

SANDRA COTIE, by Mr. Spicer

1 | SANDRA COTIE, being called and duly sworn, testified as follows:

2 | BY MR. SPICER:

3 | Q. State your full name, please?

4 | A. Sandra Cotie.

5 | Q. Sandra Cotie. And where do you live?

6 | A. I live on Ashby Road, 172.

7 | Q. And how old are you?

8 | A. 32.

9 | Q. Your single name is Sandra MacNeil?

10 | A. Right.

11 | Q. Did you go to -- for your schooling in Sydney?

12 | A. Yes. I did.

13 | Q. Can you tell us what schools you went to and can you give
14 | us some idea of the years that you were in school?

15 | A. I went to Holy Angels for elementary and Sheriff for Junior
16 | High and Academy for High School. It was '71, '73.

17 | Q. Could you speak up a little, miss?

18 | A. Sure.

19 | Q. What years then were you in High School?

20 | A. During '71 and '73.

21 | Q. '71 and '73. And would you have been in High School during
22 | the school year that began in the fall of 1971 or the one
23 | that ended in the spring of '71?

24 | A. I'm not sure. I was -- at the spring, I guess. Yeh. I was
25 | there for three years. I finished in '73 so I imagine it was --

- 1 Q. And when you finished what grade did you finish?
- 2 A. Twelve.
- 3 Q. Grade twelve? And in 1971 then you would have been 16?
- 4 A. Yes.
- 5 Q. Do you remember what -- were you 15 or 16 in May of 1971?
- 6 A. I would have been 16.
- 7 Q. 16? And were you part of a group of girls that used to
- 8 hang around a bit with the Indian boys?
- 9 A. Yes.
- 10 Q. Okay. Can you tell us who the other girls were?
- 11 A. The ones I hung around with were Barbara Floyd and Joan Clemens.
- 12 Q. And can you tell us who the Indian boys were that you hung
- 13 around with?
- 14 A. There would be Junior Marshall, his brother Pious, Artie Paul
- 15 Edward Kavatay, Lawrence Paul, Jimmy Gould, Cameron Paul.
- 16 Q. Okay. For the benefit of the counsel that didn't hear the
- 17 names, tell us again who the Indian boys were that you used
- 18 to hang around with?
- 19 A. Okay. It would be Edward Kavatay, Lawrence Paul, Junior
- 20 Marshall, Pious Marshall, Jimmy Gould, Tom Christmas,
- 21 Cameron Paul. There was quite a few of them.
- 22 Q. And did you first met those Indian boys in school or where did
- 23 you first come across them?
- 24 A. Well, I met them through Barbara Floyd because she was going
- 25 out with Edward Kavatay at the time.

1 Q. You met them through Barbara Floyd.

2 Just slow down a little bit.

3 A. Okay, sir.

4 Q. Were any of the Indian boys that you referred to a minute
5 ago at the Academy with you?

6 A. I don't remember them being there, no. Edward may have gone
7 there. Edward Kavatay.

8 Q. And the ones that you met, you met through Barbara Floyd?

9 A. Right.

10 Q. Did you have any impression as to how the other kids in
11 your school felt about you hanging around with the Indian
12 boys?

13 A. I didn't at the time, no. I found out later that -- that
14 they didn't or they couldn't understand why I was hanging
15 around with them. I found that out from someone later.

16 Q. How did you --

17 A. But no one had approached me about it.

18 Q. Nobody ever approached you directly?

19 A. No.

20 Q. Did you have many close friends at the Academy?

21 A. Basically just one.

22 Q. And did you later ever think that the fact that you were
23 hanging around with the Indians might have been a reason for
24 that?

25 A. She had told me that there was cause they had -- she had been

1 asked by them why she would associate with me when I was
2 hanging around with Indian people.

3 Q. And who is she?

4 A. Claudia Mumford.

5 Q. Claudia?

6 A. Mumford.

7 Q. Mumford?

8 A. Right.

9 Q. When you were hanging around with the Indian boys, what locations
10 would you hang out in?

11 A. Mostly just the park.

12 Q. Okay. What sorts of things would be going on in the park?
13 What would you be doing?

14 A. Nothing in particular. You know, we just sort of hang out there
15 and the weekends we drink but there's nothing.--

16 Q. Would you be there on weeknights as well or just on the
17 weekends?

18 A. Mostly just on the weekends.

19 Q. On the weekends?

20 A. Yes.

21 Q. And when you say that on the weekends you'd be drinking,
22 can you describe -- would you be drinking a lot or frequently?

23 A. It would happen generally every weekend. Yeh.

24 Q. And what would it be? Can you describe a typical Friday or
25 Saturday evening to us?

- 1 A. Well, we would probably go there first to drink and then
2 go to a dance or something afterwards. There was nothing
3 in particular happening. We'd just go there and sit around
4 on the grass or the benches or something.
- 5 Q. What would you do if the police came along?
- 6 A. Hide or run or --
- 7 Q. Were you ever picked up by the police?
- 8 A. No, I wasn't.
- 9 Q. Were you ever in the park when the police came along and
10 picked up any of the Indian boys?
- 11 A. Yes, I was there when they came along. Yes and I didn't
12 actually see anyone get picked up because well, I was hiding
13 myself at the time but --
- 14 Q. Did you ever hear any comments being made by any of the
15 members of the Sydney Police Department to the Indian boys?
- 16 A. No.
- 17 Q. Never heard them say anything to them when they were coming
18 after them in the park?
- 19 A. No.
- 20 Q. No? What about the graveyard area? Did you hang out in the
21 graveyard as well?
- 22 A. Yes.
- 23 Q. Okay. And what would you be doing up there?
- 24 A. Basically the same thing as in the park.
- 25 Q. Sitting around --

1 A. Yeh.

2 Q. Sitting around drinking?

3 A. Yeh.

4 Q. Okay. Were you ever in the graveyard area when the police
5 would come up?

6 A. No. They have come up there but I wasn't there at the time.

7 Q. You weren't there?

8 A. No.

9 Q. Were you familiar with the practise of bumming money or
10 smokes or whatever in the park?

11 A. Yes.

12 Q. Did you ever participate in that yourself?

13 A. Not necessarily for that, no. I -- We did to get into the
14 dances sometimes. Yeh.

15 Q. So you might have stood around outside the dance and tried that?

16 A. Right.

17 Q. Bum a little change to get in?

18 A. Right.

19 Q. What about bumming money in the park? Would that be something
20 that the -- well, be something that the boys would be responsible
21 for mostly?

22 A. Mostly, yeh. They would do it, yeh.

23 Q. What sort of money are we talking about? Do you have any
24 idea how much money they'd be trying to get?

25 A. It was never very much. A dime or a quarter or something.

1 It was never any large amount or anything. Just --

2 Q. And normally what would it be for?

3 A. To get cigarettes or to get liquor or to get into the dance
4 or something.

5 Q. All right. And would two or three of them go off to different
6 areas in the park and bum money and then get together and see
7 how much they got at the end of it all?

8 A. Yeh.

9 Q. Was that a fairly regular occurrence?

10 A. Not regular, no. It did happen quite often but it wasn't
11 something that happened every weekend or --

12 Q. Did you ever hear any of the -- hear of or hear any of the
13 Indian boys say that they had to use force in order to get
14 money?

15 A. No.

16 Q. From your observation do you know whether or not any of the
17 Indian kids used to carry knives?

18 A. Not to my knowledge. They didn't. No.

19 Q. And was Junior -- Junior Marshall was a member of this
20 group was he?

21 A. Yes, he was.

22 Q. Did you have any impression of what the Indian kids felt the
23 attitude of the Sydney Police Department was towards them?

24 A. Well, they assumed that -- that they didn't like them very
25 much. I think that was the general attitude, general assumption

- 1 of everyone that the police didn't like them very much. Yeh.
- 2 Q. Was that your assumption as well?
- 3 A. Yes.
- 4 Q. Were did -- How did you form that assumption?
- 5 A. It wasn't based on anything in particular I don't think but
- 6 looking back on it I was the type of person to save newspaper
- 7 clippings and stuff like this and looking through them
- 8 there was a lot more Indian kids picked up or people who
- 9 hung around with them on the weekends for drinking and that,
- 10 than there was White kids. Like it was almost every weekend
- 11 that someone would be picked up.
- 12 Q. And that -- Did you have a practise then of saving the
- 13 newspaper clippings even prior to Sandy -- the Sandy Seale
- 14 incident?
- 15 A. Yes.
- 16 Q. Okay. And you still have those newspaper clippings?
- 17 A. Some of them I do, yeh.
- 18 Q. Some of them?
- 19 A. Yeh.
- 20 Q. And you formed the impression from these newspaper clippings
- 21 and stuff that the Indian kids were being picked up more often
- 22 than the White?
- 23 A. Yes.
- 24 Q. Other than your looking at the newspaper clippings, were there
- 25 any other things that you can recollect that gave you the

1 impression that the police didn't like the Indians?

2 A. Nothing directly, I guess, except maybe that incident with
3 Joan Clemens, again, for -- where she was-- Junior was being
4 charged with giving liquor to minors.

5 Q. Okay. And that's the incident that Miss Floyd was referring
6 to earlier?

7 A. Right.

8 Q. Let's talk about that incident for a second. Were you involved
9 in that personally?

10 A. Indirectly, yes. I was with Joan when she was first picked
11 up by the police.

12 Q. Were you on the school bus with Joan?

13 A. Yes.

14 Q. Okay. And tell us what happened then when you got off the
15 bus?

16 A. We got off the bus and we just walked maybe a couple of feet
17 and the car had stopped and we were told to get in.

18 Q. The car had stopped. Was that a police car?

19 A. No, I don't think it was a police car. We were told to get in --

20 Q. By whom?

21 A. -- which we did. MacIntyre.

22 Q. Right. Did you know MacIntyre at the time?

23 A. No, I found out later that that's who it was but I didn't
24 know right at that time.

25 Q. At the time you were told to get into the car, did he identify

1 himself as a police officer?

2 A. Not that I remember, no.

3 Q. Why would you have gotten in the car?

4 A. I seem to -- We did know at the time that they were police
5 but I can't remember what gave us that impression.

6 Q. Okay. So did you know then when you got into the police --
7 into the car that you were getting in a car with a couple
8 of policemen?

9 A. Yes.

10 Q. Okay. Before you got into the car did they indicate to you
11 in any respect, why they were asking you to get into the
12 car?

13 A. No, I didn't -- we didn't know why we were getting into the
14 car.

15 Q. There was another officer in the car besides --

16 A. Yes.

17 Q. -- John MacIntyre? Who was that?

18 A. I'm not sure.

19 Q. Do you remember what he looked like?

20 A. No.

21 Q. So you get in the police car?

22 A. Yes.

23 Q. You don't know, at that point, why you're getting in the
24 police car?

25 A. Right.

- 1 Q. What happens then?
- 2 A. We drove just, maybe a couple of feet again, and MacIntyre
3 had spoke with the other person in the car and then he -- they
4 stopped the car and told me to get out.
- 5 Q. When you got in the back of the car did -- do you know whether
6 or not MacIntyre knew who the both of you were?
- 7 A. No, there wasn't any indication that he did, no.
- 8 Q. Okay. You drive for a little bit, there's a discussion in the
9 front seat and you're asked to get out?
- 10 A. Right.
- 11 Q. Prior to you being asked to get out is there any discussion
12 between yourselves and the police officers in the front seat?
- 13 A. No. There was --
- 14 Q. Nothing said at all?
- 15 A. No.
- 16 Q. You're just sitting there?
- 17 A. Yes.
- 18 Q. Okay. And you were told to get out of the car by whom?
- 19 A. By MacIntyre.
- 20 Q. By MacIntyre?
- 21 A. Right.
- 22 Q. What did he say to you?
- 23 A. He told me to get out of the car and I -- I think I just sort
24 of laughed or something cause I don't -- we didn't even realize
25 what we were there for in the first place. Whether it was

1 | serious or something. So he repeated himself again but
2 | very bluntly this time so I got out of the car.

3 | Q. When you say very bluntly can you describe that to us?

4 | A. Well, he said I told you to get out of the car. You know, so
5 | I did at that point.

6 | Q. Can you describe his tone of voice? Was it raised?

7 | A. Yes, it was.

8 | Q. I take it you got out of the car?

9 | A. Yes, I did.

10 | Q. And at -- by the time you got out of the car, did you have
11 | any idea why you would have been in the car in the first place?

12 | A. No, I still didn't know.

13 | Q. What did you do then?

14 | A. I walked back home.

15 | Q. Did you subsequently speak to Joan Clemens?

16 | A. I don't believe I did that day, no. I think it was not till
17 | the next day.

18 | Q. Sorry. To the next day?

19 | A. Probably to the next day, yes.

20 | Q. Okay. And then on the next day did you talk to her about what
21 | had happened?

22 | A. I remember it a bit vaguely, yeh. I know we did discuss it, yes.

23 | Q. And what is it that you remember?

24 | A. I just remember that they had given her and her mother a very
25 | hard time.

1 Q. They being whom?

2 A. Well, I assume it was MacIntyre, yes. That who -- they had said
3 somethings to her mother that really upset her. I mean they
4 weren't --

5 Q. What were you told was said to her mother?

6 A. Was told that she was -- she said that she was unfit mother and
7 they had called her something.

8 Q. What did they call her?

9 A. A bag.

10 Q. A bag.

11 This information was related to you by Joan Clemens or by her
12 mother?

13 A. By Joan.

14 Q. By Joan?

15 A. Yes.

16 Q. And did she tell you anything else about what had occurred?

17 A. No, just that they were -- what they were doing. They were
18 questioning her for -- because they were saying Junior had
19 given liquor to her and the charge of liquor to minors.

20 Q. Sorry?

21 A. Just on the charge of liquor to minors. He was being charged.

22 Q. Did she indicate to you at that time whether in fact Junior
23 had given her liquor?

24 A. I don't believe he had did on that particular occasion actually.

25 Q. I'm asking though, whether or not, whether she related to you

1 | that he had or hadn't given it to her?

2 | A. He hadn't given it to her.

3 | Q. That's what she told you?

4 | A. That's what she told us, yes.

5 | Q. Did you see Mrs. Clemens?

6 | MR. MURRAY:

7 | Perhaps you'd better -- had or had not?

8 | MR. SPICER:

9 | Had not.

10 | MR. MURRAY:

11 | Thank you.

12 | BY THE WITNESS:

13 | A. Yes, I remember seeing her.

14 | BY MR. SPICER:

15 | Q. Do you remember seeing her at about this time?

16 | A. Yes, I hadn't talked to her about it or anything but I
17 | do remember seeing her.

18 | Q. And did you get any impression how she felt about the
19 | incident?

20 | A. I just -- you could just tell that it had upset her. She was
21 | a very nervous person so --

22 | Q. And how could you tell that it had upset her?

23 | A. I don't know exactly by what actions -- she didn't really
24 | say anything.

25 | Q. Was it just a feeling that you got?

1 | A. Just a feeling, yes.

2 | Q. And, I take it then, you did never -- you never discussed
3 | the incident directly with Mrs. Clemens?

4 | A. No, I didn't.

5 | Q. Never asked her whether or not she'd been called these
6 | names by the police?

7 | A. No, I didn't.

8 | Q. Other than that incident are there any other things you can
9 | point to that would have assisted or would assisted in forming
10 | your impression that the police didn't seem to like the
11 | Indians?

12 | A. No, nothing in particular.

13 | Q. Nothing in particular?

14 | A. No.

15 | Q. Just again -- apart from --
16 | And that's just a feeling?

17 | A. Yes.

18 | Q. What about the attitude of the Indian boys towards the
19 | members of the Sydney Police Department? Did you get
20 | any feeling about what they felt about the police?

21 | A. Well, I think the feelings were probably mutual. That they
22 | didn't like the police any more than the police liked --

23 | Q. I'm sorry. They didn't?

24 | A. They didn't like the --

25 | Q. You'll have to slow down again a little bit.

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1 A. Okay.

2 Q. They didn't like the police anymore than the police liked
3 them. That's what the general opinion was, yes.

4 Q. Did they give you the impression that they thought they
5 were being picked on by the police at all?

6 A. Yes.

7 Q. Did they say that to you from time to time?

8 A. I don't remember anyone actually saying it to me. I mean they
9 could have but --

10 Q. That was a feeling you had?

11 A. Right. Yes.

12 Q. Over what period of time would you have been hanging around
13 with the Indian boys?

14 A. I'm not really sure. I believe it started probably around
15 early '70, 1970 maybe. It was --

16 Q. When you were 15 or so?

17 A. Yes.

18 Q. And for how long did it go on?

19 A. Almost a year.

20 Q. And would it have gone up to and past the time of the Seale
21 incident?

22 A. I didn't have much contact with them afterwards, no.

23 Q. But up until that time you did?

24 A. Yeh.

25 Q. Was there any particular time of the day when people would be

1 in the park bumming money? Afternoon? Evening?

2 A. Probably early evening.

3 Q. Early evening?

4 A. Yes.

5 Q. Would you -- From your experience do you think it would
6 have been unusual for somebody to have been found bumming
7 money in the park around midnight?

8 A. I would think it would probably would have been unusual. We
9 were usually heading home around that time so I'm not really
10 sure what anyone did after those hours. I mean, for -- as
11 far a I knew it would be unusual.

12 Q. And was it your -- Was it your experience then that when
13 the boys would bum money that it would normally be to take
14 care of that particular days needs, if they wanted to
15 go and get booze for that day?

16 A. That's right.

17 Q. There -- This wasn't long term planning?

18 A. No.

19 Q. No. Where were you living in 1971?

20 A. On Townsend Street.

21 Q. Townsend Street? And you attended the dance on the night
22 of May 28th?

23 A. Yes.

24 Q. Who did you go with?

25 A. Joan Clemens and Barbara Floyd.

1 Q. Had you been doing any drinking before you went to the dance?

2 A. No.

3 Q. Do you know whether or not the girls that you went with had
4 been drinking?

5 A. No.

6 Q. Did you go just with them or did you go with any of the
7 Indian boys as well?

8 A. I believe it was just with them.

9 Q. Do you remember seeing Sandy Seale or Junior Marshall at the
10 dance?

11 A. No.

12 Q. Did you know Sandy Seale?

13 A. I didn't know him, no. I knew who he was but I didn't know
14 him.

15 Q. Knew him to see him?

16 A. Right.

17 Q. Ever seen him down around the park at all?

18 A. Not that I can recall, no.

19 Q. Did you ever see any Black kids there normally hanging out
20 in the park?

21 A. Not usually, no.

22 Q. It would be an unusual event then would it for you to see --

23 A. Right. Yes.

24 Q. What time did you leave the dance?

25 A. When it was over. It was probably about midnight.

1 Q. About midnight?

2 A. Yes.

3 Q. And did you see John Pratico when you left the dance?

4 A. Yes.

5 Q. And prior to the time that you saw John, did you have any
6 knowledge that there -- something had happened in the park?

7 A. I -- We had found out just before that something had happened
8 in the park but I'm not really sure what exactly was said to
9 us. It was Barbara who went and related to us so I'm not
10 sure exactly what was said.

11 Q. You didn't hear anything directly? You didn't --

12 A. No, I didn't hear anything directly. Just from her.

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1 Q. Do you remember what it was he heard from Barbara?

2 A. Not specifically, no.

3 Q. Was it something about the park?

4 A. Oh, yes, that's it. Something that happened there but I don't
5 know if it was definitely that we had heard that there was a
6 stabbing or not.

7 Q. But you'd heard something?

8 A. Yes.

9 Q. After that you saw John Pratico?

10 A. Yes.

11 Q. And where was Mr. Pratico?

12 A. He was as far as I can remember just slightly ahead of us.

13 Q. And just slightly ahead of you where?

14 A. In the parking lot like --

15 Q. This is in the parking lot by the church.

16 A. -- close, close to the street, yes, close to the corner.

17 Q. By the church?

18 A. Right.

19 Q. Can you tell us what your impression was of what condition he
20 was in?

21 A. I don't remember if he had been drunk or not. It seemed to me
22 -- my impression of him was that he was a little different
23 anyway so I don't think I would have noticed if he had been
24 drinking or sober. To me, he was sort of the same.

25 Q. Okay, now on that particular occasion, then, you don't have any

1 | recollection as to whether or not he was drinking or not?

2 | A. No.

3 | Q. What was he doing?

4 | A. He was arguing or trying maybe to pick a fight with someone.

5 | Q. Do you know who it was that he was arguing with?

6 | A. I can't swear to it. As far as I can remember it would be
7 | Ricky Risk, but I'm not really a hundred percent sure.

8 | Q. Do you know whether or not John Pratico and Ricky Risk were
9 | friends?

10 | A. I don't know if they were or not.

11 | Q. Did you know John Pratico yourself?

12 | A. No, I didn't. I just knew who he was.

13 | Q. You just knew who he was, and did you have any impression of
14 | what he was like?

15 | A. Yeh, that he was a little unstable, hyper, very hyper.

16 | Q. Did he manifest that to you in any way by his actions?

17 | A. Nothing in particular, no. It was just--

18 | Q. Where would you get that feeling from?

19 | A. Just from watching and from looking at him I think most people
20 | would have gotten that impression just from watching him.

21 | Q. Okay, and if you were watching him and looking at him, what
22 | about him would give you that impression?

23 | A. I don't know. I can't say any one specific thing. It was just
24 | a feeling. It was basically, yeh.

25 | Q. Was that a -- To your knowledge was that a fairly common feeling

- 1 amongst your friends that John was --
- 2 A. Yes. Yes.
- 3 Q. --a little bit different?
- 4 A. Right.
- 5 Q. Did he hang around at all with you and the Indian boys?
- 6 A. He was in the park but I don't -- He never really hung around
- 7 I don't think. He was just there.
- 8 Q. And would you notice him there?
- 9 A. Yes.
- 10 Q. Would you notice him in particular more than you might notice
- 11 other people that weren't different?
- 12 A. Yes, you would. Yeh.
- 13 Q. And why was it then that you would notice --
- 14 A. I don't -- I don't know exactly how to put it. It was just
- 15 he -- sort of like he would have been a bother or somebody
- 16 who would be on your nerves or something, you know. Like he
- 17 was just really hyper.
- 18 Q. After you saw Mr. Pratico that evening, did the three of you
- 19 continue on your way home?
- 20 A. Well, we walked Joan up past the park.
- 21 Q. Now again the three of you are, yourself --
- 22 A. Myself, and Joan, and Barbara.
- 23 Q. Joan Clemens and --
- 24 A. And Barbara Floyd.
- 25 Q. --Barbara Floyd?

1 | A. Right.

2 | Q. And can you show us on the map the route that you would have
3 | taken?

4 | A. We went up George Street, here, to Argyle Street, up past --
5 | we past Crescent Street, past the park, up by them houses.

6 | Q. Right, and you would have dropped Joan off just past Crescent
7 | on Argyle?

8 | A. Right. Yeh.

9 | Q. Would you normally have walked her home or would she normally
10 | go by herself?

11 | A. We normally wouldn't walk her home, no.

12 | Q. And was part of the reason you walked her home that night
13 | because you had heard about something that happened in the park?

14 | A. Yes. Yes.

15 | Q. Now so you dropped her off, and then where did you go?

16 | A. We went home towards Townsend Street. I lived on Townsend
17 | Street.

18 | Q. Okay. Can you slow down again a little bit for us because
19 | I'm losing you?

20 | A. Okay.

21 | Q. Tell us again then what happened after you dropped Joan off?

22 | A. Okay, Barbara and I just turned around and we went back down
23 | towards -- towards Union Street, I believe which was off of--

24 | Q. Where was that?

25 | A. --off of Cottage Road here.

- 1 Q. Off of Cottage Road?
- 2 A. Yeh.
- 3 Q. On your way back did you hear any sirens or see any police cars?
- 4 A. No, I don't remember that.
- 5 Q. Did you see anybody else at all?
- 6 A. No.
- 7 Q. When did you know for sure that there had been a stabbing?
- 8 A. I believe it was probably the next day I heard it on the news.
- 9 Q. On the Saturday?
- 10 A. Yes.
- 11 Q. Do you recollect how you found out?
- 12 A. Just from hearing the news or in the newspaper. I'm not really
- 13 sure which.
- 14 Q. Were you ever approached by the -- by any members of the Sydney
- 15 Police Department in connection with this?
- 16 A. No, I wasn't.
- 17 Q. Did you see Junior between the time of the stabbing and the time
- 18 that he was picked up?
- 19 A. No, I didn't. No.
- 20 Q. Did you hear anything during that week about how the investigation
- 21 was going, the week before Junior was charged that is?
- 22 A. No, I didn't hear anything other than what I read in the papers,
- 23 no.
- 24 Q. And did you read anything in the papers at all about or hear
- 25 anything about John Pratico at that time?

- 1 A. No, I read in the paper that he was going to be a witness.
- 2 Q. When was it that you read in the paper that he was going to be
3 a witness?
- 4 A. When? I'm not sure what date or anything.
- 5 Q. Was that at the time when he, in fact, was a witness or prior
6 to that?
- 7 A. No, he was a witness then, yeh.
- 8 Q. This is Exhibit 52 which is a clipping from the Cape Breton Post
9 on November 4th, '71. Is that the -- the newspaper that -- the
10 date that you became aware that John was going to be a witness?
- 11 A. Yes.
- 12 Q. Okay. Can you tell us where you were when you saw that newspaper
13 clipping?
- 14 A. I was at my house.
- 15 Q. You were at your house?
- 16 A. Yes.
- 17 Q. Okay, and who else was there?
- 18 A. There was myself and Barbara Floyd and Joan Clemens and my two
19 sisters, Ann and Mary, and Colin Waye.
- 20 Q. And who, sorry?
- 21 A. Colin Waye was my sister's boyfriend.
- 22 Q. And were you home from lunch-- home for lunch rather at the
23 time?
- 24 A. Yes. I -- I -- It was early in the day so I imagine that must
25 have been what it was, yes.

- 1 Q. And would you generally come home from school for lunch?
- 2 A. Yes. Yeh.
- 3 Q. And can you tell us what happened, was somebody reading the--
- 4 reading the paper?
- 5 A. I don't remember exactly who was reading the paper. I probably
- 6 was because I checked it every day for clippings to cut out.
- 7 Q. And if -- Do you recollect then what the discussion was?
- 8 A. Yes, well we decided that -- Like, I mean, he couldn't possibly
- 9 have been a witness. He couldn't be in the park and be at the
- 10 dance with us at the same time, so--
- 11 Q. And was there anything specifically in the newspaper that got
- 12 your attention? You can have a look at the clipping.
- 13 A. Well just the fact that he was in the park and that he had
- 14 said he'd ran up-- ran up Bentinck Street. Like to us there
- 15 was no -- Since he was in front of -- well, with -- in the parking
- 16 lot with us at the dance there was no way he would have had time
- 17 to see this and be in the park and run the other direction of
- 18 Bentinck Street and still be there in the parking lot all at the
- 19 same time.
- 20 Q. And that's the third paragraph? That's where Mr. Pratico is
- 21 quoted as saying, "That's the last I saw". "I ran up Bentinck
- 22 Street"?
- 23 A. Right.
- 24 Q. So knowing that he couldn't have been there?
- 25 A. Yeh.

SANDRA COTIE, by Mr. Spicer

1 Q. What did you do?

2 A. Well, we decided -- I'm not sure if it was -- It was somewhere
3 between my sister Ann and Colin who had decided that we should
4 do something about it, so I believe it was Colin who had said
5 we should call the lawyers.

6 Q. Yes.

7 A. And so Barbara made the call.

8 Q. Were you able to hear Barbara's end of that conversation?

9 A. No. No.

10 Q. Where was the telephone? Was it in the same room or in another
11 room?

12 A. No, it was in a hallway off the living room.

13 Q. And were you sitting in the living room?

14 A. No, we were -- we were in the kitchen at the time.

15 Q. How long was Barbara gone for?

16 A. Not long, maybe a minute.

17 Q. And what did she tell you when she got back?

18 A. She just said they hung up. They said it was too late. They
19 hung up.

20 Q. Did she say to you whether she had an opportunity to speak to
21 the lawyer directly?

22 A. I don't remember exactly who -- if she said who she was speaking
23 with or not.

24 Q. Do you know who she had gone to call though?

25 A. Yeh, she went to call Junior's lawyer, Rosenblum's office.

- 1 Q. And had she had to look that up in the phone book, the
2 number before she went or do you know?
- 3 A. Yes, she would have had to, yeh.
- 4 Q. Did you see her doing that?
- 5 A. I can remember doing that, yeh. I can remember --
- 6 Q. And it was Rosenblum's office that she was calling?
- 7 A. Yes. Yeh.
- 8 Q. When she got back and said that -- that he'd hung up, did she
9 express to you what the person on the other end of the line
10 had said?
- 11 A. Just that they said it was too late.
- 12 Q. What was your reaction to that?
- 13 A. Well, it was kind of confusing because we didn't think that it
14 would be too late.
- 15 Q. And why did you not think it was too-- too late?
- 16 A. Well, I mean it should never be too late, but it was -- the
17 trial was still going on, so you know --
- 18 Q. Did you at that point consider doing anything else, calling
19 anybody else?
- 20 A. I don't remember if we considered -- I don't believe we did
21 consider doing anything else as far as I can remember. I mean,
22 it was -- we were kids at the time and if someone told you it
23 was too late, well, you just assumed that it would be too late,
24 you know.
- 25 Q. Did you give any thought at all to calling the police?

1 A. No, not that I can remember, no.

2 Q. Were you surprised when Junior was convicted?

3 A. Yes, we were.

4 Q. Why were you surprised?

5 A. I think it was mostly just the shock of -- that it actually
6 happened.

7 Q. Yes.

8 A. I don't know. I guess we just didn't believe or want to
9 believe up until that point that it would happen.

10 Q. Once he was convicted, and you knowing that John Pratico
11 couldn't have been there?

12 A. Yeh.

13 Q. Did you, at that point, consider doing anything else?

14 A. No, I didn't really. I think we just assumed that you sort of
15 can't fight the system, you know.

16 Q. Did you talk about that amongst yourselves, about whether or
17 not there was anything more you ought to do?

18 A. No, I don't think we discussed doing -- whether or not we should
19 do something else or not that I can remember.

20 Q. Did you keep in touch with Junior Marshall at all when he was
21 in prison?

22 A. No, I didn't. I did receive a letter from -- from him.

23 Q. And when did he write to you?

24 A. It was Christmas Eve, December, '73.

25 Q. And you didn't write back?

- 1 A. No, I didn't.
- 2 Q. Any particular reason why you wouldn't have written back?
- 3 A. I don't remember exactly. I know I did get married at that
4 time in December of '73 and I don't know -- I don't know what
5 my reasons were.
- 6 Q. Do you know from your own experience whether or not there were
7 other friends of Junior's who at that stage of the game were
8 just not getting back to him and not writing back?
- 9 A. Not that I know of. No, he expressed that in a letter, but
10 I don't -- I didn't keep in touch with them -- with any of
11 my older friends at that time so --
- 12 Q. In the letter did he indicate to you who some of the other
13 people were that no longer wanted to keep in touch with him?
- 14 A. No, other than Joan Clemens, no.
- 15 Q. And did he indicate to you that he
16 had written to Joan and she hadn't written him back?
- 17 A. Yes, he had. She had been up to see him but I think that she
18 had stopped communicating with him at that time.
- 19 Q. Did you ever talk to Joan about why that had happened, why she
20 stopped communicating with him?
- 21 A. No, I don't think I ever did. No.
- 22 Q. Did Junior express any views in a letter that he wrote you about
23 his--concerning his innocence?
- 24 A. No, he didn't come out and specifically say anything about that.
25 It was -- It was sort of implied I think because he thought he --

1 he had said that there was supposed to be another trial or
2 an appeal coming up in February and that he was hoping he'd
3 beat it this time.

4 Q. But nothing specific?

5 A. Nothing specific, no.

6 Q. From that time, from 1973 to -- up until 1982 did you -- were
7 you contacted by anybody-- anybody in the R.C.M.P. or in the
8 Sydney Police Department concerning the --

9 A. I had been talking to Harry Wheaton but I'm not sure exactly on
10 what day it was.

11 Q. We'll get to that.

12 A. Yeh.

13 Q. It would have been in 1982?

14 A. Oh, well, yes.

15 Q. Prior to that?

16 A. No, no one prior to that.

17 Q. And did you talk to anybody else at any time up until 1982
18 about the fact that you knew that John Pratico couldn't have
19 been where he said he was at the trial?

20 A. You mean from like the police or something or just general
21 people?

22 Q. From --

23 A. Yes, I have, general people.

24 Q. Who would you have told?

25 A. Friends, anyone who would -- if any kind of a conversation

1 | came up that would be dealing with it, I would tell them.

2 | Q. So it would have been -- Do you think it would have been
3 | fairly common knowledge among your friends that you knew that
4 | John Pratico just couldn't have been there?

5 | A. Right. Yeh.

6 | Q. And did any of those people ever say to you, "Well, why don't
7 | you do something about it"?

8 | A. No, they didn't. No.

9 | Q. In your own mind from what you've told us earlier, you concluded
10 | there was nothing you could do?

11 | A. Right. Yeh.

12 | Q. Did you ever speak to -- During that time that you say you
13 | were talking to your friends about it, did you ever speak to
14 | any adults about it, people's parents?

15 | A. No, I don't think I did. No.

16 | Q. It just would have been conversation amongst other kids?

17 | A. Right.

18 | Q. Would you have discussed it with any of the Indian boys or
19 | any of the Indian kids?

20 | A. No, I wouldn't. No. I didn't really have that much contact
21 | with any of them after that.

22 | Q. So it would have been your girlfriends for the most part?

23 | A. Right. Yeh.

24 | Q. In Volume 13 at 181, Ms. Cotie, do you recognize the documents
25 | that I just put in front of you?

1 A. Yes, I do.

2 Q. Okay, and that's just -- Is that a statement that -- or a
3 typed up version of the statement that you gave to Sergeant
4 Wheaton?

5 A. Yes, it is. Yeh.

6 Q. Do you remember the circumstances and how it came to be that
7 you got in touch with Harry Wheaton?

8 A. Barbara Floyd had been talking to Harry Wheaton and she gave
9 him my name.

10 Q. Okay, and did Sergeant Wheaton then call you on the phone?

11 A. Yes, he did.

12 Q. And what did he indicate to you?

13 A. Just that he wanted to have a meeting with me about it.

14 Q. And did he --

15 A. He called me at work but we had a meeting at home -- at my
16 house.

17 Q. At your house?

18 A. Right.

19 Q. Was there anybody else present?

20 A. My sister was there, yeh. Yeh.

21 Q. Was Sergeant Wheaton by himself or together --

22 A. Yes, he was.

23 Q. He was. Was he in uniform?

24 A. No.

25 Q. And did he indicate to you at all the nature of the reinvestigation?

1 A. I don't remember if he did or not. What he had said about
2 it -- I knew why he was there anyway so I'm not really sure.

3 Q. And why was it that you understood he was there?

4 A. Well, I knew they were reinvestigating.

5 Q. Did you hear John Pratico on the radio at about that time?

6 A. I don't believe so, no.

7 Q. No. Now if you can just look at your statement for a
8 second, in the second paragraph, second -- third sentence?

9 I remember John Pratico coming along
10 and having something smart to say,
11 and following us down towards the
park.

12 Do you recollect whether that, in fact, was what happened?

13 A. No, as far as I can remember it isn't. I'm not sure why I said
14 this or if I said this, maybe it was misunderstood at the
15 time, but from what I can remember I can remember him being
16 in front of us, not following us.

17 Q. For how long? I'm sorry?

18 A. Not following us.

19 Q. Not following you?

20 A. Yeh.

21 Q. And for how long was he in front of you?

22 A. It didn't seem to be long.

23 Q. And do you have any -- any idea today how you would have come
24 to say that you remember him following us down towards the
25 park?

- 1 A. No, I don't-- I don't remember.
- 2 Q. You don't remember?
- 3 A. No, I don't.
- 4 Q. Do you remember how long Sergeant Wheaton was with you on
5 that day?
- 6 A. I believe he was probably there maybe forty-five minutes to
7 an hour.
- 8 Q. Did you ever speak to him again?
- 9 A. No.
- 10 Q. If you could just turn over the page to 182 and 183. Now you've
11 seen this affidavit again in the last few days?
- 12 A. Yes.
- 13 Q. Is that your signature on page 183?
- 14 A. Yes, it is.
- 15 Q. Do you recollect the circumstances under which you gave this
16 affidavit?
- 17 A. Steven Aronson had came to the house and he had been to Barbara's
18 the same night.
- 19 Q. Sorry, he had been to Barbara's --
- 20 A. He had been to Barbara's house the same night as he came to
21 mind. He was probably at the house not even five minutes
22 maybe.
- 23 Q. Did he see you in the evening then?
- 24 A. Yes.
- 25 Q. And is it your recollection that he had seen Barbara Floyd before

1 he came to see you?

2 A. Yes, he did. Yeh.

3 Q. Had he contacted you in advance so that you knew that he was
4 coming?

5 A. Yes, he did.

6 Q. When had he contacted you?

7 A. I don't remember the exact time. I -- I don't know if it
8 was that morning or the day before so I couldn't say for
9 sure.

10 Q. During the -- When he called you on the phone did he indicate
11 to you why it was that he wanted to come to see you?

12 A. Yes, I knew it was just concerning the statement that I had
13 given to Mr. Wheaton.

14 Q. And is that what Mr. Aronson indicated to you that it had to
15 do with that earlier statement?

16 A. Yes. Yeh.

17 Q. Did he indicate-- Did Mr. Aronson indicate to you that he
18 was going to ask you to sign any sort of statement over the
19 phone that is?

20 A. I can't remember him saying that but I -- I knew when he was
21 at the house that that's why he was there, so he must have --
22 he must have indicated it but I don't remember exactly what
23 he would have said to me.

24 Q. When Mr. Aronson was at your house did he ask you to review
25 the contents of that affidavit, to go through it and make sure

1 | it was correct?

2 | A. He did hand it to me to read it, yes.

3 | Q. And did you read through it?

4 | A. Not very carefully, no. I -- He had mentioned that it
5 | was basically the same or it was the same statement that
6 | I had given Mr. Wheaton.

7 | Q. That you had given to Sergeant Wheaton?

8 | A. Yes, Sergeant Wheaton. Yes, and as soon as I started reading
9 | it I realized that it probably was so I just --

10 | Q. You realized it probably was?

11 | A. Yeh, I didn't read it very carefully actually.

12 | Q. And I believe you indicated a couple of minutes ago that
13 | Mr. Aronson was at your place for maybe five minutes?

14 | A. Yes. Yeh.

15 | Q. So could I take it that that was a fairly quick review of the
16 | affidavit?

17 | A. Yes, it was.

18 | Q. Did he indicate to you that by signing the affidavit you
19 | were essentially swearing that what you were putting down was
20 | your best recollection of what had occurred?

21 | A. I don't really -- Honestly, I don't really remember if he
22 | said that to me or not. There wasn't much of a conversation
23 | at all, so --

24 | Q. I'll just draw your attention to paragraph four of that
25 | affidavit that:

1 As we walked along George Street in
2 Sydney, John Pratico came along and
3 followed us towards the said
4 Wentworth Park.

5 And again as in the prior statement that, in fact, was not the
6 case?

7 A. Right. Yeh.

8 Q. Do you think if you had noticed that at the time you would have
9 corrected it?

10 A. Yes, I probably would have if I had noticed it, yes.

11 Q. Did Mr. Aronson indicate to you the purpose to which the
12 affidavit was to be put?

13 A. I don't really remember.

14 Q. Did you ask him any questions about what he was there for?

15 A. I did ask him questions, yes. I don't remember exactly what
16 I had asked him. I don't really -- I can't really say for
17 sure.

18 Q. Were you ever contacted by Mr. Aronson again subsequently?

19 A. No.

20 Q. Were you contacted by any other lawyers in connection with
21 this matter in '82, '83, and '84?

22 A. No.

23 MR. SPICER:

24 Thank you.

25 BY MS. DERRICK:

 Q. Mrs. Cotie, my name is Ann Derrick, and I represent Junior Marshall.

- 1 Back in 1971, Joan Clemens and Barbara Floyd, they were very
2 good friends of yours?
- 3 A. Yes.
- 4 Q. Is that correct?
- 5 A. Yes.
- 6 Q. And you used to hang around with them in the park and at
7 dances?
- 8 A. Yes.
- 9 Q. When you were in the park and you were saying on weekends
10 there used to be some drinking going on?
- 11 A. Yeh.
- 12 Q. And sometimes the police would come down. Was it your
13 impression that they were looking for kids that were drinking
14 in the park? Is that what they were doing there?
- 15 A. I don't really know for sure what they were looking for. You
16 probably weren't allowed to just hang around the park anyway.
17 It was probably --
- 18 Q. How would they arrive at the park? Did they arrive in police
19 cars?
- 20 A. Yes. Yeh.
- 21 Q. And would it be just one car or were there several cars that
22 would arrive?
- 23 A. Sometimes more than one but usually just one.
- 24 Q. And what would happen at that point? You would go into hiding?
- 25 A. Right.

- 1 Q. And did the police get out of these cars and go looking for
2 the kids on foot?
- 3 A. Yes. Yeh.
- 4 Q. And where would they look?
- 5 A. Well, if they could see us running they would run for whoever
6 they could see still running I would imagine or look in the
7 bushes or whatever.
- 8 Q. But you-- you were never caught by them?
- 9 A. No.
- 10 Q. And did you observe anybody who was caught by them in these
11 circumstances?
- 12 A. No.
- 13 Q. And how long would these raids, shall we call them, take?
- 14 A. Probably not long. Like a few minutes.
- 15 Q. A few -- A few -- A few minutes --
- 16 A. A few minutes, yes.
- 17 Q. --and then the police would get back in their cars?
- 18 A. Right.
- 19 COMMISSIONER EVANS:
- 20 Would it be fairer to say patrols rather than raids?
- 21 MS. DERRICK:
- 22 Thank you, My Lord. Okay, patrols.
- 23 BY MS. DERRICK:
- 24 Q. And once the police had left would the kids sort of come out
25 of their hiding places?

- 1 A. Yes.
- 2 Q. And resume whatever activities were going on?
- 3 A. Correct.
- 4 Q. Now you say you kept newspaper clippings?
- 5 A. Yeh.
- 6 Q. Was this just out of personal interest?
- 7 A. Yes.
- 8 Q. And what specifically were you looking for that you kept
9 clippings on?
- 10 A. There was nothing in particular. I saved just about anything
11 in the newspaper that I thought would be interesting.
- 12 Q. So just things that interested you over a wide range of
13 topics?
- 14 A. Yeh. Right. Yeh.
- 15 Q. And what was reported in the newspapers that gave you the
16 impression that Indian kids were being treated differently
17 by the police which I think is what you said earlier?
- 18 A. Right.
- 19 It's just that there was usually more names in the paper of
20 kids who were picked up on drunk charges, there were more
21 Indian kids than White kids.
- 22 Q. So that in the newspaper the names of these kids would be reported
23 as being picked up on liquor offences?
- 24 A. Right.
- 25 Q. And these names were ones that you recognized because they

1 | were kids you hung around with?

2 | A. Yes.

3 | Q. And you say that you knew John Pratico, you knew him to see
4 | him?

5 | A. I knew who he was, yes.

6 | Q. And he was hanging around in the park at the same time that
7 | you were there. Is that right?

8 | A. Yes.

9 | Q. Did you know him to drink?

10 | A. Yes, he drank, yeh.

11 | Q. And did he drink with you, with your crowd? If there was liquor
12 | to be shared was he -- was it being shared with him too?

13 | A. Yes, well, it would have been shared with anyone who was
14 | there, yeh.

15 | Q. And so he was friendly with the Indian kids that you hung
16 | around with?

17 | A. Yes.

18 | Q. You say that he was hyper?

19 | A. Yeh.

20 | Q. Is that how you remember him?

21 | A. Yes.

22 | Q. Did he talk a lot?

23 | A. Yes, as far as I can remember. Like I never talked to him
24 | personally.

25 |

- 1 Q. But did you observe him talking a lot? Is that one of the --
- 2 A. Yes. Yes.
- 3 Q. -- things that made you think he was a hyper person?
- 4 A. Yes.
- 5 Q. Were there other things that he did that you can remember that
- 6 contributed to this impression you had of him being hyper?
- 7 A. Nothing in particular. It just -- I guess he was the type of
- 8 person who just seemed like he was trying to fit in and maybe
- 9 didn't fit in, you know.
- 10 Q. So he seemed like an anxious --
- 11 A. Yes.
- 12 Q. -- agitated person?
- 13 A. Yes.
- 14 Q. He didn't seem to have his own crowd, it that --
- 15 A. Right.
- 16 Q. -- correct? Did you feel sorry for him?
- 17 A. No, I don't remember feeling sorry for him, no.
- 18 Q. You were friendly with the Indian boys at the time.
- 19 A. Yes.
- 20 Q. And you say that later you learned that people couldn't under-
- 21 stand why you hung around with them?
- 22 A. Right.
- 23 Q. Is it correct to say that they were nice to you and that's
- 24 why you hung around with them?
- 25 A. Yes. Yes.

- 1 Q. Now, on the night of May 28th, 1971 when you saw John Pratico
2 in the parking lot of St. Joseph's Church, you don't recall
3 if someone actually told you that there had been a stabbing
4 before you saw him?
- 5 A. No, I don't actually remember exactly what we were told.
- 6 Q. But you were told something that made you want to avoid the
7 park?
- 8 A. That's right.
- 9 Q. Is that correct?
- 10 A. Yes.
- 11 Q. And you didn't talk to John Pratico that night?
- 12 A. No, I didn't.
- 13 Q. But you observed him?
- 14 A. Yes.
- 15 Q. Briefly?
- 16 A. Yes, it was just briefly.
- 17 Q. Did he seem hyper on that occasion?
- 18 A. Yes.
- 19 Q. Was he talking loudly? Did he seem agitated?
- 20 A. Yes.
- 21 Q. Was he unsteady at all? Do you remember?
- 22 A. I guess you could say he was, yes. He was sort of -- Well,
23 he was -- appeared to be maybe wanting to pick a fight with
24 this person or --
- 25 Q. So he was being aggressive?

- 1 A. Yes, he was being aggressive.
- 2 Q. He never said anything that night that you either overheard
3 or that was said to you directly about seeing anything in the
4 park?
- 5 A. No.
- 6 Q. And he never said anything to you about it later?
- 7 A. No.
- 8 Q. This issue of having seen him that night, --
- 9 A. Yes.
- 10 Q. -- did you ever discuss that with your parents?
- 11 A. Well, it was discussed at my house that day. I don't remember
12 if I particularly said anything to my parents about it or not.
- 13 Q. So your recollection now is not clear as to whether your
14 parents overheard anything or whether it was --
- 15 A. No.
- 16 Q. -- discussed directly with them?
- 17 A. No.
- 18 Q. They certainly, to your memory, didn't participate in any
19 discussion --
- 20 A. No.
- 21 Q. -- about what to do --
- 22 A. No.
- 23 Q. -- with this investigation?
- 24 A. No.
- 25 Q. And you say you didn't think to call the police, or you decided

1 | not to call the police. Was there a reason for that?

2 | A. Well, I don't think we would've called the police. I mean,
3 | it was -- We wanted to call his -- Junior's lawyers; so I
4 | would assume that we thought that if they weren't going to
5 | help us, you know, maybe nobody else would. I don't know
6 | exactly what --

7 | Q. So is it fair to say that you didn't think the police would
8 | help. Is that why you didn't call them?

9 | A. Well, the lawyer said it was too late, and they were on his
10 | side; so -- supposedly; so if they thought it was too late,
11 | it must've been too late. That's what we thought, yeh.

12 | Q. That certainly the police would feel it was too late?

13 | A. Right.

14 | Q. The day that you were with Joan Clemens on the schoolbus
15 | and Sergeant MacIntyre was waiting to speak with her --

16 | A. Right.

17 | Q. -- as you later found out, --

18 | A. Right.

19 | Q. -- do you remember when that was? What time of year?

20 | A. I've no -- I really don't.

21 | Q. You were in school?

22 | A. Yes, we were in school.

23 | Q. And would it have been in the fall or --

24 | A. I think it probably would've been in the fall. I don't think
25 | it was the winter. I'm not really sure.

1 Q. And obviously, this happened before the incident in the park
2 in May?

3 A. Yes.

4 Q. Some months before?

5 A. I can't really say for sure.

6 Q. How long were you in the police car before you got out?

7 A. Just a couple of minutes. Not very long at all.

8 Q. And it was not made clear to you what the police wanted on
9 that occasion? Is that --

10 A. No.

11 Q. -- correct? How -- Can you describe what Sergeant MacIntyre's
12 demeanor was at that time? Was he stern? Was he --

13 A. Yes, he was very stern. Yes.

14 Q. So he was taking it very seriously, which --

15 A. That's right.

16 Q. -- at first you didn't pick up on.

17 A. That's right.

18 Q. Is that correct? Did you have any discussion with Joan Clemens
19 before you got out of the car?

20 A. No, I didn't.

21 Q. How did she seem to you? Do you recall?

22 A. I don't really remember, no.

23 Q. You don't recall whether she was --

24 A. No.

25 Q. -- upset?

1 A. No, I don't remember.

2 Q. And your testimony today is what you recollect of the events
3 in 1971?

4 A. That's right.

5 Q. Correct. Those are all my questions. Thank you.

6 BY MR. J. PINK:

7 Q. Mrs. Cotie, back in 1971, at the time that you met up with
8 John Pratico, you would have been sixteen at the time, is
9 that correct?

10 A. That's right.

11 Q. The drinking for kids back then or the drinking age in the
12 province of Nova Scotia was twenty-one, is that correct?

13 A. That's right.

14 Q. And approximately how long had you been drinking prior to the
15 night that you met John Pratico? By that I mean over what
16 period of time in years? When did you start drinking?

17 A. It was mostly just when I started hanging around the park.

18 I --

19 Q. So that would've been 1970, 71; so you would've been --

20 A. Right.

21 Q. -- approximately the age of fifteen.

22 A. Right.

23 Q. And tell me, at any time, did you ever get liquor from Junior
24 Marshall?

25 A. I probably did, yes.

- 1 Q. And let me ask you this. The group that you hang around with
2 in the park, were they mostly the Indian kids?
- 3 A. Yes.
- 4 Q. Were there any White kids or Black kids hanging around with
5 you or was it just --
- 6 A. It was mostly just Indian kids. There were other White kids
7 that were there too. I don't remember any Blacks that hung
8 around with us.
- 9 Q. And where would you congregate in the park?
- 10 A. Usually on the bandshell side of the park.
- 11 Q. And would you drink openly in the park area?
- 12 A. Yes.
- 13 Q. And do you know what the kids would do with their liquor bottles
14 after they had finished drinking?
- 15 A. No, just put them in the bushes, I guess.
- 16 Q. Were you aware of any complaints that were made about kids
17 drinking in the park area?
- 18 A. I don't know of any, no.
- 19 Q. And tell me, at any time did you ever see John MacIntyre in
20 the park area?
- 21 A. No, I don't -- I can't say I recall seeing him.
- 22 Q. One of the questions that was and an inference that I took
23 from your evidence that you felt that the Indian boys were
24 being picked on --
- 25 A. Yes.

1 Q. -- because the police kept patrolling the park area and this
2 is where the drinking was going on and then everybody would
3 scatter.

4 A. Yes.

5 Q. As I understand it from your evidence, there were no White kids
6 hanging around drinking in that particular area, were there?

7 A. No, I didn't say there wasn't any. I said there were few
8 White kids. I haven't any recollection of Black kids being
9 there.

10 Q. Okay. So tell me, do you ever remember the White kids running
11 away when the police would come?

12 A. Yes, they would. Of course.

13 Q. And do you ever remember the police picking up any White kids?

14 A. Yes. Yes.

15 Q. So in fact, they were basically arresting anybody they could
16 get their hands on upon their arrival at the scene, is that
17 correct?

18 A. Well, not exactly, no. I mean it was the White kids, but the
19 White kids were White kids who hung around with Indian kids

20 Q. I'm sorry?

21 A. They were White kids who hung around with Indian kids not --

22 Q. Yes.

23 A. -- necessarily -- There were other White kids in the park who
24 didn't hang around with our group.

25 Q. So but were the White kids that were hanging around with your

- 1 group, I take it -- Were they arrested also?
- 2 A. Yes.
- 3 Q. So it was basically that group of you, which included White
4 kids and Indian kids -- They were all arrested if they got
5 caught?
- 6 A. That's right.
- 7 Q. So can you show me as to where you felt that the police were
8 picking on the Indian kids more than they were picking on the
9 White kids that came to your group?
- 10 A. Well, I don't think they made any association -- I think it's
11 the same way as people felt about me in high school. If you
12 were hanging around with Indian kids, you might as well have
13 been Indian because it was the same thing. It was -- You
14 were based on the same opinion.
- 15 Q. But I'm interested in the attitude of the police towards the --
16 your group. They basically came and arrested anybody who
17 was drinking in a public place who was under the age. Is that
18 not correct whether you were White or Indian?
- 19 A. I wouldn't say everyone, no. I -- There were other people
20 who hung -- other White kids -- a group who hung around the
21 park at that time that we did. They weren't friends of ours.
22 We didn't associate with them, and I can't ever remember any
23 of them ever being arrested.
- 24 Q. But when it came to your group, though --
- 25 A. Yes.

1 Q. -- there was no difference between White and/or Indians?

2 A. That's right, yes.

3 Q. Now, you also told Mr. Spicer that you used to hang around
4 the graveyard.

5 A. Yes.

6 Q. And tell me, during the period of time that you were hanging
7 around the graveyard, were you aware of any damage that was
8 being done to the gravestones?

9 A. I didn't see any done, no.

10 Q. At any time, did you ever see any gravestones tipped over?

11 A. I didn't see anyone do it, no?

12 Q. Did you see it done?

13 A. I'd seen gravestones that were tipped over, but I didn't see
14 who had done it.

15 Q. And was it the same group that was hanging around the park
16 that was hanging around the graveyard?

17 A. Yes.

18 Q. And there was drinking going on in the graveyard too?

19 A. Yes.

20 Q. And the police would come to the graveyard and they would arrest
21 both Indian kids and White kids if they caught you drinking,
22 is that correct?

23 A. Yes.

24 BY MR. CHAIRMAN:

25 Q. Is the graveyard near the park?

1 A. It was probably about three blocks.

2 BY MR. J. PINK:

3 Q. Now, you've told the Commission also that, in your opinion at
4 least, that the police didn't appear to like the Indian kids,
5 is that correct? The Sydney Police force?

6 A. Yes.

7 Q. And you base that upon newspaper clippings?

8 A. Yes.

9 Q. And would you not agree with me that in the newspaper clippings
10 there were names of White kids as well as Indian kids?

11 A. Yes. Well, maybe I should rephrase that. Maybe they just
12 didn't like our group.

13 Q. Now, when you would have these drinking parties in the park,
14 I take it there would be quite a bit of noise that would come
15 from these parties, is that correct?

16 A. There probably would be, yes.

17 Q. And tell me, in the area of the park that you would drink,
18 were there any houses nearby?

19 A. Yes, there was.

20 Q. And I wonder, can you show us on the map behind you the area
21 of the park that in fact your group would hang around and
22 drink in?

23 A. It would be in around this area.

24 Q. Okay, I'm sorry, I --

25 A. Oh, sorry. In around this here. Around the bandshell.

1 Q. And you're pointing to the area of the bandstand, is that
2 correct?

3 A. That's right, yes.

4 Q. And that it would be to the right of the bandstand looking at
5 the map, is that correct?

6 A. Yes.

7 Q. Was there any particular police officer that you noted that
8 would come to that area more often than anybody else?

9 A. No.

10 Q. Now, I would like to spend just a moment with you, Mrs. Cotie,
11 dealing with the Joan Clemens affair. As I understand it, it
12 was when you got off the bus --

13 MR. CHAIRMAN:

14 Maybe you can break before we get into Joan Clemens.

15 MR. J. PINK:

16 Yes, My Lord.

17 MR. CHAIRMAN:

18 We should adjourn for lunch.

19 MR. J. PINK:

20 That'd be fine, My Lord.

21

22 INQUIRY ADJOURNED: 12:30 p.m.

23

24

25

SANDRA COTIE, by Mr. J. Pink

1 INQUIRY RECONVENIED: 2:12 p.m.

2 THE CHAIRMAN:

3 Yes, Mr. Pink.

4 MR. J. PINK:

5 Thank you, my Lord, Chief Justice.

6 BY MR. J. PINK:

7 Q. Mrs. Cotie, do you have any children?

8 A. No, I don't.

9 Q. I would take it that if in fact you did have children you
10 would be upset if someone were in fact serving your
11 thirteen or fourteen year old liquor, would that be correct?

12 A. I would imagine, yes.

13 Q. And I would take it that you would be a responsible person
14 and if you knew that the police knew about it that you would
15 expect them to do something about it, is that not correct?

16 A. I would imagine, yes.

17 Q. Now dealing with this incident in regard to Joan Clemens.
18 Do I understand it correct that you were taking the regular
19 bus service back from school on the day that you first came
20 in contact with John MacIntyre?

21 A. Yes.

22 Q. And it was after you got off of the bus that John MacIntyre's
23 car pulled up in the vicinity of the bus and asked both Joan
24 Clemens and you to get into the car?

25 A. That's right.

1 Q. There were two police officers in the car at that time both
2 in the front seat?

3 A. Yes.

4 Q. Do you remember whether or not it was John MacIntyre who in
5 fact was driving the police car?

6 A. I don't believe it was, no. I can't recall definitely,
7 but I don't think it was.

8 Q. Do you remember which side of the police car you were sitting
9 on in the back seat?

10 A. I would be on the left side.

11 Q. Was there not in fact a discussion after you got into the
12 police car about an investigation regarding someone serving
13 liquor to minors?

14 A. Not that I remember, no.

15 Q. Could that conversation have taken place but you just don't
16 remember it today?

17 A. I suppose it's possible, yes.

18 Q. And can you tell us why was it that you say you laughed at
19 the police while you were in the back seat of the police car?

20 A. I don't know. I was probably nervous at the time.

21 Q. Or was it because you thought that their investigation may
22 have been foolish and ridiculous that you laughed?

23 A. I don't think I would laugh at that, no.

24 Q. I'm going to suggest to you, Mrs. Cotie, that it was after
25 you laughed that in fact you were told to get out of the

1 police car?

2 A. It was both before and after.

3 Q. But it was after you laughed that the command to you in a
4 blunt fashion was in fact for you to get out of the police
5 car?

6 A. Yes, but I didn't have an out and out laugh. I just sort of
7 -- it was like a smile and a giggle.

8 Q. I take -- I can only assume that in your childhood you were
9 brought up to respect police?

10 A. Yes.

11 Q. And in fact at the time that you got off the bus and got into
12 the police car, neither the two police officers had done
13 anything to either Joan Clemens or yourself to upset you?

14 A. His tone of voice upset me, yes, but other than that, no.

15 Q. Do you know what John MacIntyre's normal voice is like?

16 A. Well, I would assume it was when he first told me to get
17 out of the car and it was quite different the second time.

18 Q. The second time -- I take it after he told you to get out
19 the first time, you did not get out of the car?

20 A. That's right. Well, I was in the -- first of all I was in
21 the car first so I would have had been let out of the car.
22 Joan Clemens would have had have gotten out of the car to
23 let me out.

24 Q. And why is that?

25 A. Because I got into the car first. I wasn't going to get out

1 | on the side of the street.

2 | Q. Oh, I see, so -- did you try to open what would be the driver's
3 | door or was it the passenger -- you don't remember which side
4 | of the car you were in in the back seat?

5 | A. That's right, I was on the driver's side. The left hand side.

6 | Q. Okay you were on the driver's side and do you ever remember
7 | asking Joan Clemens to get out so you could get out?

8 | A. I don't think there was -- as far as I can remember there
9 | wasn't that much time in between the first time he told me
10 | to get out and the second time he told me to get out.

11 | Q. He didn't scream at you?

12 | A. It wasn't a scream, no.

13 | Q. I'm sorry?

14 | A. It wasn't a scream, no.

15 | Q. And tell me did you ever complain to anybody from that day
16 | to today that he used a blunt voice in telling you to get
17 | out of the car?

18 | A. I've mentioned it, I think, in passing to some people.

19 | Q. Did you ever go to your parents and say "look what John
20 | MacIntyre did to me this afternoon"?

21 | A. No.

22 | Q. Did you ever complain to a Miss Forbes as to what in fact was
23 | said by John MacIntyre to you?

24 | A. To whom.

25 | Q. Floyd, I'm sorry, Floyd?

- 1 A. I -- I did mention it to her, yes.
- 2 Q. Now, you've also told the Commission that Joan Clemens following
3 her meeting with the police, had told you that she had had a
4 hard time?
- 5 A. Yes.
- 6 Q. Could you elaborate on that a little more and tell us exactly
7 what she did say?
- 8 A. Well, I can -- I can't remember her exact words. I just know
9 that they had questioned them a lot apparently and that she
10 had -- and what they had said to her mother.
- 11 Q. Tell me do you ever remember Joan Clemens telling you that
12 Sergeant MacIntyre had told her parents that she should not
13 go out with Junior Marshall?
- 14 A. I don't remember that, no.
- 15 Q. At no time then did Joan Clemens ever tell you that John
16 MacIntyre ever said anything derogatory about her going out
17 with Indians?
- 18 A. No.
- 19 Q. Were you aware that Donald Marshall was found guilty in the
20 case of serving liquor to Joan Clemens?
- 21 A. Yes, I was.
- 22 Q. And in fact from your knowledge of Junior Marshall, you knew
23 in fact that he was serving liquor to minors?
- 24 A. Well, in the first place I don't really understand that
25 because Junior Marshall was a minor himself. We were all

1 minors. So whom ever we got the liquor from would have been
2 a minor giving it to a minor.

3 Q. I appreciate that and I take it that -- and I take it that
4 there were -- how many of you used to hang around the Park?

5 A. I'm not really sure how many. Probably about fifteen maybe.

6 Q. And would Junior Marshall be giving this liquor to a lot of
7 those fifteen kids that were hanging around the Park?

8 A. Well, it was whoever bought the liquor that night would pass
9 it around, yes. At sometime or another it would have had
10 to have been Junior, yes.

11 Q. Do you know where in fact they were buying the liquor?

12 A. At the liquor store I would imagine.

13 Q. And how old was Junior Marshall at that time back in 1971?

14 A. He was seventeen, I believe.

15 Q. Now this Joan Clemens incident as I understand it is the
16 only incident that you can describe from which you have
17 come to the conclusion that the Sydney Police didn't like
18 Indian kids, is that correct?

19 A. Yes.

20 Q. And from your knowledge the feeling was mutual in that the
21 Indian kids did not like the Sydney Police?

22 A. Yes.

23 Q. In fact they refused to cooperate with the police in any of
24 their investigations in which they may have been involved,
25 is that correct?

- 1 | A. I have no idea about that, no.
- 2 | Q. Had you ever seen any of the Indian kids come in contact with
- 3 | the Sydney Police?
- 4 | A. Not directly, no.
- 5 | Q. So this is the only time in all the years that you've lived
- 6 | in Sydney that you ever saw Indian kids come in contact with
- 7 | the Sydney Police? This one incident with Joan Clemens?
- 8 | A. Yes, directly myself, yes.
- 9 | Q. So you are not aware of any other incident that Serg --
- 10 | Sergeant MacIntyre had investigated any instances involving
- 11 | Indians or Indian kids?
- 12 | A. Not that I can remember at this particular time. I'm sure
- 13 | that there was if we came to that conclusion. That there was
- 14 | probably talk -- nothing that would have stuck in my mind
- 15 | after all these years, but --
- 16 | Q. But back in 1970-71 you were basically hanging around with
- 17 | the Indian kids?
- 18 | A. That's right.
- 19 | Q. Just for that one year period is that correct?
- 20 | A. Yes.
- 21 | Q. Why was it that you stopped hanging around with the Indian
- 22 | kids?
- 23 | A. Because I started seeing my husband. He was from St. Peter's
- 24 | so --
- 25 | Q. And I take it that your husband was not friendly with the

- 1 Indian kids?
- 2 A. He was from St. Peter's. That's -- that's sixty miles from
3 here or more. He didn't even know any of them.
- 4 Q. So you moved away from here in 1971?
- 5 A. No, I didn't move away from here. I just -- was just seeing
6 him.
- 7 Q. I see. Now John Pratico, can you show me on the map that
8 is behind you, Mrs. Cotie, as to where in fact it was that
9 you first saw John Pratico?
- 10 A. On that night.
- 11 Q. On that night?
- 12 A. It would have been somewhere right along in this area because
13 it was between -- in the parking lot between the corner and
14 the church.
- 15 Q. Okay, now if I just may -- would you describe that for the
16 record. Where on the map then are you saying it was between
17 the parking lot of what? St. Joseph's Church?
- 18 A. Yes.
- 19 Q. And what?
- 20 A. And the corner of Cottage Road and George.
- 21 Q. Okay, somewheres in that whole area?
- 22 A. Yes.
- 23 Q. Now had you seen where John Pratico had come from?
- 24 A. He came from the dance.
- 25 Q. Had you seen him in the dance earlier that night?

- 1 A. Earlier in the night, yes.
- 2 Q. Okay, but just prior to you seeing him in the parking lot,
3 had you -- had you seen him come from St. Joseph's church?
- 4 A. No, not coming out of the church, I didn't, no.
- 5 Q. So whether or not he had come from the Park area prior to
6 landing in the parking lot of St. Joseph's Church --
- 7 A. Well, if he had -- if he had have been coming from the Park
8 area, he would have been coming towards me --
- 9 Q. Yes.
- 10 A. -- not going away from me.
- 11 Q. Where in fact then was he heading towards?
- 12 A. He was heading towards Cottage Road and Argyle Street. Same
13 direction we were going in.
- 14 Q. Now did you ever pass him?
- 15 A. I don't know if we passed him. I remember we crossed the
16 street to go on to Argyle Street. So I mean we must have
17 just parted ways. It wasn't necessarily passing him.
- 18 Q. So between the parking lot of St. Joseph's Church to Argyle
19 Street, where you following John Pratico?
- 20 A. No -- following him, yes, sorry.
- 21 Q. He was in front of you, is that correct?
- 22 A. Yes.
- 23 Q. And in fact you made a left hand turn on to Argyle Street,
24 did you see where he went?
- 25 A. No, I didn't.

- 1 Q. So the last time where was it, Mrs. Cotie, where you were when
2 you last saw John Pratico?
- 3 A. It was between St. Joseph's Church on the corner of Cottage
4 Road and George Street which is in the parking lot area.
- 5 Q. George Street or Argyle Street?
- 6 A. Cottage Road and George Street.
- 7 Q. Okay. Could it have been John Pratico who told you that
8 there had been something that happened in the Park?
- 9 A. No, I don't believe it was, no.
- 10 Q. You don't believe it was -- could it have been --
- 11 A. No, it wouldn't have been him.
- 12 Q. -- or you don't remember?
- 13 A. No.
- 14 Q. Why?
- 15 A. Well, for one thing I had never had a conversation with him
16 and I'm not sure that Barbara had ever had enough conversation
17 with him for him to come up and tell her something like that.
- 18 Q. Could you have overheard him having the conversation with the
19 guy that you assumed that he was having an argument with?
- 20 A. I really don't know. It was Barbara who had said to me who
21 told Joan and I that something had happened in the Park. So
22 I'm not really sure who had told her.
- 23 Q. So therefore what you're telling us is that you received
24 your information that something happened in the Park --
- 25 A. Yes.

- 1 Q. -- from Barbara Floyd?
- 2 A. Right.
- 3 Q. Now as you proceeded down Argyle Street, do I have you
- 4 correct?
- 5 A. Yes.
- 6 Q. You were heading towards where?
- 7 A. Oh, it would be towards Alexandra Street.
- 8 Q. And tell me at no time did you ever see any police cars in
- 9 the area of Crescent Street or any ambulances or anything
- 10 else?
- 11 A. No, I didn't.
- 12 Q. You heard no police sirens -- nothing?
- 13 A. No, I didn't.
- 14 Q. You're not able to say whether or not John Pratico was in
- 15 fact drinking on the night in question when you met him,
- 16 are you?
- 17 A. No, I'm not.
- 18 Q. Did you follow the events of Junior Marshall's murder trial?
- 19 A. Yes, from the newspaper, yes.
- 20 Q. You never visited the trial itself?
- 21 A. No, I didn't.
- 22 Q. And it was at that time that you read that John Pratico was
- 23 a key witness?
- 24 A. Yes.
- 25 Q. And in fact you read in the paper what the nature of his

1 evidence was, is that correct?

2 A. That's right.

3 Q. And it was following that as I understand your evidence,
4 that you had conversation with Barbara Floyd?

5 A. Yes.

6 Q. And that's when she called Mr. Rosenblum's office?

7 A. That's right.

8 Q. But you never did anything further after that conversation,
9 did you?

10 A. No, I didn't.

11 Q. You didn't tell your parents?

12 A. I can't remember directly telling my parents. I'm sure that
13 they knew because it was all done at my house so --

14 Q. You never called the Chief of Police?

15 A. No, I didn't.

16 Q. Did you have any friends that were on the police department?

17 A. Now.

18 Q. Back then?

19 A. Back then, no I didn't.

20 Q. You didn't know any neighbours or friends of friends who
21 were on the police force that you could talk to?

22 A. No, I didn't.

23 Q. The last area I want to cover -- the second last area I wanted
24 to cover, Mrs. Cotie, is this affidavit that was shown to you
25 this morning in book or exhibit thirteen at page 182.

1 A. Yes.

2 Q. This is the one that you signed before Steven Aronson. Page
3 182. You remember having any conversation with Steven Aronson
4 prior to you signing that document?

5 A. No, I don't recall anything. I know that he did call to say
6 he was coming over but I don't remember any conversation with
7 him.

8 Q. Could you have discussed during that telephone conference
9 your knowledge of the events in regards to John Pratico?

10 A. I could have.

11 Q. And could it have been based on that information that the
12 affidavit that we have here at page 182 was in fact drawn
13 up?

14 A. It could have I suppose but from what I can remember of
15 Mr. Aronson saying to me at the house that it was -- it was
16 just sort of a copy of the statement that I had given to Mr.
17 Wheaton -- Sergeant Wheaton so --

18 Q. Did you read it before you signed it?

19 A. Not carefully, no.

20 Q. Were your parents present at the time that you signed it?

21 A. No.

22 Q. Prior to you applying your signature at Page 183 of
23 exhibit number thirteen, do you ever remember Mr. Aronson
24 saying words to this effect

25 That you swear that the

1 information contained in this
2 affidavit is the truth and
3 nothing but the truth so help
4 you God.

5 Or words to that effect?

6 A. I don't remember him saying them. He very well could have.

7 Q. Could he have said it?

8 A. He could have, yes.

9 Q. Now the last area that I want to talk about is the area dealing
10 with this letter that you received from Junior Marshall?

11 A. Yes.

12 Q. I take it you still don't have that letter?

13 A. Yes, I do.

14 Q. Where is that letter?

15 A. It's in my purse.

16 Q. I wonder if we could see the letter?

17 A. Yes.

18 MR. CHAIRMAN:

19 You're proposing to have that entered as an --

20 MR. J. PINK:

21 Yes, I think in completeness, my Lord, Chief Justice, we better
22 have it marked as an exhibit since I referred to it.

23 COMMISSIONER EVANS:

24 What is the date on the letter?

25 MR. J. PINK:

The date is December the 24th, 1973. Dated from Dorchester,

1 New Brunswick.

2 BY MR. J. PINK:

3 Q. Mrs. Cotie, I'm going to show you exhibit number sixty, would
4 you describe what this is please?

5 A. It's the letter that I received from Junior.

6 Q. Do you recognize the writing contained in that letter?

7 A. Pardon me.

8 Q. Do you recognize the writing?

9 A. Well, I've never seen his writing before other than this
10 letter.

11 Q. Where is it from?

12 A. From Dorchester, New Brunswick.

13 Q. And is there a post box -- a post office box?

14 A. Yes, twenty-nine dash one.

15 Q. And who is it signed by?

16 A. Junior Marshall.

17 Q. And is that how he signed it?

18 A. Yes, as far as I can see.

19 Q. I wonder if you would read the letter for the record, please?

20 A. The entire letter.

21 THE CHAIRMAN:

22 I don't think we need her to read the letter.

23 MR. J. PINK:

24 Well, okay, that will be fine. We'll have copies made.

25

1 | MR. CHAIRMAN:

2 | Copies will be made for all counsel.

3 | BY MR. J. PINK:

4 | Q. And you did not receive -- you did not reply to that letter?

5 | A. No, I didn't.

6 | Q. Was there a reason why you did not reply to that letter?

7 | A. None that I can really remember other than the fact that I
8 | did get married at that time. So I probably just -- I don't
9 | know. I probably never did anything about it. I was starting
10 | a new life supposedly so --

11 | Q. And that was the last dealings that you ever had with Junior
12 | Marshall?

13 | A. Yes.

14 | Q. Thank you. No further questions.

15 | BY MR. MURRAY:

16 | Q. Sandra Cotie, my name is Donald Murray. I represent William
17 | Urquhart. We heard evidence this morning from Barbara Floyd
18 | that you as a group of girls were surprised when it appeared
19 | that John Pratico was an eye witness to the murder?

20 | A. That's right.

21 | Q. And you didn't see how he could be an eye witness, is that
22 | correct?

23 | A. That's right.

24 | Q. And I take it that's based on the fact that you met him in
25 | the parking lot of St. Joseph's?

SANDRA COTIE, by Mr. Murray

1 A. That's right.

2 Q. Now as to when the trouble happened in the Park, you don't
3 know when that occurred?

4 A. No, I don't. It would have had to have been before the
5 dance ended for us to know about it after the dance was over.

6 Q. And it was prior to you seeing John Pratico?

7 A. That's right.

8 Q. And as to John Pratico's movements between the time when the
9 incident in the Park happened and him seeing you, you're not
10 able to give any indication?

11 A. No, but in his statement he had said that he ran up Bentinck
12 Street to go home. Now if had had when --

13 Q. Well, perhaps we could look at exhibit fifty-two?

14 A. -- went home, he wouldn't have been at the dance.

15 MR. SPICER:

16 Sorry, I didn't hear the end of the witness's answer, my Lords,
17 Mr. Murray was talking.

18 BY THE WITNESS:

19 A. I said if he had have ran up Bentinck Street to go home he
20 wouldn't have been back at the dance.

21 BY MR. MURRAY:

22 Q. And when you say -- you referred to the running up Bentinck
23 Street, you were referring to what you read in the newspaper?

24 A. That's right.

25 Q. And in the newspaper in the third paragraph, it says

1 That's the last I saw, I ran up
2 Bentinck Street, Pratico said.

3 A. That's right. Well, he lived on Bentinck Street.

4 Q. But it did not say that he went home?

5 A. No.

6 Q. So as to whether he had seen anything in the Park, it's
7 an assumption on your part?

8 A. But as far -- I don't know the exact time of the murder but
9 I can remember at that time knowing that there wouldn't
10 have been enough time for him to do that and get back to the
11 dance.

12 Q. Well, how would you know that? How did you know what time
13 there was an incident in the Park?

14 A. At that time it was made known some how. It must have been
15 on the news or something but I don't remember now but I know
16 it must have been made known then.

17 Q. You have no personal knowledge as to why John Pratico could
18 not have witnessed that murder?

19 A. Other than what I just said to you.

20 Q. Fine, no further questions.

21 MR. BARRETT:

22 No questions, my Lord.

23 BY MR. D. PINK:

24 Q. Mrs. Cotie, I'd just like to ask you about one area. Is it
25 fair to say that at the age of sixteen, the death of Sandy

1 Seale and the charging of your friend Junior Marshall was
2 a very important event in your life?

3 A. I would say, yes.

4 Q. And it was a very important event in the City of Sydney at
5 that time?

6 A. That's right.

7 Q. Murder is not an everyday occurrences, are they?

8 A. That's right.

9 Q. And especially a murder in the Park where you often went on
10 the weekends?

11 A. Yes.

12 Q. And where your friends were all intimately involved?

13 A. That's right.

14 Q. Was it a matter of conversation and I presume it was a matter
15 of conversation between you and your friends?

16 A. Yes.

17 Q. And it was a pretty important thing that you talked about
18 continuously, not continuously wrong expression, you talked
19 about it a lot --

20 A. Yes.

21 Q. -- from the date of the death of Sandy Seale until the end
22 of school -- the end of the school term in June?

23 A. Yes, I would say so.

24 Q. And you knew that in June Donald Marshall had a preliminary
25 hearing so I presume it was still a matter of concern for
everybody?

- 1 | A. Yes, I'd imagine it was, yes.
- 2 | Q. And do you recall that that it was something that the kids
- 3 | at school talked about?
- 4 | A. No, I don't recall if the kids at school talked about it.
- 5 | I know we talked about amongst ourselves but --
- 6 | Q. Sure, sure and when I say the kids at school I mean your
- 7 | group of friends and the --
- 8 | A. Yes.
- 9 | Q. -- people you were with and your classmates? Were Joan
- 10 | Clemens and Barbara Floyd classmates of yours?
- 11 | A. No, they weren't.
- 12 | Q. Did you talk about it with people in school?
- 13 | A. No, other than them no.
- 14 | Q. I'm sorry, I didn't get your answer.
- 15 | A. Not other than them, no.
- 16 | Q. Not other than them. And it was an issue that you talked
- 17 | about simply because you were if not directly there you
- 18 | were involved because of your knowledge of the people?
- 19 | A. Yes.
- 20 | Q. Did you know Patricia Harriss at that time?
- 21 | A. No, I didn't.
- 22 | Q. Do you know her now?
- 23 | A. No.
- 24 | Q. Did you know Terrance Gushue at that time?
- 25 | A. No, I knew who he was but I didn't know --

- 1 Q. Did you know either of the O'Reilley twins?
- 2 A. Yes.
- 3 Q. Did you know them then?
- 4 A. Yes.
- 5 Q. How did you know them?
- 6 A. I had known them almost all my life, I guess. When I first
7 grew up in a country place in Boularderie and their grand-
8 parents lived there. So they used to come up for the summers
9 So I --
- 10 Q. Did you know them in the City as well?
- 11 A. Yes.
- 12 Q. They would have been a year or so younger than you?
- 13 A. Yes.
- 14 Q. And do you recall if you ever had -- ever talked to them about
15 this event at about that time?
- 16 A. I don't think I ever did, no.
- 17 Q. I'm sorry?
- 18 A. No, I don't think I ever did, no.
- 19 Q. Okay. Did they frequent the dances as well?
- 20 A. Yes.
- 21 Q. So you would have been within the same if not the same
22 immediate social group or at least in the same broader social
23 group?
- 24 A. That's right, yes.
- 25 Q. That's all, thank you.

1 MR. BISSELL:

2 No questions, my Lord.

3 THE CHAIRMAN:

4 Mr. Ross.

5 MR. ROSS:

6 My Lord, if there's nothing that's arising out of that letter,
7 I don't think that I would have any questions of this witness.
8 I wonder if it would be appropriate --

9 THE CHAIRMAN:

10 You want to look at the letter. By all means.

11 MR. ROSS:

12 I don't know if I should do this, but relying on Mr. Pink, he
13 says there's nothing in the letter. No questions, My Lord.

14 THE CHAIRMAN:

15 Mr. Nicholas.

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1 MR. NICHOLAS:

2 I have a few questions to the witness, My Lord.

3 BY MR. NICHOLAS:

4 Q. Mrs. Cotie, you indicated that you began to go to school
5 with Indians from Membertou Reserve. Approximately what
6 grade level would that have begun?

7 A. When I first started hanging around with them? Do you mean?
8 I -- When I first started going to school with them?

9 Q. When you first started to school with them, yes.

10 A. It was probably grade eight, yes.

11 Q. I beg your pardon?

12 A. Grade eight.

13 Q. Grade eight?

14 A. Yes.

15 Q. So I believe you said -- What was the Junior High School
16 that you went to?

17 A. Sheriff, yes.

18 Q. Sheriff. And is that --

19 MR. CHAIRMAN:

20 Mr. Nicholas, I didn't realize that --

21 BY MR. CHAIRMAN:

22 Q. You said that the Indian children attended the same school as
23 you did?

24 A. Yes, in Junior High, they did.

25 Q. And in High School?

1 A. High School, I don't remember any of them going there. I
2 believe Edward Kavatay may have gone there but I don't remember
3 the rest of the people.

4 MR. CHAIRMAN:

5 I'm sorry. Go ahead. I had missed that.

6 MR. NICHOLAS:

7 Okay.

8 BY MR. NICHOLAS:

9 Q. And when you went to school at Sheriff Junior High is that
10 where you first met a lot of Indians students from Membertou?

11 A. There were a lot there. I didn't meet them until after
12 Barbara had introduced me to them by going to the park but --

13 Q. So in your particular class -- in your classroom there were
14 no Indians in that classroom?

15 A. Yes, there was. I didn't know that many of them.

16 Q. And at what grade would Barbara have been at this time when
17 you were at Sheriff?

18 A. Well, we both started off in grade eight and then I went to
19 grade nine and Barbara didn't.

20 Q. And did you other friend, Joan, also was she in grade eight
21 with you?

22 A. She was -- No, she was in a lower grade. So when I was in
23 nine she was in eight.

24 Q. I see. And is that the year she also when out with Junior
25 Marshall?

- 1 A. I can't really remember for sure. I believe it was probably
2 sort of in between. I was going from Junior High to High
3 School. It was sort of in that year span and so she was
4 probably still in High School -- Junior High, yes.
- 5 Q. So when your friend, Claudia Mumford, told you later that
6 there were these discussions going on as to why you were
7 hanging around with Indians, what grade were you in then?
- 8 A. I -- I'm not sure. I believe it was probably grade 11. I
9 can't -- Yes, it was grade 11.
- 10 Q. And how long before that had you stopped dating Indians?
11 Or an Indian, I should say.
- 12 A. Boy, it would have been almost a year span, I guess. It was
13 in '71 I stopped hanging around with them so it would be --
14 over the summer I guess it would have been so within a matter
15 of six months to a year.
- 16 Q. Now, in that period of time did your parents tell you not
17 to --
- 18 A. No.
- 19 Q. -- spend anytime with these Indians?
- 20 A. No. They never ever did.
- 21 Q. Did you also spend any time visiting them on the Reserve in
22 Membertou?
- 23 A. I did when I was hanging around with them, yes.
- 24 Q. So you would have been there on more than one occasion?
- 25 A. Yes.

- 1 A. Yes.
- 2 Q. And I was curious about these clippings that you kept. At
3 what age did you began to make -- keep this collection of
4 clippings from the local paper?
- 5 A. I don't know. I was probably about 13.
- 6 Q. When you were 13 years old?
- 7 A. Yes.
- 8 Q. And do you have these clippings? Do you still keep them?
- 9 A. I have some. I don't have all of them.
- 10 Q. And over this period of time that you were able to make
11 a conclusion that there were more Indians came in difficulty
12 with the law than others, over what period of time would that
13 have been?
- 14 A. Basically I guess it would have been the year that I was
15 hanging around with them because it was because I recognized
16 their names in the paper that I would cut it out so --
- 17 Q. You did this till 1971?
- 18 A. Yes.
- 19 Q. Did it upset you, what your friend Joan told you what happened
20 with -- I can't remember that police officer -- with Mr.
21 MacIntyre?
- 22 A. Yes, I would say it would, yes. I don't know what to extent
23 it would upset me. It did upset me but, I mean, I didn't have
24 any comments to her mother or anything about it.
- 25 Q. Would you have got the impression that perhaps this same Mr.

1 MacIntyre would have approached your mother?

2 A. Do I think he would have approached my mother?

3 Q. Yes.

4 A. I don't know. Maybe he would have, yes.

5 Q. I mean did you suspect he might have done that or --

6 A. Oh, no. I didn't.

7 Q. You didn't?

8 A. No.

9 Q. Now when Joan, your friend Joan, relayed what happened to you
10 were you with Barbara Floyd as well?

11 A. Yes.

12 Q. So she relayed the story to both of you then?

13 A. Yes.

14 Q. And were there others who were with you at that time?

15 A. No. Not that I can remember.

16 Q. Did --

17 A. Pardon me?

18 Q. I'm sorry.

19 A. No, go ahead. Not that I can remember. There wasn't anyone
20 else around.

21 Q. Now, even today do your friends bring up to you why you
22 associated with Indians?

23 A. No, my friends today don't, no.

24 Q. So you don't have the same problems that Barbara Floyd would have?

25 A. That's right. Oh, I don't, no.

- 1 Q. What, in general, then is your impression about Indians at
2 that particular time, Sandra?
- 3 A. My impression of them? I'm not sure what you mean.
- 4 Q. Well, what are you -- like, your friend told you that people
5 were talking behind your backs saying why are you hanging
6 around with Indians and you hung around with them --
- 7 A. Yes.
- 8 Q. -- and I'm wondering what your impression was of Indian people
9 at that time?
- 10 A. I don't think I had any impression of them other than the
11 fact that I thought of them as friends. They weren't any
12 different than any other friend I would have ever had.
- 13 Q. So, you were able to accept them for who they were?
- 14 A. Yes.
- 15 Q. Did you ever loose any friends because of you associated
16 yourself with Indians?
- 17 A. I don't think I've lost any friends, no. I -- apparently I've
18 never had that many to begin with because of it, according to
19 what had been said in High School about it. Obviously maybe
20 that's why people were -- I was a very shy person so I didn't
21 make that many friends myself anyway but there wasn't very
22 many who approached me to be friends with me either and perhaps
23 that's -- well, that was why.
- 24 Q. So these particular clippings that you saved at the time, were
25 they of your friends who had been apprehended and taken to court