

1 and given a fine?

2 A. Yes.

3 Q. Were there any non-Indians, that you knew, who also -- whose
4 name also appeared in the paper at the time?

5 A. Yes.

6 Q. I believe counsel already asked you concerning the one incident
7 with Mr. MacIntyre. So that you had no other negative
8 impressions of Mr. MacIntyre other than that one incident?

9 A. No.

10 MR. NICHOLAS:

11 I have no further questions for the witness, My Lords.

12 MR. CHAIRMAN:

13 That's all. Thank you Mrs. Cotie.

14 MARY PATRICIA CSERNYIK, being called and duly sworn, testified
15 as follows:

16 BY MR. ORSBORN:

17 Q. Could you give us your full name, please?

18 A. Mary Patricia Csernyik.

19 Q. And would you mind spelling your surname?

20 A. Csernyik. C-s-e-r-n-y-i-k.

21 Q. And do I understand that your maiden name is O'Reilley?

22 A. Yes, it is. Was.

23 Q. Where do you live now?

24 A. 19 Parkview Drive.

25 Q. That's in Sydney?

- 1 A. Yes.
- 2 Q. Have you lived in Sydney all your life?
- 3 A. Calgary for three years.
- 4 Q. When did you live in Calgary?
- 5 A. Two years ago.
- 6 Q. And you were there for three years?
- 7 A. Yes.
- 8 Q. Other than that you've lived in Sydney?
- 9 A. Yes.
- 10 Q. In 1971 how old were you?
- 11 A. 15.
- 12 Q. 15. And where did you live in Sydney then?
- 13 A. 23 Cross Street. North End.
- 14 Q. I'm sorry?
- 15 A. The North End.
- 16 Q. North End?
- 17 A. Yes.
- 18 Q. And did you have any brothers or sisters living at home?
- 19 A. A twin sister and my oldest sister and one brother.
- 20 Q. And your older sister would be how much older than you?
- 21 A. Two years.
- 22 Q. And you brother?
- 23 A. Eight years, nine years younger.
- 24 Q. Maybe?
- 25 A. Yes.

- 1 Q. He was very glad that he was --
- 2 A. The baby.
- 3 Q. -- He's glad that he was that much younger I guess?
- 4 A. Yes.
- 5 Q. In 1971 where did you go to school?
- 6 A. I went to Central School for grade seven. That was in '71.
- 7 Q. Were you -- So in the spring of '71 were you finishing grade
- 8 seven?
- 9 A. Yes.
- 10 Q. And was your twin sister in the same grade?
- 11 A. Well, we got separated that year. She went to Holy Angels. The
- 12 old part?
- 13 Q. Different school?
- 14 A. Yes, for grade seven and then we were together after that.
- 15 Q. I see. The school that you went to-- You said Central High
- 16 was it?
- 17 A. Central -- Well, just Central School. It was --
- 18 Q. Central School.
- 19 A. -- Junior High. Seven, eight, nine.
- 20 Q. Seven, eight, nine?
- 21 A. Yes.
- 22 Q. What racial mix, if any, was there at that school? Were there
- 23 Blacks and Indians and Whites going to the school?
- 24 A. No, I think it was all Whites.
- 25 Q. The school was all Whites?

- 1 A. Yeh. Just that it was a Protestant School.
- 2 Q. I see.
- 3 A. Like it wasn't Catholic.
- 4 Q. So your school was along denominational lines?
- 5 A. Yes.
- 6 Q. I see. And do I understand from that that the Blacks and
7 Indians were not predominately Protestant?
- 8 A. I don't recall any Blacks or Indian going there. Not, like,
9 in my class. I don't know. Hard to think now, that long ago.
- 10 Q. To your recollection your class was White?
- 11 A. Yes, our classroom was.
- 12 Q. Boys and girls?
- 13 A. Yes.
- 14 Q. Let's talk a little bit about life in Sydney in 1971 as a
15 teenager in the early teens. Outside the school activities
16 what common activities would you pursue-- recreational
17 activities?
- 18 A. Well, I hung around with my two sisters and shows and whatever.
- 19 Q. Yes. Where would you hang around?
- 20 A. Down at the park. That's what you're looking for.
- 21 Q. Well, I'm not looking for anything, not at all.
22 The park we have on the map there behind you?
- 23 A. Yes, the park on the map behind me.
- 24 Q. Are there any other parks in Sydney?
- 25 A. There's -- well, not that we hung around.

- 1 Q. Is that right? Apart from your sisters who would you hang
2 around with?
- 3 A. What do you mean? Whites or Blacks or what just --
- 4 Q. You tell me?
- 5 A. Well, we hung around with the Indians and we hung around
6 some Whites and I had my -- a few school friends, that's all.
- 7 Q. When you say your sisters, would it be your twin sister or both
8 of your sisters?
- 9 A. My both sisters.
- 10 Q. So even though your other sister -- your older sister's name
11 is Catherine, is it?
- 12 A. Yes.
- 13 Q. Okay. And she's a couple of years older than you but you
14 still hung around in the same group?
- 15 A. Yes. Well -- Yes, we did. And a few friends from the
16 North End of my own. Girl friends.
- 17 Q. Okay. Was there any one group of you that stuck together more
18 than others?
- 19 A. Well, there was about the same group, I guess, and then later
20 on things changed and I went my way and other people went their
21 own way.
- 22 Q. The Indians that you hung around with, do you remember who
23 they were?
- 24 A. Pius Marshall, Artie Paul, Edward Kavatay just -- you know,
25 I don't know him really that good. There were Whites but I

1 wouldn't know now. I wouldn't even know their names, some
2 of them, you know. A mixture.

3 Q. Whites -- boys, girls?

4 A. Yes, boys, girls. And I knew Barbara because she went
5 to school with my sister.

6 Q. Right.

7 A. And so on.

8 Q. Other than you and your sisters, do you remember any of
9 the White girls?

10 A. Well, just a close friend of mine, Theresa MacNeil. We hung
11 around together as friends.

12 Q. Did you stick together with the Indian boys?

13 A. Yes.

14 Q. Any White boys in that group?

15 A. There might have been one or two at times but for names I
16 don't know. It's so long ago. It's hard to remember.

17 Q. How did you get to be friends with the Indians if they didn't
18 go to your school?

19 A. Well, I just -- I got -- My sister went with one and I got
20 introduced and then they just keep on adding on. You know,
21 you get to know more.

22 Q. Any Black boys or girls?

23 A. I never. Never with the Blacks.

24 Q. Any reason for it?

25 A. I don't know. I don't remember that hung around at the park or

1 | that I knew of. I used to see them at the dance but

2 | I didn't -- you know.

3 | Q. The ones you remember were the Indians?

4 | A. Yes.

5 | Q. Okay. Other than hanging around with this group in the
6 | park, would you do anything with them? Go to shows?

7 | Anything like that?

8 | A. Yes.

9 | Q. Would you visit their homes?

10 | A. No, never. Myself never.

11 | Q. Did you spend any time on the Reserve at all?

12 | A. No.

13 | Q. Any reason for that?

14 | A. I don't know. Just a little bit at the park and shows and
15 | walking around. That was it.

16 | Q. Were you ever invited to go to their homes to visit?

17 | A. No.

18 | Q. Did you ever invite them to your home?

19 | A. No.

20 | Q. Why not?

21 | A. Well, my parents were prejudiced and it wasn't -- they didn't
22 | really like us hanging around with them so --

23 | Q. Did they know you were hanging around with them?

24 | A. Yes.

25 | Q. Did they make that displeasure known to you?

- 1 A. Of course.
- 2 Q. Did you still hang around with them?
- 3 A. Well, things changed later on but --
- 4 Q. When you say later on, about what time are you talking about?
- 5 A. Well, my period of time was about four months and I met my
6 former husband and life goes on.
- 7 Q. Okay. So you were hanging around with this group for around
8 four months?
- 9 A. Yes.
- 10 Q. And was that around 1971?
- 11 A. Yes.
- 12 Q. Do you recall whether or not any White girls or boys expressed
13 any reaction to you, about your hanging around with Indians?
- 14 A. No.
- 15 Q. Any body other than your parents express any reaction to
16 you?
- 17 A. No.
- 18 Q. Teachers?
- 19 A. No, they didn't really know, I guess.
- 20 Q. How about the police?
- 21 A. Well, they knew of us, I guess, but --
- 22 Q. They knew of you? How did they know of you?
- 23 A. Well, I made a statement.
- 24 Q. Oh, yeh. I'll get to that.
- 25 A. Well, when you get to that then. That's the only time I recollect.

1 Q. Did you ever have occasion of any contact with the police
2 when you were hanging around with the Indians?

3 A. Just once, one night.

4 Q. When was that?

5 A. Well, it was months before Junior was convicted. I don't
6 know what month.

7 Q. Okay.

8 A. But --

9 Q. Can you tell us what happened?

10 A. Well, we were at a show and it was --

11 Q. When you say we, who is we?

12 A. My sister and I and --

13 Q. Your sister?

14 A. My twin sister and my older sister. And we were at --

15 Q. And your twin sister's name is Margaret?

16 A. Margie. Margie and Catherine were there and it was about one-
17 thirty in the morning. We left the show and we started walking
18 down by the Credit Union on the corner of Townsend and George
19 and they stopped us. I was --

20 Q. Who were you with?

21 A. I was with Pius Marshall and my sister was with Artie Paul
22 and we weren't really doing anything but they said that --
23 took our names and where do you live and we gave all the
24 information out and then they called my parents and told them
25 that we were walking with the Indians and that. I guess they

1 | couldn't take us in. We weren't really doing anything.

2 | I don't think anyway.

3 | Q. They called the parents that night?

4 | A. Yes, or they went down to the house. I can't remember now.

5 | Q. They went to your house that night?

6 | A. Yeh, they went to the house. I don't know if they called
7 | first or went down to the house. My father didn't appreciate
8 | it anyway. I remember back.

9 | Q. Do you know who the policemen were?

10 | A. I think it was Boots Walsh?

11 | Q. Boots Walsh?

12 | A. I'm -- possibility.

13 | Q. Why do you think it was him?

14 | A. Well, that's the only man that I remember that, you know,
15 | I can see his face and that.

16 | Q. You remember a description of him?

17 | A. Yeh. Tall, slim like you. Make you feel good.

18 | Q. I'm not so sure about that.

19 | A. I remember he rolled down the window but, you know, I couldn't
20 | tell you what colour eyes he had but I know he was thin and
21 | thin faced. Just -- and --

22 | Q. Why would they call your parents or why did they go to your
23 | parents house?

24 | A. I guess cause we were walking with the Indians. We should
25 | have been home in bed.

1 Q. Did they tell you that it was because you were with
2 the Indians?

3 A. Yeh, they just asked where we were coming from and where
4 we were going and, you know.

5 Q. Had you been out on the street at that hour of the night
6 before?

7 A. No, it's was just that we were supposed to be in the show
8 but we weren't.

9 Q. At one-thirty?

10 A. Yes. We were walking down to go home.

11 Q. Do you think they would have stopped you if you had been
12 with White guys?

13 A. No, I don't think.

14 Q. Still one-thirty in the morning?

15 A. Yeh, well, if, what was it? If there had have been a curfew
16 or something, why didn't they take us home?

17 Q. Why do you think that they would not have stopped you if
18 you'd been with White guys?

19 A. Well, just that a lot of people are prejudiced and at that
20 time in that year we were doing the wrong thing.

21 Q. Can you tell us a little more about that? That time -- At that
22 year you were doing the wrong thing?

23 A. Well, we were out late and we were with Indians.

24 Q. Did the police make any point of saying to your parents that
25 you were with Indians?

- 1 A. Yes, they did.
- 2 Q. Did they say anything more about that?
- 3 A. Not that I recall. It was my father that had the conversation
4 with them. That's -- you know.
- 5 Q. Was your father waiting up for you when you got home?
- 6 A. Was he ever.
- 7 Q. What did he say to you?
- 8 A. Well, we didn't know that they went down to our house.
9 We told them the truth, our names, our address, the whole
10 bit but when we got home my father was standing there and
11 said, "I had a visit from the City Police." You know, you were
12 supposed to be in the show and you were on the street and
13 whatever; so we could see his point.
- 14 Q. And was he concerned about the fact that you'd been on the
15 street and not in the show?
- 16 A. Yes, and the company. Well, I just remember that the police
17 said it was the company that we were keeping. That's all the
18 words I remember. That's --
- 19 A. Is this what the police said to you or what you father said
20 to you?
- 21 Q. That the police officer, whoever, said to my father said to
22 my father that we were in -- I don't know what kind of company
23 it -- what word he used.
- 24 Q. Had you ever been in any contact with the police before when
25 you had been with your -- with the Indians?

1 A. No.

2 Q. Ever seen them in a trouble with the police?

3 A. No.

4 Q. You mentioned that you hung around the park. Had you
5 ever been in the park when the police would do a patrol
6 and look for minors drinking?

7 A. I remember maybe once or twice -- like there might be a police
8 car that would stop. Maybe they'd -- I don't even know if
9 there was a siren or anything but we'd just get out of there.
10 That's all I remember. That's -- you know -- but they didn't
11 really -- as far as vaguely I can remember that they never
12 really bothered us. Like, at times but --

13 Q. Was there anything at all that gave you the indication or
14 impression that the Indians were bad company to be with?

15 A. Well, at that age you didn't know if -- I don't know, if
16 it was bad or good. You did it and it's over with now so
17 it's all ready done.

18 Q. Were they in trouble any more than the Whites that you knew?

19 A. I don't think.

20 Q. We've heard of some talk about people bumming money in the
21 park. Looking for a dime or looking for a quarter for alcohol
22 or whatever. Do you have any knowledge of that practise?

23 A. No.

24 Q. Did you ever hear anybody saying anything -- go and bum
25 a quarter off somebody?

1 A. No, not that I recall.

2 Q. Do you have any knowledge of any fights or any disturbances
3 in the park area?

4 A. There might have been a few fights but I don't --

5 Q. Do you remember anything about them?

6 A. No, not really.

7 Q. Do you remember if they were along racial lines?

8 A. Well, sometimes it would be the Whites. If the Whites went
9 down to the park it seemed like the Indians kind-of owned
10 the park at times. They -- some of the Whites, they allowed
11 in the park and some of them, I don't know, I can vaguely
12 remember but -- more or less it was their place.

13 Q. The Indians place?

14 A. Yes, that's all I remember about it.

15 Q. What did they do to make it seem like their place?

16 A. Well, they just -- One time -- The only thing I remember,
17 somebody went down there to eat a pizza and one of the Indians,
18 I don't know which one, told them to get out of the park and
19 I said, "what are you doing that for?" "Let them eat their
20 pizza, and that's -- you know, I just felt like it was their
21 territory.

22

23

24

25

MARY CSERNYIK, by Mr. Orsborn

1 Q. Was this prior to the incident with Sandy Seale this happened?

2 A. Months before probably.

3 Q. Months before?

4 A. Yes.

5 Q. Anything else to give you the indication that --

6 A. No.

7 Q. -- the Indians owned the park?

8 A. No. That's about the only thing I remember.

9 Q. Would there be more Indians down than White people?

10 A. I figure about the same amount at times, you know.

11 Q. Were you ever present when the police were involved in any
12 fight in the park -- were called to any fight in the park?

13 A. No. No.

14 Q. Did you know Sandy Seale?

15 A. No. No.

16 Q. Did you know Junior Marshall?

17 A. Yes.

18 Q. Was Junior with you that night the police stopped you and then
19 went to your house?

20 A. Yes.

21 Q. In 1971, how long had you known Junior Marshall for?

22 A. Maybe four to six months. Just --

23 Q. Do you recall how you met him?

24 A. I think it was through my sister, Catherine.

25 Q. Was he a boyfriend of yours or --

MARY CSERNYIK, by Mr. Orsborn

- 1 A. No.
- 2 Q. -- just a member of the group?
- 3 A. Just a member of the group. Very quiet and I didn't really
4 know him.
- 5 Q. How often would you be with this group? Once a week?
- 6 A. On the weekends.
- 7 Q. On the weekends?
- 8 A. Yes.
- 9 Q. And would he be in the group more often than not?
- 10 A. Sometimes he'd go his own way, yeh.
- 11 Q. Okay.
- 12 A. I don't remember.
- 13 Q. When he was with you in this group, did you ever hear him
14 speak of Sandy Seale?
- 15 A. No.
- 16 Q. Did you ever see him with Sandy Seale?
- 17 A. No.
- 18 Q. Did you ever see him with John Pratico?
- 19 A. No. I didn't know him at all.
- 20 Q. Didn't know John Pratico at all?
- 21 A. No.
- 22 Q. Your impression of Junior, that he was a quiet type?
- 23 A. Yes. Well, he didn't bother me. If he bothered anybody
24 else --
- 25 Q. Did you ever see him in any fights?

MARY CSERNYIK, by Mr. Orsborn

1 A. No.

2 Q. Do you know whether or not he carried any kind of a weapon at
3 any time?

4 A. I didn't really see one. So --

5 Q. Do you have any reason to believe that he would carry a weapon
6 of any kind?

7 A. No.

8 Q. Other than the night you were supposed to be at the movies,
9 did you have any contact with the police at all while you were
10 in Junior's company?

11 A. No.

12 Q. Did you know his brother, Pius?

13 A. Yes.

14 Q. Was he a member of this group?

15 A. Yes.

16 Q. And did you go out with him?

17 A. Yes.

18 Q. For how long?

19 A. About three months, four months.

20 Q. Prior to the incident with Mr. Seale?

21 A. Yes, before that, yeh.

22 Q. Now, in May of 1971, when this happened, were you still a
23 friend of Junior's at that time?

24 A. In the earlier part of the year, but -- Like when it happened,
25 I wasn't associating with the Indians at all.

MARY CSERNYIK, by Mr. Orsborn

- 1 Q. In May of --
- 2 A. I was with my husband that I'm with now; so I remember that
- 3 night so --
- 4 Q. Okay.
- 5 A. The first night I met him.
- 6 Q. How -- Do you know how long you had been being going out with
- 7 your present husband prior to May?
- 8 A. About a month, month and a half, maybe.
- 9 Q. And when you started going out with him, did -- I understand
- 10 you stopped being a part of this group of Indians?
- 11 A. Yes.
- 12 Q. Your husband hadn't been a part of that group, had he?
- 13 A. No.
- 14 Q. You say you remember the night of the 28th of May, do you?
- 15 A. A little bit, yes.
- 16 Q. What do you remember?
- 17 A. Well, I was at the dance that night and between 11:30 and 12,
- 18 I left. I left with my husband, well, boyfriend and --
- 19 Q. What, your husband's name is Stephen?
- 20 A. Steve, yeh. And we -- The only thing I remember -- Being
- 21 outside and I was talking ot my girlfriend and we thought
- 22 that we heard an ambulance or police car or whatever, but we
- 23 didn't know what was goin' on. And --
- 24 Q. When the dance was over?
- 25 A. It was before the dance was over. Vaguely as I can remember.

1 And then we walked home and that was it. And then when I did
2 get home, I was sitting in the yard in my father's car with
3 Steve, and then my mother came out and said, "Guess what?"
4 and told us what happened that there was a murder in the park
5 and I remember running in and scared and thinking, "Oh, God,"
6 you know. That's about all I remember.

7 Q. Your mother came running out that night?

8 A. Yes.

9 Q. Do you recall if she said the word "murder" or simply a stabbing?

10 A. No, I don't really recall.

11 Q. Okay. Let's go back to the dance. Do you recall seeing Junior
12 Marshall at the dance that night?

13 A. No, I don't. No.

14 Q. Would you have known Sandy Seale if you saw him?

15 A. No.

16 Q. Would you have known John Pratico if you saw him?

17 A. No.

18 Q. Do you have any recollection of whether or not Junior was in
19 any kind of a fight at the dance that night with anybody?

20 A. No.

21 Q. You have no recollection of it?

22 A. No.

23 Q. Do you know whether or not the dance was over when you saw
24 the ambulance?

25 A. No. Not really. I was trying to figure out today, was it over

1 at 12 or 12:30. I think 12 o'clock. Usually they went to 9
2 to 12.

3 Q. Okay. We can perhaps talk about that a little later because
4 there is some reference to it in the statement you gave to
5 police in 1981.

6 A. Yes.

7 Q. That may help you. You first heard of the incident in the park then
8 from your mother?

9 A. Yes.

10 Q. Did you know who was involved in it?

11 A. I don't know if she mentioned just Junior or -- I don't know if
12 she said it was a Black man or a man or -- I can't remember.

13 Q. Did she say how she had heard?

14 A. On the radio, I think she said.

15 Q. Did you go back out and see what had happened or just go in
16 the house and go to bed?

17 A. No, I just ran in the house and they drove my boyfriend home
18 and I stayed in. Kind of gave you -- Well, Sydney's small.
19 There wasn't too much going on, and you hear that.

20 Q. Yes.

21 A. A scary thing.

22 Q. Did you have any contact with Junior Marshall after that?

23 A. He phoned the next day. Now, I don't remember that I answered --
24 that I answered the phone, and he asked for my sister, and
25 they had a conversation, but I never had a conversation with

MARY CSERNYIK, by Mr. Orsborn

- 1 him.
- 2 Q. Did you have any conversation with him at all before to your
3 sister?
- 4 A. No.
- 5 Q. With your sister?
- 6 A. No.
- 7 Q. Did your sister indicate to you what he had called for?
- 8 A. No. I don't even remember. Until I looked at her statement,
9 I didn't remember what they had to say.
- 10 Q. What contact would he have had with your sister around that
11 time?
- 12 A. Just friends, I guess. Just --
- 13 Q. Was she still part of the group of -- going around with the
14 Indians?
- 15 A. Yes, she was.
- 16 Q. Okay. Was it unusual for him to call her?
- 17 A. Yes, in a way, I guess.
- 18 Q. Had he done it before?
- 19 A. I don't remember that he called before.
- 20 Q. Did she tell you why he called?
- 21 A. No.
- 22 Q. Do you know how long she spoke to him?
- 23 A. Maybe five, ten minutes.
- 24 Q. Did you ask her why he had called?
- 25 A. No.

MARY CSERNYIK, by Mr. Orsborn

- 1 Q. After she had got off the phone, did you know any more about
2 what had happened the night before than you did
3 before he called?
- 4 A. The only thing I remember is that he was taken in for questioning.
5 That's all I remember or --
- 6 Q. Did he tell your sister that?
- 7 A. Yes. That's all I remember.
- 8 Q. Is that the first indication that you had that he was involved
9 in any way in the stabbing?
- 10 A. Well, just in -- When my mother told me the night before, I
11 knew, but then when he called -- She'd have more to say than
12 me. I wasn't listening to their conversation, whatever he
13 said.
- 14 Q. Do you recall what she had said about his involvement the
15 night before?
- 16 A. No. No.
- 17 Q. Could it've been simply that he had also been stabbed?
- 18 A. I don't know.
- 19 Q. But you don't recall having any direct discussion then with
20 Junior?
- 21 A. No, I don't.
- 22 Q. Did he call anymore that you're -- to your knowledge?
- 23 A. Not that I know of, no.
- 24 Q. Was the incident a topic of discussion in your house?
- 25 A. No.

- 1 Q. Your sister, Catherine, or Margaret discuss it with you at all?
- 2 A. Oh, a little bit, but --
- 3 Q. What about school?
- 4 A. Very little that I remember about it.
- 5 Q. And at this time, you were not in contact anyway with the
- 6 Indian boys and girls?
- 7 A. No, not after that. Well, even before that I wasn't; so --
- 8 Q. Right. Do you recall your sister, at any time, you know, before
- 9 the trial, say, at any time talking to you about what Junior
- 10 had told her over the phone?
- 11 A. No.
- 12 Q. Is it likely that she would've talked to you about it?
- 13 A. Well, she might have, but who can remember that far back?
- 14 Q. I appreciate that. Were you close to your sister?
- 15 A. Yes.
- 16 Q. Okay. Would you talk about things that went on?
- 17 A. Yeh, a little bit, but --
- 18 Q. Okay. Do you recall if you were contacted by the police?
- 19 A. Well, we had to make a statement. When was that? That was
- 20 right after it happened.
- 21 Q. Yeh, we have a --
- 22 A. But -- Am I going too far ahead?
- 23 Q. No. No.
- 24 A. Sometime that week or two weeks.
- 25 Q. We have a statement. It's dated the 18th of June. I'm

1 | wondering if you recall how you came to give that statement.

2 | How were you contacted by the police?

3 | A. I think they picked me up at school or they -- or my parents
4 | picked me up. Say -- No, my mother and father came or it
5 | was my mother alone and said that we had to make a statement,
6 | and I said, "What do we have to make a statement for? We
7 | didn't see nothing."

8 | Q. Did you mother come to the school?

9 | A. Yes.

10 | Q. You don't recall any police coming to the school or anything
11 | like that?

12 | A. No.

13 | Q. Okay. Your mother came to the school and said you had to make
14 | a statement?

15 | A. Yes.

16 | Q. What happened then?

17 | A. Well, we went down to the police office and made a statement.
18 | I was first.

19 | Q. And?

20 | A. And I don't know if my mother -- My mother wasn't in there
21 | with me. I don't know if she waited out or if she --

22 | Q. Did your sister go with you?

23 | A. No, she came after me.

24 | Q. Did your mother take you to the police station?

25 | A. I think so. She'd take us.

MARY CSERNYIK, by Mr. Orsborn

1 Q. Then it was just -- Your sister didn't go with you at that
2 time?

3 A. No. She came after -- Well, after -- Just when I was -- Before
4 I finished, she walked in.

5 Q. Okay. Were you surprised when you were asked to go the police
6 station?

7 A. Yes. Well, if I had have been important, I would've understood
8 why they wanted me, but --

9 Q. Yes.

10 A. It's just like more or less, you hung around with Indians, now
11 you're to pay the consequence.

12 Q. Was anything like that ever said to you?

13 A. Well, when you -- They get you there and ask you all those
14 questions.

15 Q. What kind of questions did they ask?

16 A. Just what Indians we hung around with and --

17 Q. Perhaps it might be easier at this stage to go to the statement.

18 I have here what I believe to be an original copy,
19 Mrs. Csernyik, of your statement. Is that your signature on
20 the bottom of that page?

21 A. Yes.

22 Q. And is it also your signature on the bottom of the next page?

23 A. Yes.

24 Q. Those statements are reproduced both in the handwritten version
25 and the typed copy at Volume 16, page 76, the handwritten copy.

- 1 There's also a copy of the typed version in Volume 13, page 174.
2 But both the handwritten and the typed copies are reproduced
3 in Volume 16, pages 74 and page 76. It may be easier for you
4 to read in this volume.
- 5 A. The writing.
- 6 Q. Do you have any recollection now of having signed that statement?
- 7 A. I must've signed it. It's my writing. I don't really remember
8 signing it, but --
- 9 Q. Before we talk about what's in the statement, do you have any
10 recollection of how the statement was taken from you? When
11 your mother took you to the police station, where did you go,
12 do you remember? When you got to the police station?
- 13 A. I just went in a little room and Mr. MacIntyre was there.
- 14 Q. Did you know it was Mr. MacIntyre?
- 15 A. Yes.
- 16 Q. Did -- How did you know that? Just introduced himself or had
17 you seen him before?
- 18 A. Well, as far as I can remember, he must have introduced himself.
- 19 Q. I see. Was there any other --
- 20 A. I thought there was one more, pardon me, policeman with him,
21 I don't know.
- 22 Q. You thought there was?
- 23 A. There was two. Yeh. There was two.
- 24 Q. Did you go into a room with the policeman?
- 25 A. Yes.

MARY CSERNYIK, by Mr. Orsborn

- 1 Q. Okay. Did your mother go in with you ?
- 2 A. No.
- 3 Q. Did she ask to go in with you?
- 4 A. I don't remember.
- 5 Q. Okay. Do you recall if she went in and was asked to leave?
- 6 A. No.
- 7 Q. Were you feeling at all nervous?
- 8 A. Of course.
- 9 Q. Did you ask to have your mother stay?
- 10 A. No.
- 11 Q. Why not?
- 12 A. I don't know. I just figured they -- My mother kept on saying,
- 13 "Well, they're probably only going to ask you a few questions.
- 14 Don't be --" You know. So I figured that they're probably
- 15 going to just ask me a couple of questions and that was it.
- 16 I mean I had to answer them regardless.
- 17 Q. Did they give you any idea at all as to why they wanted to
- 18 see you?
- 19 A. Just to find out if I was at the dance or did I see
- 20 Junior Marshall. That was the big thing.
- 21 Q. And when you went into this room with the policemen, did you
- 22 sit down?
- 23 A. Yes.
- 24 Q. Were the policeman sitting down?
- 25 A. No, I think he was standing up, as far as I can remember.

MARY CSERNYIK, by Mr. Orsborn

1 Q. I'm sorry?

2 A. I think Mr. MacIntyre was standing up.

3 Q. Okay. And do you know if -- Was the door closed behind you?

4 A. Yes.

5 Q. And do you recall how the interview took place? Was it a
6 question and answer type approach?

7 A. Yes.

8 Q. And who was doing the questioning? Do you recall?

9 A. Mr. MacIntyre.

10 Q. Do you remember his tone of voice or his attitude towards you?

11 A. Well, I started telling him the answers and then like either
12 in the middle of it or close to the end of my statement, my
13 sister walked in and started to talk to me. So he had --
14 As far as I can remember, it was a piece of paper with a big
15 heavy board and he pounded that down on the desk and he said,
16 "You'll have ample time to tell your statement." He said
17 that to my sister. "Just hold on." And I got scared. I just
18 shrank about that high. I said to my sister, "Don't talk to
19 me." It's like he thought that we had something to converse
20 about or to talk about. She just -- I don't know what she
21 asked me yet. She went to aske me something.

22 Q. Did your sister just open the door and come in unannounced?

23 A. I don't know if somebody took her in or she just came in. I
24 can't remember really.

25 Q. She came into the room?

MARY CSERNYIK, by Mr. Orsborn

- 1 | A. Yes.
- 2 | Q. And you had not finished your statement at that time?
- 3 | A. Yeh, and then they said just more or less for her to stay away
4 | from me until I was finished with mine.
- 5 | Q. Did she stay in the room?
- 6 | A. No. No, I don't think.
- 7 | Q. Now, was Sergeant MacIntyre still standing?
- 8 | A. Yes, I believe so.
- 9 | Q. Did he sit down at any time during the interview?
- 10 | A. Not that I remember.
- 11 | Q. Just for a moment take a look at the original statement that you
12 | have there.
- 13 | A. Yes.
- 14 | Q. Do you see at the bottom of that on either page any signature
15 | that resembles Detective Urquhart?
- 16 | A. Pardon me. Who?
- 17 | Q. Urquhart? U-r-q-u-h-a-r-t. The reason I ask is that his
18 | signature or his typed name appears as a witness on the typed
19 | copy of the statement, but --
- 20 | A. Yes.
- 21 | Q. -- I do not believe it appears on the original.
- 22 | A. No, just Sergeant MacIntyre, that's all.
- 23 | Q. Do you know -- just Sergeant MacIntyre.
- 24 | A. Yeh.
- 25 | Q. On both pages?

MARY CSERNYIK, by Mr. Orsborn

- 1 | A. Yes.
- 2 | Q. Do you know Detective Urquhart?
- 3 | A. No. I was wondering who you were talking about before. Urquhart.
- 4 | Q. His name is on the bottom right-hand corner of that page.
- 5 | A. Well, maybe he was there. It's hard to remember if there was
6 | one or two.
- 7 | Q. I see.
- 8 | A. I remember the guy that hollered, but I don't remember the
9 | other guy.
- 10 | Q. I'm sorry?
- 11 | A. I said I remember MacIntyre that spoke harsh, but I don't
12 | remember this fellow. If he was there, he didn't do much
13 | talking.
- 14 | Q. This harsh speaking that you're talking about, was this only
15 | when your sister, Catherine, arrived?
- 16 | A. Yes.
- 17 | Q. No other occasion?
- 18 | A. No, he was fairly --
- 19 | Q. Just turn to the statement itself. It might be easier for you
20 | to follow the typed --
- 21 | A. Yeh.
- 22 | Q. -- version down there. And you talk in the first paragraph
23 | there about being at the dance. You say you left the dance
24 | about 11:45, came back around 11:55 to the dance, and then
25 | you went to the park. Do you have any recollection of leaving

MARY CSERNYIK, by Mr. Orsborn

- 1 the dance and going to the park?
- 2 A. No, I wasn't near the park.
- 3 Q. You say you weren't near the park?
- 4 A. I don't -- Pardon me?
- 5 Q. You say you weren't near the park?
- 6 A. No.
- 7 Q. Is there any reason that you would tell Sergeant MacIntyre
- 8 that you had gone to the park, if you hadn't?
- 9 A. Maybe I said, I walked by the park. I can't remember now. I
- 10 can't recall if I walked -- In order to get home, did I walk
- 11 by the park because it probably would've been close to
- 12 midnight. I would've saw at least a car or something, or did
- 13 I go the other way.
- 14 Q. Right. Would the park have been on your way home?
- 15 A. Yes, well, straight George.
- 16 Q. George Street?
- 17 A. Yes.
- 18 Q. Okay. And you say you were just outside talking to Frank French
- 19 and Moose Tobin about 12:25. Do you know if that refers to
- 20 talking outside the church or outside your house or where?
- 21 A. No, I don't know. I don't remember talking to them.
- 22 Q. Okay. You make reference to seeing an ambulance go by. Do
- 23 you recall where you were when you saw an ambulance or if
- 24 you saw an ambulance?
- 25 A. In the parking lot of St. Joseph's, the dance, because it was

1 a friend of mine that -- He and I got together this summer, and
2 we started talking about it and she said, "Remember you and I
3 went out and had a cigarette or something?" She said, "Was it
4 an ambulance or a police car?" I said, "I remember a siren,
5 but I can't tell you any more."

6 Q. You were talking about this to a friend just this past summer?

7 A. Yes. Theresa MacNeil, the one that was with me that night.

8 That we went outside and talking but --

9 Q. Have you talked to anybody else about your memories of this?

10 A. No.

11 Q. You were asked if you knew Sandy Seale and you answered, "No."

12 And you were asked if you knew Donald Marshall. You said, "Yes."

13 And you say about halfway down the page:

14 A. He called Saturday morning. He was looking
15 for Kate, my sister. He talked to me and her.

16 Q. What was the conversation?

17 Then you relate a conversation with Junior. Does that in any
18 way refresh your memory that you may in fact have spoken to
19 Junior, yourself, on that Saturday morning?

20 A. It doesn't refresh my memory. I know that he called, but I
21 don't remember having a conversation with him.

22 Q. Okay, the contents of that which says -- It talks about a gray
23 haired man, about two men, about a cigarette, about Sandy Seale,
24 and about the phrase, "Okay, Blackie," and he stabbed him.

25 Does that in any way refresh your memory?

A. No.

MARY CSERNYIK, by Mr. Orsborn

1 Q. Is it possible that you had that conversation with Junior before
2 he spoke to your sister?

3 A. No.

4 Q. It's not possible?

5 A. No.

6 Q. If it's not possible, can you give us any assistance as to how
7 it got on to the statement?

8 A. It doesn't make sense, because even that night when my mother
9 came out and said that it happened, you know, I don't know.
10 And then the next day -- I don't know.

11 Q. Are you telling us now that you would not have given this
12 answer to Sergeant MacIntyre?

13 A. I don't recall giving it.

14 Q. Okay, but is it possible that you could have given it then?

15 A. No. No.

16 Q. If you didn't give it, can you give us any help at all as to
17 where it might've come from?

18 A. Well, maybe they got some statements mixed up. There was more
19 than me that gave a statement about --

20 Q. Yes.

21 A. -- this part anyway.

22 Q. Right. Was --

23 A. You hear so much about gray-haired men and all this. That's
24 something that I never discussed with anybody.

25 Q. Other than you and the two police officers and Catherine for

MARY CSERNYIK, by Mr. Orsborn

1 a short time, was there anybody else in this interview room
2 with you at the time?

3 A. No.

4 Q. Do you know if Sergeant MacIntyre was writing as you were
5 talking?

6 A. I believe he was.

7 Q. What was he writing --

8 A. Or it might've been the other guy too, I don't know.

9 Q. Is that his writing?

10 MR. CHAIRMAN:

11 Whose handwriting is it, please?

12 MR. ORSBORN:

13 My understanding, My Lord, is that it would be Sergeant MacIntyre's
14 handwriting.

15 BY MR. CHAIRMAN:

16 Q. Is this not your handwriting?

17 A. No.

18 Q. Just your signature?

19 A. Just my signature.

20 BY MR. ORSBORN:

21 Q. Do you recall if Sergeant MacIntyre was writing while he was
22 standing up?

23 A. I don't know. If he was writing, he must've wrote it awful
24 fast.

25 Q. Did he sit down at any time while he was talking to you?

MARY CSERNYIK, by Mr. Orsborn

- 1 A. Not that I remember.
- 2 Q. Further reference in that statement on the second page of the
3 typed version to a discussion with Patricia Harriss. In 1971,
4 did you know Patricia Harriss?
- 5 A. Yes, she was in my class in Grade 7.
- 6 Q. At Central High?
- 7 A. Yeh.
- 8 Q. Was she part of the group that you hung around with?
- 9 A. Not that I recall. She went with Terry Gushue, that's all I
10 remember. Just -- you know.
- 11 Q. Did you know Terry? Just to see him, yeh. Did you spend any
12 time with him at dances or anything like that?
- 13 A. Maybe to say hello and a little conversation, that's all.
- 14 Q. Did you spend any time either with her or with the two of
15 them as a couple in the park?
- 16 A. No, not that I remember. No.
- 17 Q. Have you had any discussion with Patricia Harriss concerning
18 this case within the last two or three years?
- 19 A. No, I haven't.
- 20 Q. Now, this -- In this statement, the question reads:
- 21 Q. Did you discuss this matter with Patricia
22 Harriss?
- 23 And I think by "this matter," he's referring to; or the question
24 refers to the stabbing and the description of the two men.
- 25 And your answer is:
- A. Yes.

1 Then the question:

2 Q. Did you tell her about the gray-haired man?

3 A. I told her there was supposed to be a gray-
4 haired man there. I told her if she was
5 questitoned by the police, she should tell
about the gray-haired man that Junior told
me about.

6 Do you recall telling the police that you told Patricia Harriss
7 to tell the two man story?

8 A. No, I don't. No.

9 Q. Is it possible that you told that -- told the police that you
10 had told Patricia about the two men?

11 A. No.

12 Q. Why are you so certain?

13 A. I'm certain because I never discussed it. You know. Like her
14 and I -- It'd be different if we hung around together. We knew
15 other. I just knew her as -- You know.

16 Q. Do you know --

17 A. I'd like to know where this came from, too.

18 Q. You and some others. Even though you were going with Steve
19 Csernyik at this time, was Junior still a friend of yours.
20 Did you look on him as a friend?

21 A. Yes. Just as -- You know.

22 Q. Did you look on his brother, Pius, as a friend of yours at
23 this time?

24 A. Yes.

25

MARY CSERNYIK, by Mr. Orsborn

1 Q. Is it possible at all that perhaps you together with your
2 sister Catherine, even when you were talking around school
3 said, "Look, we've got to help Junior", and "This is what
4 Junior says happened and this is what you've got to say".
5 Is that sort of scenario possible?

6 A. No. No.

7 Q. I have one other thing to see if it helps your memory,
8 Ms. Csernyik. Perhaps if she could be shown Volume 16. I
9 don't think she has that. Volume 16 at page 129; 129, number--
10 This is another note, Ms. Csernyik that we believe to be in
11 Sergeant MacIntyre's handwriting. It's a little difficult
12 to read but I'll -- I'll do my best. It says:

13 Mary O'Reilly said to Ms. Harriss
14 that Sandy Seale ran up to the
15 corner where Pollett's is to tell
16 his girlfriend that he was going
17 with Junior. Mary is Margaret
18 O'Reilly's sister. The O'Reilly
19 twins told...

20 I'm not sure if it's "me" or "her".

21 ...to tell the story about the
22 grey haired man. Junior is a
23 good friend of theirs. They
24 hang around with the Indians.
25 Mary told me that in school
last Thursday. She went with
Pius Marshall and now she goes with
Steve...

26 And, I guess, somebody couldn't spell Csernyik. Those
27 references in there to Sandy Seale and -- and Pollett's
28 corner, does that in any way refresh your memory?

MARY CSERNYIK, by Mr. Orsborn

1 | A. No.

2 | Q. Do you have any recollection of telling Ms. Harriss at any
3 | time that Sandy Seale had run to the corner where Pollett's
4 | is?

5 | A. No. I didn't even know Sandy Seale. I've never met the man
6 | in my life.

7 | Q. At the time you gave this statement to the police you knew that
8 | Sandy was the one that had been stabbed?

9 | A. Well, I just knew of his name. I knew of it and that was it.

10 | Q. Did you know that Sandy had a girlfriend?

11 | A. No.

12 | Q. Would Patricia Harriss know who you were going out with? Would
13 | she know that you had gone out with Pius Marshall?

14 | A. She probably would. It's just, you know --

15 | Q. Would Sergeant MacIntyre know who you were going out with?

16 | A. Well, I guess he knew everything.

17 | Q. Would he have any way of knowing that you had gone out with
18 | Pius Marshall?

19 | A. I think he just said, "Which Indian are you -- are you going
20 | with"?

21 | Q. Do you have any recollection of him saying that to you?

22 | A. Yes, he just asked me, and I don't know if I hesitated or
23 | I didn't want to tell him or -- I had to tell him I guess.

24 | Q. And what did you tell him?

25 | A. That I went out with Pius Marshall.

MARY CSERNYIK, by Mr. Orsborn

- 1 Q. Did you tell him that you were not going out with Pius at
2 the time that you were going out with Steve?
- 3 A. I don't remember. I told him who I walked home with but --
- 4 Q. You told him who you walked with?
- 5 A. Yes.
- 6 Q. And that was Steve Csernyik?
- 7 A. Yes.
- 8 Q. Now the statement that you gave to the police says quite
9 clearly and you did sign it, it says quite clearly that you
10 discussed the matter with Patricia Harriss and that you told
11 her about the grey haired man. I can think of three
12 possibilities of how that got there. The first possibility is
13 that you, in fact, made the statement. The second possibility
14 is that someone perhaps suggested it to you and you agreed.
15 Another possibility is that you didn't make the statement
16 at all and somebody put it there. Are there any other possibilities
17 that you can think of as to how that got on that piece of paper?
- 18 A. No. Your third possibility is right. Somebody must have put
19 it there because I didn't.
- 20 Q. Why do you say that?
- 21 A. Because I don't recall saying that at all. If I did, I did, but--
- 22 Q. Patricia Harriss when she testified before the Commission,
23 although she said she knew you, she said a number of times
24 that she had not discussed it with you. She did say, I believe,
25 at one point that it was possible that she might have discussed

MARY CSERNYIK, by Mr. Orsborn

- 1 | this with you sometime before she gave the statement to
2 | the police. Given the importance of this notation, I'll ask
3 | you again so that we are sure of what you're telling us. Are
4 | you telling us that it is not possible that you talked
5 | to Patricia Harriss and that it did not happen or that it perhaps
6 | might have happened?
- 7 | A. It's not possible that --
- 8 | Q. Do you recall how long you were at the police station that
9 | morning?
- 10 | A. No, maybe forty minutes and maybe an hour.
- 11 | Q. The -- I think the statement is indicated as starting at
12 | nine-thirty and finishing at nine-fifty which would be about
13 | twenty minutes. Do you recall if you were there in the
14 | interview room for longer than that?
- 15 | A. No, I don't know now if I waited for my sister, until she
16 | finished (I would have been there longer.) or did I come home
17 | or what, you know.
- 18 | Q. Would you have gone back to school?
- 19 | A. It's a possibility I went back to school.
- 20 | Q. Was your mother still there when you got out?
- 21 | A. I don't know. Well, maybe I walked back because it was
22 | only -- The old police station is where the bus line was and--
- 23 | Q. It was pretty close to it?
- 24 | A. Yeh.
- 25 | Q. Is that far from the school?

MARY CSERNYIK, by Mr. Orsborn

1 A. Well, it's not far from Central School, just walking distance
2 and maybe I walked back.

3 Q. Other than this statement taken at the police station, did
4 you have any other contact with the Sydney Police over this
5 matter?

6 A. No, just like I said that night we got stopped (That was it.)
7 for --

8 Q. Were you ever contacted by any of the lawyers either acting for
9 the Crown or acting for Mr. Marshall in this matter? I mean at
10 or around the time of the trial back in 1971?

11 A. No. No.

12 Q. Did you go to the trial?

13 A. No.

14 Q. Did you follow it at all in the papers?

15 A. Not really, no.

16 Q. Do you recall where you were or what you were doing when you
17 found out that Mr. Marshall had been convicted?

18 A. I was sitting in the car with my boyfriend one night when my
19 mother came out and told me.

20 Q. Were you surprised?

21 A. In a way, yeh.

22 Q. In a way? Why were you surprised?

23 A. Well, it was just -- You know, when you hang around with
24 somebody and then something happens, I guess, you know --

25 Q. Did you think that he could not have done it from your

MARY CSERNYIK, by Mr. Orsborn

- 1 | knowledge of him?
- 2 | A. I don't know really what I thought.
- 3 | Q. Have you had any contact with anybody else either investigating
- 4 | the case or acting on behalf of somebody in this matter up
- 5 | until three months ago?
- 6 | A. No, just the time when I was in Calgary and they were going
- 7 | to get me down to testify, the same thing that's on here, and
- 8 | they never ever -- I don't know if it was the R.C.M.P. or
- 9 | the Crown or what they were. They said, "Oh, you're going to
- 10 | be getting a summons in the mail," and it never came.
- 11 | Q. Who did you speak to?
- 12 | A. I think it was the R.C.M.P. in Sydney. Well, I never spoke
- 13 | to them first. They got in touch -- pardon me, contact with
- 14 | my parents and then they phoned me and said, "You're going
- 15 | to get a free trip home". I said, "For what"?
- 16 | Q. Who phoned you?
- 17 | A. My father.
- 18 | Q. Okay.
- 19 | A. Well, my brother, he phoned me and then my father got on, and I
- 20 | said, "What do they want me for"? The same thing as -- Just
- 21 | to clear it up, I guess, but they never ever -- They never
- 22 | even sent a letter to say that they needed me or they didn't
- 23 | need me.
- 24 | Q. So you didn't talk directly to any R.C.M.P. person investigating
- 25 | this?

MARY CSERNYIK, by Mr. Orsborn, by Ms. Derrick

1 A. No. No. No.

2 Q. You didn't give any statement to any R.C.M.P. person?

3 A. No.

4 Q. Were you ever contacted by Mr. Aronson who was a lawyer
5 acting for Junior Marshall in 1982?

6 A. No.

7 Q. Were you ever contacted by Mr. Edwards who was the Crown
8 Prosecutor around the same time?

9 A. I don't think, no.

10 MR. ORSBORN:

11 No more questions, My Lord. Thank you.

12 MR. CHAIRMAN:

13 We will take a ten-minute break.

14

15 INQUIRY ADJOURNED AT: 3:46 p.m.; RECONVENED AT: 4:01 p.m.

16

17 BY MS. DERRICK:

18 Q. Mrs. Csernyik, am I saying your name --

19 A. Csernyik with a "C", yes.

20 Q. My name is Ann Derrick and I represent Junior Marshall. Just
21 so that I have this straight in my mind, your twin sister's
22 name is Margie. Is that correct? And your older sister's
23 name is Catherine?

24 A. Yes. Yes.

25 Q. In 1971, you say it was four about four months that you were

MARY CSERNYIK, by Ms. Derrick

- 1 | spending some time hanging around with some of the Indian
2 | boys. Is that correct?
- 3 | A. Yes.
- 4 | Q. And some of your activities included being down in the park
5 | with them?
- 6 | A. Yes.
- 7 | Q. Is that right?
- 8 | A. Yes.
- 9 | Q. And I take it you had no trouble with them as friends. You
10 | enjoyed their company and they were nice to you and you got
11 | along well with them?
- 12 | A. I never had no troubles, no.
- 13 | Q. So that's a fair characterization then, is it, to say that
14 | they were good friends?
- 15 | A. Yes.
- 16 | Q. And so by the time that May 28th, '71, came along you didn't
17 | have as regular contact with them but I take you were still
18 | friendly with them. Is that correct?
- 19 | A. Yes.
- 20 | Q. So that if you saw them at a dance or you saw them in the
21 | street you'd say, "Hi", or you'd smile?
- 22 | A. Yes.
- 23 | Q. So things were still pleasant?
- 24 | A. Yes.
- 25 | Q. That night when you were at the dance, how long had you been

MARY CSERNYIK, by Ms. Derrick

- 1 | there?
- 2 | A. Maybe two, three hours.
- 3 | Q. So for most of the duration of the dance?
- 4 | A. Yes.
- 5 | Q. Is that correct? And on that occasion you were with Steve
- 6 | Csernyik?
- 7 | A. Yes.
- 8 | Q. The incident that happened that night, I think it was your
- 9 | evidence that you don't recollect that being discussed very
- 10 | much amongst your current set of friends at that time?
- 11 | A. That's right.
- 12 | Q. Is that correct?
- 13 | A. Yes.
- 14 | Q. Now at the time that you were interviewed by the police, did
- 15 | you know then that Junior Marshall had been charged with
- 16 | Sandy Seale's murder?
- 17 | A. Yes. It was a week later. The week after that they -- Or
- 18 | was it a month -- It was in June that they -- I gave the
- 19 | statement.
- 20 | Q. He was charged, in fact, a little while before you were
- 21 | questioned by the police?
- 22 | A. Yes. Yeh.
- 23 | Q. But you remember at that time that you knew he was charged.
- 24 | Is that correct?
- 25 | A. Yes.

MARY CSERNYIK, by Ms. Derrick

- 1 Q. And what were the types of questions that you were asked at
2 that time about the Indians that you knew? Was it just, what
3 were their names or were there any other kinds of questions
4 that you were asked?
- 5 A. Just their names and who I was going with at the time. Was
6 I going with one or -- I just answered them.
- 7 Q. And you -- At that time you said you had gone out with Pius. Is
8 that correct, Pius Marshall?
- 9 A. Yeh.
- 10 Q. Was that information given to Sergeant MacIntyre? Was that
11 because he was asking you those questions?
- 12 A. Yes, he asked me and I remember I told him, that's all that
13 I know.
- 14 Q. And were those questions about the Indian boys fairly brief?
15 Did they take very long, do you recollect?
- 16 A. No, not very long.
- 17 Q. And was that the same time that you gave the rest of that
18 statement that Mr. Orsborn was asking you about?
- 19 A. Yes.
- 20 Q. Do you remember at that time whether Sergeant MacIntyre was
21 taking any notes?
- 22 A. It's just a possibility that he was, you know.
- 23 Q. But those questions and your answers with respect to the
24 Indian boys weren't recorded as far as you can see from --
- 25 A. From my statement, no.

MARY CSERNYIK, by Ms. Derrick

- 1 Q. From this statement that you've just looked at?
- 2 A. Yeh.
- 3 Q. Are there any other parts of that interview that you recall
4 having with Sergeant MacIntyre that you don't see recorded
5 in this statement?
- 6 A. No.
- 7 Q. So that the part that you remember having that has been left
8 out was the part about the Indian boys?
- 9 A. Yes.
- 10 Q. In the course of the questioning I think it was your evidence
11 that your mother was not in the room with you? Is that your
12 recollection?
- 13 A. Yes.
- 14 Q. So you were in there, you recollect, with Sergeant MacIntyre
15 and possibly with another police officer?
- 16 A. Yes.
- 17 Q. But nobody else?
- 18 A. Nobody else, no.
- 19 Q. Until that occasion when your sister came into the room?
- 20 A. Yeh.
- 21 Q. Is that correct?
- 22 A. Yes, it is.
- 23 Q. And during the course of the statement was it Sergeant MacIntyre
24 that asked all the questions?
- 25 A. Yes.

MARY CSERNYIK, by Ms. Derrick

- 1 Q. And what -- what type of questions were they? Were they
2 put to you in a very blunt fashion?
- 3 A. They were very quick and blunt.
- 4 Q. That's what I was getting at.
- 5 A. Just he asked them and I answered them.
- 6 Q. Was it a fairly briskly paced interview?
- 7 A. Yes.
- 8 Q. Is that what you recall?
- 9 A. More or less you had to be quick with the answers but that
10 part about -- I can't recall that about Patricia Harriss at
11 all.
- 12 Q. But the interview that you recollect proceeded briskly. Is
13 that correct?
- 14 A. Yes. Yes.
- 15 Q. And you recollect Sergeant MacIntyre standing up and taking
16 notes during the time he was questioning you?
- 17 A. I don't really remember him taking notes. I knew he had something
18 there. I don't know. I couldn't say if he took notes. Maybe
19 the other officer did. I can't really tell.
- 20 Q. You don't have a clear recollection whether --
- 21 A. No, not a clear one. No.
- 22 Q. --notes were taken or not?
- 23 A. No.
- 24 Q. Do you remember what Sergeant MacIntyre was doing then while
25 he was questioning you? Was he moving around or was he standing

MARY CSERNYIK, by Ms. Derrick

- 1 | in one place? Was he standing over you?
- 2 | A. No, he seemed to be quite jumpy.
- 3 | Q. So he moved around -- he moved around a fair amount?
- 4 | A. Yes. Well, I was nervous anyway but a person like that would
- 5 | make you more nervous.
- 6 | Q. And do you remember the fact that he was moving around
- 7 | because it was making you more nervous?
- 8 | A. Well, he moved around more after when my sister walked in
- 9 | because, you know --
- 10 | Q. Do you remember at what point in your interview your sister
- 11 | walked in? Do you remember what was being asked?
- 12 | A. Not what was being asked. Maybe in the middle of it. I wasn't
- 13 | finished. I know that.
- 14 | Q. So it was before the later part of the interview?
- 15 | A. Yes.
- 16 | Q. And after your sister walked in and as I understand it, Sergeant
- 17 | MacIntyre got rid of her, got her to leave?
- 18 | A. Yeh.
- 19 | Q. Well, did he seem more -- Did he seem to be moving around more
- 20 | after that?
- 21 | A. Yes.
- 22 | Q. Would it be fair to say then that it's somewhat inconsistent
- 23 | with his ability to be taking notes if he would also be
- 24 | moving around?
- 25 | A. Yes, I don't know how he would take a statement if he was, you

MARY CSERNYIK, by Ms. Derrick

1 know --

2 Q. But you -- Well, you don't -- You just don't recall whether
3 there was --

4 A. I don't recall. No, I don't.

5 MR. CHAIRMAN:

6 Your evidence is that you have no clear recollection as to who
7 took --

8 THE WITNESS:

9 No.

10 MR. CHAIRMAN:

11 --any notes, if any?

12 THE WITNESS:

13 Yes, I have no recollection at all.

14 BY MS. DERRICK:

15 Q. But on page -- Well, what I have is Exhibit 16, page 76. I
16 guess it is the second -- the first and second pages of your
17 statement. There is a signature there and that is your
18 signature. Is that correct?

19 A. Yes, it is. Yes.

20 Q. Mary O'Reilly?

21 A. Yes.

22 Q. You don't recall signing the statement. Is that correct?

23 A. I don't recall signing it but it's my signature.

24 Q. Do you have any recollection of having read it over --

25 A. No.

MARY CSERNYIK, by Ms. Derrick

1 | Q. --at any point?

2 | A. No.

3 | Q. Or having it read over to you?

4 | A. Read over to me.

5 | Q. You have some recollection of that?

6 | A. Yes, I do. Yeh.

7 | Q. Do you recollect when it was read over to you, this portion
8 | about having discussed the matter with Patricia Harriss?

9 | A. No. No.

10 | Q. In terms of the sequence of events, I take it that Sergeant
11 | MacIntyre asked you a series of questions and then he read
12 | something over to you. Is that correct? I'm just asking you
13 | what your recollection is of the sequence?

14 | A. When I finished he read it. He must have read it back to me
15 | but I don't remember about, you know, most of it. In fact,
16 | when I did get to read it a few months ago I just -- I said,
17 | "I said that". I had to look at it and look at it because,
18 | you know, parts of it I do remember saying (I was at the
19 | dance and whatever.) but parts of it I don't.

20 | Q. But is it true to say today that you do recall having had that
21 | statement read to you? You have some recollection of that?

22 | A. Yes. Yes, read back to me.

23 | MR. CHAIRMAN:

24 | By who?

25 | THE WITNESS:

By Mr. MacIntyre.

MARY CSERNYIK, by Ms. Derrick

1 | BY MS. DERRICK:

2 | Q. And once he was finished reading it to you do you recall signing
3 | it or do you have no recollection of what happened --

4 | A. I have no recollection of signing it.

5 | Q. At what point did the interview come to an end? Do you recall
6 | what caused it to come to an end?

7 | A. No, just --

8 | Q. Was it sometime soon after it had been read back to you?

9 | A. Yes.

10 | Q. And then you would have left the room?

11 | A. Yes.

12 | Q. Now I take it that you didn't know Patricia Harriss well?

13 | A. No, I didn't.

14 | Q. She was in your class at school. How many children would have
15 | been in your class?

16 | A. I'd say twenty, twenty-three.

17 | Q. And you would see her regularly at school?

18 | A. Yes.

19 | Q. And when I say saw her regularly at school, would you see her
20 | passing in the corridors or sitting in the classrooms?

21 | A. Yeh, but we never more or less hung around together or
22 | anything or went out on weekends or --

23 | Q. You didn't?

24 | A. No, I didn't. No.

25 | Q. Did you ever talk to her on her own?

MARY CSERNYIK, by Ms. Derrick

- 1 A. Maybe in the hallway or something, just -- or over the store.
- 2 Q. Would that be just conversation in passing?
- 3 A. Yes.
- 4 Q. So she wasn't somebody that you'd have a regular or routine
5 conversation with on a --
- 6 A. No.
- 7 Q. --frequent basis?
- 8 A. No.
- 9 Q. I take it as well that she is not somebody you would call up
10 on the telephone?
- 11 A. No.
- 12 Q. In fact, would it be fair to say that she wouldn't have had
13 your telephone number because at the time it was unlisted, so
14 she wouldn't have been able to phone you?
- 15 A. No, I don't think she ever had my phone number or had reason
16 to call me or I had reason to call her.
- 17 Q. But even if she had wanted to call you she wouldn't have been
18 able to get --
- 19 A. She wouldn't be able to get the number anyway.
- 20 Q. --it through the directory? Where do you think this part of
21 your statement came from, the part that refers to Patricia
22 Harriss? I think you've said in your direct evidence that
23 someone must have put it there when Mr. Orsborn suggested
24 three possibilities to you.
- 25 A. Or somebody -- Well, it was -- I don't know. Patricia Harriss

MARY CSERNYIK, by Ms. Derrick

- 1 | was supposed to say this so it came from her first, I guess.
- 2 | Q. But -- But in your statement, this statement, it's purported
- 3 | that you did -- that you said this. Yes, in answer to the
- 4 | question did you discuss this matter with Patricia Harriss.
- 5 | And you're saying today that it is not possible for you to
- 6 | have said that?
- 7 | A. No, it isn't. No.
- 8 | Q. So where did that portion of your statement come from?
- 9 | A. I don't know.
- 10 | Q. In response to Mr. Orsborn who was asking you questions a
- 11 | moment ago, he gave you three possibilities?
- 12 | A. Yes.
- 13 | Q. And you chose out of those three possibilites -- You said,
- 14 | "Someone must have put it there?"
- 15 | A. Yes.
- 16 | Q. So in your opinion who would have put it there?
- 17 | A. Whoever was copying it down.
- 18 | Q. So therefore, it must have been the police who put it there?
- 19 | A. Yes.
- 20 | Q. Is that your feeling about this statement today?
- 21 | A. Well, it couldn't have been anybody else.
- 22 | Q. It couldn't have been anybody else?
- 23 | A. No.
- 24 | Q. And your evidence today is it's not something that you said?
- 25 | A. No, I never said it.

MARY CSERNYIK, by Mr. J. Pink

1 MS. DERRICK:

2 Thank you. Those are my questions.

3 BY MR. J. PINK:

4 Q. If I understand your evidence correct, Mrs. Csernyik, the only
5 time that you ever had any contact with the Sydney Police
6 was when you were walking the streets of Sydney at one-thirty
7 in the morning. Is that correct?

8 A. That's correct.

9 Q. And what was your age at that time?

10 A. Fifteen.

11 Q. And as I understand it the communication that was given to
12 you by your father that was related to him by the police was
13 they did not like the company that you were keeping. Is that
14 correct?

15 A. That's correct.

16 Q. And at no time did they ever mention the word "Indian"?

17 A. Not that I know of.

18 Q. So during your direct examination with Mr. Orsborn when you
19 mentioned the word "Indian", that was not really, in fact,
20 used but it was the word "company"?

21 A. As far as I remember, yes.

22 Q. And who, in fact, were you walking with on that particular
23 night?

24 A. Pius Marshall, Artie Paul, Margie, Catherine, and I believe
25 Tracy MacNeil was with us. I can't remember if she was.

MARY CSERNYIK, by Mr. J. Pink

1 Q. And what about Junior Marshall?

2 A. Oh, yes, he was there.

3 Q. So you had the two Marshall brothers. In fact, your sister
4 Catherine was going out with Junior Marshall at the time,
5 wasn't she?

6 A. No, Artie Paul.

7 Q. She was going -- Had she ever gone out with Junior Marshall?

8 A. No, not that I know of.

9 Q. So there, in fact, were a group of you?

10 A. Yes.

11 Q. And what were the ages of the other kids, do you have any
12 idea?

13 A. About the same age.

14 Q. You were taken to the police station to give this statement
15 by your mother?

16 A. Yes.

17 Q. You were taken out of school, were you?

18 A. Yes.

19 Q. And at the time that you were taken to the police station, I
20 just what to reiterate, you knew that Junior Marshall had,
21 in fact, been charged?

22 A. Yes.

23 Q. When you were being interviewed by Detective MacIntyre your
24 mother was outside the room?

25 A. Yes.

MARY CSERNYIK, by Mr. J. Pink

1 Q. You have no recollection of Detective Urquhart being inside
2 the room?

3 A. No positive -- It could have been Mr. MacIntyre, but I believe
4 there might have been two but I'm not sure.

5 Q. Let me ask you this, could it have been Detective Urquhart
6 that was interrogating you?

7 A. No.

8 Q. So do you have any recollection of two police officers being
9 in that room today, Mrs. Csernyik?

10 A. Yes.

11 Q. You do?

12 A. I do, but I can't -- I can say it was Mr. MacIntyre, but I
13 don't know who the other person was. That's what I'm saying.

14 Q. And as I understand your evidence, that all the time
15 Sergeant MacIntyre was standing and you were seated in a
16 chair?

17 A. Yes.

18 Q. And during this interview Sergeant MacIntyre was walking about
19 asking you questions?

20 A. Yes.

21 Q. And at no time according to you did he ever sit down?

22 A. No.

23 Q. Now prior to your sister coming into the room you and
24 Sergeant MacIntyre were, in fact, having a friendly conversation,
25 weren't you?

MARY CSERNYIK, by Mr. J. Pink

1 A. I don't know if it was so friendly.

2 Q. Well, he was asking you questions and you were giving him
3 answers, correct?

4 A. Yes.

5 Q. And, in fact, at no time had he threatened you?

6 A. No, he didn't threaten me.

7 Q. At no time did he ever physically handle you?

8 A. No.

9 Q. And he was asking you questions throughout that total period
10 of approximately twenty minutes. Is that not correct?

11 A. Yes.

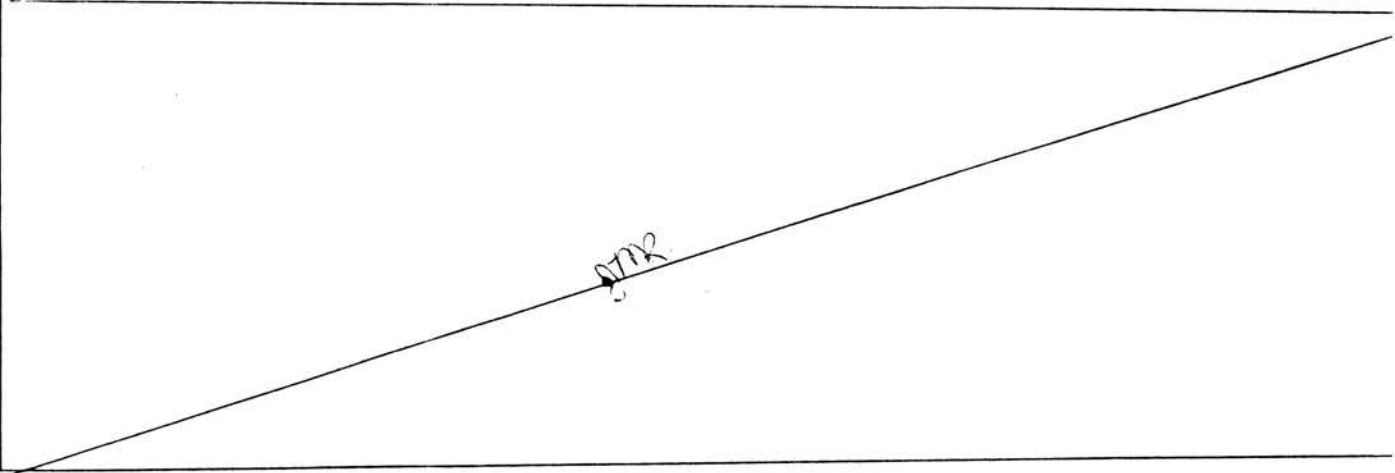
12 Q. And, in fact, you were only in that interrogation room for
13 a period of approximately twenty minutes, is that not correct?

14 A. Around that, I guess, twenty, thirty minutes.

15 Q. And at no time while you were being interviewed by Sergeant
16 MacIntyre did you ever request that your mother be present?

17 A. No.

18
19
20
21
22
23
24
25



MARY CSERNYIK, by Mr. J. Pink

- 1 Q. At no time was your mother ever refused entry into that room,
2 was she?
- 3 A. No, I don't recall that she was.
- 4 Q. Now as I understand it that according to your evidence, the
5 only time that he raised his voice is when he was interrupted
6 by your sister who came into the interrogation room.
- 7 A. Yes.
- 8 Q. She was told to get out.
- 9 A. Yes.
- 10 Q. And then he continued on asking you questions.
- 11 A. Yes.
- 12 Q. Now as I understand it also your recollection of what took place
13 in that room was not good -- is not good, is that correct?
14 You don't remember all of the conversation that took place
15 between Sergeant MacIntyre and yourself?
- 16 A. No, I don't.
- 17 Q. In fact, even when you read the statements that have been given
18 to you by Mr. Orsborn, that in itself does not refresh your
19 memory of what in fact took place in that room, does it?
- 20 A. Some of it does and some of it doesn't.
- 21 Q. I'm going to also suggest to you that throughout your interview
22 Sergeant MacIntyre insisted and kept on reminding you to be
23 truthful with him.
- 24 A. I don't remember that.
- 25 Q. Could that have happened and you just don't remember today?

MARY CSERNYIK, by Mr. J. Pink

- 1 A. Well, I don't know when I first went in there whether, you
2 know -- I just gave him the answers, that's all I could tell
3 him.
- 4 Q. But could he have started out his conversation with you by
5 saying, "Mary, I want you to tell me the truth in answers to
6 my questions."?
- 7 A. I don't recall him saying that.
- 8 Q. But you don't recall everything that that in fact took place
9 in that room either, do you?
- 10 A. No, not all of it.
- 11 Q. Now I want you to take a look at page 74 of Exhibit number 16.
12 This is the type-written edition of the --
- 13 A. Oh, yeh, this one. Okay, 74.
- 14 Q. Do you remember the date of going down to the police station
15 it being June the 18th, 1971, at approximately nine-thirty in
16 the morning?
- 17 A. Yes.
- 18 Q. Is that true? I'm sorry. I didn't quite understand.
- 19 A. Well, the date is there.
- 20 Q. Do you agree with that?
- 21 A. Yes.
- 22 Q. Or don't you have any recollection of that being the date?
- 23 A. I don't really have any recollection of it but, look, I was
24 trying to remember back how long after that they --
- 25 Q. You were fourteen years of age at the time?

MARY CSERNYIK, by Mr. J. Pink

1 A. Yes.

2 Q. And you were residing at 23 Cross Street in Sydney. Is that
3 correct?

4 A. Yes.

5 Q. So therefore just to clear up one point in my own mind, when
6 you came in contact with the police, Junior Marshall had already
7 been charged with this second -- with non-capital murder at
8 that time. Is that correct?

9 A. Yes.

10 Q. So the incident that you had with the Sydney Police must have
11 been prior to that time?

12 A. Yes.

13 Q. So you must have been fourteen years of age at the time and
14 not fifteen?

15 A. Must have been. June. That was June.

16 BY MR. CHAIRMAN:

17 Q. How old are you now? When were you born? What's your --

18 A. '56.

19 Q. 1956.

20 BY MR. J. PINK:

21 Q. And do you remember when it was that --

22 A. I turned fifteen.

23 Q. I'm sorry?

24 A. No. Go ahead, sir.

25 BY MR. CHAIRMAN:

Q. What was your birth date?

MARY CSERNYIK, by Mr. J. Pink

1 A. October 25th, '56. Today's the 26th.

2 Q. Oh, dear, I hope we're not --

3 A. Figure that out.

4 Q. I hope we're not spoiling your birthday.

5 BY MR. J. PINK:

6 Q. Do you know what year it happened that you got stopped and
7 asked questions by the Sydney Police? Was it 1970 or '71?

8 A. Oh I don't know. '70. I thought it was around April, '71.

9 Q. That would have made you fifteen. Okay. Now let's get to the
10 statement itself. On May the 28th of 1971, you were in fact
11 at St. Joseph's dance hall. Do you agree with that?

12 A. Yes.

13 Q. You were there with Theresa MacNeil?

14 A. Yes.

15 Q. And you left at approximately eleven forty-five with Steve
16 Csernyik. Is that correct?

17 A. That's correct.

18 Q. The next part of the statement as I understand you don't agree
19 with, it says, "We went to the park."

20 A. No, I never went to the park.

21 Q. How did you get home that night?

22 A. I walked home with Steve.

23 Q. Do you know how you got home? Did you go towards the park?

24 A. I might have or I might have went the other way, too.

25 Q. So you don't remember which way you went home now.

MARY CSERNYIK, by Mr. J. Pink

- 1 A. No.
- 2 Q. So if in fact you went towards the park, but not necessarily
3 going into the park, --
- 4 A. I wouldn't have saw anything anyway that late.
- 5 Q. I'm sorry?
- 6 A. I would have not seen anything anyway because it was after
7 midnight by the time we left.
- 8 Q. Oh, I appreciate that. I'm just getting to the statement that
9 "We went to the park."; could you have gone towards the park
10 that night to go home?
- 11 A. I could have, yes.
- 12 Q. Now it says here that you came back around eleven fifty-five to
13 the dance. Is that true? Did you and your date, Steve Csernyik,
14 go out for a walk and then come back to the dance at approximatel..
15 eleven fifty-five p.m.?
- 16 A. I don't remember even --
- 17 Q. Could that have happened?
- 18 A. -- leaving the dance. I remember leaving when it was over but.
- 19 Q. We were just outside talking to Frank
20 French and Moose Tobin at about twelve
twenty-five a.m.
- 21 Do you know two people by the name of French -- Frank French
22 and Moose Tobin?
- 23 A. Yes.
- 24 Q. Did you see them on that particular night?
- 25 A. I might have talked to them outside of the dance but I don't

MARY CSERNYIK, by Mr. J. Pink

- 1 | remember really.
- 2 | Q. Did you in fact see an ambulance go by?
- 3 | A. I heard a siren, that's all.
- 4 | Q. Then you say: "We got a drive home.". Do you remember that?
- 5 | A. I think I walked. I don't remember if I got a drive or walked.
- 6 | Vaguely I remember walking, just Steve and I.
- 7 | Q. Could you be mistaken about that today?
- 8 | A. I don't think.
- 9 | Q. Now it's fifteen years ago.
- 10 | A. Well if I had to get a drive, I think I would have remembered
- 11 | getting in a car.
- 12 | Q. Could you have told that to Detective Sergeant MacIntyre, "We
- 13 | got a drive home."?
- 14 | A. No.
- 15 | Q. As I understand it, the next three questions are correct, that
- 16 | you did not know the late Sandy Seale, --
- 17 | A. That's correct.
- 18 | Q. -- you did not know Junior -- You did know Donald Junior Marshall,
- 19 | and you knew him for approximately one year. Is that correct?
- 20 | A. That's correct.
- 21 | Q. You did not see him that evening, referring back to May the
- 22 | 28th, 1971. Is that correct?
- 23 | A. Yes.
- 24 | Q. As I understand your evidence, he did call the next morning.
- 25 | Is that correct?

1 | A. That's correct.

2 | Q. And he was looking for your sister, Kate. Is that correct?

3 | A. Yes.

4 | Q. Now the next part you have no recollection of saying to Detective

5 | Sergeant MacIntyre, correct?

6 | A. That's correct.

7 | Q. Would you not agree with me, Mrs. Csernyik, that that particular

8 | statement goes to help Junior MacIntyre -- I mean goes to help

9 | Donald Marshall Junior?

10 | A. That it goes to help?

11 | Q. Help him.

12 | What was the conversation?

13 | A. About what happened down at the park,

14 | the stabbing.

15 | What did he say?

16 | He said there was a gray-haired man down there.

17 | He said two men. One man asked him for a

18 | cigarette and Sandy Seale didn't have a

19 | cigarette and then Junior said that one

20 | fellow said: 'Okay, Blackie.', and he

21 | stabbed him.

22 | Would you not agree with me that that statement goes to

23 | exonerate Donald Marshall Junior from the killing?

24 | A. Well, how would I know if I didn't -- if I didn't hear him

25 | say this or --

Q. All I'm saying to you -- I know you don't recall saying that

or you don't recall what you're saying today remembering

that, but would you not agree with me that that question and

MARY CSERNYIK, by Mr. J. Pink

1 answer goes to help Donald Marshall Junior?

2 A. I guess it would help him but I don't know. I don't know much
3 about it.

4 Q. And getting back to the three alternatives that Mr. Orsborn
5 gave you, can you give me any suggestion as to why you think
6 anybody would insert that favourable piece of evidence into
7 your statement?

8 A. I don't know.

9 Q. And then it goes on to to state:

10 Did you ask him what they looked like?

11 A. One had gray hair. He said he was
12 thirty to forty years old and when it
13 happened, he said he tried to call from
14 a woman's house and he said he called.

15 Now you're saying he didn't say that either?

16 A. No.

17 Q. Now I want you to go to the next page which is Document number
18 76.

19 A. 76.

20 Q. Now there's no question in your mind that on the written
21 statements at the bottom of the page, that's your handwriting,
22 where it says "Mary O'Reilley?"

23 A. Yes, that's my handwriting.

24 Q. On both parts -- on both pages.

25 A. Yes.

Q. And according to what you've told us today, the statement was

MARY CSERNYIK, by Mr. J. Pink

1 | read to you before you applied your signature. Is that correct?

2 | A. Yes.

3 | Well, I don't know if it was applied before I signed it.

4 | Q. I'm sorry?

5 | A. I don't know if it was applied before I signed it. I just --

6 | Q. No, no, what I'm saying --

7 | A. -- remember him --

8 | Q. What I'm saying to you, that it was read to you before you signed
9 | the statement.

10 | A. I guess so.

11 | Q. As I also understand it, you had discussions with your sister
12 | about what took place in the police room. Is that not correct?

13 | A. When we left it, we discussed it. Just --

14 | Q. And tell me, prior to going down to the police station, did
15 | you and your sister ever discuss anything about the stabbing?

16 | A. No.

17 | Q. And in fact you were in that room and you left that room at
18 | nine-fifty in the morning.

19 | A. Yes.

20 | Q. You told the Commission you had conversation with Theresa MacNeil?

21 | A. Yes.

22 | Q. This summer?

23 | A. Yes.

24 | Q. What did you discuss with her?

25 | A. Well just that night she said, "Yeh," she said, "I was at the

MARY CSERNYIK, by Mr. J. Pink, by Mr. Nicholas

1 dance." and I said, "Yeh", and I said, "The only thing I
2 remember," I said -- Well, she said: "Remember we were outside
3 and we heard the ambulance or siren.", and I just started
4 thinking back. I said, "Yeh, maybe.", you know. That was it.

5 MR. J. PINK:

6 Okay, I have no further questions.

7 MR. MURRAY:

8 No questions.

9 MR. ELMAN:

10 No questions.

11 MR. SAUNDERS:

12 No questions.

13 MR. CHAIRMAN:

14 Mr. Ross, do you have any questions?

15 MR. ROSS:

16 No questions, My Lord.

17 BY MR. NICHOLAS:

18 Q. I just have a few questions, Mrs. Csernyik.

19 A. Yes.

20 Q. When you went to school -- When you finished Central School,
21 what school did you attend after that?

22 A. Holy Angels.

23 Q. I'm sorry, pardon?

24 A. Holy Angels.

25 Q. Holy Angels, and that was where, high school?

MARY CSERNYIK, by Mr. Nicholas

1 | A. Well, it was like a Junior High, eight and nine and then we
2 | went to High School.

3 | Q. Oh, I see. And did you --

4 | A. It's the older part of Holy Angels.

5 | Q. I'm sorry, pardon?

6 | A. It was the older part of Holy Angels.

7 | Q. I see. And in that school, were there Indian students in school?

8 | A. No, it was all girls.

9 | Q. Oh, no Indian girls then going to the school there. This
10 | particular episode at one-thirty in the morning when you were
11 | stopped on the street by peace officers, were you as a group
12 | of young people shouting or screaming or just walking or?

13 | A. No, we were just walking.

14 | Q. So there was ny reason why the police would stop to talk to
15 | you?

16 | A. No, not that I know of.

17 | Q. Could you please explain again just what the police told you,
18 | you and your sisters, that night -- at that time?

19 | A. On that night?

20 | Q. Yes. Did they ask you to go home or?

21 | A. No. Well, they asked our names, addresses, phone number and
22 | where were we coming from but I don't remember if they told us
23 | to go home. We never did anyway, not right away.

24 | Q. But they gave you no indication as to why they were even asking
25 | these questions.

MARY CSERNYIK, by Mr. Nicholas

1 | A. No.

2 | Q. And I imagine this must have been a midnight movie you were
3 | supposed to go to or?

4 | A. Yes.

5 | Q. Were there any other times when you did go to the movie, a
6 | cinema, to watch midnight movies before this or after?

7 | A. No. This was the first time that I remember anyway.

8 | Q. And you were fourteen at the time?

9 | A. Yes.

10 | Q. How soon was it after that you went home?

11 | A. Oh, before daylight, I guess.

12 | Q. I'm sorry?

13 | A. It was just before daylight. We walked down and you know,
14 | four, four-thirty in the morning.

15 | Q. And your father was very upset with you and your sisters?

16 | A. Yes.

17 | Q. Now before -- before this particular time, had your parents
18 | forbid you from having anything to do with Indians?

19 | A. Well, they never really forbid us. It was you know kind of just
20 | eventually we all went in our different directions so, you know.

21 | Q. No, but what I mean before this particular incident, had your
22 | parents told you not to have anything to do with Indians?

23 | A. Well, they tried, yes.

24 | Q. So as normal teenagers, a lot of teenagers do the opposite
25 | of what their parents tell them to do.

MARY CSERNYIK, by Mr. Nicholas

1 A. That's right.

2 Q. Was it a very painful moment when your father talked to you
3 and your sisters?

4 A. Well it wasn't too pleasant, that's for sure, but --

5 Q. Okay, and what happened after that? Did you in fact stop
6 going out with him?

7 A. I don't recall. Very shortly after, I guess.

8 Q. Your other girlfriends that you were friends with, to your
9 knowledge were their parents also displeased with them spending
10 time with Indians?

11 A. No, not that I know of. I don't know.

12 Q. Well, did you share this particular moment with your friends?
13 Your other girlfriends?

14 A. Yes, but.

15 Q. And what was their reaction?

16 A. Well, their parents really didn't know, you know.

17 Q. But would they have sympathized with you or -- your friends
18 at that particular moment when you told them?

19 A. Well, I don't know. How's that important? Questions!

20 Q. I'm sorry, I didn't get the last part --

21 BY MR. CHAIRMAN:

22 Q. Your answer isn't --

23 A. My answer is I don't know.

24 MR. CHAIRMAN:

25 The question she put to me is she was having some difficulty with

MARY CSERNYIK, by Mr. Nicholas

1 relevancy.

2 MR. NICHOLAS:

3 Oh, the relevancy. Oh, I see.

4 MR. CHAIRMAN:

5 But I think she answered it anyway saying she can't recall.

6 BY MR. CHAIRMAN:

7 Q. Was that --

8 A. Yes, I -- you know.

9 BY MR. NICHOLAS:

10 Q. What about now at this stage in your life? Do you have any-
11 thing to do with Indian people?

12 A. No.

13 MR. NICHOLAS:

14 I have no further questions, My Lord.

15 MR. CHAIRMAN:

16 Mr. Orsborn?

17 MR. ORSBORN:

18 No, My Lord.

19 MR. CHAIRMAN:

20 That's all. Thank you very much.

21
22 (WITNESS WITHDREW)

23

24 MR. CHAIRMAN:

25 Just two announcements before we adjourn: One is, tomorrow we will

MARY CSERNYIK, by Mr. Nicholas

1 convene at the same time but instead of rising at twelve-thirty,
2 we will continue on until one-thirty. This will enable people to
3 attend the funeral of the late C. M. Rosenblum, Q.C., which is
4 scheduled at two p.m. Realistically I feel it would not be --
5 there's no much point in coming back so we won't sit tomorrow
6 afternoon.

7 The second announcement is that the teleconference that was
8 scheduled for November 2nd, 1987, in Halifax, when we were to
9 hear the evidence of Donna Ebsary has been postponed and we are
10 not in a position to give a new date but I understand some
11 considerable lead time is necessary for to take advantage of the
12 electronic age and counsel will be advised in lots of time so we
13 will be sitting in Sydney on November the 2nd. You're not going
14 to get the day off.

15 MR. MURRAY:

16 My Lord, I wonder in view of the timing for tomorrow whether we
17 might commence at nine and in that way we might be able to get more
18 evidence in by one-thirty, rather than wait until nine-thirty to
19 start out the day.

20 MR. CHAIRMAN:

21 You fellows have a sit -- We find in our youth that sitting for four
22 consecutive hours is about as much as we can --

23 COMMISSIONER EVANS:

24 The mind can absorb.

25 MR. CHAIRMAN:

The mind can absorb, that's right.

MARY CSERNYIK, by Mr. Nicholas

1 COMMISSIONER POITRAS:

2 May I make a suggestion if you just talk a little faster tomorrow
3 and we'll get a lot --

4 COMMISSIONER EVANS:

5 Or shorter.

6 MR. CHAIRMAN:

7 Fine. That's all, thank you.

8

9 INQUIRY ADJOURNED at 4:40 o'clock in the afternoon on the 26th day
10 of October, A.D., 1987.

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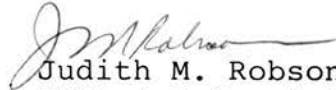
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COURT REPORTER'S CERTIFICATE

I, Judith M. Robson, an Official Court Reporter, do certify that the transcript of evidence hereto annexed is a true and accurate transcript of the Royal Commission on the Donald Marshall, Jr., Prosecution as held on the 26th day of October, A.D., 1987, at Sydney, in the County of Cape Breton, Province of Nova Scotia, taken by way of recording and reduced to typewritten copy.



Judith M. Robson
Official Court Reporter
Registered Professional Reporter