

1 PATRICIA HARRISS, being called and duly sworn, testified as follows:

2 BY MR. MacDONALD:

3 Q. Comfortable?

4 A. Yes.

5 Q. Your name is Patricia Harriss?

6 A. Yes, it is.

7 Q. And can I ask you, Patricia, if you'll try and speak up perhaps
8 a little louder than normal so people would be able to hear
9 you in the room.

10 A. Okay.

11 Q. You live in Sydney?

12 A. Yes, I do.

13 Q. And have for all your life, have you?

14 A. Yes.

15 Q. When were you born?

16 A. '56, November 15th.

17 Q. November 15th, '56. So in 1971 you would have been -- In May
18 of '71, you would have been fourteen years old?

19 A. Yes.

20 Q. What grade were you in in 1971? Do you remember?

21 A. I went to Central School. I imagine I was in grade eight or
22 so. Seven or eight.

23 Q. And at that time, you knew a fellow named Terry Gushue?

24 A. Yes.

25 Q. What was your relationship with him?

- 1 A. Friend. Boyfriend.
- 2 Q. Okay. Boyfriend in the sense of a steady boyfriend or just a
3 boy that you were friends with?
- 4 A. Well, we went to dances together and I went to his home. I
5 knew his sisters and his mother so we went places together.
- 6 Q. Yes. Did you have any girlfriends?
- 7 A. Yes.
- 8 Q. Any that you can recall their name of now?
- 9 A. Anastasia Pennagopolis was my best friend at that time.
- 10 Q. Okay, what about the O'Reilly girls? Are you friends --
11 did you know the O'Reilly twins?
- 12 A. Yes.
- 13 Q. Did they go to school with you?
- 14 A. Yes.
- 15 Q. Central School?
- 16 A. Yes.
- 17 Q. Were you friends with them?
- 18 A. Yes.
- 19 Q. Did you used to go places with them other than school?
- 20 A. No.
- 21 Q. Now, Patricia, I want to talk to you about the events of the
22 night of May the 28th, of 1971, and that's the night that
23 -- that date is the night that Sandy Seale was stabbed in
24 Wentworth Park. Do you remember where you were that night?
- 25 A. Yes.

- 1 Q. Where were you?
- 2 A. St. Joseph's dance.
- 3 Q. Is that something -- is the dance something you used to go to
4 on a regular basis?
- 5 A. Yes.
- 6 Q. Would they be held every week?
- 7 A. Yes, at different church organizations. Sacred Heart, St.
8 Joseph's, St. Anthony Daniel; there was a lot of those
9 dances going on on the weekend.
- 10 Q. Okay. and when had you started going to them?
- 11 A. I imagine that year. I'm not quite sure.
- 12 Q. Okay. Would you go by yourself normally or with a group?
- 13 A. With a friend usually I would imagine, not by myself.
- 14 Q. Would you go to the dance from time to time with Terry Gushue?
- 15 A. Yes.
- 16 Q. Do you remember on this night if you -- who you went to the
17 dance with?
- 18 A. No.
- 19 Q. Do you recall being at the dance?
- 20 A. Vaguely, yes.
- 21 Q. Did you know Junior Marshall?
- 22 A. I knew of him.
- 23 Q. Did you see him at the dance that night or do you recall?
- 24 A. No.
- 25 Q. Did you know Sandy Seale?

- 1 A. No.
- 2 Q. What do you recall about the -- being at the dance? Tell me
3 what you remember about it.
- 4 A. Not too much other than I left early with Terry.
- 5 Q. And what do you mean by early?
- 6 A. Before the dance was over.
- 7 Q. Was it normally your practice to stay until the dance ended?
- 8 A. No.
- 9 Q. What time would the dances end?
- 10 A. I imagine around twelve midnight.
- 11 Q. Did you have a curfew that you had to follow?
- 12 A. Not that I recall, no, but I imagine I did.
- 13 Q. You have no recollection of it.
- 14 A. No.
- 15 Q. Now you live with your aunt. Is that correct?
- 16 A. Yes.
- 17 Q. But you call her your mother?
- 18 A. Yes.
- 19 Q. So when I talk about your mother, I'm talking about the person
20 you live with.
- 21 A. Yes.
- 22 Q. She -- and she's raised you. Is that correct?
- 23 A. Pardon?
- 24 Q. She raised you?
- 25 A. Yes, she adopted me.

- 1 Q. Who did you leave the dance with?
- 2 A. Terry Gushue.
- 3 Q. Had you met him there or did you go with him or do you
- 4 remember?
- 5 A. I can't remember. I just remember leaving with him.
- 6 Q. Any particular reason you left early?
- 7 A. Not that I can remember, no.
- 8 Q. Any recollection of a fight taking place?
- 9 A. No.
- 10 Q. Do you recall what happened after you left?
- 11 A. I remember going to a store and I think buying cigarettes.
- 12 We did go into the store. We went to the park, sat on a bench
- 13 there, and stayed there for a bit and then left.
- 14 Q. Okay, and the store you would go to, where would that store
- 15 be located?
- 16 A. The store is right there by the band shell. I'm not sure.
- 17 Q. It's in the vicinity of Argyle Street and --
- 18 A. On George Street.
- 19 Q. -- George Street.
- 20 A. Yes.
- 21 Q. Just in there to buy some cigarettes?
- 22 A. Yes.
- 23 Q. Were you drinking that night?
- 24 A. No.
- 25 Q. Was Terry?

- 1 A. I don't remember.
- 2 Q. After you went to the park, did you say you sat down on a
3 bench for a little while?
- 4 A. Yes.
- 5 Q. Can you tell us how long?
- 6 A. Not very long.
- 7 Q. Can you tell us what you were doing?
- 8 A. I think smoking a cigarette. I'm not sure. Talking.
- 9 Q. What happened after that?
- 10 A. After that we just got up and left, went to Crescent Street
11 to head for home.
- 12 Q. Would that be the normal path you would take to get home from
13 the dance?
- 14 A. Yes.
- 15 Q. What do you recall if anything that happened as you were
16 heading home?
- 17 A. I remember meeting Marshall and two other men. Terry asked
18 them for a light, getting the light and leaving.
- 19 Q. Do you recall where that would have occurred on Crescent
20 Street?
- 21 A. No.
- 22 Q. Or was it on Crescent Street?
- 23 A. Yes.
- 24 Q. But you can't say where?
- 25 A. No.

1 Q. Two other men you say were with him. Can you recollect
2 that today? There --

3 A. I cannot describe them, no.

4 Q. But can you remember that there were two people with him?

5 A. Yes.

6 Q. How long would the encounter have lasted?

7 A. Long enough to get a light of a cigarette and leave.

8 Q. There was a suggestion a couple of times that you may have
9 held hands with Junior Marshall. Do you remember --

10 A. No, I don't.

11 Q. Do you remember that?

12 A. No, I don't.

13 Q. Do you remember that being suggested to you?

14 A. Yes.

15 Q. Okay, but you have no recollection of that now?

16 A. No.

17 Q. You said you knew of Mr. Marshall. How had you known of him?

18 A. Well at the dances and wherever, there would be little quarrels
19 or fights going on and Marshall was known for getting mixed
20 up in these things so I knew of his name. I knew what he
21 looked like but I didn't know him personally.

22 Q. Were you ever present when he was involved in any type of a
23 fight?

24 A. No.

25 Q. Were you ever present -- from your recollection before this

- 1 night now when Terry was involved in a fight?
- 2 A. Terry's been in fights, yes.
- 3 Q. When you were around?
- 4 A. Yes.
- 5 Q. Okay. Did the guys used to hang out in groups?
- 6 A. No.
- 7 Q. You don't recall various groups?
- 8 A. No one that I was associating with, no.
- 9 Q. But this generally at the dances, do you recall if there would
10 be various groups of boys hanging together?
- 11 A. No.
- 12 Q. Did you have any experience yourself with Indian youths?
- 13 A. No.
- 14 Q. Did you ever go out with any of them?
- 15 A. No.
- 16 Q. Any of them in your school?
- 17 A. No.
- 18 Q. What about Black youths?
- 19 A. No.
- 20 Q. Did you ever date a Black youth? I'm talking now up to '71.
- 21 A. No.
- 22 Q. The encounter with Marshall then on that night and two other
23 people was a fairly brief encounter?
- 24 A. Brief, yes.
- 25 Q. What happened after you met him?

- 1 A. Headed home.
- 2 Q. And how long would that have taken?
- 3 A. Oh, dear, a couple of minutes.
- 4 Q. It's not very far from Cresent Street to you home?
- 5 A. No. Yes.
- 6 Q. Did you -- were you staying outside for any length of time?
- 7 A. No.
- 8 Q. Do you recall any discussion taking place between you and
- 9 Terry and Marshall other than asking for a match?
- 10 A. No.
- 11 Q. Mr. Gushue has told us his recollection is that Marshall told
- 12 him, "Get out of there." He didn't want him around. Do you
- 13 have any recollection of that happening?
- 14 A. No, I don't.
- 15 Q. Now that was a Friday night. When did you hear that there'd
- 16 been some incident in the park so that someone had been
- 17 stabbed?
- 18 A. I'm not sure when but I think I heard from my mother.
- 19 Q. And that -- can you tell us when that would have been?
- 20 A. I have no idea.
- 21 Q. No idea. When did you learn that Sandy Seale had died or did you?
- 22 A. I don't recall.
- 23 Q. When you learned that he had died, did it mean anything to
- 24 you?
- 25 A. No.

1 Q. Do you recall any discussions with Terry Gushue after you
2 learned of the death of Seale telling you "Let's not get
3 involved in this. Let's not tell the police anything at all."?

4 A. No.

5 Q. You don't recall that happening?

6 A. No.

7 Q. Do you recall telling your mother what you had seen in the
8 park that night?

9 A. Yes.

10 Q. And would that hve been at about the time she told you of the
11 stabbing?

12 A. No, this would be after the questioning at the police department.

13 Q. Okay, that would be after that. You did end up at the police
14 station at some time, didn't you?

15 A. Yes.

16 Q. Do you recall the events giving rise to that? How did you
17 get there?

18 A. I don't remember, no.

19 Q. All you can do at this stage is picture yourself there. You
20 don't remember --

21 A. I don't remember going into the police department, no.

22 Q. Do you remember if your mother was present with you?

23 A. No.

24 MS. EDWARDH:

25 Is it she doesn't recall or did she -- she said no?

1 | MR. MacDONALD

2 | Yeh.

3 | BY MR. MacDONALD:

4 | Q. Do you say that you do not remember your mother, you don't
5 | recall, you have no recollection?

6 | A. I don't remember going into the police department, walking
7 | in that door.

8 | Q. Do you remember being questioned at the police station?

9 | A. Yes.

10 | Q. Do you remember who was questioning you?

11 | A. Yes.

12 | Q. Who was that?

13 | A. MacIntyre and Urquhart.

14 | Q. And did you know those people?

15 | A. No.

16 | Q. Do you know them now?

17 | A. Yes.

18 | Q. And are those the two men that questioned you on that night?

19 | A. Yes.

20 | Q. When they were questioning you, do you recall if your
21 | mother was present?

22 | A. No.

23 | Q. Are you saying she wasn't or you just don't remember?

24 | A. I don't remember.

25 | Q. Tell us what you do remember then about that night when you

1 | were being questioned by the police?

2 | A. What I do remember?

3 | Q. Yes.

4 | A. I remember being very frustrated, upset, going over a lot of
5 | facts, a lot of names, a lot of statements being taken and
6 | torn up and starting all over again.

7 | Q. Okay. Well I'm going to take you to a couple of statements.

8 | MR. MacDONALD:

9 | I've marked two statements, 55 and 56; the copies of the statements
10 | are found in Volume 16. Exhibit 55 is found on page 64 and Exhibit
11 | 56 is found on pages 67 and 68 of that Volume and there's type-
12 | written copies as well.

13 | BY MR. MacDONALD:

14 | Q. Now if you look at -- this is Exhibit 55, Patricia, and on
15 | page 64 of Volume 16 is a copy of that document. And a
16 | typewritten copy of it is found on page 63. Just take a moment
17 | to look at that. Now it's noted on that statement that it
18 | was taken on June the 17th of 1971 starting at or at least
19 | eight-fifteen p.m. appears on the document. Do you recall
20 | giving that statement or a statement similar to that to the
21 | police on that night?

22 | A. Yes.

23 | Q. And that statement says -- tells about your having left the dance
24 | with Terry Gushue, smoking a cigarette and meeting Junior
25 | Marshall in front of the big green building on Crescent

1 Street and then you say there was two other men with him.
2 And you describe the other men. "One man was short with
3 a long coat, gray or white hair with a long coat. I was
4 talking to Junior." Now can you remember actually giving
5 that statement to the police, that you had seen two people
6 one of them being a man with gray or white hair with a long
7 coat?

8 A. Yes, I do.

9 Q. And a man being short?

10 A. Yes.

11 Q. That statement is not signed.

12 A. No.

13 Q. You talked about -- you recall various statements being made
14 and I think you said crumpled up and thrown away. Tell me
15 a little bit more about that. What was giving rise to that?

16 A. Well, we'd get half way through a statement and when it usually
17 got to these two men, we would have to start over again
18 because that wasn't proper, that wasn't right.

19 Q. What do you mean it wasn't proper?

20 A. It wasn't correct.

21 Q. Well who was saying it wasn't proper?

22 A. The police officers.

23 Q. Tell me exactly what they were saying to you.

24 A. I don't know exactly --

25 Q. Well the best you can recall.

- 1 A. Just going over it now, "Patricia, you didn't see that. There
2 wasn't two men there, was there, Patricia." and I did keep it
3 up for quite a few hours that there was two men.
- 4 Q. Now you were a fourteen year old girl at the time. How were
5 you feeling?
- 6 A. I was very frightened, very, very frightened. Crying.
- 7 Q. Did you cry?
- 8 A. Yes.
- 9 Q. Did you do anything else?
- 10 A. I think I got a little angry. I remember being allowed out
11 for a moment, my mother being there, and she offered me a
12 kleenex and I was very upset. I was angry with my mom as well.
- 13 Q. Why were you angry with your mother?
- 14 A. I think I was angry at the world having to go through such a
15 -- such a time.
- 16 Q. When you went to the police station that night -- I know you
17 can't recall how you got there but when you went there, what
18 was your intentions?
- 19 A. I had no idea. I went down there thinking well there must be
20 some -- I really didn't know what it was all about.
- 21 Q. And when you found out what it was about, they wanted to talk
22 about the events of the night of May 28th, was it your
23 intention to tell them the truth?
- 24 A. Yes.
- 25 Q. And did you try to tell them the truth?

PATRICIA HARRISS, by Mr. MacDonald

1 A. Yes, I did.

2 Q. Now there's a second statement --

3 COMMISSIONER POITRAS:

4 Excuse me, was Ms. Harriss's mother present during this time?

5 MR. MacDONALD:

6 She can't recall, My Lord. At least that's the evidence as I
7 understood her to give it.

8 BY MR. MacDONALD:

9 Q. You did say, though, Patricia, that you were let out at some
10 time to see your mother.

11 A. Yes.

12 Q. And where would your mother have been when you went to see
13 her?

14 A. Sitting on a small bench waiting for me outside of the room.

15 Q. Outside of the room?

16 A. Yes.

17 Q. So that was not in the same room where you were with the
18 policemen?

19 A. No.

20 Q. What's your recollection of the policemen, the size?

21 A. Big men.

22 Q. And how were they acting towards you?

23 A. At one point they offered -- there would be times where it'd
24 be very comfortable and I would calm down and then it would
25 get very flared up again and bringing me something to drink

1 pounding their fists on the table and saying I wasn't telling
2 the truth.

3 Q. What do you mean pounding their fists on the table?

4 A. Well, --

5 Q. Show me what it's like.

6 A. Oh, dear.

7 Q. Show me.

8 A. I haven't got big hands. Just (pop) --

9 Q. But you said (pound, pound), like that?

10 A. No, not that hard.

11 Q. Not that hard.

12 A. Hard enough to upset me.

13 Q. Did you ultimately that night give a statement that you
14 signed?

15 A. I don't recall signing it, no.

16 Q. Let me show you exhibit 56 which is a hand-written statement.

17 First of all I'll point out to you that the handwriting
18 on that statement is different than the handwriting on the
19 first and I think the evidence will disclose later that the
20 first statement is in the handwriting of Detective Urquhart
21 and that the second statement is in the handwriting of
22 Sergeant MacIntyre. On the bottom of the first page of
23 exhibit 56 is a signature, Patricia Harriss. Is that your's?

24 A. Yes, it is.

25 Q. And on page two, Patricia Harriss name is shown also. Is that

1 | your signature?

2 | A. Yes, it is.

3 | Q. Do you recall signing a statement that night?

4 | A. No, I don't.

5 | Q. When did --when's the first time you saw a copy of this state-
6 | ment with your signature on it?

7 | A. I don't remember.

8 | Q. Now the typewritten copy, Patricia, of that statement is
9 | contained on page 65 of Volume 16. The first thing I would
10 | point out for the benefit of the Commissioners that the
11 | date on the -- or the time on the top of that, My Lord, one-
12 | twenty doesn't correspond with the hand-written notes which
13 | says 12:07 and I think it's probably just a typographical
14 | error as you go one to the other. Down at the bottom of the
15 | page you'll see that the second -- the second page, the time
16 | it's over is twelve twenty-five so that should in fact read
17 | 12:07 as opposed to 1:20. Now Patricia, the first statement
18 | at least that we've seen is timed eight-fifteen and the
19 | second when it's over is twelve twenty-five a.m. Do you recall
20 | how long you were in the police station?

21 | A. No, but I know it was a long time. I was very tired and
22 | wanting to get -- get out of there.

23 | Q. Were you sent home in the interim or were you there the whole
24 | time?

25 | A. I was there the whole time.

1 Q. And you're certain of that?

2 A. Yes.

3 Q. Let me take you through that second statement and get your
4 comments on it. You say that again in the first paragraph
5 that you went to the dance and you met Terry Gushue there.
6 You danced for awhile and then a fight started. Terry got
7 mixed up in it and he was asked to leave. Now there's no
8 reference in the first statement to a fight. Do you have any
9 recollection now of a fight?

10 A. No, I don't.

11 Q. And you go on to say you were mad at him and you went to the
12 park and so on and that you met Marshall -- Junior Marshall
13 up by the green apartment buildings. That's the same as
14 the earlier one.

15 A. Yes.

16 Q. But then you go on to say, "Was there anyone with Junior
17 Marshall?" You answered, "Yes." "Who was it?" "He had a
18 dark jacket on." And then the question was put to you, "Was
19 it Sandy Seale? Do you know him?" and the answer that's
20 recorded is "Yes, I know Sandy and it looked like him." Did
21 you know Sandy Seale?

22 A. No.

23 Q. Do you have any idea what he looked like at all?

24 A. No.

25 Q. Where did the information come from then for you to tell the

1 | police?

2 | A. I can't really say too much about this statement. I'm really
3 | not -- I wasn't really all that responsible for what's written
4 | there.

5 | Q. What do you mean? Just elaborate on that for me, would you?

6 | A. Well being so tired and crying and upset, I don't remember
7 | much of this statement. I don't recall saying any of it.

8 | Q. What were you trying to do after midnight on that night?
9 | What was your objective?

10 | A. To get out of there. To give them what they wanted and go
11 | home.

12 | Q. What did you think they wanted?

13 | A. I know they didn't want me to -- these two men, they -- that
14 | wasn't acceptable.

15 | Q. It wasn't acceptable for you to have seen two men.

16 | A. Right.

17 | Q. Is that what you're saying?

18 | A. With Junior Marshall.

19 | Q. And so getting on to after midnight on that day, are you
20 | saying you gave up the fight?

21 | A. Yes.

22 | Q. You wanted to get out of it?

23 | A. Yes.

24 | Q. Did you see Sandy Seale with Marshall that night?

25 | A. No.

- 1 Q. It says here: "Did Junior Marshall say anything else?" "He
2 was drinking." Did you know if Junior Marshall was drinking?
- 3 A. No, I don't.
- 4 Q. "How was he dressed?" "He had a light jacket on." Did you
5 know that?
- 6 A. No.
- 7 Q. "Were they standing or walking when they met -- when you met
8 them?" "Standing facing one another but when we came closer,
9 they sort of parted and Sandy Seale moved back. We talked to
10 Junior, got a match and left for home." Did that happen?
- 11 A. No.
- 12 Q. That's a fairly detailed little description there.
- 13 A. Yes, it is.
- 14 Q. Are you able to say how you -- how you would have come up
15 with that or why you would have come up with that?
- 16 A. I think just plain exhaustion.
- 17 Q. Now did -- when you left there, was your mother still out
18 in the other room?
- 19 A. When the questioning was over?
- 20 Q. Yes.
- 21 A. Yes.
- 22 Q. Did your mother take you home?
- 23 A. Yes.
- 24 Q. Did you have any discussion with your mother about what had
25 taken place in there?

- 1 A. No, I was very tired. I just went home and went to bed.
- 2 Q. Were you -- You had indicated earlier that you cried. Had
- 3 you -- did you cry on more than one occasion that night?
- 4 A. More than likely, yes.
- 5 Q. Are you the type of person that cries a lot?
- 6 A. No.
- 7 Q. Was any mention made to you about what consequences you would
- 8 suffer if you didn't tell the truth?
- 9 A. Yes.
- 10 Q. Tell us what was said to you about that.
- 11 A. I was told about perjury and that if I change anything or
- 12 say anything different from what was in the statement, I
- 13 would -- I would go to gaol.
- 14 Q. What statement are you talking about, Patricia?
- 15 A. Not any one statement in particular, just a statement, if I
- 16 changed it. It was probably when after I signed it.
- 17 Q. When was the statement made, do you recall, about perjury?
- 18 A. Oh, all through the evening.
- 19 Q. Throughout the evening?
- 20 A. Yes.
- 21 Q. That if you -- what, if you change your statement, you commit
- 22 perjury and could go to gaol?
- 23 A. I commit perjury and go to gaol.
- 24 Q. You used the word perjury when you went to court and I can show
- 25 you if you like but when the Judge asked you if you knew the

- 1 meaning of the truth or what would happen, you said you would
2 commit perjury.
- 3 A. Yes.
- 4 Q. That's a word that a lot of fourteen year olds probably
5 wouldn't know. Had you ever heard it before this night?
- 6 A. No.
- 7 Q. Do you know now what perjury is?
- 8 A. Yes.
- 9 Q. What is it?
- 10 A. I think I still stick to the same thing.
- 11 Q. What is it?
- 12 A. Not telling a lie.
- 13 Q. Okay. What did you feel like when you left there that night?
- 14 A. Terrible.
- 15 Q. Why did you feel terrible?
- 16 A. It was a hard night.
- 17 Q. Did you feel when you left there that you had told a lie?
- 18 A. Yes.
- 19 Q. And did you feel bad about that?
- 20 A. Yes.
- 21 Q. Did you tell your mother that you had told a lie?
- 22 A. Yes. Not that I told a lie, that I wasn't allowed to say there
23 was two men in the park.
- 24 Q. What did your mother -- what was her reaction to that?
- 25 A. Well, my mother was very confused with it all and didn't know

1 what to think, I guess, and that's when she took me to A. O.
2 Gunn.

3 Q. And you went to see A. O. Gunn as a lawyer in Sydney?

4 A. Yes.

5 Q. And your mother arranged for you to go and see him.

6 A. Yes.

7 Q. Do you know when that was?

8 A. No, I don't.

9 MR. MacDONALD:

10 My Lords, I can advise you that I've met with Mr. Gunn who is ill,
11 and -- but I have seen and I could probably get a copy of his
12 appointment book and that meeting took place on June the 28th of
13 1971 at four-thirty in the afternoon.

14 BY MR. MacDONALD:

15 Q. Do you recall the meeting with Mr. Gunn?

16 A. Yes.

17 Q. Tell the Commissioners what you recall about that?

18 A. All I really recall is him asking me if I was telling the
19 truth which I said, yes, and he said, "Well, everything's okay."

20 Q. Now what did you understand that to mean, Patricia, "Are you
21 telling the truth?" Telling the truth when?

22 A. At any time, I guess. I don't know. I just answered yes.

23 Q. Why were you there?

24 A. I think my mother wanted it and I maybe went thinking he could
25 help me but when I got there I was frightened of him also.

1 Q. How long were you there?

2 A. I don't think very long.

3 Q. Do you recall anything other than being asked, "Are you telling
4 the truth?"?

5 A. No.

6 Q. Did he ask you -- was he aware that you had given a statement
7 to the police?

8 A. I would imagine, yes.

9 Q. Did you tell him?

10 A. I don't remember recalling telling him. Maybe my mother
11 did.

12 Q. Did you get any comfort out of that meeting?

13 A. No.

14 Q. That meeting was before you gave evidence at the preliminary
15 inquiry. Do you remember the preliminary inquiry? That's
16 where you just there with a judge only. There's no jury
17 present.

18 A. No, I don't.

19 Q. Do you remember giving evidence?

20 A. Yes.

21

22

23

24

25

1 Q. And do you remember before you were allowed to give
2 evidence, the judge was asking you what -- trying to
3 determine if you knew what it meant to take an oath. Do
4 you remember that? The judge was asking you what happens
5 if somebody tells a lie.

6 A. Yes, vaguely I do.

7 Q. Do you know what it means to take an oath? Do you remember
8 those questions?

9 A. Vaguely, yes.

10 Q. And if I asked you that today, do you know what it means to
11 take an oath?

12 A. Yes.

13 Q. What does it mean?

14 A. That you're --you're saying you'll tell the truth.

15 Q. Okay, and what happens to people who don't tell the truth?

16 A. They go to gaol.

17 Q. They go to gaol.

18 A. They commit perjury.

19 Q. So that's-- that's what you believe today?

20 A. Yes.

21 Q. And that's what you told the judge at the Preliminary Inquiry?

22 A. Yes.

23 Q. And that's what you told the judge in the Supreme Court at
24 the trial of Mr. Marshall as well?

25 A. I don't remember how many times I had said it, but --

1 Q. Okay. Well, then having said that, Patricia, and having
2 had Mr. Gunn tell you to tell the truth, why, when you were
3 asked a question at the trial or at the Preliminary and at
4 the trial, how many people were with Junior Marshall, why
5 didn't you tell them about these two people?

6 A. Again I was frightened of the statement and that if I went
7 against that I would automatically go to gaol. There'd be
8 no questions asked, so I sort of had to stick with whatever
9 this was which I didn't know too much about what was in the
10 statement.

11 Q. You didn't know what was in the statement? Were you given a
12 copy of it?

13 A. I don't recall, no.

14 Q. You didn't want to change what was in the statement?

15 A. Correct.

16 Q. And that was your concern in giving evidence?

17 A. Yes.

18 Q. Not to tell the truth necessarily but to make sure you
19 didn't say something different than was in your statement?

20 A. Yes.

21 Q. Before you gave evidence did you have any meetings with the
22 police or with the Prosecutor or with the lawyers involved?

23 A. I just recall at one point in the court house being called
24 into a room with a lot of people and looking at a map, but
25 who those people are I don't know to this day.

1 Q. Were you ever taken to the park?

2 A. Yes.

3 Q. Who took you there?

4 A. I don't know, a group of people.

5 Q. And what was the purpose of that that you recall?

6 A. There was a conflict to whether there was trees or not on
7 Crescent Street so we had to walk down to Crescent Street
8 to see there was trees there.

9 Q. How long would that visit have taken?

10 A. Oh, I have no idea.

11 Q. What did you feel like when you left the witness stand
12 after having told the story that really wasn't completely
13 what you had seen that night? What did you feel like?

14 A. I felt a bit relieved that it was over, but I wasn't too
15 happy for the way things were going.

16 Q. What do you mean by that, by the way things were going?

17 A. That what I said wasn't true. That bothered me.

18 Q. Did you have any further discussions with your mother about
19 the fact that you now were telling evidence and giving
20 evidence that really wasn't totally accurate?

21 A. Yes.

22 Q. And what were you telling your mother?

23 A. Basically that I wasn't to say there was two men in the
24 park and there were -- there was.

25 Q. What advice or assistance were you getting from your mother?

1 A. She was just very confused with us.

2 Q. I asked you earlier if you knew Mary O'Rielley?

3 A. Yes.

4 Q. And you said you did?

5 A. Yes.

6 Q. Did you ever discuss with her the events of that night in the
7 park?

8 A. No.

9 Q. I want to show you a statement that Ms. O'Rielley gave to
10 the police. It's on page 74 here of volume 16. Just take
11 a moment to go through that, Patricia, and then I'll ask you
12 some questions. Have you read that?

13 A. Yes.

14 Q. Have you ever seen that before?

15 A. Yes, I did.

16 Q. When did you see that?

17 A. In Halifax with Marshall's lawyer, Aronson, I --

18 Q. Okay. In that statement -- And that statement was taken at
19 nine-thirty in the morning, the same morning that you left
20 the police station around twelve-thirty, about nine hours
21 later, and Mary O'Rielley is reported to have said that she
22 told you there was supposed to be a grey haired man in the
23 park with Junior Marshall and that if you were questioned by
24 the police you should tell about that man, that Junior had
25 told you that. Did that happen?

1 A. No.

2 Q. Are you certain that Mary O'Rielley never told you that?

3 A. I'm very certain. We -- We never called one another. We
4 never -- We were in the same class together but that was
5 about it, so if she did call me it would stand out in my
6 mind.

7 Q. When you were telling the police early in the evening of
8 June 17th that you had seen a man -- two men with Junior,
9 one was a man with grey or white hair and short with a long
10 coat, was that based on your own observations?

11 A. Yes, it was.

12 Q. And it was not based on anything Mary O'Rielley told you?

13 A. No.

14 Q. Was the name Mary O'Rielley mentioned to you at all by the
15 police?

16 A. No, I don't think.

17 Q. After the trial, did you have any discussion with anybody
18 about your giving evidence and the fact that the police
19 wouldn't let you have the two men in your story? Did you have
20 any discussion with anybody until you were contacted by
21 the R.C.M.P. in 1982?

22 A. Other than my mother, no.

23 Q. And you continually told your mother that, did you?

24 A. Yes.

25 Q. Do you recall being contacted by the R.C.M.P.?

1 A. Yes, I do.

2 Q. Okay, and let me take you to a statement that you gave to
3 them.

4 MR. MacDONALD:

5 It's in volume 13, My Lords, at page 102.

6 BY MR. MacDONALD:

7 Q. Do you remember being contacted by Wheaton?

8 A. Yes, I do.

9 Q. And being told -- What did he tell you when he contacted you?

10 A. Just that he wanted to talk about the case.

11 Q. And what was your feeling when you were contacted by someone
12 who wanted to talk about it?

13 A. I was happy.

14 Q. How long would you have met with Wheaton?

15 A. Maybe an hour, an hour and a half.

16 Q. Where was that?

17 A. The R.C.M.P. station on Alexandra Street.

18 Q. And did you sign the statement at that time?

19 A. Yes.

20 Q. Let me take you through some of the comments in this statement
21 and get your comments on those. In the first paragraph, just
22 the last couple of sentences when you say:

23 I remember meeting Junior Marshall and
24 there were other people on the street,
25 who they were I don't know. I recall in
my first statement to the police there
were two people. The police took at

1 least three statements from me.

2 What do you mean by statements, Patricia?

3 A. Well, again starting a statement and not finishing it and
4 ripping it up and starting all over again.

5 Q. So by a statement you don't mean something that you've
6 actually signed and agreed to?

7 A. No.

8 Q. Did you discuss with Wheaton what you've told us here, that
9 the police kept writing something down and ripping it up
10 and throwing it away?

11 A. I don't recall if I did but I imagine I did.

12 Q. In your second paragraph there it says:

13 I don't recall exactly how many times
14 I was taken to the police station. I
15 found they were needlessly harping at
 me, going over and over, telling me
 what they thought I should see.

16 Is that accurate?

17 A. Yes.

18 Q. Were you being told what they thought you should have seen?

19 A. I was being told that there wasn't two men there.

20 Q. They took statements from me and
21 changed them.

22 What did you mean by that?

23 A. I think that's when I'm talking about writing and starting
24 all over again.

25 Q. This took hours and hours and my parents
 were not allowed in. They came to the

1 police station and they let me out
2 once to see them, but that was it.

3 Now when you say "parents", who are you referring to?

4 A. I think I -- I remember leaving the police station and seeing
5 my uncle there who I consider my father, but he was there for
6 a brief moment and that was at the end when everything was
7 over.

8 Q. And when you said:

9 They let me out once to see them, but
10 that was it.

11 Is that the time you've told us about when you were allowed
12 out to see your mother?

13 A. Yes.

14 Q. I don't feel their actions were
15 proper. I recall them banging their
 fists on the desk.

16 And you've already described that too. You then said:

17 The police had me so scared throughout
18 this affair that I felt pressured and
19 agreed with things I shouldn't have
 agreed...

20 Was that an accurate statement of how you felt?

21 A. Yes.

22 Q. Do you still feel that?

23 A. Yes.

24 Q. Anyone in particular that you felt pressured you and
25 put you in a state where you had to agree with things that you

1 shouldn't have agreed with?

2 A. Anybody in particular?

3 Q. Yes.

4 A. Mainly the two police officers.

5 Q. And the two police officers are?

6 A. Urquhart and MacIntyre.

7 Q. Now let me take you to the final paragraph. You said:

8 I am sure that I saw Junior Marshall
9 in the area of the green apartment
building on Crescent Street.

10 Are you still sure of that today?

11 A. No, I'm not quite sure on Crescent Street. I don't know why
12 I said the green apartment building.

13 Q. That's what you said in your statement, in your first statement
14 in any event?

15 A. Yeh.

16 Q. There were other men on Crescent Street
17 in this area, two or three.

18 A. I remember Junior Marshall and two men.

19 Q. Okay.

20 I did not say this in Court, but I did
21 say this at the police station. I
22 felt that I was obligated to stick
with the statement the police were
happy with.

23 And that's again what you've told us today?

24 A. Yes.

25 Q. Terry Gushue was also browbeaten at
this time when they took the statement
from him.

1 | Where did you get the information to make that statement?

2 | A. I think the reason why I said that, at one point Terry was
3 | allowed in the room, and I was very upset. We spoke for
4 | a moment. What went between -- What we said I don't recall
5 | but I also found he was upset.

6 | Q. He was upset?

7 | A. Yes, I had saw it.

8 | Q. You had formed the impression he was?

9 | A. Yes.

10 | Q. Did Terry ever tell you that he was browbeaten?

11 | A. No.

12 | Q. Did you and Terry ever have any discussions after that night
13 | about what took place at the police station?

14 | A. I don't recall, no.

15 | Q. How long did you and Terry continue to see each other after
16 | this night?

17 | A. Not very long. Not too long after this I had left and went to
18 | Quebec City for awhile, so it wasn't very long.

19 | Q. How old were you when you went to Quebec City?

20 | A. Fifteen.

21 | Q. And did -- You stayed there for what length of time?

22 | A. About six months.

23 | Q. And after you returned you and Terry didn't take up again?

24 | A. No.

25 | Q. Did you ultimately finish high school?

1 | A. No.

2 | Q. What grade did you --

3 | A. Ten.

4 | Q. Do you remember swearing an affidavit? Perhaps I could get
5 | you to look at it. It's on page 103 if you just turn over--
6 | It starts there anyway and continues on for a couple of
7 | pages.

8 | A. No, I don't recall when this was --

9 | Q. Do you recall -- Do you remember Steve Aronson?

10 | A. Yes, I do.

11 | Q. And do you remember -- What do you remember about meeting with
12 | him?

13 | A. Just meeting and talking things over. There's nothing in
14 | particular.

15 | Q. Do you remember telling him of your recollections of that
16 | night?

17 | A. Yes.

18 | Q. And your recollections of what took place in the police station?

19 | A. Yes.

20 | Q. And do you remember if he prepared a document for you to review
21 | and sign?

22 | A. No, I don't recall this too well.

23 | Q. I want to take you to some of the comments in this affidavit
24 | and get your -- your views on it?

25 |

PATRICIA HARRISS, by Mr. MacDonald

1 MR. CHAIRMAN:

2 How long do you anticipate that will --

3 MR. MacDONALD:

4 I'm afraid, My Lord, that that's probably going to take a
5 few minutes and it is at the closing -- it is the end of the day.

6 I'd just be as happy to stop and finish in the morning.

7 MR. CHAIRMAN:

8 Okay. Adjourned until nine-thirty tomorrow morning.

9

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11

12 INQUIRY ADJOURNED AT 4:25 o'clock in the afternoon on the 7th
13 day of October, A.D., 1987.

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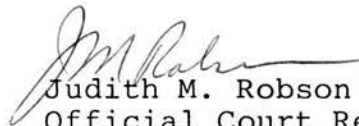
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COURT REPORTER'S CERTIFICATE

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 7th day of October, 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