have been in some type of institution and knew me from there.

8 | Q. The only point I wish to clear up, John, was that as far as
9 | you know there was nothing in a newspaper in 1971?

10 | A. No.

11 | Q. On that?

12 | A. Not that I recall.

13 | Q. Okay.

14 | A. Just the thing, I'd like to make a point to that too. People
15 | did know that I was because people in Sydney, you know, they see
16 | you there and they might only be over there for one reason
17 | or might see a cousin or a nephew might be over there or
18 | a friend and I'm one sitting up there and people aren't blind.

19 | Q. Yes, Those are all my questions, John, thank you.

20 | A. Your welcome.

21 | THE CHAIRMAN:

22 | Mr. Bissell.

23 | MR. BISSELL:

24 | No, My Lord.

25 |

JOHN L. PRATICO, by Mr. Drolet

1 MR. CHAIRMAN:

2 Mr. Ross.

3

4 Are you going to be very long, Mr. Drolet.

5 MR. DROLET:

6 I just have three every quick questions, My Lord.

7 MR. CHAIRMAN:

8 Yeh, so, John, maybe if you want a break, we'll take it but I

9 think we maybe able to finish this in another two or three

10 minutes.

11 BY THE WITNESS:

12 Oh, that'll be fine, I'll wait.

13 MR. CHAIRMAN:

14 Okay.

15 BY MR. DROLET:

16 Q. Mr. Pratico, my name is Kevin Drolet and I'm counsel for Oscar

17 Seale.

18 A. Yes, sir.

19 Q. Sandy's father.

20 A. Yes, sir.

21 Q. Do you have Volume 12 in front of you.

22 A. Yes, sir.

23 Q. I'm sorry, Volume 21.

24 A. Right here.

25 Q. Could you take a look at your statement on page 75.

JOHN L. PRATICO, by Mr. Drolet

1 Now you've told the Commission that you were quite muddled
2 when you gave this statement, on medication, and you don't
3 recall it very well, and you say there in the statement
4 for example

5 I remember Seale and Marshall being
6 there for about half an hour

7 By there, you mean outside the hall and down in the Park.
8 You don't actually recall that now, do you?

9 A. Not today.

10 Q. No, and is it fair to say a little further on in the statement
11 where you say

12 around eleven thirty p.m. or eleven
13 forty-five p.m., I was down in the
14 Park having a few beer. I saw Seale
and Marshall come down into the Park
by the foot bridge.

15 Do you recall that today or are you muddled on that too?

16 A. Well, I'm a bit confused about that.

17 Q. Okay, and then just one more question. Just a little bit
18 farther on in that statement you say

19 when I left Marshall and Seale were
20 still there.

21 A. Well, if I had seen them, they would have still -- I'm not recalling if the
22 were there but there was nothing wrong when I left the park.

23 Q. So you don't recall whether they were actually there or not?

24 A. No, sir.

25 Q. Thank you very much Mr. Pratico. Those are all my questions.

JOHN L. PRATICO, by Mr. Wildsmith

1 MR. WILDSMITH:

2 Five minutes worth, My Lord.

3 MR. CHAIRMAN:

4 Pardon.

5 MR. WILDSMITH:

6 About five minutes worth.

7 MR. CHAIRMAN:

8 Can you take about another five minutes, John.

9 BY MR. WILDSMITH:

10 Q. Hi, John.

11 A. Hi.

12 Q. My name is Bruce Wildsmith.

13 A. Yes, sir.

14 Q. And I'm a lawyer representing the Union of Nova Scotia
15 Indians.

16 A. Yes, sir.

17 Q. I hope this won't take too long.

18 A. All right.

19 Q. I'm first interested in the time period before the Seale
20 stabbing?

21 A. Yes, sir.

22 Q. Now you've told us that you were good friends with various
23 Indians?

24 A. Yes, sir.

25 Q. And amongst that list you mentioned Junior Marshall?

JOHN L. PRATICO, by Mr. Wildsmith

- 1 | A. Yes, sir.
- 2 | Q. And Tom Christmas?
- 3 | A. Yes, sir.
- 4 | Q. Lawrence Paul?
- 5 | A. Yes, sir.
- 6 | Q. Arty Paul?
- 7 | A. Yes, sir.
- 8 | Q. And there were other Indians as well besides those listed?
- 9 | A. Yes, sir.
- 10 | Q. Would Bobby Christmas be one of them?
- 11 | A. I knew Bobby Christmas.
- 12 | Q. And he's an Indian?
- 13 | A. Yes, sir.
- 14 | Q. I saw a reference in one of your statements to you perhaps
- 15 | going to the dance that night with Mr. Christmas?
- 16 | A. I possibly could have, I guess, sir.
- 17 | Q. That --
- 18 | A. Sometimes I did go with him.
- 19 | Q. Sometimes you went with Indians to the dances?
- 20 | A. Yes, sir.
- 21 | Q. Thank you. And what about a Donald Joe, do you know him?
- 22 | A. Yes, sir.
- 23 | Q. And is he an Indian as well?
- 24 | A. Yes, sir.
- 25 | Q. And I saw some reference in the testimony to perhaps you

JOHN L. PRATICO, by Mr. Wildsmith

1 drinking with Mr. Joe that night of the stabbing?

2 A. I could have been.

3 Q. Is it fair, John, then to say that Indians at that time in
4 your life were amongst your better friends?

5 A. Well, I had a variety of friends.

6 Q. Yes.

7 A. But I -- we'd just be in around the park, going down
8 there and that.

9 Q. Yes, you hung around the Park yourself did you?

10 A. At times, yes, sir.

11 Q. And Indians would be hanging around the Park at that time?

12 A. Yes, sir, we talked and, you know, there was no big deal.
13 We just talked.

14 Q. There was no problem between you and the Indians?

15 A. No, sir.

16 Q. And you have already described them as friends and they were
17 friendly to you in the Park that night?

18 A. Yes, sir.

19 Q. Do you know whether from your observations when you were in
20 the Park whether the Sydney Police liked yourself and other
21 people hanging around in Wentworth Park?

22 A. I don't think they wanted us.

23 Q. I see and what leads you to that conclusion?

24 A. Well, they'd chase us -- they'd chase you out of there.

25 Q. I see, how would they chase out?

JOHN L. PRATICO, by Mr. Wildsmith

1 A. Just tell you to go home.

2 Q. Just tell you to leave?

3 A. Yeh.

4 Q. Would they be taking your names?

5 A. Not usually. Not -- usually they don't -- they don't take
6 names.

7 Q. I see, were they concerned about drinking?

8 A. Yes, with everybody, yes.

9 Q. Yes, would they arrest some people?

10 A. Well, they've never arrested me so I have -- in the Park so
11 I have no idea of that.

12 Q. I see, you didn't see anybody else arrested for drinking in the Park?

13 A. No, sir.

14 Q. Was there a particular area in the Park where -- where the
15 Indian group would hang out?

16 A. Band shell, you know, around there.

17 Q. Around the band shell area?

18 A. Yeh, in around that area -- was all that area of the Park.

19 Q. Where those footpaths cross?

20 A. Around here, you know, what I mean. Around that area.

21 Q. In that area of Crescent Street?

22 A. On -- on the band shell side.

23 Q. Yes, by Crescent Street rather than by George Street?

24 A. Well, it -- any where in that area, you know what I mean.

25 Q. I see, okay. Now you've mentioned -- it's certainly been

JOHN L. PRATICO, by Mr. Wildsmith

1 mentioned to you, certain discussions that you had with Tom
2 Christmas and with Arty Paul?

3 A. Yes, sir.

4 Q. Is it correct to say that there were never any other
5 discussions that you had?

6 A. Well, what do you mean by discussions?

7 Q. Well --

8 A. Could you just explain it a little more what you're purposing
9 to me?

10 Q. Yes, that there were no other times when Indians were approaching
11 you concerning your evidence against Junior Marshall?

12 A. Just Arty Paul and Tom Christmas.

13 Q. Yes, just that -- just those two instances?

14 A. Yes, sir.

15 Q. Thank you. Now let's think for a moment about the incident
16 that involved Tom Christmas?

17 A. Yes, sir.

18 Q. You've indicated that he was a friend of yours?

19 A. Yes, sir.

20 Q. And you indicated in your testimony that it was your belief
21 that Tom Christmas only wanted you to tell the truth?

22 A. Yes, sir.

23 Q. And I believe it's your evidence that Tom Christmas never
24 directly threatened you?

25 A. He was a little pushy but he just wanted to give me enough

JOHN L. PRATICO, by Mr. Wildsmith

1 | guts, I guess, come out and be a man and tell the truth.

2 | Q. Yes, and by pushy you just mean that he touched you on the
3 | shoulder?

4 | A. Yeh, you know.

5 | Q. Yes, thank you. And you know that Mr. Christmas was charged
6 | with a criminal offense as a result of that?

7 | A. Yes, I do, yes, sir.

8 | Q. The offense of obstructing justice?

9 | A. Yes, sir.

10 | Q. And you know that that charge was dismissed or withdrawn?

11 | A. Yes, sir.

12 | Q. Were you in court when that happened?

13 | A. Yes, sir.

14 | Q. And do you know who the Prosecutor was at that time?

15 | A. Mr. MacNeil.

16 | Q. Mr. Donald C. MacNeil?

17 | A. Yes, sir.

18 | Q. Thank you. Do you know whether there was a defense counsel
19 | present?

20 | A. I have no recall of that.

21 | Q. Thank you. Now let's turn for a moment to the other incident
22 | you described involving Arty Paul?

23 | A. Yes, sir.

24 | Q. This was an incident that took place at the time the circus
25 | was in town?

JOHN L. PRATICO, by Mr. Wildsmith

1 A. The Bill Lynch Show was on Inglis Street, yes, sir.

2 Q. Thank you. And I think you likewise told the Commission
3 that it was your impression that all Mr. Paul wanted to do
4 was have you tell the truth?

5 A. Tell the truth, yes, sir.

6 Q. Thank you. Now I'm going to suggest to you what may have
7 happened at that time and you can agree or disagree.

8 A. Right.

9 Q. I'm going to suggest to you that one of the things that
10 Mr. Paul said to you was, "How did you get into this mess,
11 John?"

12 A. I don't know if he said that or not.

13 Q. Was there a description -- was there some discussion over the
14 fact --

15 A. Just -- he just asked me to go and tell the truth.

16 Q. All right.

17 A. And then he hollered at me but I was afraid -- just afraid,
18 not of Indians. Afraid of what the law might not
19 believe me -- I'm not talking about the Crown. I'm talking
20 about just the City Police wouldn't believe my story. I
21 tried even in Court, in the court house to tell the truth;
22 nobody took my word for it.

23 Q. If I understood the first part of your answer, John, you said
24 you weren't afraid of Indians?

25 A. Not really, no; they pushed me a little bit just to make me

JOHN L. PRATICO, by Mr. Wildsmith

1 realize what was going on wasn't right. And there should be
2 something corrected about it.

3 Q. They knew you weren't telling the truth?

4 A. Yes, sir.

5 Q. You knew you weren't telling the truth?

6 A. Yes, sir.

7 Q. Now in the statement that was directed to your attention,
8 the suggestion is made in there that Mr. Arty Paul threatened
9 to kill you or to see that you were killed.

10 A. I think he done it just to put the fear in me to tell the
11 truth.

12 Q. You didn't believe it?

13 A. I didn't think he actually carry it out. It was just the
14 fear -- to put the fear in me to go and tell the truth and
15 be man enough to tell the truth.

16 Q. I'm going to suggest to you that what really happened on
17 that occasion, John, was that what he said to you was that
18 he had nothing to fear from you.

19 A. Right.

20 Q. But that it might not be such a good idea, John, to go back
21 up to the Park because the other fellows might not feel the
22 same way?

23 A. Right.

24 Q. Would that be a correct conclusion?

25 A. Could be, could be.

JOHN L. PRATICO, by Mr. Wildsmith

1 Q. Is it likely that that's just as good a recollection of
2 what happened as him threatening to kill you or to see
3 that you were hurt?

4 A. Well, like I just said, the threaten to kill me probably
5 was just probably enough -- just enough to jilt me enough
6 to make me tell the truth.

7 Q. I see.

8 A. Okay.

9 Q. And you didn't take it that seriously?

10 A. No, sir.

11 Q. Thank you. That's all my questions.

12 MR. CHAIRMAN:

13 Mr. Spicer do you have any questions on redirect.

14 MR. SPICER:

15 No, My Lord.

16 MR. CHAIRMAN:

17 Well, John, thank you very much.

18 BY THE WITNESS:

19 You're welcome, sir.

20 THE CHAIRMAN:

21 It's been a difficult few hours but hopefully it's the last
22 time you will be called upon to testify involving this case.

23 BY THE WITNESS:

24 Yes, sir.

25

JOHN L. PRATICO, by Mr. Wildsmith

1 THE CHAIRMAN:

2 And I'm sure that, I know, we're all pleased to see that you
3 are now improving all the time in your stability and I can
4 only hope that and I'm sure that the -- that in time the people
5 of Sydney will see to it that you find employment and that you
6 will have a good lifestyle ahead of you.

7 BY THE WITNESS:

8 We hope so. Thank you very much.

9 INQUIRY ADJOURNED: 2:57 p.m.

10 INQUIRY RECONVENED: 3:24 p.m.
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John

DISCUSSION BETWEEN CHAIRMAN AND COUNSEL

1 MR. CHAIRMAN:

2 Mr. Spicer.

3 MR. SPICER:

4 Thank you, My Lord. The next witness this afternoon was to be
5 Margaret Pratico. She's advised me in the last few minutes that
6 she has some concern arising, I think out of her health, and is
7 not prepared at this time to -- to give testimony in front of the
8 T.V. cameras. It may be that at some future date we may be in a
9 position where we would have to ask for a similar order as we
10 asked for earlier in the case of John Pratico, but in the meantime
11 I'd like some further time to consult with Mrs. Pratico and
12 determine just exactly the nature of her concern and the nature
13 of her health situation before we make any such request. So for
14 the time being I'd just like to ask for -- that we adjourn early
15 this afternoon.

16 MR. CHAIRMAN:

17 We will not be -- Mrs. Pratico will not be testifying tomorrow?

18 MR. SPICER:

19 No, she will not be testifying tomorrow. The witness tomorrow
20 morning, I think, will be Doctor O'Brien.

21 MR. CHAIRMAN:

22 All right.

23 MR. SPICER:

24 And I will advise Counsel as soon as -- as soon as we know where
25 we're going with Mrs. Pratico, and yourselves.

DISCUSSION BETWEEN CHAIRMAN AND COUNSEL

1 MR. CHAIRMAN:

2 Yeh. Well, it's three-thirty now and we probably couldn't
3 complete her testimony this afternoon.

4 MR. SPICER:

5 I think it's very unlikely that we could complete it in any
6 event.

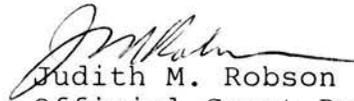
7 MR. CHAIRMAN:

8 I think I should make it clear that whilst we welcome the presence
9 of the media and the electronic media and television to all these
10 hearings, our first responsibility as Commissioners is to ensure
11 that any person who for a good and valid reason, and the reason
12 primarily being health, that he or she not be placed in a position
13 where they will be inhibited in the giving of their full and
14 complete testimony. I'm sure the -- those who have sat through
15 the last day and a half will know exactly what I mean when I say
16 that. So I --Whilst we're prepared to adjourn at this time until
17 tomorrow if Counsel conclude that the evidence of Mrs. Pratico
18 is necessary and essential to the hearings, then her evidence will
19 be heard, but I will wait and we will await until Commission Counsel
20 are in a position to advise on this matter sometime later during
21 the Sydney Hearings. So we'll adjourn until eight a.m. tomorrow,
22 Friday.

23
24 INQUIRY ADJOURNED AT 3:28 o'clock in the afternoon on the 24th
25 day of September, A.D., 1987.

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 24th 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