

RCAA  
Vol. 249  
H1

ROYAL COMMISSION ON THE  
DONALD MARSHALL, JR., PROSECUTION

VOLUME XVI

- Held:** October 8, 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:  
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- 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 MacAlpine
- 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

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INQUIRY RECONVENED AT 9:41 o'clock in the forenoon on Thursday, the 8th day of October, A.D., 1987, at Sydney, County of Cape Breton, Province of Nova Scotia

1 MR. CHAIRMAN:

2 Mr. MacDonald.

3 MR. MacDONALD:

4 Thank you, My Lord.

5 PATRICIA HARRISS, resumes testimony, as follows:

6 BY MR. MacDONALD:

7 Q. Miss Harriss, I just want to clear up a few things we talked  
8 about yesterday so I understand fully what it was you had  
9 said. I understood when you were giving evidence at trial  
10 and that you -- your intention at that time was to not say  
11 something different than in the statement that you'd given  
12 to the police. Is that correct?

13 A. Yes, it is.

14 Q. I also understood you to tell me, though, that you didn't  
15 have a copy of the statement.

16 A. Not that I recall.

17 Q. So I have a little difficulty with that. How -- how can you  
18 give evidence to correspond with the statement when you don't  
19 have it. I just have some difficulty with that.

20 A. Well, basically I knew not to say -- to mention these two  
21 men.

22 Q. You knew not to mention --

23 A. I knew not to. If -- maybe an easier way of putting it is  
24 that if I would mention these two men, I would be charged  
25 with perjury.

1 Q. Thank you. I asked you yesterday if you had been drinking  
2 that night and I think you said no?

3 A. Yes.

4 Q. Would you have been drinking at that time?

5 A. No.

6 Q. I wanted to refer you to evidence that you had given. I  
7 think it was in the Appeal Court. Do you remember being  
8 up there with the five judges up front and Frank Edwards  
9 asking you some questions?

10 A. Yes.

11 Q. Look at Volume 13, and at page 114. Down at the bottom of that  
12 page, that's where the questioning commenced by Mr. Edwards  
13 and I just want to read a couple of those questions and get  
14 your comments on it.

15 Q. Now Ms. Harriss, the night in question  
16 May 28, 1971, you told my learned friend  
17 that you didn't think you were drinking  
that night.

18 And your answer was: "No.".

19 Q. But you're not sure you weren't drinking  
that night.

20 And you said:

21 I don't think I was drinking at that time,  
22 no.

23 And then the question:

24 When you were fourteen years of age, did  
you take a drink on occasion?

25 And your answer was:

1 I might have had a drink of beer or some-  
2 thing like that. It wasn't hard drinking  
or anything.

3 Q. I see, but would it be fair to say that  
4 you did take a drink from time to time?

5 And your answer was: "Oh, yes."

6 Q. So that if you had something -- something  
7 to drink that night, it wouldn't have been  
unusually, would it, particularly?

8 The answer is: "No.". Would you accept that as your evidence  
9 at that -- Would you give the same evidence today?

10 A. I really don't think I was drinking at that time, no.

11 Q. At that time --

12 A. At that time, no.

13 Q. And when you say that, do you mean that you weren't drinking  
14 at all at that time as opposed to you weren't drinking that  
15 night?

16 A. I'd say at that time I was not drinking, yes.

17 Q. Thank you. I want to refer you also to Volume 16 if you'd  
18 turn that up to page 129. It's the other Volume. We'll  
19 come back to this one. Page 129 of 16. I believe those  
20 are notes that are made by Sergeant MacIntyre. (That would  
21 be identified later, My Lord, when Mr. MacIntyre takes the  
22 stand.) But I want to refer to the notes so that you can  
23 comment on them. It says and I believe it says (The hand-  
24 writing is a little difficult.)

25 Mary O'Reilly said to Ms. Harriss that  
Sandy Seale ran up to the corner where

1 Pollett's is...

2 Now Pollett's is a drug store on the corner of Argyle and  
3 George. Is that correct?

4 A. Yes.

5 Q. ...to tell his girlfriend that he was  
6 going with Junior. Mary is Marguerite  
O'Reilly's sister.

7 Now do you have any recollection of Mary O'Reilly telling you  
8 that Sandy Seale had run up to the corner to meet his girl  
9 friend?

10 A. No.

11 Q. Now the next sentence is:

12 The O'Reilly twins told...

13 and I have difficulty with this next word. I can't quite make  
14 it out but I think it is "her", told

15 ...her to tell the story about the gray-  
16 haired man.

17 If that is saying "her" and it's talking about you, I ask you  
18 again, did the O'Reilly twins tell you to tell the police  
19 the story about the gray-haired man.

20 A. No.

21 Q. Then it continues:

22 Junior was a good friend of theirs. They  
23 hang around with the Indians. Mary told me  
24 that in school last Thursday, she went  
with Pius Marshall. Now she goes with  
Steve ? (question mark).

25 Were you a good friend with Junior Marshall?

A. No.

PATRICIA HARRISS, by Mr. MacDonald

1 Q. Did you hang around with the Indians?

2 A. No.

3 Q. Thank you.

4 COMMISSIONER POITRAS:

5 Mr. MacDonald, the O'Reilly twins -- is it possible that is the  
6 "O'Reilly twins told me" and I refer you to a "me" about six lines  
7 further down?

8 MR. MacDONALD:

9 Yes, I see that, My Lord. I can't imagine that it would make any  
10 sense that the twins told Sergeant MacIntyre to tell the story  
11 about the gray-haired man. That's -- But Sergeant MacIntyre will  
12 be able to tell us what the words mean. I just -- in the event  
13 it says "her", I want to put the question to this witness.

14 BY MR. MacDONALD:

15 Q. I couldn't recall this. Did you have any discussions with  
16 Terry Gushue between the time of the event; that is, the  
17 night of the stabbing and the time you went to the police  
18 and specifically, were you told by him "Let's not get  
19 involved. Don't say anything."?

20 A. No. No.

21 Q. Now, Ms. Harriss, you will appreciate that your evidence is  
22 fairly critical of the police here and I just want to ask you  
23 have you yourself ever had trouble with the police?

24 A. There was one time when I was quite young and a friend of  
25 mine, Anastasia again, were walking from the Mall to around

1 the Police Boys Club and I did run into Sergeant Urquhart  
2 at that time and he had taken a boy, cuffed him, put him in  
3 the car and also my friend and I.

4 Q. For what purpose?

5 A. I don't know, really.

6 Q. Was that --

7 A. We were walking, everybody scattered and they picked us up  
8 also. I was about maybe twelve at the time, twelve or  
9 thirteen.

10 Q. And you were put in the car?

11 A. Yes. And brought down to the police station, both of us.

12 Q. Were you charged with anything?

13 A. No.

14 Q. Do you have any other recollection of why you were picked up?

15 A. No, it was mainly this boy. I don't remember his name but  
16 he was in some sort of trouble.

17 Q. What about after the events of this night? Have you ever had  
18 occasion to be in difficulty with the police?

19 A. No, nothing of any importance or anything.

20 Q. Have you ever been charged yourself?

21 A. Again years ago for a small shop-lifting charge.

22 Q. And by years ago, can you help me on that? What does that  
23 mean?

24 A. Oh, dear, I don't know how many years ago. It's awhile back.

25 MR. MacDONALD:

My Lord, we might as well take just about a five minute break to



PATRICIA HARRISS, by Mr. MacDonald

1 check some back-ground information.

2 MR. CHAIRMAN:

3 All right.

4 INQUIRY ADJOURNED: 9:51 a.m.

5 INQUIRY RECONVENED: 10:08 a.m.

6 BY MR. MacDONALD:

7 Q. Now I'd asked you if you had had difficulty with the police  
8 and you said "Yes, there was a shop-lifting charge." And  
9 that was in July of 1978, was it not?

10 A. I have no idea.

11 Q. But it was some time ago.

12 A. Yes.

13 Q. And you were fined for that offense.

14 A. Yes.

15 Q. Now were you also in around the same time charged with driving  
16 a motor vehicle --

17 A. Yes.

18 Q. -- while impaired?

19 A. Yes.

20 Q. And were fined for that?

21 A. Yes.

22 Q. And approximately a month later charged with -- still driving  
23 or driving a motor vehicle while you were disqualified.

24 A. Yes.

25 Q. You recall -- and you were fined with that?

1 A. Yes.

2 Q. And within the last year, were you also charged with a Possession  
3 charge?

4 A. Yes.

5 Q. And you were convicted or --

6 A. Yes.

7 Q. -- you were fined for that?

8 A. Yes.

9 Q. Thank you. Yesterday I had you look at the affidavit that you  
10 had prepared and that's on page 103, I think, of Volume 13.  
11 Do you have that in front of you?

12 A. Yes, I do.

13 Q. I want to take you to the bottom of paragraph number five  
14 where you said that:

15 On June the 17th, 1971, at or about 8:15,  
16 I was interviewed by the Detective Sergeant  
17 MacIntyre and Sergeant W. Urquhart of the  
18 Sydney City Police and gave a written un-  
signed statement to the said MacIntyre and  
Urquhart.

19 And that's attached, and we've looked at that statement yesterday.  
20 Now I want to refer you and you confirmed yesterday, as I  
21 understood it that yes you did recall those two gentlemen  
22 being present and interviewing you?

23 A. Yes.

24 Q. Now I want to refer you to some of the evidence you've given  
25 before on this point and get your comment. The same Volume,  
would you go to page 113? The same Volume, Volume 13, page

1 | 113 and just around line twenty there. You see where it  
2 | says: "Why were you afraid?"?

3 | A. Yes.

4 | Q. And the answer was:

5 |           There were long hours of going over it and  
6 |           the word 'perjury' was brought up a lot  
7 |           and they didn't seem to believe what I had  
8 |           seen, these two characters.

9 | Q. Yeh. Now when you're saying the word 'perjury  
10 |          was brought up', who brought up that particular  
11 |          word?

12 | A. The detectives.

13 | Q. Do you recall who those detectives were?

14 | And the answer was:

15 |           I recall Sergeant Urquhart. The others I  
16 |           don't.

17 | Now I want you also, before I ask the question, to go to page  
18 | 146. First of all what that was I've just read to you was  
19 | the evidence you gave in the Appeal Division when Mr. Aronson  
20 | was questioning you. Now let's go to page 146. Do you  
21 | remember being examined -- it was in the course of a case,  
22 | a civil suit for the C.B.C. and Detective MacIntyre were  
23 | suing each other --

24 | A. Yes, I do.

25 | Q. -- and you were examined under oath?

26 | A. Yes.

27 | Q. These are from the questions put to you at that time by the  
28 | lawyer for the C.B.C. and perhaps if we start at the bottom

1 of 145, we could get the context.

2 Q. Do you recall being at the police station?

3 A. Yes.

4 Q. Can you take it from there and tell us what  
5 you recall for sure and what you -- if you're  
6 not sure, let us know that you're not sure.

7 And then you went on to say:

8 A. Well, I just remember that I was there.  
9 There was a lot of going on. Two police  
10 sergeants coming in and out of the room,  
11 going over my statement quite a few times.  
12 I was there for five hours being very  
13 upset. My parents were with me. They were  
14 told that it would be better if they didn't  
15 get involved, to leave me alone with them.  
16 I was in better hands and they did notice  
17 I was very upset.

18 Q. Your parents noticed you were --

19 A. Yes, they had come down to the police station  
20 worrying about what was going on because I  
21 guess I was there for so many hours.

22 Q. How did you know that you were there?

23 A. I don't know. Maybe they had called the  
24 house or something. That's what I'm  
25 saying. I wonder if I went in a police  
car. They might have taken me down.

Q. Now you say you were there five hours.  
What happened during this five hours?

A. I was trying to get the statement straight  
and whether who was in the park.

Now the part that I'm interested in:

Q. And who was trying to do this?

A. I remember Urquhart vividly and another man.  
I couldn't -- I don't know him yet. I wouldn't  
know him to see him.

1 Q. Was the other man a police officer, apparently?  
2 And the answer was "Yes." And then finally if you go to page  
3 166, and I believe this is under questioning from the lawyer  
4 for Sergeant MacIntyre. Right at the top of that page:

5 Q. Do you have any idea or recollection of  
6 who was present when your first statement  
7 of June 17th was given? When I say present  
8 I mean what detectives were present?

9 A. Sergeant Urquhart was there.

10 Q. Was he alone at that time or was there another?

11 A. There was another.

12 Q. Do you recall who that was?

13 A. No.

14 Q. Was it the same person that was with  
15 Sergeant Urquhart on the 18th of June or  
16 was it a different person?

17 A. The same.

18 Q. The same person, you don't know who that is?

19 A. No.

20 Q. You can't identify him as being John MacIntyre?

21 A. I couldn't identify him now. I know through  
22 people telling me or in transcripts that it was  
23 but I couldn't say myself, no. I knew Urquhart  
24 but I don't know the other.

25 Q. How did you know Urquhart?

A. I had runnings in with him before.

And you had told us this morning, I think, about the run-ins  
with Urquhart before.

A. Yes. Yes.

1 Q. Now I wanted to refer you to those three passages, and ask  
2 you has -- Has something changed in the meantime? Why are you  
3 now so definite that it was Sergeant MacIntyre who was there  
4 together with Sergeant Urquhart?

5 A. I just think from going through all this through the years  
6 and learning his name and probably seeing him that he was  
7 the man, the other man with Urquhart.

8 Q. So are you satisfied now that it was Sergeant MacIntyre?

9 A. Yes.

10 Q. Thank you. Let me go to page 104 now in your affidavit,  
11 question number or paragraph number six.

12 That I recall the night of June 17, 1971,  
13 vividly and that the same MacIntyre and  
14 Urquhart continuously went over my knowledge  
15 of the events of the evening of May 28th,  
16 1971, and repeatedly told me what I should  
17 have seen on that evening in Wentworth Park.

18 Now I can show you the evidence if you like but do I under-  
19 stand that you had some difficulty with leaving that word  
20 "vividly" in that affidavit?

21 A. Yes. I had circled that actually.

22 Q. You had circled that --

23 A. I had circled that and said I wasn't pleased with that word  
24 being used.

25 Q. You weren't pleased with that word being used.

A. No.

Q. I asked you yesterday and I don't recall your answer. Do you

PATRICIA HARRISS, by Mr. MacDonald

1 remember the circumstances giving rise to the preparation  
2 of this affidavit?

3 A. No.

4 MR. MacDONALD:

5 My Lord, I --

6 BY THE WITNESS:

7 A. Excuse me, I remember meeting with Aronson and speaking with  
8 him in restaurants and whatever but I don't actually  
9 remember. I remember reading this over but where it was  
10 done or -- I don't remember.

11 Q. But before you signed it, you did take issue with that word  
12 "vividly"?

13 A. Yes.

14 MR. MacDONALD:

15 And My Lords, I won't read it but it -- the reference to the  
16 evidence is on page 157 of Volume 13 where Ms. Harriss dealt  
17 with that particular point.

18 BY MR. MacDONALD:

19 Q. Now when we -- do you remember when we looked yesterday at  
20 your affidavit -- I'm sorry, at your statement that you gave  
21 to the police, the one you signed, and it said that you had  
22 seen Sandy Seale and I asked you if you even knew him and  
23 your answer was no.

24 A. No.

25 Q. Okay, and let me again show you the affidavit, paragraph ten.

1 That's on page 104, where it says:

2 That I did not see Sandford, Sandy, Seale  
3 who I knew.

4 Now can you -- is that a correct statement?

5 A. No, it's not.

6 Q. So that should have been taken out of that affidavit as well?

7 A. Yes.

8 Q. Did you notice that when you were signing the affidavit?

9 A. I don't know why I didn't pay much more attention to it but  
10 it's not correct.

11 Q. And are you saying today as you did yesterday that you did not  
12 know Sandy Seale?

13 A. That's correct.

14 Q. Thank you. Now let me take you to the last paragraph of your  
15 affidavit as well. That's paragraph eleven:

16 That is referred to in my statement  
17 marked exhibit A hereto...

18 And that is referring to the first statement, the one that  
19 you didn't sign?

20 I did on the night of May 28, 1971,  
21 at or near Wentworth Park see Donald  
22 Marshall Junior and two other men,  
23 one of whom was gray or white-haired,  
24 short and wearing a long coat.

25 And that's the evidence that you swore to at that time?

A. Yes.

Q. Now do you have any recollection today --

A. No, I don't.

Q. -- of that? Could you even tell us today that there was two



1 | people with Donald Marshall?

2 | A. I could say two people but I could not describe them in any  
3 | way.

4 | Q. Could you say if they were Black or White?

5 | A. No.

6 | Q. Could you say if they were Indian or White?

7 | A. No.

8 | Q. Old or young?

9 | A. No.

10 | Q. Are you relying then on -- in saying that when you swore the  
11 | affidavit that you saw those people in the park, are you  
12 | relying on -- are you relying on this statement that you  
13 | had given earlier saying that?

14 | A. Yes, my first statement.

15 | Q. Thank you. Prior to your giving evidence at the trial, were  
16 | you ever contacted by the lawyers acting for Donald Marshall?

17 | A. No.

18 | Q. You said that during the years you had told your mother about  
19 | the events and that you were -- you felt bad about what had  
20 | happened at trial. Did you ever tell anybody else?

21 | A. No.

22 | Q. Any particular reason you wouldn't have told anyone else?

23 | A. Just not really wanting to talk about it and again being  
24 | frightened of perjury.

25 | Q. Terry Gushue who was with you that night has consistently

1 given evidence saying that he only saw one other person  
2 with Donald Marshall. Did he ever tell you that?

3 A. No.

4 Q. Did he ever say to you that he had seen what you had seen?  
5 Did you ever talk about it with each other, what you saw?

6 A. Not that I remember, no. The only time I really can remember  
7 speaking anything about Terry Gushue (I'm not quite sure what  
8 we had said.) is when he was allowed in the police station  
9 with me for a brief moment.

10 Q. Did you know or do you know Maynard Chant?

11 A. I know Maynard Chant now, yes.

12 Q. Are you able to tell us when you met him?

13 A. I was working at Louisbourg at the Grubstake Restaurant.  
14 I met him there.

15 Q. And any idea how old you would have been there? Approximately.

16 A. Nineteen or so.

17 Q. It was after the trial?

18 A. Yes.

19 Q. Maynard Chant has given evidence here in the Hearings that on  
20 the night that Mr. Seale was stabbed he was walking along  
21 Byng Avenue with Donald Marshall Junior and he ran into  
22 two young couples and one of the young girls gave a kleenex  
23 to Donald Marshall. Maynard Chant says now he knows that  
24 that girl was you. What do you say about that?

25 A. It's not correct.

1 Q. At any time on the night of May 28th, '71, were you walking  
2 along Byng Avenue?

3 A. No.

4 Q. And did you see Donald Marshall with a cut on his arm at  
5 any time that night?

6 A. No.

7 Q. Did you give him a kleenex at any time?

8 A. No.

9 Q. Do you know John Pratico?

10 A. I think he might have been in school around my time but I  
11 don't know him personally, no.

12 Q. Do you have any idea of his reputation in the community or  
13 anything like that?

14 A. No.

15 MR. MacDONALD:

16 Thank you, Ms. Harriss, that's all I have.

17 BY MR. RUBY:

18 Q. Would you turn with me to Volume 16 which you have in front of  
19 you at page 65? That's the June 18th statement which you've  
20 been referred to already and you've indicated I think that  
21 the police came up with some of the information that you  
22 were given and I'm going to take you through and ask you  
23 whether you would have known things or where the information  
24 would have come from in various items. The first is:

25 That it looked like Sandy Seale.

1 Right in the middle of the page. I take it that given the  
2 fact that you didn't know Sandy, that's not true and that  
3 couldn't have come from you.

4 A. No, that's not true.

5 Q. That had to come from the police?

6 A. Yes.

7 Q. Just the line above that, you say:

8 He had a dark jacket on.

9 That would be the fellow with Marshall. Did you know that of  
10 your own knowledge?

11 A. No.

12 Q. Where could that have come from?

13 A. Probably the police.

14 Q. Any other possible source?

15 A. No.

16 Q. Dropping down a few lines:

17 Did Junior Marshall say anything else?

18 A. He was drinking.

19 Now did you from your own observation decide that Mr. Marshall  
20 was drinking that night?

21 A. No.

22 Q. So where did that information come from?

23 A. From the police.

24 Q. How was he dressed?

25 He had a light jacket on.

1 Did you know that of your own knowledge?

2 A. No.

3 Q. Were they standing or walking when you  
4 met them?

5 Standing facing one another but when we  
6 came closer, they sort of parted and  
7 Sandy Seale moved back.

8 This description of the two of them standing together, where  
9 did that come from?

10 A. I have no idea. I'm not too responsible for this statement.  
11 I can't relate to it very well. I --

12 Q. I appreciate that and I'm not suggesting that you are  
13 responsible to it but I want to just know in these details  
14 whether that information, for example that Sandy Seale moved  
15 back, could that have come from you?

16 A. No.

17  
18  
19  
20  
21 *GR*  
22  
23  
24  
25

1 Q. Where did it come from?

2 A. The police.

3 Q. I'm turning the page. On the middle of the page on 66:

4 "How were they facing"? "Sandy was facing the houses and  
5 Junior Marshall was facing the park". Now, of course,  
6 ultimately there's descriptions given at trial of how they  
7 were facing and they've got to be congruent to be convincing.  
8 Where did this information about how people were facing come  
9 from?

10 A. Probably from the police. I --

11 Q. Any other possible source?

12 A. No.

13 Q. Turning back, if you would, to page 65 with me you'll see the  
14 main paragraph there just above the halfway mark, and the  
15 last two sentences:

16                   Then we went up to Crescent Street,  
17                   and by the green apartment building  
                    we met Junior Marshall.

18 So you've located the meeting with Mr. Marshall at the green  
19 apartment building. If you'd turn with me as well to page 103  
20 of not this volume but I think volume 13 you'll see the  
21 affidavit that you did for Mr. Aronson that you've also been  
22 referred to. Have you got that in front of you?

23 A. Yes, I do.

24 Q. And if you look at paragraph three there again you say:

25                   Until we reached a green building on  
                    Crescent Street which I believe is known  
                    as Crescent Apartment...

1 So on both of those occasions the location is fixed as  
2 the vicinity of the green apartment building on that map  
3 that you'll see beside you?

4 A. Yes.

5 Q. Did you, in fact, remember it as being there or is that something  
6 that came from somewhere else?

7 A. I think it just came from going over and over, and the green  
8 apartment building stayed in my mind but today I must say  
9 I really don't know where on Crescent Street I met Marshall.

10 Q. Okay. When you were back at the first statement, the one  
11 on June 18th, which I guess is the second statement that you  
12 made, but I've just been referring you to page 65. When you  
13 said green apartment building there, would that have been  
14 information that actually came from you or would that have  
15 come from the police, the location of this meeting?

16 A. I have no idea.

17 Q. You're not sure now?

18 A. No, I'm not.

19 Q. Okay. The police, you've told us, spoke a great deal of perjury  
20 and threatened you with perjury during this statement taking  
21 session on the 18th. Do you remember which of the two of them,  
22 if you can remember, used that language or was it both of them?

23 A. I really don't know. I can't say.

24 MR. CHAIRMAN:

25 Mr. Ruby, would you -- would you draw this witness's attention to

PATRICIA HARRISS, by Mr. Ruby

1 page 63 of volume 16 which is her first statement, the unsigned  
2 statement where again there's a reference to the big green  
3 building.

4 BY MR. RUBY:

5 Q. Would you take a look Ms. Harriss --

6 A. Yes.

7 Q. It's just that I've asked you on the other occasions and I  
8 missed this one.

9 MR. RUBY:

10 I'm very grateful, My Lord.

11 BY MR. RUBY:

12 Q. This is the first of the statements and you'll see about six  
13 lines down:

14 We smoked a cigarette. Terry and I  
15 left and walked in back of the  
16 band shell onto Crescent Street in  
front of the big green building.

17 Does that make sense in terms of the map to you? Take a look  
18 at the map now of the band shell and the building. Is that  
19 where you walked?

20 A. Yes.

21 Q. Okay. That's accurate?

22 A. Yes, it is, but again whether it was where I'd met him, today  
23 I really can't say.

24 Q. I appreciate that and I am very grateful. You mentioned when  
25 my colleague asked you questions, that there had been a



1 conflict on the issue of whether or not there were trees on  
2 Crescent Street, and as a result you went down to the actual  
3 park near Crescent Street?

4 A. Yes. Yes.

5 Q. Can you tell me a little bit more about that? How did this  
6 arise? What was the conflict? Who suggested this as  
7 a solution and what happened?

8 A. All I -- All I remember is being called in a room at the court  
9 house, a long table, a group of people being there, and a map being put  
10 in front of me, and for some reason trees came up. They said  
11 there was no trees and I said, "Well, yes, there is on  
12 Crescent Street". And we had to go down and look at the trees.

13 Q. And what's the significance of the presence or absence of  
14 trees, can you remember what that is now?

15 A. I have no idea.

16 Q. But it seemed important to them?

17 A. Yes.

18 Q. This was in the court house?

19 A. Yes.

20 Q. Do you remember when it was in terms of the trials? Was it  
21 before the first Preliminary Hearing or the trial?

22 A. It could have been before the first Preliminary. I'm not quite  
23 sure.

24 Q. Now did you know by sight a man named MacNeil who was a  
25 Prosecutor then in this particular place and prosecuted this

1 case?

2 A. I can't recall him. I know he was a large man. That's about  
3 it.

4 Q. Do you know whether or not he would have been at this meeting  
5 at the court house?

6 A. I don't recall, no.

7 Q. And you were of the view that there were trees on Crescent  
8 Street?

9 A. Yes.

10 Q. They thought that the presence of trees was a problem of some  
11 kind?

12 A. Yes.

13 Q. And so in order to resolve this you went down to Crescent  
14 Street, and what did you find?

15 A. Trees.

16 Q. And what did they do, if anything?

17 A. I think at that time they also pointed out to me where Sandy  
18 Seale's body was.

19 Q. All right.

20 A. And then we returned to the court house.

21 Q. All right, and were they any longer upset about the question  
22 of trees?

23 A. No.

24 Q. Did they ask you whether or not you could have seen Seale's  
25 body, the place where they pointed out to you, from the positions

1 | you were in or whether the trees caused problems?

2 | A. No, there was nothing like that. They just told me this is  
3 | where his body was found.

4 | Q. So they gave you that information?

5 | A. Yes.

6 | Q. Anything else you can remember about that incident?

7 | A. No.

8 | Q. Okay. I take it -- Who was it who was with you on that  
9 | occasion, do you remember? Were they police officers or not  
10 | police officers first of all?

11 | A. I don't recall. It's just a table with a lot of people there.  
12 | I couldn't even tell you if they were male or female.

13 | Q. All right, and the same for those that went down to the park  
14 | with you, you can't remember?

15 | A. Yes.

16 | Q. In the conversations with the police officers when they're  
17 | questioning you on that first statement and they keep on  
18 | tearing up the statements and you go back until you get it  
19 | right, I think is the phrase you used, did the police make it  
20 | clear to you during the course of that long questioning process  
21 | that insofar as they were concerned Junior Marshall, in fact,  
22 | was guilty of this murder? Was that made clear?

23 | A. No.

24 | Q. You say no in the sense of no, they didn't say that or suggest  
25 | that or you don't recall?

1 A. They didn't suggest it. I don't think they did.

2 Q. Okay. They didn't involve you in the question of who did  
3 this?

4 A. There was one point where they actually said that maybe I was  
5 the reason for a quarrel being started and maybe Terry Gushue  
6 had something to do with it.

7 Q. They suggested that to you?

8 A. Yes.

9 Q. How did you feel when they suggested that you were involved in  
10 the murder in that way?

11 A. I was very upset.

12 Q. You said that your mother, after this had all taken place,  
13 the questioning, you did talk to her but she was very confused.  
14 Can you explain what your understanding of her confusion  
15 was?

16 A. Well, we were all new to this and being at the Police Department  
17 we tried to do our best and do as the police asked and my  
18 mother, the law abiding citizen, and she was confused and this  
19 is why she took me to A. O. Gunn. That was her only solution  
20 and once that didn't prove anything, what else could one do.

21 Q. I take it your mother could not bring herself to believe that  
22 the police were corrupt and handled this in this way. Is  
23 that fair?

24 COMMISSIONER EVANS:

25 Mr. Ruby, we have no evidence that the police were corrupt.

PATRICIA HARRISS, by Mr. Ruby

1 MR. CHAIRMAN:

2 That's not a proper question and I must ask you to rephrase it.

3 COMMISSIONER EVANS:

4 Or withdraw it.

5 MR. CHAIRMAN:

6 Or withdraw it, yes.

7 MR. RUBY:

8 I'm not prepared to withdraw it. I intend to argue that that's the  
9 case.

10 MR. CHAIRMAN:

11 Well, you can argue it -- you can argue it when there's evidence  
12 to sustain the argument.

13 MR. RUBY:

14 That's why I will rephrase the question.

15 BY MR. RUBY

16 Q. The -- Your mother, I take it (Tell me if this is a fair  
17 way of putting it.) was not prepared to believe that the  
18 police would act in this way. Is that fair?

19 A. That's fair. Yes.

20 Q. She had great difficulty with that idea?

21 A. I would imagine, yes. I have to speak for my mother. I  
22 don't know.

23 Q. That's understandable. Do you recall any conversations with  
24 the prosecutor at all?

25 A. No, I don't.

1 Q. And as I understand it, you didn't go to Defence Counsel and  
2 talk to him at any point?

3 A. No.

4 Q. Why was that?

5 A. I have no idea. I wasn't called or asked to.

6 Q. He didn't call you?

7 A. No.

8 Q. Were you told by anyone not to speak about the matter and not  
9 to talk about your evidence to anyone?

10 A. After the questioning?

11 Q. Yes.

12 A. Probably. Maybe. I'm not sure.

13 Q. You're not sure?

14 A. Yeh.

15 Q. The piece of evidence concerning Mary O'Rielley and the supposed  
16 phone call involving her, is there any chance that you're  
17 mistaken about that and that she really did call and tell you  
18 those things?

19 MR. MURRAY:

20 If it pleases, Your Lords, I don't know where the evidence is  
21 that it was a phone call. I realize that that matter came up in  
22 a question from Mr. MacDonald yesterday, but I don't know where  
23 it says that there was any phone call and I object to the suggestion  
24 that there was.

25 MR. RUBY:

Let me just check that. If I'm incorrect then, of course, I won't

1 | make the suggestion. No, I think you're correct. There's no  
2 | suggestion that it's a phone call. It's a discussion of some  
3 | kind.

4 | BY MR. RUBY:

5 | Q. Is there any chance that you would have this kind of discussion  
6 | with Mary O'Rielley?

7 | A. I don't really believe because this wasn't something that I  
8 | talked about in school or anything. It was very trying for  
9 | me. I didn't want to discuss it with anyone other than my  
10 | mother.

11 | Q. Okay. The reason I ask you that is because if you at any  
12 | point decided to tell the truth that there really were two men there,  
13 | then that Mary O'Rielley statement, if it were true, would  
14 | show that you were lying about that, you appreciate that?

15 | A. Yes.

16 | Q. It's also a piece of incriminating evidence against Junior  
17 | Marshall but you say you know nothing about it?

18 | A. No.

19 | MR. RUBY:

20 | Those are my questions. Thank you.

21 | BY MR. PUGSLEY:

22 | Q. Ms. Harriss, do you recognize me?

23 | A. No.

24 | MR. CHAIRMAN:

25 | Oh, dear.

1 BY MR. PUGSLEY:

2 Q. The reason that I ask this is a couple of years ago I examined  
3 you on Discovery in Sydney as well as Mr. Murrant, and at  
4 that time you testified that -- as you've told my friend  
5 Mr. MacDonald, that you did not know who the other  
6 investigating officer was that was examining you in June  
7 of 1971, Sergeant MacIntyre. You were only able to identify  
8 Mr. Urquhart. So your recollection about people and faces  
9 is important and that's why I asked the question as to whether  
10 or not you recognized me. As a matter of interest, when you  
11 said on Discovery--And I'll refer you to the evidence in a  
12 moment. When you said on Discovery in August of 1984 that you  
13 did not recognize anyone other than Mr. Urquhart as being one  
14 of the two Detectives who questioned you in 1971, Sergeant  
15 MacIntyre was sitting beside me in the room. There was only  
16 four people in the room and Sergeant MacIntyre was one and you  
17 did not recognize him in August of 1984 as being one of the  
18 individuals who examined you in 1971. How is it that today,  
19 not being able to recognize him in 1984 on Discovery and not  
20 being able to recognize him on other occasions, (And I'll refer  
21 you to those occasions.) how is it today that you can be  
22 so definite?

23 A. Actually in 1984 when I was down the Civic Centre, after I did  
24 realize who that man was.

25 Q. After you realized?



- 1 A. Yes.
- 2 Q. After what?
- 3 A. After the questioning.
- 4 Q. After the questioning was over. I see, and how long was the  
5 questioning?
- 6 A. How long was the questioning?
- 7 Q. Yes.
- 8 A. Oh, I have no idea.
- 9 Q. Well, was it five minutes or a half an hour or an hour?
- 10 A. A half an hour or forty-five minutes, an hour.
- 11 Q. I see. Yes. Okay. My friend Mr. MacDonald asked you this  
12 morning as to whether or not you had any difficulty with the  
13 law before and I think you referred to one occasion when you  
14 had some difficulties, a shoplifting offense some years ago,  
15 but you could not recall when that was. Mr. MacDonald then  
16 requested a five minute adjournment which grew into a fifteen  
17 or twenty minute adjournment and he then started asking you  
18 again the same kind of questions as to whether or not you  
19 had had any previous difficulty with the law and it turned  
20 out that you did, in fact, have some other difficulties with  
21 the law. Why is it that you did not -- were you not forthright  
22 with Mr. MacDonald when he first asked you before the fifteen  
23 minute adjournment when you must have known that something  
24 was up?
- 25 A. I don't understand your question.

- 1 Q. All right. Why is it that you did not tell Mr. MacDonald  
2 about these other difficulties you had with the law when you  
3 were asked?
- 4 A. I thought I did.
- 5 Q. You thought you did. I see.
- 6 A. Today?
- 7 Q. Yes. I mean this morning.
- 8 A. Yes. Yes.
- 9 Q. He asked you what difficulties you had with the law and it's  
10 my recollection that you only acknowledged one problem before  
11 and that was an incident of some shoplifting some years ago  
12 and you could not recall when?
- 13 A. Yes.
- 14 Q. Mr. MacDonald then requested an adjournment?
- 15 A. Yes.
- 16 Q. And there was a fifteen minute adjournment and did anyone  
17 talk to you during that fifteen minute adjournment?
- 18 A. My mother.
- 19 Q. Did she discuss your evidence with you?
- 20 A. No, it was just that we felt it was kind of a shame that I  
21 have to bear my soul about incidents that I'd rather not  
22 talk about.
- 23 Q. And did your mother tell you or bring to your attention that  
24 there were other incidents that you had not told Mr. MacDonald  
25 about?

- 1 A. No.
- 2 Q. I see. Do you have any explanation as to why you did not tell  
3 Mr. MacDonald about these other incidents?
- 4 A. No.
- 5 Q. None at all. Okay. Had you forgotten about them?
- 6 A. No.
- 7 Q. They were in your mind, were they?
- 8 A. Yes.
- 9 Q. Yes. The incident in 1985, what -- that was something to  
10 do with Under the Narcotics Control Act?
- 11 A. Yes.
- 12 Q. What was that about?
- 13 A. Just a small quantity of hashish that was on my possession.
- 14 Q. You were charged with possesssion, were you?
- 15 A. Yes.
- 16 Q. Did you plead guilty to that offense?
- 17 A. Yes, I did.
- 18 Q. I see. With respect to any of these offenses, the shoplifting,  
19 the driving of the vehicle, and the driving when your license  
20 was suspended if I have the section correct, and did you give  
21 evidence on any of those occasions?
- 22 A. Did I give evidence?
- 23 Q. Yes, or did you always plead guilty to all these charges?
- 24 A. I pleaded guilty.
- 25 Q. To all of them?

1 A. I think, yes.

2 Q. Okay. You told us about the time that you went down to the  
3 police station on the 17th of June. The 17th of June, I  
4 believe, is the occasion when you gave the written -- signed  
5 the written statement. You can refer to that if you wish  
6 just to check the date, but it is my recollection that it's  
7 the 17th of June, and again over past midnight until the  
8 18th of June. And I think that statement is found on page--  
9 in volume 13 at page 79. It is dated June 18th. The type-  
10 written copy says one-twenty a.m., whereas I think Mr. MacDonald  
11 brought to our attention that the -- the handwritten copy  
12 indicates twelve zero four a.m. as being the time that the  
13 statement was first taken. And then on page -- on page 63 of  
14 volume 16 there is the unsigned statement. Do you have that  
15 as well before you?

16 A. Yes, I do.

17 Q. All right, and that indicates eight-fifteen in the evening.  
18 Now that's on June the 17th. Now this is almost three weeks  
19 after the incident in the park. I believe if my record keeping  
20 is correct, that June the 17th was a Thursday evening, so it's  
21 almost three weeks from the time of the incident which occurred  
22 on Friday, May the 28th. You would -- obviously, I take it,  
23 had no knowledge of the people that the police had interviewed  
24 between May 28th and June the 17th, and you did not know who  
25 they took statements from or indeed what stories they told the

1 | police?

2 | A. No.

3 | Q. No. Had you, yourself, been to the police station or discussed  
4 | with the police anything at all about this incident before June  
5 | the 17th?

6 | A. No.

7 | Q. Not at all?

8 | A. No.

9 | Q. You indicated then to my friend Mr. MacDonald that you first  
10 | started going out with Terry Gushue approximately when?

11 | A. Oh, I have no idea.

12 | Q. Well, this would be in the month of June of 1971. Did you  
13 | start going out with him earlier that year or had it gone on  
14 | before Christmas?

15 | A. I really don't know. You asked me when I started to -- when  
16 | I met Terry Gushue?

17 | Q. I understand you met him, I think, when you were twelve years  
18 | of age. Am I correct in that?

19 | A. I really have no idea.

20 | Q. No idea?

21 | A. No.

22 | Q. All right. There's evidence I think that you gave where you  
23 | indicated that you knew him from the time you were twelve,  
24 | but I'll refer you to that. When did you first start going  
25 | out with him?

1 A. I don't recall.

2 Q. All right. Well, was the evening of the 17th -- I'm sorry --

3 A. I knew Terry prior to this.

4 Q. You knew him prior to the night at the dance at St. Jo's?

5 A. Yes.

6 Q. Had you gone out with him prior to the dance?

7 A. Yes.

8 Q. Was he considered -- Did you consider him to be your  
9 boyfriend?

10 A. Yes.

11 Q. Yes. Okay. Can you give us any assistance at all for what  
12 period of time you had been going out with him?

13 A. No.

14 Q. Let me just refresh your memory by referring in volume 13  
15 to page 92 which is the evidence that you gave at the  
16 Preliminary. And there's reference to the dances at St. Jo's  
17 at the bottom of page 91:

18 Q. How often have you been going to  
19 dances at St. Joseph's Parish this  
year?

20 Answer -- And this -- This evidence was given in July of 1971.

21 A. Not too long, a couple of months.

22 Q. About once a week?

23 A. Twice.

24 Q. What nights of the week do they  
25 hold dances?

1 A. Friday and Saturday.

2 Q. Did you go on both Friday and  
3 Saturday nights?

4 A. Yes.

5 Is that your recollection today that St. Joseph's had dances  
6 on both Friday and Saturday night and --

7 A. Not only St. Joseph's, also other church organizations had  
8 dances that I attended to.

9 Q. And it was your practice to go to the dances on Friday and  
10 Saturday night?

11 A. Yes.

12 Q. Yes. Would you sometimes go in the company of Terry and sometimes  
13 meet him at the dances?

14 A. Yes.

15 Q. Yes. Okay. And then page 117 of the same volume, and this  
16 is the evidence given in 1982 in Halifax before the Appeal  
17 Division in December of 1982. At page 117, just at the  
18 top of the page:

19 A. I'd say he was around nineteen,  
20 twenty years old.

21 Q. He was five or six years older  
22 than you were at the time?

22 A. Yes.

23 Q. And you say he was your boyfriend  
24 at the time?

24 A. Yes.

25 Q. And how long had you been going out  
with him?

1 A. I knew Terry -- Terry maybe  
2 two years or so.

3 Q. Two years. You were dating him  
4 since you were twelve years old?

5 A. No, no. I knew him for that  
6 long. I knew him for quite  
7 awhile, not really dating. I  
8 was fairly young.

9 Q. Yes, but when did you start  
10 dating him? You referred to him  
11 as your boyfriend. I assumed  
12 from that that you were dating?

13 A. Well, we went to dances together  
14 and that, and at that time I would  
15 call him my boyfriend, yes.

16 Q. Yes, and how long did that  
17 relationship --

18 A. My, I'm not sure really how long.

19 Q. Well, was it over a year or less  
20 than a year?

21 A. Over a year.

22 Would that be an accurate comment, do you believe, today?

23 A. It's fairly -- I don't find it too important myself. I don't  
24 really know how long I had known Terry. I can't say from  
25 what year I had met him. I knew his sisters and his family  
also.

Q. No, I guess my question is, for what period of time had you  
been going out with him and was he considered to be your  
boyfriend prior to May 28th of 1971? That's my question.

A. Yes.

Q. And what is your -- your best answer? Your best recollection is



- 1           what?  It's what, over a year or six months or what?
- 2   A.  I have no idea.  I really can't answer.
- 3   Q.  Well, did you see him usually two or three or four times a  
4       week?
- 5   A.  I saw him on weekends again going to dances.  I had met him  
6       through a friend, but I knew him since I was a little girl,  
7       but I don't remember what year that was.
- 8   Q.  Yes.  Would you talk to him on the telephone?
- 9   A.  Yes.
- 10  Q.  Would he phone you and would you phone him?
- 11  A.  Yes.  Yes.
- 12  Q.  And the usual kind of relationship that a boy and a girl would  
13       have?
- 14  A.  Yes.
- 15  Q.  Okay, and would you confide in him?  I mean, was-is -- Did  
16       you consider him to be your friend?
- 17  A.  Yes.
- 18  Q.  Yes.  Was he closer to you in that sense than any girlfriends  
19       you had at that time or did you have girlfriends that you were  
20       close to but --
- 21  A.  I had friends also that were probably equally as close to me  
22       as him.
- 23  Q.  As close -- And who were they?  Can you give us the names of  
24       those friends?
- 25  A.  Well, my best girlfriend was Anastasia Panagopolous.

- 1 Q. Yes.
- 2 A. I spent a lot of time with her.
- 3 Q. She was a school friend, was she?
- 4 A. Yes.
- 5 Q. Yeh. Okay. I take it that the interview that you had with  
6 the police on June the 17th that lasted for four plus hours  
7 or whatever, was a very, very upsetting matter for you?
- 8 A. Yes.
- 9 Q. And did you tell your mother about the interview?
- 10 A. My mother? Yes, I did tell her, yes.
- 11 Q. Yes. You told her exactly what happened, did you?
- 12 A. Yes.
- 13 Q. Yes, and when did you tell her?
- 14 A. Probably the next day.
- 15 Q. Right, and did you tell Terry about it?
- 16 A. I don't remember talking to Terry about it now.
- 17 Q. Why would you not have told Terry about the circumstances  
18 that occurred that evening with the two Detectives?
- 19 A. I don't know. It's just that I can't recall talking to him  
20 about it.
- 21 Q. Is it likely that you did talk to him about it?
- 22 A. I think maybe there could have been a quiet understanding  
23 between the two of us so that we just didn't discuss it.
- 24 Q. A quiet understanding that you did not discuss it. I see.  
25 Why would there be this quiet understanding?

1 A. I have no idea.

2 Q. All right. Terry was down in the police station the same  
3 night you were?

4 A. Yes.

5 Q. He was being interviewed, I take it, in one room while you  
6 were being interviewed in the other?

7 A. I assume that, yes.

8 Q. You saw him that night?

9 A. Yes, I did.

10 Q. He gave a written statement that night?

11 A. I wouldn't know that.

12 Q. I see. Did he not tell you that he gave a written statement  
13 as well?

14 A. I don't recall him telling me, no.

15 Q. Now if I'm correct in my assumption that this was a Thursday  
16 night when you were down at the police station, is it likely  
17 that you would have seen Terry on the Friday night, the  
18 following night, if you had not called him on the telephone  
19 in the interim.

20

21

22

23

24

25

JPR

1 A. I doubt if I saw him that evening. I don't remember but  
2 after going through that I probably didn't go out that  
3 evening. I don't know.

4 Q. Is it likely that you would have gone out on the Saturday  
5 night or talked to Terry on the Saturday?

6 A. Could have, yes.

7 Q. Yes. And is it not likely that you would have told to Terry  
8 exactly what had happened on the evening that you were down  
9 at the police station the same night that he was there?

10 A. I don't remember discussing it with him, no.

11 Q. I see. Well, can you assist us at all as to whether or not  
12 it's the kind of thing that you would have discussed with him?

13 A. I would imagine. I don't see why not but I don't recall.

14 Q. Yes, I can't see why not either and indeed this is perhaps  
15 the most critical and crucial thing that happened to you  
16 according, as I understand your evidence, that probably  
17 happened that year, this evening down at the police station.  
18 This was a high point or a low point whatever you want to  
19 call it in your life during that year, was it not?

20 A. Yes, it was.

21 Q. And what would be more natural than for you to discuss it  
22 with your boyfriend, Terry Gushue, with whom you had been  
23 going out for some period of time?

24 A. I think I probably discussed it more with my mother than  
25 a friend.

1 Q. I see, okay.

2 A. Yes.

3 Q. Terry has testified under oath here that after this incident  
4 he talked to you and said words to the effect and I can give  
5 you his exact words if you want them; but words to the effect

6 It would be best if we said that we  
7 didn't go through the Park, hat  
8 we saw nothing. It would be best  
9 if we said that we left the dance  
and just went home to your house  
another way. if asked by the police.

10 Do you recall him telling you that?

11 A. No, I don't.

12 Q. No. Do you -- he has also testified under oath that when  
13 first interviewed by the police some days after the event  
14 that he told the police he saw nothing and that presumably  
15 and I add presumably because I don't know whether he  
16 expressly said this or not; and presumably you saw nothing  
17 as well because you were with him. Did he tell you about  
18 that interview with the police when he told really an untruth  
19 to the police?

20 A. No.

21 Q. He did not. Are you saying that he did not tell that to you  
22 or you just are unable to recall?

23 A. Not that I don't -- I don't recall --

24 Q. You don't recall?

25 A. -- any discussion, no.

1 Q. Okay.

2 A. Other than I do have one -- one -- I recall one time and  
3 that was when I was at the police station and they allowed  
4 him in the room for a short time and we had a discussion  
5 then; but I'm not quite sure what transcribed because I was  
6 so upset.

7 Q. Yes. That was the evening of June 17th/18th?

8 A. Yes.

9 Q. Right. And you say they allowed you to go outside and you  
10 met with Terry?

11 A. No, they had left the room and let Terry come in.

12 Q. I see. And so Terry came into the room where you were and  
13 was with you for a time?

14 A. Yes.

15 Q. And were you crying?

16 A. Yes.

17 Q. Yes, and how long was he with you?

18 A. Not a long time.

19 Q. Well, approximately how long?

20 A. A couple of minutes.

21 Q. Right, and you were alone in the room with him?

22 A. Yes.

23 Q. He must have inquired what upset you, I assume?

24 A. I would imagine, yes. All I remember is being upset and him  
25 kneeling down close to me.

- 1 Q. Yes, and did he not ask why you were upset? Why you were  
2 crying?
- 3 A. I don't think he asked. He could see plainly that I was  
4 upset. I don't --
- 5 Q. Yes, well did he --
- 6 A. -- remember what we had said.
- 7 Q. Didn't he ask you why you were upset? What was the cause of  
8 your upset?
- 9 A. I don't recall.
- 10 Q. Do you have any recollection as to whether or not you told  
11 him why you were upset?
- 12 A. No.
- 13 Q. Now at the time Terry was in the room with you, your mother  
14 was, I take it, a few feet away as well on the other side  
15 of the door?
- 16 A. Yes, I assumed she was, yes.
- 17 Q. Your mother -- what -- did your mother take you to the police  
18 station that night?
- 19 A. I don't recall going to the police station or even walking  
20 in the door. I have no idea. I know that she says that she  
21 did.
- 22 Q. She says she did, I see.
- 23 A. Yes.
- 24 Q. Your mother says and will testify that she took you down to  
25 the police station that night?

1 | A. Yes.

2 | Q. Yes, is your mother present in the court room today?

3 | A. Yes, she is.

4 | Q. And she was present yesterday when you were giving your  
5 | evidence?

6 | A. Yes, she was.

7 | Q. Yes, and did you discuss your evidence with her last night?

8 | A. No, we watched me on television and --

9 | Q. Yes, you live at home with your mother, do you?

10 | A. Yes, I do.

11 | Q. Yes, okay. On how many occasions did you see your mother  
12 | on the evening of June 17th?

13 | A. I just recall the one time being allowed out for a brief  
14 | moment. I think I might have gotten a drink or a kleenex  
15 | from her at that time.

16 | Q. And were you crying at the time?

17 | A. I was upset, yes.

18 | Q. Were you crying when you saw your mother?

19 | A. I can't really remember if I was crying. I know she tried  
20 | to pass me a tissue at some point.

21 | Q. Did you tell your mother that you were upset? Advise her  
22 | what was causing you concern?

23 | A. I think she could see that I was upset and I don't remember  
24 | saying anything.

25 | Q. Did she make any effort to go back in the room with you?



1 A. Not that I remember, no.

2 Q. Was your uncle there at the same time?

3 A. I remember my uncle but it was close to the very end, I think,  
4 when I was leaving.

5 Q. I see, and your mother -- I take it -- according to what she  
6 has told you, she took you to the police station and she  
7 remained at the police station throughout the time you were  
8 there?

9 A. Yes.

10 Q. Yes. And she was there when you went home?

11 A. Yes.

12 Q. Yes.

13 A. She took me home.

14 Q. And you say that you told to her the next morning what had  
15 transpired at the police station?

16 A. I don't know if it was the next morning. More than likely.

17 Q. Yes, and told her that you had signed a statement that  
18 caused you upset?

19 A. Just -- I'm not that I had signed a statement. That wasn't  
20 as important to me as that I couldn't describe -- talk about  
21 these two men.

22 Q. Yes, and if you can just take a look at the statement for  
23 a moment and that is found in volume 13 at page 79. And I  
24 gather from your evidence and you correct me if I'm wrong  
25 Miss Harriss, that there were two things -- two points

1 | essentially that the police tried to convince you about.

2 | One was that you saw Sandy Seale in the Park and secondly  
3 | that you did not see the two men that you described in the  
4 | Park. Is that a fair --

5 | A. I don't remember much about Sandy Seale or the police  
6 | saying any -- I don't really recall much of that.

7 | Q. You don't recall much of what?

8 | A. Of Sandy Seale's name being brought up.

9 | Q. I see, I see. Although Sandy Seale's name appears in the  
10 | statement?

11 | A. Yes, it does.

12 | Q. Yes. And you say that -- and you remembered, I take it,  
13 | that Sandy -- you did put Sandy Seale's name in the statement  
14 | or that Sandy Seale's name was in the statement that you  
15 | signed?

16 | A. No, I don't recall much of the statement.

17 | Q. You don't recall much of the statement?

18 | A. No.

19 | Q. All right, you mean you don't recall much of it today, is  
20 | that what you mean?

21 | A. Well, when I look at it today, I don't understand it too  
22 | well. I can't back it up much. As I said, I wasn't too  
23 | responsible. I was very upset and tired.

24 | Q. Yes.

25 | A. And sort of gave up.

1 Q. But on the next morning -- on the Friday morning June 18th,  
2 did you recall that you had signed a statement which referred  
3 to Sandy Seale?

4 A. No.

5 Q. You did not recall that?

6 A. No.

7 Q. Or did you recall it at any other time?

8 A. No.

9 Q. No.

10 A. Well, it's a hard question. I don't see why Sandy Seale  
11 would get in the picture with me because I did not know him  
12 or see him.

13 Q. You didn't know him at all?

14 A. No.

15 Q. Had never seen him before?

16 A. No.

17 Q. Could you turn page 111 in volume 13 -- volume 13. Now this  
18 was evidence given in 1982, in December of 1982 in Halifax.  
19 You recall that occasion when you were before the five  
20 judges? Your answer is yes?

21 A. Yes.

22 Q. Yes, okay. And then at -- you say:

23 Question:

24 Did you see anyone else at the  
25 dance that evening besides Donald  
Marshall that you can name?

1 Answer:

2 I met Sandy Seale at the dance.

3 Question:

4 You met Sandy Seale. Had you  
5 known Sandy Seale prior to that  
particular night?

6 Answer:

7 No.

8 Question:

9 So in other words your saying  
10 here that you first met him  
at the dance?

11 Answer:

12 Yes.

13 Question:

14 How did you come to met him?

15 Answer:

16 I remember he was trying to  
17 lick my hand and get the stamp  
off my hand to get into the  
18 dance.

19 Do you remember that evidence?

20 A. I remember it. I remember saying it but I don't have much  
21 to back it up. I don't know why I said that. It's more  
22 like a dream to me. And I -- when I think of it I did not  
23 know Sandy Seale.

24 Q. What is like a dream to you?

25 A. This business about meeting him at the dance.

1 Q. That is the incidents of the evening of May 28th, but what  
2 about -- what about the time you gave evidence before the  
3 Appeal Division in Halifax?

4 A. In this statement here.

5 Q. Yes, this is not a statement, this is sworn evidence. This  
6 is evidence you gave under oath in Halifax.

7 A. Yes.

8 Q. Did you tell the truth in Halifax?

9 A. To the best of my ability, yes.

10 Q. Yes, now this was long after you first saw Sergeant Wheaton  
11 and did you tell Sergeant Wheaton the truth?

12 A. Yes.

13 Q. Yes, okay. Can you offer any explanation at all as to why  
14 you gave this evidence in December of 1982 where you state:

15 I remember he was trying to lick  
16 my hand and get the stamp off my  
hand to get into the dance.

17 A. That is very vague to me and I'm not quite sure. I cannot  
18 say that that is Sandy Seale and why I said that I have no  
19 idea.

20 Q. It's very vague to you now?

21 A. Yes.

22 Q. Can you say as to whether or not it would have been vague to  
23 you in December of 1982?

24 A. As I say it was like a dream and it was something that I said;  
25 but I can't back that up. I can't say it for one hundred

1           percent that that was Sandy Seale.

2           Q. You can't say one hundred percent that it was Sandy Seale?

3           A. Yes.

4           BY THE CHAIRMAN:

5           Q. Did anyone at the dance that night try to remove the stamp  
6           from your hand?

7           A. Vaguely I remember something to that effect, but I can't say.  
8           It must have happened but who that person was, I can't say.  
9           I don't know why I brought that up.

10          BY MR. PUGSLEY:

11          Q. In your statement on page 79, the signed statement, as has  
12          been indicated there's lots of references to Sandy Seale  
13          and I think that's clear from reading of it. To the best  
14          of my knowledge when you gave evidence -- when you gave  
15          evidence at the Preliminary Inquiry in July of 1971 and  
16          when you gave evidence before the judge and jury in November  
17          of 1971, you never at any time identified Sandy Seale as  
18          being a person in the Park?

19          A. Could you repeat that, please.

20          Q. Certainly. In the statement that you've given here that  
21          we find on page 79 of volume 13, there's lots of references  
22          to Sandy Seale in the statement as being in the Park --  
23          as being a person you saw in the Park?

24          A. I don't recall this statement. This is not my statement,  
25          is it?

- 1 Q. Yes.
- 2 A. I -- I must be in the wrong book, volume 16.
- 3 Q. We're looking -- I'm looking volume 13.
- 4 A. Thirteen.
- 5 Q. Sorry, volume 13 at page 79.
- 6 A. Okay. And what's your question, sir.
- 7 Q. My question is there's lots of references to Sandy Seale.
- 8 There's a number of references to Sandy Seale in this
- 9 statement as being a person that you saw in the Park?
- 10 A. Yes.
- 11 Q. It's my recollection having read your evidence that you gave
- 12 at the Preliminary Inquiry in July of 1971 and in November,
- 13 1971 at the trial before the judge and jury, that you at
- 14 no time identified Sandy Seale as being a person that you
- 15 saw in the Park? Do you have any recollection of that?
- 16 A. I don't quite understand your question. I have a problem
- 17 with it.
- 18 Q. Sure, okay. When you gave evidence at the Preliminary Inquiry
- 19 you were asked questions about who you saw in the Park?
- 20 A. Yes.
- 21 Q. At no time did you say that you saw Sandy Seale in the Park?
- 22 A. And you want me to say yes or not to that. I'm not sure.
- 23 Q. I'm just asking for your recollection. It's my understanding
- 24 having read your evidence that at no time, notwithstanding
- 25 the fact that you gave a statement that you say was untrue

1 but you say because you never saw Sandy in the Park, at no  
2 time did you testify that you did see Sandy Seale in the  
3 Park?

4 A. Testify in court.

5 Q. In court, precisely.

6 A. Not that I recall, no.

7 Q. This line of questioning proceeded from my suggestion to you  
8 that there were, as I understand it, essentially two points  
9 that the police were trying to convince you of when they took  
10 the statement from you. One that you saw Sandy Seale in the  
11 Park and the second one was that you didn't see the two men  
12 that you described in your first statement. Is that a fair --  
13 were there other points as well or -- that's essentially  
14 what I take from your evidence?

15 A. No, the two men not being there. I don't remember Sandy  
16 Seale being brought up.

17 Q. Okay, all right. The police were not happy with your  
18 suggestion that you saw two men in the Park?

19 A. Correct.

20 Q. Yes. Did Terrance Gushue ever tell you that in his  
21 statement he never identified two men in the Park in his  
22 statement that was being given at the same time in the  
23 same police station in the next room to you on the same night,  
24 that he said there was only one person in the Park with  
25 Donald Marshall. Did Terry tell you that?



- 1 A. It might have transcribed that short moment that he was in to  
2 see me; but I can't say for sure.
- 3 Q. Okay. Did Terry and you ever discuss after that night,  
4 "Look it, I've told the police that there was two people  
5 with Marshall and you only told the police there was one  
6 person with Marshall. The police are getting different  
7 stories from each of us." Did you and he ever have a  
8 discussion to that effect?
- 9 A. Not that I recall, no.
- 10 Q. Okay. You were asking about -- you were asked about your  
11 drinking that night and you said that you did not believe  
12 that you were drinking when you were fourteen years of age.  
13 What about Terry; what was his condition that night?
- 14 A. I don't recall. He walked me home.
- 15 Q. Yes.
- 16 A. He was fine, I suppose.
- 17 Q. Pardon.
- 18 A. I don't recall if he was intoxicated.
- 19 Q. Would you as a fourteen year old girl have recalled whether  
20 or not the person who walked you home was drunk or not?
- 21 A. Yes. If he was --
- 22 Q. That's something you would recall?
- 23 A. -- drunk, yes. I would imagine, yes.
- 24 Q. Yeh.
- 25 A. Yes.

1 Q. Okay, and what is your recollection, was he drunk when he  
2 walked you home?

3 A. He wasn't staggering or obnoxious or anything. He just  
4 walked me home.

5 Q. Okay, in volume 13 at page 116 at about line 24, half way  
6 between the twenty and the thirty in the left hand column:

7 Question:

8 Was Terry Gushue with you at that  
9 particular time?

10 Answer:

11 Yes.

12 Question:

13 And you say that he might have  
14 had something to drink that  
15 night?

16 Answer:

17 Terry?

18 Question:

19 Yes.

20 Answer:

21 Yes.

22 Question:

23 But you can't recall how much  
24 or what condition he was in,  
25 can you?

Answer:

Well, he wasn't in any drunk  
condition or he was fine.

1 Question:

2 You're sure about that?

3 And the top of the next page, you say:

4 But he -- he used to drink.

5 Now that evidence was given in 1982. Does that assist you at  
6 all in your recollection as to what his condition was that  
7 night?

8 A. All I can say his condition was fine enough to walk me home.

9 Q. Yeh. Well, that -- that could give a variety of interpretations  
10 I suppose. He wasn't --

11 THE CHAIRMAN:

12 He wasn't half-in-the-bag.

13 MR. PUGSLEY:

14 Pardon.

15 BY THE CHAIRMAN:

16 Q. I assume he wasn't "half-in-the-bag"?

17 A. No.

18 MR. PUGSLEY:

19 Thank you, My Lord, that was the question I was looking for.

20 BY MR. PUGSLEY:

21 Q. I have somewhere in my mind that -- and I don't know where  
22 I got this, that your mother was present with you in the  
23 same room at the beginning of the time you were interviewed  
24 with the police. And that she was there while a couple of  
25 writings took place on paper, were torn up and thrown away and

1           then she was asked to leave. Am I right in that? I have  
2           no idea where I -- I have that recollection, but I have it  
3           from somewhere?

4           A. I have no recollection either. I just remember being asked  
5           questions. I don't remember my mother being with me.

6           Q. I see. What does your mother say about that, does she --

7           A. She says she was with me for a short time, yes.

8           Q. That's -- that must be where I got it from. She says she  
9           was with you for a short time?

10          A. Yes.

11          Q. Okay. The first statement that we have is the unsigned one  
12          in volume 16 at page 63. Was there any pressure or were  
13          you upset at any time during the taking of this first  
14          statement? And indeed do you really have any recollection  
15          of this first statement at all?

16          A. This statement makes a little more sense to me.

17          Q. I see. Did you ever --

18          A. I can relate to this, yes.

19          Q. Okay. Did you ever see it? We have a type-written copy here  
20          and if you turn to the next page on page 64 we see the hand  
21          writing which is not signed by you. Did you ever see this  
22          writing? Did anyone ever read it over to you or did you  
23          ever read it? I mean that night?

24          A. That night.

25          Q. Yes.

1 A. Oh, I can't recall.

2 Q. Okay, fine. The note at the top says June 17th, 1971, 8:15  
3 p.m. That's the only time that is noted on this piece of  
4 paper about when this statement was started. We don't know  
5 when it was completed or when this writing was completed.  
6 Can you assist us at all as to whether or not during the  
7 course of this first statement that there was any pressure  
8 on you of any kind?

9 A. I think for a young girl being in a police department like  
10 that that there was a fair amount of pressure on me. I was  
11 frightened. I didn't know really what was -- was going on.  
12 Mind you I was -- I would imagine what I had first said  
13 would be very true to the best of my recollection there.

14 Q. Well, you described some of the things the police did.  
15 There was a fist on the table that kind of thing and a  
16 raising of voices. Did that occur right from the moment  
17 you went in or --

18 A. No, I don't imagine, no.

19 Q. When you say you don't imagine, do you really recall?

20 A. No.

21 Q. And you say that I -- I asked you about the number of  
22 occasions you saw the police. I may have -- my question  
23 may have been at the police station. Just broadening that  
24 question a bit to the number of times you were interviewed  
25 by the police. Do you have any recollection of being

1 interviewed at all before June the 17th and June the 18th  
2 by the police?

3 A. No.

4 Q. And do you have any recollection of being interviewed by anyone  
5 other than Sergeant Urquhart and Sergeant MacIntyre?

6 A. No. At that time, no.

7 Q. All right. Let's broaden that a little. At any time either  
8 before, and I take it that there were no times before June the  
9 17th that you were interviewed by the police?

10 A. No

11 Q. At any time after, do you recall any interviews you had with  
12 the police? With people other than MacIntyre or Urquhart?

13 A. No.

14 Q. Okay. Do you recall any interviews with MacIntyre and  
15 Urquhart after the night of June 17th/18th?

16 A. I can't really say. I don't know.

17 Q. I remember that the -- I do recall that you told my friend  
18 about the time, I think you in the court house and there  
19 was a long table and you went down to the Park?

20 A. Yes.

21 Q. Whether or not MacIntyre or Urquhart were there then you can't  
22 say?

23 A. No, I can't.

24 Q. Okay. When you gave evidence at the Preliminary; now the  
25 Preliminary as I say was in July of 1971, some four to five

1 weeks after you gave your statement of June 17th. Do you  
2 remember giving evidence before a judge alone? Just a judge  
3 no jury present?

4 A. No, I don't.

5 Q. You don't recall that, okay. I'd like to direct your  
6 attention to page 88 of volume 13 and this was during the  
7 course of your examination by Mr. Rosenblum. Do you  
8 remember Mr. Rosenblum or Mr. Khattar, the two lawyers who  
9 acted for Donald Marshall?

10 A. Yes, I do.

11 Q. Remember what they looked like?

12 A. I remember Rosenblum, yes.

13 Q. Sort of a dapper man?

14 A. Yes.

15 Q. Yes, okay. page 88, Mr. Rosenblum was questioning you and  
16 he says:

17 Q. The information that you've given  
18 us here this morning by questions  
19 by Mr. MacNeil, to whom did you  
first give that information?

20 And your answer was:

21 Three City Detectives.

22 Q. To whom did you first tell  
23 that evidence about having  
met Donald Junior Marshall?

24 A. I don't know his name.

25 Q. Was it a police officer?

1 A. A Detective.

2 Q. Sergeant MacIntyre here  
3 sitting beside Donald  
4 Marshall?

5 A. He wasn't the first.

6 Q. He wasn't the first? Was  
7 it Sergeant MacDonald sitting  
8 in the corner?

9 A. Yes.

10 Q. He was the first one you  
11 told it to?

12 A. Yes.

13 Q. Now did you go to him  
14 or did he come to you?

15 A. He called my mother up  
16 and told me to go down  
17 to the police station.

18 Q. How many times did you  
19 talk to him, Sergeant  
20 Michael E. MacDonald?

21 A. About two times.

22 Q. Who's the next person  
23 you spoke to, Sergeant  
24 MacIntyre?

25 A. Yes.

Do -- does that refresh your memory at all?

A. No.

Q. You go on to say:

Q. How many times have you  
spoken to him, that's  
MacIntyre, about this  
evidence you're giving  
today?



1 A. Twice.

2 Q. When was the last time?

3 A. Last Tuesday.

4 And then on page 89, it says -- the questioning proceeds by  
5 Mr. Rosenblum:

6 Q. Was that on the first occasion  
7 you spoke to Sergeant MacDonald  
or the second occasion?

8 A. The second time with Mr.  
9 MacIntyre.

10 And I'm sorry, I should just refer you to back to the bottom  
11 of the last page. The last question was:

12 Q. And I suppose you signed  
13 a statement?

14 A. Yes.

15 And then at the top of page 89:

16 Q. Was that on the first occasion  
17 you spoke to Sergeant MacDonald  
18 or the second occasion?

19 A. The second time with Mr.  
20 MacIntyre.

21 Q. The second interview with  
22 Sergeant MacIntyre you gave  
23 a written statement?

24 A. Yes.

25 Q. Were you asked to give a  
written statement before that?

A. I don't think so.

Q. Were you interviewed in the  
company of Terry Gushue or  
separate from him?

PATRICIA HARRISS, by Mr. Pugsley

1 A. Separate.

2 Q. On all occasions?

3 A. No. The second time we  
4 were together.

5 Do you recall giving that evidence?

6 A. No.

7 Q. No. And I take it -- at least certainly one interpretation  
8 of your response is that you and Terry were together when  
9 you were interviewed by the police. Do you have any  
10 recollection of being interviewed with Terry by the police?

11 A. No.

12 THE CHAIRMAN:

13 What was the date of the Preliminary Inquiry, Mr. Pugsley?

14 MR. PUGSLEY:

15 I believe -- it's July, 1971, I believe -- July 5th -- I think  
16 it was over two or three days as I recall. There was a short  
17 adjournment. What was the first day, do you remember?

18 MR. PINK:

19 Fifth of July.

20 MR. PUGSLEY:

21 Fifth of July was -- I understand the first -- the first day.

22 MR. CHAIRMAN:

23 I'm wondering if there was another -- there's some suggestion  
24 that there may have been another interview.

1 MR. PUGSLEY:

2 Yes, there is. There certainly is that suggestion.

3 MR. CHAIRMAN:

4 Well, I don't know if that question was put to Miss Harriss,  
5 whether --

6 MR. PUGSLEY:

7 I thought I had --

8 MR. CHAIRMAN:

9 -- well, maybe -- well, why don't we ask her.

10 MR. PUGSLEY:

11 -- I'll certainly ask her again.

12 BY MR. PUGSLEY:

13 Q. Do you have any recollection of any other interviews with  
14 the police other than June 17th/18th?

15 A. I have said before that I wasn't quite sure how many times.  
16 I was never quite sure why I was saying that. But today, I  
17 really couldn't say. I do remember this quite vaguely  
18 because it was a hard time.

19 Q. Yes.

20 THE CHAIRMAN:

21 The last Tuesday may have been in reference to the visits some  
22 where when she was taken to the --

23 MR. PUGSLEY:

24 May have been.

25

1 MR. CHAIRMAN:

2 -- to look for trees.

3 MR. PUGSLEY.

4 Although --

5 MR. CHAIRMAN:

6 I'm not sure. I may be wrong.

7 MR. PUGSLEY:

8 She says at the top of page 89 that the question is "the second  
9 interview with Sergeant MacIntyre, you gave a written statement?

10 Answer: Yes." So it would appear to be -- the dates are a  
11 little confusing.

12 MR. CHAIRMAN:

13 You're going to be a little while.

14 MR. PUGSLEY:

15 I'm afraid I will, My Lord, I'm sorry. It would be convenient  
16 to have a break now.

17 INQUIRY ADJOURNED: 11:23 a.m.

18

19

20

21

22

23

24

25

1 INQUIRY RECONVENED: 11:41 a.m.

2 BY MR. PUGSLEY:

3 Q. Ms. Harriss, I want to address your attention to a comment  
4 in Volume 13 at page 146 during the course of the Discovery  
5 Examination in the Civic Centre that occurred in August of  
6 1984 when you were examined by Mr. Murrant. I think my friend,  
7 Mr. MacDonald, drew this to your attention this morning --  
8 Question 44, about the middle of the page:

9 Q. Now, you say you were there for five hours.  
10 What happened during this five hours?

11 A. I was trying to get the statement straight,  
12 and whether who was in the park --

13 Q. And who was trying to do this?

14 A. I remember Urquhart vividly and another man.  
15 I couldn't -- I don't know him yet. I  
16 wouldn't know him to see him.

17 And I -- My suggestion to you is that not a truer word has  
18 ever been spoken because that other man who you wouldn't know  
19 to see was sitting beside me in that room when you gave that  
20 evidence, and you have acknowledged that you did not  
21 recognize him at least during the course of giving the evidence,  
22 but you did at a later time?

23 A. I'm sorry. Could you repeat that? I'm --

24 Q. Sure. You did not--during the course of giving your evidence  
25 on Discovery in the Civic Centre, when Mr. Murrant and I  
examined you, you did not recognize Sergeant MacIntyre as  
a person who was in the room for the thirty pages of

1 | Discovery that you gave?

2 | A. Not right away, but as -- During the end he started to look  
3 | familiar to me, yes.

4 | Q. I see. With respect to your comment about whether or not you  
5 | knew Sandy Seale that night, if you would turn to the  
6 | affidavit, which you gave, I believe to Mr. Aronson, and I'd  
7 | like to direct your attention to page 104 of the same volume.  
8 | Just by way of focusing our attention on this, this affidavit  
9 | was sworn on the 22nd day of July, 1982, and it would appear  
10 | to be Steven Aronson's signature. And that is your signature  
11 | on the last page, is it "Patricia Anne Harriss" on  
12 | page 105?

13 | A. Yes. Yes.

14 | Q. Okay. Now, go back to the page 104, paragraph No. 10:

15 | That I did not see Sanford (Sandy) Seale, who I  
16 | knew, on the night of May 28th, 1971, in Wentworth  
17 | Park . . .

17 | And then the words appear:

18 | . . . or elsewhere.

19 | But those words, "or elsewhere" are struck out, and the initials  
20 | there are "P.H.", and I assume those are your initials?

21 | A. Yes.

22 | Q. I would take it, and would ask you to comment on this, that when  
23 | you read through this affidavit, you were not happy with the  
24 | words, "or elsewhere", so you struck those out, but you did  
25 | not strike out the words, "who I knew." Why didn't you do that

1 | if you didn't know Sandy Seale?

2 | A. I think when you go back to the dance of that night and the  
3 | stamp business and me sort of thinking that maybe this could  
4 | have been Seale, I might have left it there with that in my  
5 | mind, but as of today, I could not say I know Sandy Seale.  
6 | I do not know Sandy Seale.

7 | Q. One -- No, two points, I guess, that you make on that.  
8 | There's a difference between knowing a person and seeing him  
9 | at the dance. You say that you're not sure whether or not  
10 | you saw him at the dance, but whether or not you knew him,  
11 | can you advise us as to whether or not you knew him?

12 | A. I did not know him, no.

13 | Q. You did not know him?

14 | A. No.

15 | Q. Although you were prepared to sign an affidavit, which stated  
16 | in 1982 with Steven Aronson that you did know him?

17 | A. Yes, I did do that, but I shouldn't have.

18 | Q. Yes, you should not have, no.

19 | A. No.

20 | Q. And -- I mean -- It's significant, I suggest to you, because  
21 | you've crossed out some words in the paragraph that you weren't  
22 | happy with. You crossed out "or elsewhere", but you didn't  
23 | cross -- So obviously you addressed your attention to this  
24 | particular paragraph, but you didn't knock out the other words?

25 | A. That's right.

PATRICIA HARRISS, by Mr. Pugsley

1 | Q. Okay. And then again there's two other references that I'll  
2 | bri to your attention. One to page 114, w n you e  
3 | ex by the same Mr. Aron -- I'm sorry. gue the  
4 | same yes, by the same Mr. Aronson in the Appeal Division,  
5 | I guess about six months after you gave the affidavit --  
6 | around line 23 at page 114:

7 | Q. Can you say whether or not you saw Sandy Seale  
8 | in the park on the night of Friday, May 28th,  
9 | 1971?

9 | A. No. I did not see him.

10 | And then -- I've referred you to the stamp incident earlier,  
11 | but there's another reference to it as well on page 118. I  
12 | guess if we go to the bottom of page 117 --

13 | MR. CHAIRMAN:

14 | It's at the bottom of 114.

15 | MR. PUGSLEY:

16 | 114?

17 | COMMISSIONER EVANS:

18 | Line 18.

19 | MR. CHAIRMAN:

20 | Line 19.

21 | MR. PUGSLEY:

22 | Oh, yes. That's right. Thank you.

23 | BY MR. PUGSLEY:

24 | Q. Can you say whether or not you would have  
25 | recognized Sandy Seale if you would have seen  
him in the park that night?



1 A. I think I would have recognized him, yes.

2 Can you make any comment as to why you said that?

3 A. Again, maybe because of this stamp business at the dance.

4 Q. Yes.

5 A. That's very vague to me.

6 Q. Yes.

7 A. Very.

8 Q. Now, this -- Let's see. This was 1982. You're how old now?

9 A. I'm thirty.

10 Q. Thirty. So that you would have been twenty-five years of  
11 age when you gave this evidence. Right. Okay. And then at  
12 page 117 at the bottom, the last question:

13 Q. You told my learned friend first . . .

14 This is Mr. Edwards examining you.

15 Q. You told my learned friend first that you recalled  
16 seeing Donald Marshall at the dance. And then  
17 when he questioned you in that further, you said,  
"You're not -- you're not really sure."

18 And then you say:

19 A. I think it was Donald Marshall who was with  
20 Seale outside the dance when he tried to  
get the stamp from me.

21 There's a, if you like, an unsolicited reference to Seale on  
22 your part there. Can you assist us on that as to why you  
23 would have testified like that?

24 A. Again, that's a very vague incident to me that I was  
expressing, but I can't back it up.

25 Q. Okay. All right. The -- There's reference in the evidence

PATRICIA HARRISS, by Mr. Pugsley

1 to Donald Marshall holding your hand, and I think --

2 MR. CHAIRMAN:

3 Mr. Pugsley, before you leave that again, I wonder if Ms. Harriss  
4 can --

5 MR. PUGSLEY:

6 On page what, My Lord?

7 MR. CHAIRMAN:

8 Page 118.

9 MR. PUGSLEY:

10 118?

11 MR. CHAIRMAN:

12 -- if possibly she can help with the answer to that question at  
13 the top is --

14 A. I think it was Donald Marshall who was with  
15 Seale outside the dance when he tried to get  
the stamp from me.

16 MR. PUGSLEY:

17 Yes.

18 MR. CHAIRMAN:

19 Now, was it Marshall or Seale?

20 MR. PUGSLEY:

21 I think her earlier evidence indicated that it was -- I think her  
22 evidence indicated that it was Seale who tried to get the stamp  
23 from her.

24 BY MR. PUGSLEY:

25 Q. Did Marshall try and get a stamp from you that night to get

1 into the dance?

2 A. No.

3 MR. CHAIRMAN:

4 All right.

5 BY MR. PUGSLEY:

6 Q. There is evidence yesterday with Mr. MacDonald about Donald  
7 Marshall holding your hand on Crescent Street, and you said  
8 you didn't recall that. I'll just direct your attention to  
9 page 84 of the same volume, and this is the evidence at the  
10 Preliminary Inquiry, the July, '71 evidence. And this --  
11 You're being examined by Mr. MacNeil at page 84:

12 Q. Did you have any physical contact with  
13 Junior Marshall at that time?

14 A. He held my hand.

15 And then two pages later at 86, when Mr. Rosenblum was cross-  
16 examining you -- At the top of the page you say:

17 Q. Now you say Mr. Marshall held your hand for a  
18 moment or so?

19 A. Yes.

20 Q. In a friendly manner?

21 A. Yes.

22 And again at page 99 during the evidence you gave at the  
23 Supreme Court judge and jury trial on November of 1971,  
24 at page 99 at 19:

25 Q. Tell me, did you have any physical contact with  
Junior Marshall at that time?

1 A. Yes.

2 Q. What was that?

3 A. He held my hand.

4 Does that assist you in refreshing your memory as to whether  
5 or not Mr. Marshall did hold your hand on Crescent Street?

6 A. No, it doesn't.

7 Q. No. In the evidence that you gave yesterday afternoon, I  
8 think you may have said that someone suggested that to you?  
9 Perhaps I should tell you exactly what you did say. If I  
10 can find the reference. I don't think you testified as to  
11 who might have suggested that to you or how it was suggested  
12 to you, but I -- I think you use the word, "suggested." Do  
13 you have any idea why -- Can you assist us today as to why  
14 you would have given the evidence that I've just read to  
15 you?

16 A. No. I have no idea.

17 Q. Okay. You're not suggesting that it was the police who  
18 suggested that to you, that MacIntyre or Urquhart suggested  
19 that to you?

20 A. No.

21 Q. No. Okay. All right. Because there's no -- there's no  
22 reference in either of the two statements that you gave to  
23 the police on June the 17th or 18th about the holding hand  
24 incident. That's -- That does not appear in either  
25 statement. In the statement that you gave to Sergeant Wheaton

1 in, I believe, February or March of 1982, that is found at  
2 page 102 of Volume 13 -- At the bottom of the statement, the  
3 last statement says:

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

6 Why did you sign a statement which contained that letter --  
7 that sentence?

8 A. Maybe because that short, brief moment that we had together  
9 where I was upset.

10 Q. Are you suggesting that Terry Gushue told you that he was  
11 browbeaten by the police at that time?

12 A. I'm not saying that he told me that. I might have -- I think  
13 what I'm saying that he was also upset.

14 Q. He was also upset?

15 A. Yes.

16 Q. You -- Is that what you believe he told you, that he was also  
17 upset?

18 A. Not that he had told me, that I could -- I could see that  
19 he was upset.

20 Q. And you translated what you observed into the fact that he  
21 was browbeaten by the police?

22 A. Well, more that if I -- The reason why I was upset was  
23 probably the same reason for him being upset.

24 Q. Yes. But you just interpreted that upset as being due to  
25 a browbeating by the police?

A. Yes.

1 Q. Now, with -- With respect to the description of the two men  
2 in the park with Marshall, I take it that today all you can  
3 tell us is that you recall there were two men there, but  
4 their description you cannot assist us with?

5 A. That's correct.

6 Q. Yes. And the only way you are assisted in refreshing your  
7 recollection is by looking at your statement, at the first  
8 unsigned statement of June 17th?

9 A. Yes.

10 Q. Yes. Do you have any idea when it was that you -- your memory  
11 went out on this point, when you couldn't no longer recall  
12 the description of the men?

13 A. No.

14 Q. The -- In 1984, when you were examined on Discovery, and the  
15 reference is page 144 and 147 and 148 of Volume 13, you were  
16 not -- You were certainly not sure at that time. You  
17 indicated that you confided in your mother, probably the  
18 day after or within a couple of days of the taking of the  
19 statement, and told her what had happened, told her how the  
20 police had bullied you or intimidated you, or pressured you.

21 A. Yes.

22 Q. Yes. And it was at your mother's suggestion that you go and  
23 see a lawyer?

24 A. Yes.

25 Q. And she took you to see Mr. A.O. Gunn?

1 A. Yes.

2 Q. And Mr. MacDonald has supplied us with the date of that  
3 interview, which is sometime, I believe, between June the 17th  
4 and when you gave your evidence in July at the Preliminary.  
5 Did your -- Why did your mother take you to A.O. Gunn? Did  
6 she say why you were going there?

7 A. I can't recall -- recall what she had said. I know I was  
8 willing.

9 Q. You were willing, yes.

10 A. Yes.

11 Q. Was it presumably about your upset as to the manner in which  
12 you had been questioned by the police?

13 A. I had no idea what was going to happen with a lawyer. I  
14 wasn't sure what would come out of it, which nothing did.

15 Q. I appreciate that, but was it because of your upset, about  
16 the manner in which you were questioned by the police that  
17 your mother took you to see Mr. Gunn?

18 A. Not so much the police as my insisting on these two men.  
19 That was her concern.

20 Q. You told your mother that you were insisting on the two men,  
21 and the police didn't want to hear it?

22 A. Yes.

23 Q. Yes. And that was the reason why you went to see A.O. Gunn?

24 A. Yes.

25 Q. Okay. And when you went to see Mr. Gunn, your mother went

1 with you?

2 A. Yes.

3 Q. She drove you there, did she, in the car?

4 A. Yes.

5 Q. And did she come in and introduce you to Mr. Gunn and say,

6 "Mr. Gunn, this is my daughter, Patricia."?

7 A. I don't recall that. I just remember my mother being in the  
8 room with me.

9 Q. I see. She was in the room with you while you were interviewed  
10 by Mr. Gunn?

11 A. Yes. I think so, yes.

12 Q. And did you tell Mr. Gunn about the two men that you saw?

13 A. No.

14 Q. Although that was the reason why you went there?

15 A. Yes.

16 Q. Why didn't you tell Mr. Gunn about the two men that you saw  
17 in the park?

18 A. I was frightened.

19 Q. You were frightened of Mr. Gunn?

20 A. Yes, I was.

21 Q. Okay. Why didn't your mother tell Mr. Gunn the reason why  
22 you were there; namely, about the two men in the park?

23 A. I have no idea.

24 Q. I see. How long were you with Mr. Gunn?

25 A. I have no idea. Not long.



- 1 Q. I see. And Mr. Gunn's advice was?
- 2 A. If -- He asked me if I was telling the truth. I said, "yes,"
- 3 and he said, "Well, there's nothing to worry about."
- 4 Q. I see.
- 5 A. And that I would not need a lawyer.
- 6 Q. I see. When Mr. Gunn asked you whether or not you were telling
- 7 the truth, did he mean are you -- were you telling the police
- 8 the truth? Is that what he meant by, "Were you telling the
- 9 truth?"?
- 10 A. I would think so, yes.
- 11 Q. Yes. And you said yes meaning that you had told the truth
- 12 to the police?
- 13 A. Yes.
- 14 Q. Yes. And what did he say -- that if you are telling the
- 15 truth, you have nothing to worry about?
- 16 A. Yes. I think he also brought up the word, "perjury."
- 17 Q. Yes.
- 18 A. If I knew what that meant.
- 19 Q. You say you did or did not know what that meant?
- 20 A. Yes. He asked me if I did know what perjury had meant?
- 21 Q. And what did you say?
- 22 A. Yes.
- 23 Q. Did you know what perjury meant?
- 24 A. Yes.
- 25 Q. Yes. Okay. So Mr. Gunn tells you that if you tell the truth,

1           then you don't have to worry, in effect?

2   A.   Yes.

3   Q.   Did you tell the truth when you gave evidence at the  
4       Preliminary and when you gave evidence at the trial?

5   A.   No.

6   Q.   Notwithstanding what Mr. Gunn told you, you didn't tell the  
7       truth?

8   A.   No.

9   Q.   Did your mother attend the Preliminary?

10  A.   I think so.  I'm not quite sure.

11  Q.   Did she attend the trial?

12  A.   I'm not quite sure again.

13  Q.   Did your uncle?

14  A.   No.

15  Q.   Did you discuss with your mother, after giving evidence at  
16       the Preliminary, as to whether or not you told the truth  
17       about the two men?

18  A.   I really don't know.  I can't say.

19  Q.   Did you discuss with her after you gave evidence before the  
20       judge and jury the fact that you did not tell the truth at  
21       the trial?

22  A.   I might have, yes.  Good possibility I did, yes.  I was very  
23       frightened.

24  Q.   Did you have -- Did your mother give you any advice about that?

25  A.   No.

1 Q. At page 104 of Volume 13, in the affidavit, paragraph 6:

2 That I recall the night of June 17th, 1971 vividly.

3 And I think you've told us that you circled the word,  
4 "vividly" in your copy of the affidavit, or you circled  
5 the word, "vividly." It does not appear to be circled  
6 at least in the copy that I have before me. And the reason  
7 you circled the word, "vividly" was because you were not  
8 happy with that word?

9 A. Yes.

10 Q. I'm correct in what I suggest to you?

11 A. In that I was not happy with it, yes.

12 Q. Yes. Did you tell Mr. Aronson that?

13 A. Yes, I did.

14 Q. Was there any talk about crossing out the word, "vividly"  
15 and putting your initials by it as was done in paragraph 10?

16 A. I think it was more, "Read this over and if anything you don't  
17 with, mark it or circle it," which I did.

18 Q. So did Mr. Aronson make any suggestion about crossing out the  
19 word, "vividly" after he saw you circle it?

20 A. No, I don't think.

21 Q. But it was you who did strike out the words, "or elsewhere"  
22 in paragraph 10?

23 A. I don't recall. No, I don't recall. More than likely my  
24 initials are there.

25 Q. Your initials are there, yes.

1 MR. CHAIRMAN:

2 Would you turn to page 172 of Volume 13, starting with line 114.

3 MR. PUGSLEY:

4 114, thank you.

5 BY MR. PUGSLEY:

6 Q. This was a question that I asked you on Discovery in August  
7 of 1984, Ms. Harriss, at the Civic Centre:

8 Q. Although it would be before Mr. Aronson, it  
9 would appear to be his signature, you say  
10 the word, "vividly" that appears in  
11 paragraph 6 -- You told Mr. Aronson you  
12 did not agree with the use of that word.  
13 What did he do with that? Did he scratch  
14 it out or what did he do with it?

15 A. He just circled it.

16 Q. Was the circling by Mr. Aronson then, rather than you?

17 A. I have no idea. I thought it was by me.

18 Q. I see. Thank you, Ms. Harriss.

19 MR CHAIRMAN:

20 Mr. Murray.

21 BY MR. MURRAY:

22 Q. Ms. Harriss, you told Commission Counsel yesterday that after  
23 you gave your evidence in 1971, you felt relieved but you still  
24 didn't like the way things were going?

25 A. In '71?

Q. In '71.

A. Yes.

Q. And I take it that you didn't feel comfortable within

- 1           yourself. Is that what you're trying to suggest?
- 2    A. Yes.
- 3    Q. And that is why you spoke to your mother about it?
- 4    A. Yes.
- 5    Q. But you didn't speak to anyone else so far as you can recall?
- 6    A. Yes.
- 7    Q. For the next thirteen years?
- 8    A. Probably, yes.
- 9    Q. Until you met Mr. Wheaton of the R.C.M.P.?
- 10   A. Yes.
- 11   Q. And I suggest that the reason you didn't tell anyone is as you
- 12       said that you were afraid of being charged with perjury?
- 13   A. Yes.
- 14   Q. Why were you not afraid of that when you spoke with Mr. Wheaton?
- 15   A. I think he assured me that the case was being opened and
- 16       that other people were being open about what had happened
- 17       and that it'll be okay.
- 18   Q. You had nothing to worry about?
- 19   A. Yes, I guess, yes.
- 20   Q. So you were happy to talk with him?
- 21   A. Very.
- 22   Q. And you spent a great deal of time with him?
- 23   A. I wouldn't say a great deal. I spent time with him, yes.
- 24   Q. An hour and a half?
- 25   A. Could be, yes.

- 1 Q. I take it you told him everything and cleared your conscience?
- 2 A. Yes. I was very relieved to speak with him.
- 3 Q. Yes. I take it at the time you finally had the opportunity
- 4 to put some responsibility for what had happened on to the
- 5 people you felt were responsible?
- 6 A. I think I was more just relieved to have someone listen to
- 7 me and believe what I was saying.
- 8 Q. Yes. Now, you got that opportunity to tell your story again
- 9 in your affidavit to the Appeal Division?
- 10 A. Yes.
- 11 Q. And you got that opportunity again when you testified before
- 12 the Appeal Division?
- 13 A. Yes.
- 14 Q. To give a complete story?
- 15 A. I was still very nervous at the appeal.
- 16 Q. Yes. But you had the opportunity to give your full story, and
- 17 no one prevented you from doing that?
- 18 A. No, but I wasn't comfortable.
- 19 Q. Yes.
- 20 A. As comfortable as I was with Sergeant Wheaton.
- 21 Q. I see. But even on the occasion with Sergeant Wheaton and
- 22 those other occasions that I've mentioned, on none of those
- 23 occasions did you ever refer to the police ripping up
- 24 statements?
- 25 A. Pardon?

1 Q. At no time, at none of those times that I've mentioned,  
2 did you ever talk about the police ripping up statements?

3 A. I imagine I did mention it, yes.

4 Q. To who?

5 A. Are you saying that I didn't or --

6 Q. I'm suggesting that you did not, and I believe a review of  
7 the transcripts will suggest that you did not. Does that  
8 accord with your recollection or did you tell someone?

9 A. I thought it was mentioned with Sergeant Wheaton.

10 Q. I see. Would that have been an important fact to you?

11 A. No, not important.

12 Q. I see. My suggestion is that you first mentioned it in  
13 1984, thirteen years after 1971, in your Discovery with  
14 the CBC. That could be possible?

15 A. Could be.

16 Q. And at that time I suggest Mr. Murrant said to you, and  
17 I'll refer you to the exact words if you want.

18 COMMISSIONER POITRAS:

19 Well, excuse me. I think you should show her that document in  
20 the meantime.

21 MR. MURRAY:

22 Certainly, My Lord.

23 BY MR. MURRAY:

24 Q. Volume 13 at page 155.

25

1 Perhaps, we go back to question 113 on page 154:

2 Q. I found they were needlessly harping at me,  
3 going over and over, telling me what they  
4 thought I should see?

5 A. I found five hours was a long time. I made  
6 my statement and it was quite clear, in my mind  
7 and I didn't see why I had to go through all of  
8 this. Five hours of going over and over and  
9 over. Writing a lot and ripping it up. Writing  
10 and ripping it up.

11 Q. Were they actually ripping up things you had  
12 said?

13 A. I, sort of, recall that they would have paper  
14 and that they would roll it up and we'd start  
15 all over again.

16 So when you were asked, outright, actually ripping it up,  
17 you suggested, no, in 1984. That instead they rolled it up?

18 A. Rolled it up and throw it in the wastepaper basket.

19 Q. I see. And, I take it, that that would be your evidence  
20 today?

21 A. Yes.

22 Q. Not taking statements and tearing them into tiny pieces?

23 A. No.

24 Q. So, when you said ripping it up that would be more of a  
25 figure of speech?

26 A. Meaning that they tore it from the pad, rolled it up and  
27 threw it away.

28 Q. That's right. They're on a pad very similar to -- to one  
29 of these, are they not? They would just --

30 A. Yes.



PATRICIA HARRISS, by Mr. Murray

1 Q. -- tear off one of the page?

2 A. Yes.

3 Q. And then you've got another statement page underneath.

4 Is that correct?

5 A. Yes.

6 COMMISSIONER EVANS:

7 Would that be consistent with her answer to the question 117 where  
8 she says:

9 I meant that they would write one, throw it  
10 away and start another one.

11 BY MR. MURRAY:

12 Q. Yes. That would be consistent with your present testimony  
13 today? Is that correct?

14 A. Yes.

15 Q. Now, I believe, yesterday when you commented about changing  
16 statements -- in fact, they didn't actually alter the  
17 statements, that you had just given. They just started  
18 over again. Is that correct?

19 A. Yes.

20 Q. You were angry about what had happened in 1971?

21 A. No, I was just plain frightened.

22 Q. You were just plain frightened?

23 A. Yes.

24 Q. Were angry at any time?

25 A. No, I don't think angry.

Q. Would you look at page 153, in volume 13.

1 And at that time you're talking about your interview with  
2 Wheaton and the statement that you gave to him and we'll  
3 start at question 105:

4 Can you tell me whether or not that statement that  
5 you gave is true in all it's particulars?

6 A. In all of it's particulars?

7 Q. Yes.

8 A. I think, at this time, it was good to have  
9 it opened up and talked about. I think, at this  
10 time, I was a little angry. I wouldn't put it  
11 as harsh now. I do realize the police had a job.  
12 This was the way they ran things, so I think I  
13 should have had some counselling. I think someone  
14 should have been there, with me, to give me some  
15 guidance.

16 Does that assist your recollection as to whether you felt  
17 any anger at the time you were talking to Staff Sergeant  
18 Wheaton?

19 A. Are you asking me if I felt anger when I was at the police  
20 station or when I was with Sergeant Wheaton?

21 Q. With Sergeant Wheaton.

22 A. There was no anger, no.

23 Q. So you would disagree with what you said here in 1984?

24 A. A little angry -- It's just a word. It's not meaning that  
25 I was very angry with someone.

26 Q. I see.

27 MR. CHAIRMAN:

28 In fairness, Mr. Murray, I think you should also refer Miss Harriss  
29 to her response to the question at the top of that page. Page --  
30 Question 99.

1 MR. MURRAY:

2 Question 99? Certainly, My Lord.

3 BY MR. MURRAY:

4 Q. Do you see the top of the page, Miss Harriss?

5 A. Yes, I do.

6 Q. Now the question:

7 I appreciate you were 15, did you appreciate  
8 the mechanics of the case? What the significance  
9 of the two men was? What Marshall's defense was?  
10 What all that meant?

11 A. No, I was scared. Really scared. I just wanted  
12 to get it over with. In the end, I think I'm  
13 wondering, if what was said -- what I said was  
14 true because I always seem to be alone with it  
15 other than Terry and Terry not mentioned it  
16 me neither so --

17 Does that describe your feelings in 1971?

18 A. Yes.

19 Q. I'm interested in your feelings in 1982. And you say that  
20 the word 'angry', you didn't -- that was not directed at  
21 any particular person?

22 A. No. I don't think. No.

23 Q. What did you mean when you said: "I wouldn't put it as harsh  
24 right now."?

25 A. I don't know.

Q. Perhaps, you could look at your statement to Staff Sergeant  
Wheaton. Page 102 in that same volume.

MR. CHAIRMAN:

Volume 13?

1 MR. MURRAY:

2 Volume 13, page 102.

3 BY MR. MURRAY:

4 Q. Have you read that over?

5 A. Yes.

6 Q. Before we get to -- to that question, I'd just like to  
7 ask you; Mr. Wheaton, I take it, made up a handwritten version  
8 of this statement?

9 A. Yes, I think he did. Yes.

10 Q. Did you read it over?

11 A. Yes.

12 Q. Did you make any changes at all?

13 A. Not that I recall.

14 Q. And then you signed it?

15 A. Yes.

16 Q. All right. Which parts, of this statement, would not be  
17 put as harsh, now, as you did then in 1982?

18 A. I don't know.

19 Q. Perhaps we should go through it step by step.

20 In 1971, I would have been 14 years of age and I  
21 recall the Seale murder case. That evening I was  
22 at a dance at St. Joseph's Hall and left with Terry  
23 Gushue. We went down George Street to Wentworth  
24 Park. We sat on a park bench in the area of the  
25 band shell. My home was at 5 Kings Road so I feel  
that Terry and I would have walked up to Crescent Street  
more towards South Bentinck end than the Argyle Street  
end. We walked a ways down Crescent Street before  
noticing anybody.

1 No problem so far?

2 A. No.

3 Q. I remember meeting Junior Marshall and there were  
4 other people on the street in this area. Who they  
5 were I don't know. I recall, in my first statement  
to the police, there was two people. The police took  
at least three statements from me.

6 Is that too harsh?

7 A. No.

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

10 Is that too harsh?

11 A. No.

12 Q. They took statements from me and changed them.

13 Is that too harsh?

14 A. No.

15  
16 Q. However you've told this Commission that, in fact, they didn't  
17 change the statements, they just started new ones?

18 A. I think I mean by changing the statements is again tearing  
19 them and throwing away and starting all over again.

20 Q. I see. "This took hours and hours and my parents were not  
allowed in."

21 Is that too harsh?

22  
23 A. That's how I felt, yes. Too harsh.

24 Q. That's how you felt, but in fact, you saw your parents in  
25 the middle?

- 1 A. Yes.
- 2 Q. And you saw Terry Gushue in the middle?
- 3 A. Yes.
- 4 Q. And is it now so that you testified that it was your mother  
5 who decided she would not go in and that it would be better  
6 if you went in alone?
- 7 A. No, that wasn't my mothers idea. That was by the police.
- 8 Q. I see. So is it too harsh to say that the parents were not  
9 allowed in?
- 10 A. Yeh, it could be. Yes.
- 11 Q. They came to the police station. They let me out  
12 once to see them but that was it.
- 13 And from your evidence, that's not too harsh?
- 14 A. No.
- 15 Q. I don't feel their actions were proper.  
16 Is that too harsh?
- 17 A. Yes.
- 18 Q. I recall them banging their fists on the desk.  
19 Is that too harsh?
- 20 A. No.
- 21 Q. I definitely did not see Sandy Seale in the park  
22 that night. I don't recall if I said that in court  
23 or not. The police had me so scared throughout this  
24 affair that I felt pressured and agreed with things  
25 I shouldn't have agreed.
- Too Harsh?
- A. No.

1 Q. Now, that I am a mature adult, I feel this was  
2 most improper and I have thought of this through  
the years, often question the whole thing in general.

3 Too harsh?

4 A. No.

5 Q. I am sure that I saw Junior Marshall in the area  
6 of the green apartment building on Crescent Street.  
7 There were other men on Crescent Street, in this  
8 area. Two or three. I did not say this in court  
but I did say this at the police station. I felt that  
I was obligated to stick with the statement the police  
were happy with.

9 Is that too harsh?

10 A. No.

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

13 Too harsh?

14 A. No.

15 Q. In fact, you don't know?

16 A. Just that I thought Terry was also upset.

17 Q. Yes. Who's word was that? Was that Wheaton's word or your  
18 word? "Browbeaten."

19 A. I have no idea.

20 Q. Could have been Wheaton's word?

21 A. I don't think so. Probably mine.

22 Q. So if I understand your evidence, Miss Harriss, your comment  
23 that "I wouldn't put it as harsh right now" simply refers to  
24 one remark in that statement? "I don't feel their actions  
25 were proper." Did I understand that correctly?

- 1 A. I think what I was saying there is being in a situation I  
2 was at the time and that looking at this is how the police  
3 ran their investigation and I looked at that and that's, maybe  
4 why I used the word 'harsh'.
- 5 Q. I also understand your evidence that you've given, in response  
6 to questions from other counsel and at other times, the  
7 only officer that you consistently identified, since 1982, has  
8 been William Urquhart?
- 9 A. Yes.
- 10 Q. And you were sure about him because you'd had run-ins with  
11 him before?
- 12 A. Yes.
- 13 Q. In fact, one run-in?
- 14 A. That I can remember, yes.
- 15 Q. That's right. And that was before 1971?
- 16 A. Yes.
- 17 Q. Now, that contact wasn't brought up that night, in 1971, was  
18 it? You're not suggesting that?
- 19 A. I do recall Urquhart saying to me: You know me, I'm a friend  
20 of yours.
- 21 Q. Yes.
- 22 A. Sergeant Urquhart, yes.
- 23 Q. And how did you react to that?
- 24 A. I didn't.
- 25 Q. Anything else?



- 1 A. No.
- 2 Q. Now, when you gave your statement to Staff Sergeant Wheaton,  
3 in 1982, you didn't mention Mr. Urquhart's name? If you'd  
4 like to look at it, page 102.
- 5 A. Yes.
- 6 Q. Now, the point you were making in that statement, I take it,  
7 is just what the police generally did as a group that night?
- 8 A. Yes, I guess. Yes.
- 9 Q. Not saying anything specific about Mr. Urquhart?
- 10 A. No.
- 11 Q. Did Staff Sergeant Wheaton have your 1971 statement with him  
12 at the time?
- 13 A. Yes, he did.
- 14 Q. Did you --
- 15 A. I think he did, yes.
- 16 Q. Did you get a chance to look at it?
- 17 A. I did at some point. I'm not quite sure if it was with Sergeant  
18 Wheaton.
- 19 Q. I see. The statement I'm referring to, since there are two  
20 1971, is the one that's at page 79 in that book, just after  
21 the blue tab. Do you recall whether he showed that statement  
22 to you on that date?
- 23 A. I'm not sure if Sergeant Wheaton had. I know I've seen it.  
24 I'm not quite sure with whom.
- 25 Q. And, of course, Mr. Urquhart's name appears on page 80?

- 1 | On the next page?
- 2 | A. Yes.
- 3 | Q. Now, I take it, in 1982 you would have been aware of Mr.
- 4 | Urquhart's name?
- 5 | A. Yes.
- 6 | Q. But you chose not to attribute anything specifically to him,
- 7 | in your 1982 statement, to Wheaton?
- 8 | A. Not that I had chosen to. I guess it just didn't come up.
- 9 | Q. I see. Now, as you say, you knew Mr. Urquhart in 1971 and
- 10 | you testified that you spent a considerable amount of time
- 11 | with him in 1971?
- 12 | A. Yes.
- 13 | Q. Particularly June 17th, 18th?
- 14 | A. Yes.
- 15 | Q. And you knew his name in 1971?
- 16 | A. Yes.
- 17 | Q. And your recollection is that you were only at the police
- 18 | station on one occasion?
- 19 | A. Yes. Actually I'm not sure on that.
- 20 | Q. You're not sure on that?
- 21 | A. No.
- 22 | Q. Is it probable that you were only there on one occasion?
- 23 | A. Yes.
- 24 | Q. The statements you gave on June 17th, and as Mr. Pugsley said,
- 25 | that's about three and a half weeks before the preliminary inquiry?

- 1 A. I'm sorry, I didn't get --
- 2 Q. When you gave your statement that was less than a month  
3 before the preliminary inquiry?
- 4 A. I suppose so, yes.
- 5 Q. When you testified?
- 6 A. I guess, yes.
- 7 Q. I'd like to refer you to page 88 and 89 in volume 13.  
8 At the top of page 88. First, you -- I believe you advised  
9 my friend that you don't recall giving this evidence in 1971  
10 at the preliminary inquiry?
- 11 A. At the -- Not to much of it, no.
- 12 Q. Do you recall some of it?
- 13 A. Yes.
- 14 Q. Do you realize you were at a preliminary inquiry in 1971?
- 15 A. Oh, the preliminary. No, I'm not to sure on -- I can't  
16 distinguish between the two.
- 17 Q. I see. When you testified, in court in 1971, other than  
18 the two men, that we've discussed -- other than the two men,  
19 you were trying to tell as much of the truth as you could  
20 remember?
- 21 A. Yes.
- 22 Q. Perhaps you could assume with me, for the moment, since you  
23 have no personal recollection, that this is, in fact, the  
24 evidence that you gave in 1971 at the preliminary inquiry?
- 25 A. I assume it is?

1 Q. Yes.

2 A. Yes.

3 Q. Page 88. The information that you've given us here, this  
4 morning, by questions by Mr. MacNeil, to whom  
did you first give that information?

5 And your answer was:

6 Three city detectives.

7 And, as I say, you would have known Mr. Urquhart at that time?

8 A. Yes.

9 Q. Q. To whom did you first tell that evidence about  
10 having met Donald Junior Marshall?

11 A. I don't know his name.

12 Yet, down at about line 10, you indicate that it's Sergeant  
13 MacDonald who is sitting in the court room.

14 A. Yes.

15 Q. Do you remember identifying Sergeant MacDonald in the court  
16 room?

17 A. No.

18 Q. You certainly knew who Mr. Urquhart was?

19 A. Yes.

20 Q. And what he looked like?

21 A. Yes.

22 Q. Do you know Mr. MacDonald today?

23 A. No.

24 Q. You mention John MacIntyre's name. You were able to identify  
25 him in court.

PATRICIA HARRISS, by Mr. Murray

1 A. Would I have been able to? Are you --

2 Q. You did, I suggest.

3 A. I did or I didn't? I'm sorry.

4 Q. You pointed John MacIntyre out and said he was not the  
5 person that you first gave this statement to.

6 BY COMMISSIONER POITRAS:

7 Q. Line 23, Miss Harriss.

8 A. I go from 15 to 20 to 25 here.

9  
10 Q. Yes, a couple of lines above the 25.

11 A. Oh, okay.

12 MR. CHAIRMAN:

13 Well, again in fairness, you should point out that Sergeant  
14 MacIntyre had been identified to her, as Sergeant MacIntyre, on  
15 page -- on --

16 MR. MURRAY:

17 Well, just above there on that same page.

18 MR. CHAIRMAN:

19 -- line 9.

20 BY MR. MURRAY:

21 Q. Perhaps if we -- We'll go through this question by question  
22 and answer by answer then?

23 A. Okay.

24 Q. To whom did you first tell the --

25

PATRICIA HARRISS, by Mr. Murray

1 MR. CHAIRMAN:

2 You're losing me on this line of questioning, Mr. Murray.

3 MR. MURRAY:

4 Well, with respect My Lord, Miss Harriss is, perhaps, the most  
5 crucial witness from my client's point of view. And I suggest  
6 that there's a possible theory here that I will put to Miss Harriss  
7 once we have gone through this evidence that suggests that, in  
8 fact, the first statement was given to Mr. Urquhart and Mr.  
9 MacDonald. At that point, Mr. Urquhart and Mr. MacDonald, went  
10 out and spoke with Chief MacIntyre, then MacIntyre and MacDonald  
11 interviewed Patricia Harriss for a period of time. Mr. Urquhart  
12 was not again involved until the statement, with Patricia Harriss,  
13 until the statement at midnight.

14 COMMISSIONER EVANS:

15 Until when?

16 MR. MURRAY:

17 The statement at 12:07. That commenced at 12:07. He's not  
18 involved with her again, after the 8:15 statement, until 12:07.

19 MR. CHAIRMAN:

20 I don't preclude  
21 you from putting that theory but do we have to go all through the  
22 questions and answers, once again, on page 88 in order to allow  
23 you to put that theory.

24 MR. MURRAY:

25 I don't want to be unfair to the witness, My Lord.

1 MR. CHAIRMAN:

2 No, you're not.

3 MR. MURRAY:

4 And I want her to be clear as to who she's thinking of, whether  
5 it's MacDonald or Urquhart or MacIntyre, and distinguishing between  
6 the three of them.

7 MR. CHAIRMAN:

8 Well, from her evidence, so far, she seems to be fairly definite  
9 that she has known Sergeant Urquhart since some time prior to  
10 1971.

11 MR. MURRAY:

12 Yes.

13 MR. CHAIRMAN:

14 And to this day.

15 MR. MURRAY:

16 Yes. And my difficulty with that, My Lord, is that she identifies  
17 three city detectives and does not mean Urquhart in 1971.

18 MR. CHAIRMAN:

19 Well, that's what, I mean, that -- I don't -- I'm not suggesting  
20 that that hasn't -- that that is not relevant. It surely is.  
21 But I'm trying to eliminate needless repetition of the same questions,  
22 you know, the --

23 MR. MURRAY:

24 I appreciate that, My Lord, perhaps --

25

PATRICIA HARRISS, by Mr. Murray

1 MR. CHAIRMAN:

2 And it seems to be tragically evolving in this hearing now  
3 which I hoped that counsel would do their utmost to avoid.

4 So, carry on.

5 COMMISSIONER POITRAS:

6 I wonder if all the answers are not on page 89? From pages one --  
7 from lines one to 15 inclusive.

8 MR. MURRAY:

9 Was there --

10 COMMISSIONER POITRAS:

11 I'm just wondering whether all your answers are not --

12 MR. MURRAY:

13 I was coming to page 89, My Lord. The --

14 MR. CHAIRMAN:

15 That's what I was afraid of. Why don't you start --

16 MR. MURRAY:

17 The answers seem to be somewhat ambivalent on page 89.

18 Perhaps I would -- I will commence with those.

19 COMMISSIONER POITRAS:

20 Why don't you ask the question point blank, then, as to whether  
21 the person you have in mind was present or not?

22 BY MR. MURRAY:

23 Q. Miss Harriss, you have heard the discussion between Commission  
24 and myself?

25 A. Yes.



- 1 Q. What I suggest to you is that you did, in fact, come in  
2 contact with Mr. Urquhart shortly after you arrived at the  
3 police station. Would you agree with that?
- 4 A. I can't say shortly after. I just -- I do recall him being  
5 there. At what time or -- I can't really say.
- 6 Q. Would you agree it's possible you also saw Sergeant MacDonald  
7 at the same time?
- 8 A. I don't know Sergeant MacDonald, today, I --
- 9 Q. You knew him in 1971?
- 10 A. I don't now.
- 11 Q. I see. So, it could have been Sergeant MacDonald that was  
12 with Sergeant Urquhart?
- 13 A. Could have been, yes.
- 14 Q. And you remember two officers when you were giving your  
15 first statement?
- 16 A. Today I remember two officers, yes.
- 17 Q. That statement appears to have been stopped when you mentioned  
18 the two men. Is that correct? This first statement that you  
19 gave at 8:15?
- 20 A. It stopped after -- I don't understand. Sorry.
- 21 Q. The first statement ends -- the 8:15 statement ends when  
22 you identified the two men and described who else was in  
23 the park and you said that was the pattern of that night?
- 24 A. When we would get to the two men, yes, we'd start all over.
- 25 Q. And that's were the first 8:15 statement ends?

1 Q. Now, was your mother present at that time?

2 A. I have no idea.

3 Q. She could have been?

4 A. Yes.

5 Q. After that statement is finished you are interviewed, I take  
6 it, by Sergeant MacIntyre and Michael MacDonald -- or another  
7 police officer. We'll say another police officer, for the  
8 moment. And Terry Gushue was present.

9 A. No, I don't remember being questioned with Terry Gushue.

10 Q. I'm referring to page 89 and the question, just above -- look  
11 half way between five and ten.

12 Were you interviewed in the company of Terry  
13 Gushue or separate from him?

14 A. Separate.

15 Q. On all occasions?

16 A. No, the second time we were together.

17 A. I don't recall that, no.

18 Q. You don't recall that, but it's possible, that after you  
19 gave that first statement you gave another, when you were  
20 interviewed with Terry present?

21 A. It's possible, yes.

22 Q. And you say, in your evidence in 1971, at the time it was  
23 in the presence of both Sergeant MacDonald and Sergeant  
24 MacIntyre?

25 A. I say that but I don't recall it today.

1 Q. You're recollection would have been good on that point in  
2 1971?

3 A. No, I was a very confused 14 year old, at that time.

4 Q. Your recollection on that would be better than it is today?

5 A. I wouldn't say better, no.

6 Q. You wouldn't say better. After that second interview, I suggest,  
7 -- Well, after the first interview, when Mr. Urquhart leaves  
8 with Mr. MacDonald, --

9 A. I have no stages of being questioned by anybody. I basically  
10 remember being at the police department. The detectives  
11 moving about the room. It's very difficult for me to put  
12 it in stages.

13 Q. So there were detectives coming in and there were detectives  
14 going out?

15 A. Yes, there was.

16 Q. So, it's quite possible that if Mr. Urquhart was in there at  
17 8:15 he wasn't in there later?

18 A. Yes, they would move about the room and leave, yes.

19 Q. And we know that Mr. Urquhart was present in witnessing your  
20 statement at midnight. Is that correct?

21 A. I don't know who took the last statement.

22 Q. You don't recall Mr. Urquhart on the last statement?

23 A. No.

24 Q. There were two officers taking that last statement. Is that  
25 correct?

- 1 A. I don't recall actually.
- 2 Q. You don't recall. So you can't say, about that statement,  
3 what either officer did?
- 4 A. My last statement?
- 5 Q. Yes.
- 6 A. No.
- 7 Q. Whether the questioning was by one or both officers?
- 8 A. Or by whom, no.
- 9 Q. And you can't say what -- which officer, in fact, took the  
10 lead at that time?
- 11 A. No.
- 12 Q. You can't say that the pounding on -- of the fist on the desk  
13 took place at that time?
- 14 A. Yes.
- 15 Q. You're saying it did?
- 16 A. Yes.
- 17 Q. And both officers would have been in a position to see that,  
18 would they?
- 19 A. Who saw it I'm not sure, no.
- 20 Q. Perhaps you could be clear. The pounding of the fist on  
21 the desk took place with the last statement or earlier when  
22 you were talking about the two men?
- 23 A. I don't think it -- I really can't say where it happened. I  
24 don't think it was -- the very end.
- 25 Q. I see. So the suggestion I put to you, that you saw Mr. Urquhart

- 1 early on the evening and then later on, but not during the  
2 middle of the evening, you're not able to dispute that theory  
3 of events?
- 4 A. No.
- 5 Q. Was the stabbing talked about at the school?
- 6 A. No, not much, no.
- 7 Q. Wasn't a -- an exciting event for young people?
- 8 A. No, not for me.
- 9 Q. And you were friends with Mary O'Reilly at school?
- 10 A. At school, yes. We were in the same class.
- 11 Q. You both knew Donald Marshall?
- 12 A. I knew of him.
- 13 Q. Yes. And you knew that she knew him?
- 14 A. Yes.
- 15 Q. I suggest it, to you, that not only could it have happened but  
16 it was likely that you would have discussed the fact that  
17 Donald Marshall was involved in the events at the park?
- 18 A. With whom?
- 19 Q. With Mary O'Reilly? It could have happened?
- 20 A. Not -- I could have, yes.
- 21 Q. And, indeed, it's likely?
- 22 A. Not any big discussion on it, no.
- 23 Q. But the odd mention?
- 24 A. Probably, maybe, yes.
- 25 Q. Yes. Discussed how Donald Marshall got his injury?

1 A. No.

2 Q. That would not have been mentioned?

3 A. No.

4 BY MR. CHAIRMAN:

5 Q. But did you know Donald Marshall had an injury?

6 A. No.

7 BY MR. MURRAY:

8 Q. You knew, by that time, that there'd been a boy named Sandy  
9 Seale killed?

10 A. Are you talking before I had gone to the police station?

11 Q. Before you went to the police station?

12 A. I can't recall any big discussion on it with anybody really.

13 Q. But hadn't your mother told you there'd been a boy killed  
14 in the park?

15 A. Yes.

16 Q. Did she identify that person for you?

17 A. No.

18 MR. CHAIRMAN:

19 I guess you're -- the end is not in sight yet, Mr. Murray?

20 MR. MURRAY:

21 Well, the end is in sight but it will be ten or fifteen minutes,  
22 My Lord.

23 MR. CHAIRMAN:

24 Well, in that case we will rise until 2:15.

25 INQUIRY ADJOURNED: 12:37 p.m.

1 INQUIRY RECONVENED: 2:23 p.m.

2 BY MR. MURRAY:

3 Q. Is there -- is that volume 13 in front of you?

4 A. Pardon.

5 Q. Do you have volume 13 in front of you?

6 A. Yes, I do.

7 Q. Page 79. Do you note on Page 80, Mr. Urquhart's name appears  
8 on the last line?

9 A. Yes.

10 Q. I believe you also have an original of that statement, hand-  
11 written, here in front of you, two pages in length. Mr.  
12 Urquhart's name does not appear on that statement, does it?

13 A. No.

14 Q. Would I be correct in saying that you don't have any independent  
15 recollection yourself today of Mr. Urquhart even being present  
16 for that last interview?

17 A. I don't know who was there at the last interview.

18 Q. Now you say today and you said in 1971 that you recalled two  
19 men with Donald Marshall when you met him?

20 A. Yes.

21 Q. And these two men, I believe, you testified before were  
22 standing on each side of Donald Marshall?

23 A. Yes.

24 Q. So you were in a position to see them and they were in a  
25 position to see you?

1 A. Yes.

2 Q. In your statement to the R. C. M. P. page 102 if you wish to  
3 refer to it, you say that "there were two or three men when  
4 you came in contact with Donald Marshall"?

5 A. I don't see that here.

6 Q. Last paragraph, second sentence

7 There were other men on Crescent  
8 Street in this area, two or three.

9 A. Yes.

10 Q. Do you recall saying that to Staff Sergeant Wheaton?

11 A. No, I don't recall it, no.

12 Q. Would that have been his suggestion?

13 A. No.

14 Q. So you would have said to him you might have seen three  
15 people there?

16 A. That's probably including Mr. Marshall.

17 Q. Now how close were these people?

18 A. I don't know how close I was to them. All I know is Terry  
19 got a light of a cigarette. I don't know.

20 Q. Would they be within a foot, two feet?

21 A. Two or three feet.

22 MR. MURRAY:

23 I have checked with the Commison lawyers, My Lord, and I have a  
24 statement that Donald Marshall propoertedly gave at Dorchester  
25 Penitenitary in 1982; it will be introduced in evidence at a



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1 later point. And Counsel suggested that I simply read the reference  
2 to the witness that I wish her to comment upon.

3 COMMISSIONER POITRAS:

4 That would be subject to identification of the document.

5 MR. MURRAY:

6 Subject to identification by Wheaton or Donald Marshall.

7 COMMISSIONER POITRAS:

8 Incidentally, the written statement which is set out in typewriter  
9 form, in typewritten form, is in volume 16 pages 67 and 68. This  
10 is the one on which Mr. Urquhart's signature does not appear.

11 That is 16 pages 67 and 68.

12 MR. MURRAY:

13 That is correct.

14 MS. EDWARDH:

15 Excuse me, My Lords, before my friend goes any further, I don't  
16 know what statement he is referring to of Mr. Marshall. I would  
17 like an opportunity to see it to talk to him about it.

18 MR. MURRAY:

19 I only have the one copy, My Lord.

20 MS. EDWARDH:

21 Thank you.

22 MR. MURRAY:

23 Do I have the Commission's permission to proceed.

24 MR. CHAIRMAN:

25 Yes, Mr. Murray.

1 BY MR. MURRAY:

2 Q. In that statement and accept what I'm saying  
3 for the moment, Miss Harriss, Donald Marshall told the  
4 R. C. M. P.

5 My memory is poor on just how we  
6 got over to the Crescent Street  
7 side of the Park; but I do remember  
8 seeing Patricia Harris and Terry  
9 Gushue and giving Terry a light.  
10 Sandy went over and talked to  
11 Ebsary and the other guy --

9 THE CHAIRMAN:

10 He had given Terry a what?

11 MR. MURRAY:

12 A light.

13 THE CHAIRMAN:

14 A light.

15 MR. MURRAY:

16 Given Terry a light.

17 THE CHAIRMAN:

18 All right.

19 BY MR. MURRAY:

20 Q. Sandy went over and talked to Ebsary  
21 and the other guy. The three of them  
22 would be maybe twenty yards from  
23 Patricia, Terry and I.

23 Does that assist your recollection of the events?

24 A. No.

25 Q. From your recollection that would be mistaken description

1 of your encounter?

2 A. Yes.

3 Q. One of the reasons that you give for not telling the truth  
4 in 1971 was the fact that you weren't asked the right  
5 questions in court?

6 A. Yes.

7 Q. Do you recall that?

8 A. Yes.

9 Q. I'd like you to refer to page 99 in volume 13 at line 11

10 Who was it? Do you know?

11 A. No response.

12 Q. Answer me please?

13 A. No.

14 Q. And how many people did you  
15 see there with Donald Marshall?

16 A. One.

17 Q. The one person?

18 A. Yes.

19 Is that not the crucial question?

20 A. Yes.

21 Q. Miss Harris, I show you a piece of paper with your name  
22 appearing at the top and it indicates section 235-2 CC  
23 June 3rd, 1978, and it recites "two hundred dollars in costs,  
24 in default thirty days." And then goes on and lists three  
25 other matters.

PATRICIA HARRISS, by Mr. Murray

1 A. Yes.

2 Q. That is an accurate record of your involvement with the Law  
3 to date?

4 A. Yes, I would imagine.

5 MR. MURRAY:

6 My Lords, if that may be marked as an exhibit -- 57.

7 MS. EDWARDH:

8 My friend has referred the witness to a passage with an answer  
9 after being asked a question "How many people were there with  
10 Donald Marshall?" I think in fairness to this witness, she  
11 should be referred to page 98 and 99 where she certainly appears  
12 to be trying to say that there may have been more than after  
13 some further questioning ends "one".

14 THE CHAIRMAN:

15 What exhibit?

16 MS. EDWARDH:

17 That's volume 13, My Lord.

18 MR. CHAIRMAN:

19 We seem to be getting off track here. We're -- Exhibit 57, all  
20 right. Now let's get back to Ms. Edwardh's problem.

21 MR. MURRAY:

22 I have no quarrel with my friend's suggestion. I was simply  
23 trying to be brief and refer the witness to the ultimate question.  
24 If Your Lordship would like me to refer to page 98 and 99, I will.

25 MS. EDWARDH:

I think the ultimate question is also posed on 98 where she's asked

1 | whether there was more than one person.

2 | COMMISSIONER EVANS:

3 | At line fifteen.

4 | THE CHAIRMAN:

5 | Well, just start at line 28.

6 | BY MR. MURRAY:

7 | Q. Miss Harriss, do you have page 98?

8 | A. Yes, I do.

9 | Q. And you see line 28

10 |                   Q. Was there more than one person  
11 |                   with Mr. Marshall?

12 |                   A. Yes.

13 |                   Q. How many were there?

14 |                   A. I don't know really, but there  
15 |                   wasn't many there.

16 |                   That was your opportunity to say -- another opportunity to  
17 |                   say there were two people?

18 | A. Yes.

19 | MR. MURRAY:

20 | I have no further questions of this witness, My Lord.

21 | MR. BARRETT:

22 | No questions, My Lord.

23 | MR. SAUNDERS:

24 | No questions, My Lord.

25 | MR. BISSELL:

No questions, My Lord.

1 THE CHAIRMAN:

2 Mr. Ross.

3 BY MR. ROSS:

4 Q. Miss Harriss, my name is Anthony Ross and I'm going to ask you  
5 a couple questions with respect to Sandy Seale. I take it  
6 from your evidence that the two statements which are correct  
7 is the first unsigned statement that was given to the police  
8 and the one that was given to Wheaton. Am I correct with  
9 that?

10 A. Yes.

11 Q. I see. And your reason as I understand it for changing from  
12 going away from that first statement that was given to the  
13 police was to satisfy Detectives Urquhart and MacIntyre?

14 A. Yes.

15 Q. And you felt that you had to stay with that second story  
16 throughout?

17 A. Yes.

18 Q. And you discussed that second story with your mother?

19 A. Yes.

20 Q. And she knew that it was not true?

21 A. Yes.

22 Q. Because you told her it wasn't true?

23 A. Yes.

24 Q. And your mother then took you to a lawyer and you discussed  
25 that statement?

1 A. Discussed what statement.

2 Q. That second statement. The one that you thought that you were  
3 stuck with.

4 A. We did not discuss it, no.

5 Q. Anyway, she took you to a lawyer and subsequent to that you  
6 went to court and you gave the same false statement?

7 A. Yes.

8 Q. And your mother recognized that you had given a false statement  
9 again in court?

10 A. Yes.

11 Q. And that was the same statement that you had already told her  
12 was not true?

13 A. Yes.

14 Q. And she did nothing about it?

15 THE CHAIRMAN:

16 Well, is there any evidence, Mr. Ross, that Mrs. Harriss was in  
17 court during the Preliminary or the trial.

18 MR. ROSS:

19 I don't see any evidence to the contrary. If she wasn't there --

20 MR. CHAIRMAN:

21 I thought -- my recollection is that someone asked this witness  
22 whether her mother was there and she said she was unable to say  
23 so.

24 MR. ROSS:

25 Fine.

1 BY MR. ROSS:

2 Q. Did you discuss your evidence as given in court with your  
3 mother?

4 A. Yes, I did. I discussed with my mother the problem about the  
5 two men, not the whole statement.

6 Q. Sure, so your mother then knew for a fact that there were  
7 two men as you told her?

8 A. Yes.

9 Q. Yes, and your mother also knew that you left the two men out  
10 of the statement that was signed?

11 A. Yes.

12 Q. And your mother knew that at the Preliminary you did not  
13 mention the two men?

14 A. I'd imagine she did, yes.

15 Q. And that was after she had taken you to see Gunn?

16 A. I don't remember at what point I went to see Gunn.

17 Q. Well, the evidence is from Commission Counsel that you had  
18 seen him around the 28th of -- 28th of June and the  
19 Preliminary was in July of 1971, correct?

20 A. Okay, yes.

21 Q. So if all of these statements -- I find it a little difficult  
22 to accept that your mother would take you to a lawyer because  
23 she was concerned about you telling the truth and after that  
24 you'd go to court continue to lie and your mother would know  
25 about it and nothing happens thereafter.



1 MR. ORSBORN:

2 Mr. Chairman, I would point out for my friends benefit that Miss  
3 Harriss's mother will be called as a witness and maybe in fact  
4 the best person to get this evidence from.

5 MR. ROSS:

6 Thank you, then I'll move on.

7 BY MR. ROSS:

8 Q. And around that time there was no mention at all of anybody  
9 trying to get a stamp off your hand?

10 A. No, I don't think so.

11 Q. And the first time that came up was subsequent to your  
12 discussion with Wheaton. You spoke with Wheaton and at -- by  
13 that time as I look at page 102 of volume 13, by that time  
14 you're a mature adult and you're telling Wheaton that you  
15 definitely did not see Sandy Seale in the Park?

16 A. Yes.

17 Q. Yes, and shortly thereafter you tell Mr. Aronson that you  
18 knew Sandy but you did not see him in the Park?

19 A. I did not know Sandy Seale then.

20 Q. Yeh, but that's what you told Aronson?

21 A. Yes.

22 Q. And then very shortly thereafter again in December of 1982  
23 and I refer you to page 111, you're telling the Supreme  
24 Court Appeal Division that you had met Sandy at the dance?

25 A. Yes, I -- I don't know why I labeled the person or if such

- 1 a thing happened as Sandy, I can't tell you why.
- 2 Q. Yes, but even so later on then again at page 118 you go ahead  
3 and you still refer to Sandy as trying to get the stamp off  
4 your hand?
- 5 A. Yes.
- 6 Q. Do you recall that you had a stamp on your hand. This is now  
7 1982?
- 8 A. No.
- 9 Q. So in so far as the stamp was concerned, this was a part of  
10 the dream that you were telling us about?
- 11 A. Not a dream, it just -- it -- it's vaguely in my mind.
- 12 Q. Well what would make you do -- what would put it there in  
13 the first place, any idea?
- 14 A. No.
- 15 Q. Do you recall discussing this matter with Harris, the guy  
16 who wrote this book? Were you interviewed nu Harris?
- 17 A. No, I wasn't.
- 18 Q. I see. So then all and all, is it just fair to say that you  
19 never knew Sandy Seale and anything you might have said about  
20 him was absolutely false?
- 21 A. It's true that I don't know Sandy Seale. Now whether this  
22 stamp business -- how I would know that would be Sandy  
23 Seale, I can't understand that myself --
- 24 Q. Neither can I.
- 25 A. -- if I did not know him.

PATRICIA HARRISS, by Mr. Ross

1 Q. Yes, so whatever you would have said would be false?

2 A. Yes.

3 Q. Is that correct?

4 A. Thank you.

5 MR. ROSS:

6 No more questions of this witness.

7 BY THE CHAIRMAN:

8 Q. Miss Harriss, just for the -- so I'm clear on this stamp  
9 business, is this a stamp that's required for school dances  
10 to show that a person has paid their admission fee?

11 A. Yes.

12 MR. ROSS:

13 I have a question arising out of that, My Lord.

14 BY MR. ROSS:

15 Q. And I take it as far as this stamp is concerned, it would just be  
16 a rubber stamp from a pad which is stamped on your hand?

17 A. Yes.

18 Q. So it is really not transferable is it? You can't take it  
19 off and put it any other place?

20 A. No.

21 Q. Thank you, no more questions.

22 BY THE CHAIRMAN:

23 Q. Or lick it off?

24 A. No.

25 MR. ROSS:

And swallow it.

1 | BY MR. WILDSMITH:

2 | Q. Just a couple of very brief questions, Miss Harriss. I'm  
3 | here representing the Union of Nova Scotia Indians. Yesterday  
4 | Terry Gushue gave some testimony to the effect that in his  
5 | experience as a teenager growing up in Sydney in the early  
6 | '70's, that he felt Indians got a rawer deal or weren't  
7 | treated quite as fairly by the police than other members of  
8 | the population. And I'm wondering if you also as a teenager  
9 | growing up in Sydney in the early '70's, would be in a  
10 | position to agree with him?

11 | A. No, I wasn't aware of this, no.

12 | Q. I see. Is that because you didn't have a sufficient basis  
13 | of observation of Indians and other people coming in contact  
14 | with the police?

15 | A. Could be, yes.

16 | Q. Okay, thank you, that's all the questions I have.

17 | BY MR. ORSBORN:

18 | Q. Just a couple of questions, Miss Harriss, and very briefly  
19 | to do with your minor skirmishes with the Law. I think the  
20 | questions that were directed to you were perhaps directed  
21 | to your involvement in the Sydney area. Did you have any  
22 | difficulties with the Law outside Sydney?

23 | A. No.

24 | Q. The reason for the questioning is that I have an indication  
25 | that there was a minor theft charge in Toronto in 1976; does

1           that assist your recollection?

2       A.    In '76.

3       Q.    Yes, in August of 1976?

4       A.    In Toronto -- yes, I think that was with Sharon Newman, yes.  
5            A friend of mine.

6       Q.    And that did involve you?

7       A.    Yes.

8       Q.    My friend, Mr. Ruby, asked you a number of questions about  
9            the source of the -- the knowledge of the matters mentioned  
10           in the statement on June 18th. One of the questions was  
11           concerning Mr. Marshall "having a light jacket on"? And  
12           you indicated that "you did not know that from your own  
13           knowledge". Having seen Mr. Marshall would you not have  
14           seen that from your own knowledge that he had a light jacket  
15           on?

16      A.    I might have remembered that at the time but as of now, no.  
17            I can't say.

18      Q.    No, but I'm thinking at the time the statement was taken  
19            from you?

20      A.    Would I have known that he had a light jacket on.

21      Q.    Yes.

22      A.    Yes. From your own knowledge?

23      Q.    Yes. And my friend, Mr. Pugsley asked you about the alleged  
24            contact between yourself and the O'Reilly twins and I believe  
25            you said in answer to him "that you did not think you would

1 have discussed it because it had been very trying for you".

2 At what stage did things become trying for you?

3 A. Right at -- this statement was being --

4 Q. At the time the statement was taken?

5 A. Yes, yeh.

6 Q. Is it in anyway possible that you may have discussed it with  
7 any of the O'Reilly girls prior to this statement being  
8 taken?

9 A. If so, in not any great detail.

10 Q. Is it possible that you did discuss it with them prior to the  
11 taking of this statement?

12 A. Could have been, yes.

13 Q. Thank you. And my friend, Mr. Murray, raised with you the  
14 matter of your discussions with Staff Sergeant Wheaton and  
15 you indicated that you felt quite comfortable with that  
16 conversation and the Staff Sergeant assured you that you  
17 -- would be no consequences arising out of that discussion.  
18 Did you discuss the -- your concern of perjury with Staff  
19 Sergeant?

20 A. I'm sure I did, yes.

21 Q. Did he give you any assurance that there would be no perjury  
22 or perjury-related charge made against you?

23 A. No, I don't think, no.

24 MR. ORSBORN:

25 Those are all my questions, thank you, My Lord.

PATRICIA HARRIS, by Mr. Orsborn

1 THE CHAIRMAN:

2 Thank you, Miss Harriss.

3 MR. PUGSLEY:

4 My Lord, just in question -- the mention of one matter of --  
5 with which I was not familiar and that was the matter of the  
6 conviction in Toronto. Could we be given some information about  
7 that or what is the --

8 MR. ORSBORN:

9 By all means, this was obtained for us on the C. P. I. C. System  
10 of the R. C. M. P. The record reads:

11 1976 08-10 Toronto, Ontario  
12 Theft under \$200  
13 Suspended sentence and  
14 probation for one year.

15 And there are two names:

16 Harris(with one s), Patricia Anne

17 and

18 Harriss(two s's), Patricia Anne

19 THE CHAIRMAN:

20 That's all, thank you, Miss Harriss.  
21  
22  
23  
24  
25

