

1 MR. MacDONALD

2 The next witness is Gary Green.

3 MR. GARY GREEN, duly called and sworn, testified as follows:

4 EXAMINATION BY MR. MacDONALD

5 Q. Your name is Gary Green.

6 A. Gary Leonard Green, yes.

7 Q. And you're a member of the Royal Canadian Mounted Police.

8 A. I am.

9 Q. What's your position with...in the force?

10 A. Presently I'm in Ottawa with the financial services.

11 Q. Could you just trace briefly for me...or what's your present
12 rank?

13 A. Corporal.

14 Q. Would you please trace, corporal, for me briefly your career
15 with the RCMP?

16 A. I joined the RCMP in 1967. I was transferred to the second
17 part of my training in Alberta. Was sent to H Division.
18 Stationed in Stewiacke, Pugwash, Halifax, Windsor, Sydney,
19 back to Halifax, to Bedford and Sackville and then to Ottawa.

20 Q. When were you in Sydney?

21 A. I was in Sydney between 1973 and 1977.

22 Q. What was your position while you were Sydney? What type
23 of work were you doing?

24 A. I was a constable on the Sydney Detachment.
25

1 Q During your time in the RCMP have you ever been involved in
2 the investigative division as opposed to the detachments?

3 A. It's been mostly detachment and the highway patrol until
4 going to Ottawa.

5 Q All right. Where did you take your training?

6 A. In Regina and Holt, Alberta.

7 Q During the course of your training were you given any
8 instructions concerning keeping notebooks or anything of that
9 nature?

10 A. They stress that we should keep a notebook.

11 Q And did you follow that practise?

12 A. I did not to the letter, but normally I had a notebook.

13 Q And what do you, as a practise, keep in the notebook. What
14 do you make notes of?

15 A. I normally...I don't have one covering this matter, but
16 normally just day-to-day occurrences.

17 Q Anything that you consider to be of importance that
18 happened during the day, that sort of thing.

19 A. Normally I would concentrate on the file rather than my
20 notebook. If I had invest...on-going investigation I would
21 concentrate my material into a file.

22 Q As opposed to putting it into a notebook.

23 A. Yes.

24 Q If you're dealing with something that's not an on-going
25

1 investigation what do you do as a practise?
2

3 A. For example.

4 Q. Keeping notes.

5 A. I'm trying to think of an example. Everyday highway patrol
6 work or how many files I worked on in a given day or...

7 Q. Well, I don't know, constable or, corporal, I'm trying to find
8 out what you keep in your notebook as opposed to what you
9 would keep. I understood you to say if it's an on-going
10 matter you tend to keep your notes in the file.

11 A. Yes.

12 Q. But you also kept a notebook or keep a notebook. What sort
13 of things were in the notebook?

14 A. I didn't keep my notebook as some other members have kept
15 notebooks, almost a detailed account of every item that
16 they've ever handled.

17 Q. You don't do that.

18 A. No.

19 Q. And you still don't or you didn't.

20 A. I don't. In my present job it's not required.

21 Q. Now, I haven't had the opportunity to meet with you, but we
22 did request that you produce any notes that you had with
23 respect to this Marshall matter.

24 A. That's right.

25 Q. And, I'm advised that you have none, is that correct?

1 A. No, I do not.

2 Q. Do you keep your notebooks that...the ones that you did have,
3 have you kept those in your possession?
4

5 A. I have some at home but nothing relating to this matter.

6 Q. You have reviewed them, have you?

7 A. Yes.

8 Q. Prior to coming here today, corporal, and be in a position to
9 give evidence, have you had the opportunity to read any
10 documentation?

11 A. I read a sheet this morning at 11:30.

12 Q. I'm sorry.

13 A. My counsel showed me a sheet this morning at 11:30.

14 Q. Yes. Have you had the opportunity to read any of the
15 evidence given before this Inquiry?

16 A. Yes, I have.

17 Q. Which evidence have you read?

18 A. Mr. Ratchford.

19 Q. And you have read his evidence in its entirety, have you?

20 A. Yes.

21 Q. Thank-you. And have you read any other...

22 MR. CHAIRMAN

23 Whose evidence?

24 MR. MacDONALD

25 Ratchford.

1 MR. GREEN

2 David Ratchford.

3 MR. MacDONALD

4 Q And have you read any others?

5 A No.

6 Q You were in Sydney from '73 to '77. Was David Ratchford a
7 friend of yours?

8 A Yes, he was.

9 Q Was he a friend that you became...did he become a friend
10 shortly after your arrival in Sydney?

11 A I arrived in Sydney approximately May, I believe, of '73.

12 Q Yes.

13 A Sometime...around the latter part of the summer, once I had
14 established myself and got into a routine I decided I wanted
15 to participate in the martial arts school.

16 Q Yes.

17 A That he was operating, for the exercising because I enjoyed
18 martial arts.

19 Q Uh-hum.

20 A I joined the school and we gradually realized that we had a
21 lot of things in inter...of common interest and we became
22 friends.

23 Q And did you do things with Mr. Ratchford other than attend
24 classes at his school?
25

1 A. Yes, we'd go out and socialize and things of that nature.

2 Q. What was your experience, if any, with the Sydney Police
3 while you were in...stationed in Sydney?

4 A. We had common boundaries, as you can appreciate, and very
5 often we would be interacting in different matters where
6 people were crossing boundaries and coming in and out of the
7 city.

8 Q. Okay. Did you have any experience with either Sergeant
9 MacIntyre or Detective Urquhart in your time in Sydney?

10 A. I had experience with John MacLeod and...

11 Q. John MacIntyre.

12 A. No, I'm...I'm thinking of two detectives.

13 Q. Okay.

14 A. That I worked with on occasion. John MacLeod and the other
15 one...I've got the name on the tip of my tongue.

16 Q. There's a Black Mike and a Red Mike MacDonald there.

17 A. No.

18 Q. No.

19 A. Edward MacNeil and John MacLeod.

20 Q. Okay. So, you had no experience with either MacIntyre or
21 Urquhart.

22 A. We were in and out of the police station quite often,
23 sometimes making inquiries, sometimes taking prisoners in
24 for holding or picking prisoners up and taking them to Court.
25

1 Q Other than that you had no dealings with him, with either of
2 those gentlemen in the investigation.

3 A. I knew them to see them, but.

4 Q Okay. What was your relationship in Sydney with the
5 members of the RCMP GIS division in Sydney?

6 A. We very often would be consulting from the detachment up
7 to the GIS and back and forth.

8 Q Who was in the GIS section when you were in Sydney?

9 A. They were...they, as on detachment, were changing all the
10 time and there were quite a number of people going through,
11 in the four-year period that I was at Sydney we had a almost
12 complete changeover, I think, in both detachment and GIS.

13 Q All right. Now, we're interested, of course, here in the
14 meeting or the dealings you had with David Ratchford and
15 Donna Ebsary.

16 A. Yes, of course.

17 Q Do you have recollection of the meeting with those people?

18 A. Yes.

19 Q Would you tell us, to your best of your recollection, what took
20 place?

21 A. As refers to this matter.

22 Q Yes.

23 A. Dave called me to his studio, it was more or less a, "Would you
24 come down I have something to tell you?"
25

1 Q. Are you able to assist us at all in telling us when that would
2 have been?

3 A. I gave it considerable thought last night and I...actually I
4 called my wife in Ottawa because we were married about that
5 time, and I think it was in the fall of '74.

6 Q. Fall of '74. Okay.

7 A. I can't say absolutely, but I think it must have been in the
8 fall.

9 Q. When were you married?

10 A. We were married in December.

11 Q. Of '74.

12 A. Yes.

13 Q. And is it your recollection that it took place before you were
14 married?

15 A. She...she was an American and she was up from the U.S. for
16 the summer and she was away back to university and we got
17 married in December. So, certain...some of the people that
18 we're going to be discussing were or were not in view, you
19 know, in her perspective and they were in mine, and we were
20 cross referencing who was...who was there and who wasn't
21 there at the time.

22 Q. All right. So, your best efforts to put a time on it would be
23 somewhere in the fall of 1974.

24 A. I think in the fall of '74.
25

1 Q. Okay. Just go on then and tell us what you recall?

2 A. Dave asked me to go down. He had something to pass on to
3 me and he related information that he had received from
4 Donna Ebsary.

5 Q. And was Donna there?

6 A. I believe she was but Dave was doing a fair amount of the
7 talking.

8 Q. Okay. Just carry on then.

9 A. It had to do with Donna some year's earlier seeing her father
10 come in...come in to the kitchen and wash off a knife in the
11 kitchen sink.

12 Q. Wash what off it?

13 A. Blood.

14 Q. Uh-hum. Had you ever met Donna Ebsary before?

15 A. I...until this point in time knew nothing about the
16 incident...this incident, the stabbing incident, or the characters
17 involved in the incident.

18 Q. My understanding from the evidence of David Ratchford is
19 that Donna was a member of the club.

20 A. Yes, she was.

21 Q. Martial arts club. And, in fact, was involved in the
22 administration of it to some degree.

23 A. She...when I consulted with my wife she said in the summer
24 she was a member of that club too or participated in it, as
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well, that's where we met.

Q. Yes.

A. And, she didn't recall Donna in the summer when she was up, but she did recall Donna became more involved when she came back to Canada with me after December 23rd.

Q. But your recollection today is that at the time you met with Ratchford and Donna Ebsary you didn't know her before that.

A. I had seen her around as one of the students, but I didn't know who she was or... She became more active in the bookkeeping and whatnot later on.

Q. Uh-hum. Okay. You were being told by Ratchford, in your recollection, that Donna had seen her father wash a knife from...or blood from a knife.

A. Yes.

Q. Anything else?

A. Some recollection in my mind that the knife had been wrapped in a rag and hidden away in the basement, but that's...that just is in the back of mind that there was mention of a thing being wrapped in a rag and hidden, it was hidden in the basement.

Q. Was there any connection made between the washing of blood from the knife and the Sandy Seale stabbing and the Donald Marshall, Jr., conviction?

A. There was an inference, but it was more or less on the night

1 of the stabbing Donna saw her father washing blood off the
2 knife in the kitchen. That was the main issue that I was
3 concentrating on that there had been a stabbing and there
4 had been that she had seen this.

5 Q. And that would be important...an important linkage, wouldn't
6 it?

7 A. Yes.

8 Q. Do you recall anything else being told to you?

9 A. If there was other points that was the main one that I was
10 concerned with.

11 Q. Do you remember any of the other points?

12 A. No, I don't.

13 Q. Did you believe her?

14 A. Yes, initially.

15 Q. Did you tell her that you believed her?

16 A. I responded by...after they come back from the Sydney Police
17 and had been rebuffed or turned away or whatever, I
18 responded by going down to intercede.

19 Q. Okay. Let me just back up for a moment if we can. When you
20 went to see Ratchford and Donna Ebsary had they already
21 been to the Sydney Police?

22 A. I was debating this in my mind and I recall that there was a
23 question Donna's reluctance to deal with the police, but she
24 would talk to me because she had seen me around as an non
25

1 policeman, so to speak.

2 Q Uh-hum.

3 A. And we got together and I advised them to go down and
4 speak to the city police because it was, in fact, their
5 investigation.

6 Q So, you advised them to go to the Sydney Police.

7 A. Just a vague thing that's sitting in the back of my mind saying
8 that because of her shyness, because of her fear, because of
9 her reluctance that I had more or less indicated that "You
10 should go and pass this information on to the Sydney police."

11 Q Okay. Where was the meeting or the discussion between you
12 and these people? Where was it taking place?

13 A. I believe it was at the martial arts school.

14 Q Do you know if Mr.Ratchford and Donna Ebsary did go to the
15 police?

16 A. I assume that they did because my next contact, if we had
17 more than one, was that they had been done and they hadn't
18 accomplished anything.

19 Q You were aware then at some time that Ratchford and Donna,
20 or one of them, had been to the Sydney Police and had not
21 accomplished anything.

22 A. It was my assumption or my conclusion that they had both
23 gone down. He to support her and to give her moral support,
24 so to speak.

25

1 Q And, whatever...whatever they either...whether they went
2 before they saw you or after...

3 A. They...

4 Q Your understanding is they didn't get any satisfaction.

5 A. My understanding is that...my understanding is that they
6 went and that they didn't get any satisfaction.

7 Q Now, were you the contacted again?

8 A. Yes. When I found out that they had not received any
9 consideration as far as the story is concerned I went down to
10 the city police.

11 Q You went yourself.

12 A. Yes.

13 Q And, did you go alone?

14 A. Yes.

15 Q Who did you see?

16 A. Initially I went looking for John MacLeod and Edward
17 MacNeil because I worked with them before and I thought
18 that I could have a conversation with them because I knew
19 them. My recollection is I arrived there and asked for them
20 and was told that they...they were out of town for a week.

21 Q Okay.

22 A. Had they been on days off I think I would have probably
23 gone to their home because I certainly had competence in
24 these two people.
25

1 Q. And you knew them.

2 A. Yes.

3 Q. All right. So, they're...you're told they're away for a week,
4 what did you do then?

5 A. The thing was fairly urgent, as far as I was concerned, to try
6 to get this resolved or get this information where it should be
7 going. I saw one of the other detectives.

8 Q. Who did you see?

9 A. Sorry, here I go again, it was Inspector Urquhart.

10 Q. Urquhart.

11 A. Yes.

12 Q. And did you know he was Inspector or Detective Urquhart or
13 whatever he was at the time?

14 A. I knew he was a senior investigator in that plain clothes
15 section.

16 Q. Had you seen him before or did you know him by name that's
17 what I'm trying to determine?

18 A. Yes, I knew him to see him and I knew him by name but I
19 hadn't had a lot of dealings with him.

20 Q. Tell us about your meeting with Sergeant Urquhart then?

21 A. I went into the detective office, which is away from the main
22 booking area, down the hall, into the right, and I said, "I have
23 come down to make sure that certain information was passed
24 on to you, and it concerns Donna Ebsary, on the night of the
25

1 stabbing she saw her father washing blood off a knife in the
2 kitchen. This is what she's indicated to me."

3 Q. Yes.

4 A. And that they had been down. Somehow in the conversation
5 the Marshall file was brought out and put on the table and I
6 indicated that I wasn't there to read the file or take the file, I
7 was simply there to pass on this information.

8 Q. Um.

9 A. And the response to that was that in his opinion Donna Ebsary
10 was a disturbed, disgruntled young lady who had just left
11 home, and he wasn't going to reopen this file or this
12 investigation based on another rumor, the way I recall him
13 saying it.

14 A. The way I recall him saying it.

15 Q. Do you have recollection of that today of speaking with
16 Detective Urquhart and hearing that sort of comment?

17 A. This was, as I recall, a very intense moment and that was the
18 conclusion. I was further advised that the RCMP had, in fact,
19 reopened the case a couple of years earlier and done an
20 investigation and the matter was again closed.

21 Q. Who told you that?

22 A. Urquhart.

23 Q. Did he tell you that when that had taken place?

24 A. Umm, I left with the impression that it had been a couple of
25

1 years earlier from our conversation.

2
3 Q. Were you under the impression or were you told that during
4 that investigation, Donna Ebsary had been interviewed?

5 A. It wasn't at that time that I found out. Donna or her father?

6 Q. Donna.

7 A. Was...

8 Q. Were you under the impression or were you told when you
9 were meeting with Detective Urquhart that when the RCMP
10 did their earlier investigation, Donna Ebsary had been
11 interviewed?

12 A. No, I wasn't aware of that.

13 Q. And no one suggested that to you.

14 A. No.

15 Q. Anything else said by Detective Urquhart or you?

16 A. No, that was pretty well it. I more or less indicated, well, you
17 have the information and I was trying to be very diplomatic
18 and leave without being accused of creating an incident
19 between the two police departments.

20 Q. Did you relay to Ratchford and Donna Ebsary what had
21 happened between you and the police?

22 A. I did later. However, I did one thing in the meantime, I went
23 to our office.

24 Q. Which office did you go to?

25 A. The Sydney subdivision.

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Q. And that's the detachment, is it?

A. Upstairs. The detachment is downstairs and the G.I.S. is upstairs.

Q. Okay, so it's G.I.S that you go to?

A. I was on detachment. The fact that an investigation had been conducted, it wouldn't have been done through Sydney detachment, not at that level. It would have been done through the G.I.S. plain clothes.

Q. So you went to the G.I.S. people?

A. Yes.

Q. Do you know who you saw there?

A. No, I don't recall. I wanted to inquire about this reinvestigation done by the RCMP.

Q. Would you have spoken to the person in charge of G.I.S. or one of the officers?

A. We, as I said before, we very often went up there and had discussions about one thing or another or one suspect or another on a particular case and I don't recall on this occasion who I talked to but I did ask if there had been an investigation into this Marshall stabbing, murder, or whatever the caption was and they did have a, to my recollection, had a file.

Q. Would you have advised whoever it was that you spoke to at the G.I.S what Donna Ebsary had told you?

1 A. We would have had a discussion about it. I would have
2 explained why I would be inquiring about that.

3 Q. After you had told them, then they would know Donna
4 Ebsary had relayed to you the fact that she had seen her
5 father wash blood from a knife on the night Sandy Seale was
6 stabbed.

7 A. That would, had I been asked, and I don't recall, but I was
8 looking for information on this investigation and I went up
9 specifically to identify that there had, in fact, been another
10 investigation. That was my objective.

11 Q. I understand that but I suggest you wouldn't go up and just
12 ask that off the cuff. You would have to tell them some
13 reason or another why it interested you.

14 A. It was more or less a general conversation as to why I would
15 be interested in that file and what I would think prompted
16 me to be there.

17 Q. So it's like you would have told the people in G.I.S. in Sydney
18 of Donna Ebsary's tale to you.

19 A. To go and just ask for the file without an explanation, I think
20 there would have been questions about it. But we did have a
21 general conversation, I would think.

22 Q. And is it not reasonable to assume that you would have told
23 whoever was in G.I.S. of the story Donna Ebsary had passed
24 to you?
25

1 A. I think it would probably follow through that way but I can't
2 recall specifically who I talked to or what I...I know what I
3 came away with, though.

4 Q. I understand that. What did you come away with? What
5 took place?

6 A. I came away with the fact that, yes, indeed, an investigation
7 had been conducted by senior investigators sent up from
8 Halifax and that a polygraph test had been, and this was new
9 to me, a polygraph had been conducted on Donna Ebsary's
10 father concerning the stabbing incident. And he had passed.
11 He had passed the polygraph test.

12 Q. Were you also aware that another person, Jim MacNeil or
13 Jimmy MacNeil, had come forward to the Sydney police in
14 November of 1971 and told the Sydney police that he had
15 seen Roy Ebsary stab Sandy Seale?

16 A. This encounter I had with this particular file took place
17 within a span of about four hours and I was sort of trying to
18 sort out who was who and what happened and what it was
19 all about and, as I say, within a span of four hours and that
20 name may or may not have come up. But the name that did
21 ring a bell with me was Ebsary, Donna's father.

22 Q. Can I put it like this and you tell me if it's correct, that when
23 you went to the G.I.S. division that you were told, "Look, Roy
24 Ebsary has already passed the polygraph and forget it."
25

1 A. That's basically, that's what sort of set me back a little bit was
2 that he had been questioned about this very incident that his
3 daughter was talking about that particular day and had
4 passed.

5 Q. And did anyone...

6 A. And the investigation was closed.

7 Q. And the investigation was closed. Were you told that, "This
8 investigation is closed."

9 A. That was, at that point in time, it was a couple of years after
10 and the file was closed.

11 Q. Nobody suggested to you that you should bring Donna Ebsary
12 in to the G.I.S. division and let them talk to her?

13 A. No.

14 Q. No one suggested that perhaps she should be subjected to a
15 polygraph examination?

16 A. No.

17 Q. Did you still believe her after what you heard from your
18 G.I.S. division?

19 A. When I heard that the polygraph, he had taken the
20 polygraph and passed the polygraph examination, my
21 confidence in Donna Ebsary's story almost evaporated.

22 Q. Okay. Did you go back to talk to her?

23 A. I went back and I talked to Dave.

24 Q. What did you tell him?
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A. I told him that I had been to the city police, that I passed on
this information and that I had also gone to my G.I.S. and I
had come away with this information that there had been an
investigation and that the polygraph, Ebsary had passed the
polygraph.

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Q. Roy Ebsary had passed.

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A. Yes, Roy Ebsary, that's right.

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Q. Mr. Ratchford has testified here, and for the record, My Lord,
it's found on page 4407 of the transcript, that you had told
him that you went to the Sydney Police to get access, you
didn't get access to what you were looking for there and that
at that stage, all you could do was pass along the information
to your superiors in Halifax and that you were going to do
that. Did you say that to Mr. Ratchford? I'll give you this, if
you like.

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A. Mr. Ratchford had the opinion that the RCMP was the, could
go into any police department and demand and take what
they wanted, that they were somehow superior to other
police forces. And I had to correct him on some perceptions
as to my capability of going into another police department
and demanding anything. And I can't account for what his
impressions are in here.

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Q. And I'm not asking, I'm just merely asking if you could have
said that to him, that you were going to report it to your

1 superiors in Halifax.

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3 A. At that point in time, after finding out that Mr. Ebsary had
4 passed the polygraph test, I wasn't certain what I should be,
5 you know. As I say, my confidence in that particular story
6 had really evaporated.

7 Q. Had you any experience with polygraph examination?

8 A. No, as a constable with seven years service in 1974, we junior
9 constables thought that it was a pretty decisive instrument, if
10 that's what they call it.

11 Q. Had you ever attended lectures or any other information
12 sessions where the value or the use of polygraphs was
13 discussed?

14 A. The courses we had taken where they recommended that we
15 try to get people to take polygraph tests because they were
16 certainly worth getting people to take as far as the police are
17 concerned.

18 Q. Based on the information that had been given to you as a
19 member of the force, you were under the impression that
20 polygraph tests were a valid and a useful and a reliable
21 source of information?

22 A. Exactly. And that's why I had problems with the, with
23 Ebsary passing and the story that I had gotten from Donna
24 Ebsary.

25 Q. In any event then can I summarize it as this, that in the fall

1 of 1984[sic], as best you can place it...

2 A. '74.

3 Q. '74, I'm sorry, David Ratchford, you, William Urquhart, and
4 someone in G.I.S. of the RCMP all were aware that Donna
5 Ebsary said she had saw, she had seen her father wash blood
6 from a knife...

7 A. Yes.

8 Q. On the night Sandy Seale was stabbed.

9 A. Yes, that's my recollection.

10 Q. I just wanted to get you to look at a couple of documents, if I
11 could, Corporal. I've put in front of you...

12 MR. CHAIRMAN

13 Before you do that, Corporal, I didn't get, I couldn't hear your
14 answer to Mr. MacDonald's question when he asked you whether
15 you told Ratchford or Donna Ebsary that you would report this
16 information to your superiors in Halifax.

17 CPL. GREEN

18 I can't answer for what Dave said on that point.

19 MR. CHAIRMAN

20 No, no, no, but did you?

21 CPL. GREEN

22 I don't recall. At the point where I had found out about this
23 polygraph test, I was in a position where I didn't think I could,
24 I had any room to manoeuvre in relation to what Mr. Ebsary, the
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1 tests that had been conducted, and what Donna, the story that
2 Donna gave. Where, and I'm not trying to be evasive here, I'm
3 trying to, I didn't know whether I, to believe Donna any more
4 or not and whether I should pursue this any further.

5 BY MR. MACDONALD

6 Q. That's after you learned that Roy Ebsary had passed the test.

7 A. Yes.

8 Q. You still were unsure what to do.

9 A. Well, my confidence was evaporated to such a point that I
10 really had problems going any further with it.

11 Q. And is it a fact that you didn't go any further with it?

12 A. I don't recall whether I wrote anything up or sent that up to
13 G.I.S or whatever.

14 Q. That is in Halifax.

15 A. In Sydney.

16 Q. Or in Sydney. You said you didn't, you were concerned, I
17 think you said, that you didn't create a disturbance between
18 two police forces.

19 A. When I was in talking to Inspector Urquhart, there was a
20 tension in the room and I was on their territory talking about
21 an investigation that was technically theirs and I knew
22 nothing about and I was being very careful that I didn't say
23 the wrong thing. I wanted to get this information across and
24 that's what I tried to do as diplomatically as possible.
25

1 Q. Are you satisfied that you did get that information across to
2 Detective Urquhart?

3 A. Yes.

4 Q. That Donna Ebsary told you she saw her father wash blood
5 from a knife.

6 A. Yes, that's what I related and he said, "As far as I'm
7 concerned, Donna Ebsary is a disturbed, disgruntled young
8 lady who has just left home." I kind of took from that that
9 he was, from that statement, that he was familiar with her.

10 Q. You also said that somehow the Marshall file got in front of
11 you. Was that, did you take that to be a reaction by Detective
12 Urquhart, "Here, if you think there's something to be done,
13 take the file and do it yourself."

14 A. When that file arrived on the table, it was more or less, "Here,
15 now what are you going to do now?" And I really didn't want
16 to do anything with the file and that's what I told him. I'm
17 not here to read the file. I'm not here to take the file. I'm
18 just here to pass on this information to you.

19 Q. And then you're at least concerned enough to go to the G.I.S.
20 Is that again because of your concern that there's another
21 force involved here and I don't want to cause a disturbance?

22 A. I wanted to satisfy in my mind that all these little bits of
23 information I was getting were fitting, somehow fitting
24 together. Not having any previous knowledge of this file up
25

1 to a few hours earlier on this. I wanted to confirm that, yes,
2 that there had been a second investigation by the RCMP and
3 that it had been, that this thing had been closed.

4
5 Q. That's right. That, it was, Detective Urquhart told you that the
6 RCMP had looked at it before.

7 A. Yes, and I went to G.I.C. , if my recollection is right, to confirm
8 that, yes, that that investigation had been gone into again by
9 the RCMP and was now closed.

10 Q. Were you not concerned to determine whether the person
11 who carried out the investigation on behalf of the RCMP
12 earlier had the same information that you now had?

13 A. I assumed that they had looked into this, our senior
14 investigators, they had looked into it thoroughly and that if it
15 was closed and they must have done a thorough job.

16 Q. Did you actually look at the report that was prepared from
17 the earlier investigation?

18 A. No.

19 Q. If you had looked and found out that, indeed, investigator
20 didn't interview anybody. In fact, he spoke to Jimmy MacNeil
21 and never interviewed Roy Ebsary himself and didn't
22 interview anyone else, would that have shaken your belief...

23 A. Yes.

24 Q. Your confidence?

25 A. I think the key element in there is that Ebsary had taken the

1 test and I think that's what, that was the one big thing that I
2 arrived at, that evaporated Donna's story because it was a
3 complete contradiction and Roy Ebsary's account as far as I
4 knew at the time had been tested on the instrument.

5 Q. I want to get you to look at a couple of documents. Just on
6 you right-hand side there, Volume 15, that red volume. And
7 if you go, there's a tab toward the end it says, "Donna Ebsary",
8 do you see that?

9 A. Yes.

10 Q. The first document after that is page 298.

11 A. I'm sorry?

12 Q. The first page after it, page 298.

13 A. Yes.

14 2:45 p.m.

15 Q. 297, I guess is the page. This is a statement or a typewritten
16 copy of a statement that was given by Donna Ebsary to Staff-
17 Sergeant Wheaton in April of 1982, and I'm going to direct
18 you to the top of page 298.

19 A. Yes.

20 Q. And perhaps at the page of 298, Donna Ebsary said, "The
21 thing I recall, I can recall." The top of that page.

22 A. Yeah.

23 Q. "The next thing I can recall around 1974 I told Dave
24 Ratchford that I knew my father did the stabbing in the
25

1 park." Is that what you were told by Donna Ebsary or Dave
2 Ratchford that she knew her father did the stabbing in the
3 park?
4

5 A. Yes, I think, whenever her father became intoxicated he
6 would threaten to use this knife as he had done on that night
7 in the park.

8 Q. Now, you had the impression that what Donna was telling you
9 was not only that she saw her father wash blood off the knife,
10 but in fact her father had stabbed Sandy Seale. He had done
11 it.

12 A. There was some indication to that...that he had stabbed
13 somebody.

14 Q. Okay. And that was the same night that Sandy Seale was
15 stabbed.

16 A. Apparently so.

17 Q. The only stabbing in Sydney that we know of that...on that
18 night.

19 A. Yes.

20 Q. She goes on to say, "We got ahold of the Sydney City Police
21 and apparently they would do nothing. We also got ahold of
22 Cst. Gary Green of the RCMP and they apparently go nowhere
23 with the City Police." That's an accurate statement...

24 A. Yes.

25 Q. ...from her point. Okay. Were you yourself ever contacted by

1 anyone to discussed your involvement in this matter after
2 1974?

3 A. Yes, I was contacted in 1982 by Harry Wheaton.

4 Q. And do you remember that contact?

5 A. Yes.

6 Q. Did you know Sergeant Wheaton before that contact?

7 A. Yes, I did.

8 Q. And what did he tell you he was doing?

9 A. He said he was ...indicated to me that he was...they were going
10 back into the affair and he wanted to know about this
11 incident that I had been involved in.

12 Q. Now, and did you tell Sergeant Wheaton of your involvement?

13 A. Yes, I told him basically that...the story I've told here that
14 David called me down, this was the story was related to me,
15 that they had, in fact, gone to the City Police, had tried to get
16 this information in place with them. They were rebuffed. I
17 went down myself to see what the problem was and to make
18 sure that this information was...got across. That...I was told
19 that as far as they were concerned Donna, as I said before,
20 was a disgruntled, confused, disgruntled young lady who had
21 just left home, and generally what I related to you.

22 Q. Exhibit 90, corporal, I've given to. That is a copy of or an
23 extract type written portions taken from a notebook of
24 Sergeant Wheaton. On page 2, item number 15, reports that
25

1 on the 15th of March, 1982, that you were contacted and you
2 "Recall Dave Ratchford telling him, re Donna Ebsary's father's
3 knife. Reports to Billy Urquhart, cool reception." Is that an
4 accurate reflection of what you told...

5 A. Yes.

6 Q. Staff-Sergeant Wheaton. Were you able to under...to
7 determine what information Staff-Sergeant Wheaton had that
8 led him to carry on an investigation at that time, information
9 that you didn't have in 1974?

10 A. No.

11 Q. He, in 1982, had been advised that Roy Ebsary had stabbed
12 Sandy Seale, yes.

13 A. Yes.

14 Q. And, or at least someone had, and based on that Staff-
15 Sergeant Wheaton had carried out a fairly comprehensive
16 investigation.

17 A. Yes.

18 Q. That's the same information that the RCMP had in 1974, isn't
19 it?

20 A. Ah, I don't know all of the...

21 Q. The information that Roy Ebsary had stabbed...

22 A. Yes.

23 Q. ...Sandy Seale, was the information that you knew in 1974.

24 A. Yes.
25

1 Q. And that you had passed on to others in the force.

2 A. I had had that discussion in GIS, yes, about this. That's how I
3 got the facts on the...that polygraph had been done and the
4 investigation had been closed off.

5 MR. BISSELL

6 Objection. I don't see how the witness can know what Staff-
7 Sergeant Wheaton, what Staff-Sergeant...what information Staff-
8 Sergeant had initiated his investigation. It's not a particularly fair
9 question to this witness.

10 MR. CHAIRMAN

11 Well, the question was put and was answered. I thought it
12 was a fair question at the time it was put. My understanding of
13 the question, Mr. MacDonald, was that you asked this witness if to
14 his knowledge Sergeant Wheaton had been told, at the time of his
15 reinvestigation, that Roy Ebsary had passed the polygraph test
16 and that...and there's...and that he had stabbed or been alleged
17 that he had stabbed Sandy Seale.

18 MR. MacDONALD

19 No, My Lord.

20 MR. CHAIRMAN

21 The answer is yes.

22 MR. MacDONALD

23 Yes, but I...what I put to the witness is a little different than
24 that. I said that based on information related to the RCMP.
25

1 MR. CHAIRMAN

2 Well, all right, yes, that's was the next step in the question.

3 MR. MacDONALD

4 That Roy Ebsary had stabbed Sandy Seale and Sergeant
5 Wheaton carried out a fairly comprehensive investigation.

6 MR. CHAIRMAN

7 Yes.

8 MR. MacDONALD

9 The information that Roy Ebsary had stabbed Sandy Seale
10 was not knew, and that's the point of my question. The RCMP...

11 MR. CHAIRMAN

12 Yes, I understood that to be the point of your question and I
13 thought it was relevant, but...why...

14 MR. BISSELL

15 I thought the question was that they just...that they had
16 only the same information from the same source.

17 MR. MacDONALD

18 No, I didn't suggest that, My Lord.

19 MR. CHAIRMAN

20 No, I didn't think so.

21 MR. MacDONALD

22 I realize that Mr. Sarson came forward in 1982, but the
23 substance of the information is the same, and that's the point of
24 my question.
25

1 Q. Corporal Green. And it's the same information the RCMP had
2 in 1974, isn't that correct?

3 A. When I...because I wasn't familiar with all the characters
4 involved if the name Seale had been given to me it may not
5 have stayed with me.

6 Q. Okay.

7 A. But the crux of the matter was when Dave had talked to me is
8 that Ebsary had stabbed somebody.

9 Q. Okay.

10 A. That was what I came away with. I know who he...all the
11 names of people now after...given hindsight and...

12 Q. I understand. I just assumed you knew the name Sandy
13 Seale that's all.

14 A. No, I didn't.

15 Q. Now, you spoke with Sergeant Wheaton. Have you spoken to
16 anyone else about the case other than your own counsel?

17 A. I spoke to Corporal Grant Shaw in December.

18 Q. Okay. And that's in the RCMP gathering information.

19 A. Yes.

20 Q. Or Corporal Grant Shaw is in the RCMP.

21 A. Yes, he was.

22 Q. You've had no contact with other counsel for other parties.

23 A. I don't recall talking to anybody else.

24 MR. MacDONALD

25

1 That's all the questions I have, thank-you.

2 EXAMINATION BY MS. DERRICK

3 2:54 p.m.

4 Q. Corporal, my name is Anne Derrick. I represent Donald
5 Marshall, Jr..

6 On the occasion when you went down to the Sydney Police
7 Department and spoke with Sergeant Urquart was there
8 anybody else in the office with him at that time?

9 A. It seems to me there was somebody in the background and
10 it...to my recollection it was one of the other members of the
11 plain clothes section whom I didn't know.

12 Q. At the time did you know who Detective-Sergeant MacIntyre
13 was?

14 A. Yes.

15 Q. And to the best of your recollection was it Detective-Sergeant
16 MacIntyre?

17 A. No, I think it was one of the...just a person, it was one of the
18 junior plain clothes officers. I didn't know the individual that
19 well. I knew him to see him around the police station but I
20 didn't know him that well.

21 Q. And on that occasion when you went down did you see
22 Detective-Sergeant MacIntyre around the offices?

23 A. I don't recall seeing him, no.

24 Q. It's fair to say, is it not, that Sergeant Urquhart was not
25

1 particularly interested in the information that you brought to
2 him?

3 A. Didn't seem to be very interested, no.

4 Q. And was it your impression that he had already spoken with
5 Donna Ebsary on a previous occasion?

6 A. The comment he made about Donna Ebsary being disturbed,
7 disgruntled, young lady who had just left home led me to
8 believe that he was currently aware of Donna Ebsary.

9 Q. After this occasion why didn't you go to the Chief of Police,
10 the Sydney Chief of Police?

11 A. Well, I'm from another police department and when I'm
12 talking to an invest...a senior investigator on that department
13 that has done work on this particular file, and, well, I didn't
14 know the chief that well and for me to go to the next level I'd
15 be creating an incident.

16 Q. Between the two police forces.

17 A. Yes.

18 Q. So you went to the GIC...

19 A. GIS.

20 Q. After speaking with Sergeant Urquhart. Now you know from
21 Sergeant Urquhart that the RCMP had reviewed the case.

22 A. Yes, that was one comment that he made to me was more or
23 less, you know, "Your people have already
24 reopened...reinvestigated this as a matter of..."
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Q. Now, you may have already.

A. As a matter, you know, as a matter of fact, "Your people have already reopened this case and done an investigation and closed it again," that was what he was conveying to me.

Q. And that's all he said to you about the RCMP review of the case, is it?

A. To my recollection because I went up to confirm that at GIS and that's when I found out about the polygraph.

Q. So, you didn't learn about the polygraph from Sergeant Urquhart. You learned about that...

A. I don't believe I...I think I came to that dramatic conclusion at our office if I'm not mistaken.

Q. And did anyone at GIS suggest that you make any notes about the information you had or about the contact you had had with Donna Ebsary?

A. No. Not to my recollection.

Q. So other than reporting back to David Ratchford your involvement came to an end at that point?

A. Yes, I was really, as I say, the fact that Ebsary had passed the polygraph and really evaporated my confidence in Donna's story.

Q. That was conclusive in your mind.

A. That was pretty...pretty conclusive I...I really, as I say, this took place in a span of four or five hours and that was pretty

1 dramatic information, given the stress that this had generated
2 in me.

3 Q. But in conclusion, the most dramatic information was that Roy
4 Ebsary had passed the polygraph.

5 A. That was pretty...a pretty dynamic piece of information.

6 Q. Thank-you.

7 A. Given what I had just gone through.

8 Q. Thank-you, Corporal.

9 EXAMINATION BY MR. PUGSLEY

10 Q. I take it from what you say, Corporal Green, that it was not
11 you who requested that the Marshall file be brought out but
12 it was as a consequence of Inspector Urquhart's initiative that
13 it was brought out.

14 A. During the conversation I was...I really, as I indicated before,
15 had sort of a mixed emotion when I saw this file arrive and,
16 you know, as to what...what is the purpose of it coming out
17 and...

18 Q. My question was you did not request the file to be brought
19 out.

20 A. No, I...

21 Q. It was Sergeant's Urquhart's initiative.

22 A. I didn't go there to review, as I told him, "I didn't come here
23 to review the file or to take the file, I came here to pass on
24 this information to you."
25

1 Q. You did not ask for the file.

2 A. No.

3 Q. He produced the file.

4 A. I don't recall asking, no.

5 Q. He produced the file. He did not refuse you access to the file.

6 A. No.

7 Q. Indeed the file was there for you to examine if you so wished.

8 A. Yes.

9 Q. You chose not examine it.

10 A. Because I wanted to convey this information.

11 Q. Yes.

12 A. That was my purpose in being there and I didn't want to
13 provoke an incident.

14 Q. You chose not to examine the file.

15 A. Yes.

16 Q. Yes. Did you tell David Ratchford that you were refused
17 access to the file?

18 A. No, I did not.

19 Q. So that when Ratchford testifies, as he did, at page 4406, do
20 you have that in front of you? Do you have that volume in
21 front of you? Volume 24. Volume 24. Thank-you, Mr.
22 MacDonald.

23 A. What page?

24 Q. Page 4406. I think you indicated earlier with...in response to
25

1 a question from my friend, Mr. MacDonald, that you have
2 reviewed part of Ratchford's evidence.

3 A. Yes, I'm familiar with the part you're talking about.

4 Q. Okay. In particular the question that...at page...at line 11,
5

6 Q. So, how do you know he went to the Sydney
Police?

7 A. Because he--because he came back shortly
8 afterwards, oh, within--gosh, he was only gone
9 maybe twenty or twenty-five minutes and then
10 he came back and said, 'Sorry, that they would--
had not allowed him access to any records or
anything to do with the case.'

11 That is not an accurate reporting...

12 A. I can't account for what he's...what he said there.

13 Q. Of course, but you did not tell him that.

14 A. I don't recall mentioning that I was...

15 Q. Well, it's not true. It is not true that you were refused access
16 to the case, is it?

17 A. The ...my recollection is the file was placed on a table.

18 Q. The next question at line 17,

19 Q. Did he say what he attempted to do at the
police station?

20 A. He asked them if he could have a look at the
21 files related to the Donald Marshall case.

22 That is not true. You did not ask Urquhart if you could have a
23 look at the files.

24 A. No, I wanted to convey this information.

25 Q. I'm sorry. Answer my question, please? It is not true that

1 you asked Urquhart if you could have a look at the files, that
2 is not true?

3
4 A. No, I wanted to discuss the stabbing incident.

5 Q. Corporal Green, did you ask Urquhart if you could have a look
6 at the files?

7 A. I don't recall asking to look at the files.

8 Q. And you did not tell David Ratchford that you asked Urquhart
9 to look at the files.

10 A. I don't recall indicating that to Dave Ratchford.

11 Q. And then question at line 20,

12 Q. Did he say who he was speaking with?

13 A. He probably did but I can't remember which
14 of the two gentlemen he said he had spoken to.

15 Q. And what did he say was the result of his
16 request?

17 A. He said he was denied that request.

18 Now, that's not accurate, is it?

19 A. I can't...no.

20 Q. No. There's two questions. Firstly, you were not denied the
21 request. True. You were not denied the request.

22 A. No, the file was brought out and...

23 Q. And secondly you did not tell David Ratchford that you were
24 denied that request.

25 A. I don't recall telling him that, no.

 Q. No. Well, you wouldn't have told him, because it wasn't true.

 A. The file was placed on...

1 Q. Yes.

2 A. ...to my recollection on the table.

3 Q. Yes. And you were never denied access to that file.

4 A. No.

5 Q. No. When you went...and it was during the course of your
6 discussion with Inspector Urquhart that you became aware of
7 the RCMP investigation some years earlier and, indeed, the
8 RCMP investigation that involved a reinvestigation of this
9 allegation that Ebsary did the stabbing.

10 A. Yes.

11 Q. He told you that.

12 A. I think it was at the office of GIS I became aware of this
13 polygraph.

14 Q. No, that wasn't my question. My question was, Urquhart told
15 you not only that there was a reinvestigation by the RCMP
16 but he told you that the reinvestigation by the RCMP involved
17 the same thing that you were reporting, namely that Ebsary
18 did the stabbing.

19 A. I don't recall him saying that but I did get that information,
20 you know, through my enquiries.

21 Q. I see. All right. Did you tell...and the gentlemen, you don't
22 recall who you were talking to at GIS.

23 A. No.

24 Q. Did you tell him, the person you were talking to, that you
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believed Donna Ebsary?

A. Initially I...that's what prompted me to go down to the Sydney Police Department.

Q. Of course.

A. That, hey, this is information that should be conveyed.

Q. Of course. Because you believed Donna Ebsary initially.

A. Initially.

Q. Yes. And did you tell GIS when you went down to see them that you believed Donna Ebsary?

A. GIS or Sydney Police.

Q. No, GIS.

A. I went in to confirm that there had been a second...an investigation a couple of years earlier and we had a discussion on that and the fact that it had been conducted, that there was a polygraph conducted on Donna Ebsary's father and that's when they...more or less the brakes went on.

Q. Yes. My question was, did you tell GIS that you believed Donna Ebsary?

A. When I found out about the polygraph it changed my perception on what I initially believed and all of a sudden that, as I said before, that evaporated and my confidence was eroded by that.

Q. I understand your response. But before you found out about the polygraph when you went down to see GIS did you say

1 "Not only does this person say that she saw her father wash
2 blood off the knife, and that she either says directly or infers
3 that her father committed this murder, but I believe her."

4 Did you tell GIS that?

5
6 A. After the response I got at the Sydney Police Department that
7 they not really interested in that, that was a feeling that I got,
8 that we're not really interested in what they have to say or
9 you have to say, and I began to wonder about the information
10 that she has passed on to me.

11 Q. Yes. But you were telling your own people at GIS.

12 A. This is what I've been told by this young lady and was there
13 a second...was there an investigation by the RCMP and what
14 were the conclusions of that investigation.

15 Q. But whatever tenseness there was at the Sydney City Police
16 Department in the meeting with Urquhart there was
17 no...obviously no tenseness between you and GIS.

18 A. No.

19 Q. These were your own people.

20 A. It was a general discussion and it led to the fact that Mr.
21 Ebsary had been tested on the same area and he had passed
22 the test.

23 Q. Did you know the fellow at GIS you were talking to?

24 A. No, I don't recall.

25 Q. I see. You would not have known the fellow at GIS.

1 A. Probably, but I was there to have a look at this file and we
2 were discussing the file.

3 Q. He was a member of the same force though in Sydney.

4 A. Yes.

5 Q. The Sydney Detachment can not have been that large. How
6 many RCMP officers did you have in Sydney?

7 A. I can't recall how many people were in GIS.

8 Q. I see.

9 A. Or how many people were there the day that I went up there.

10 Q. Are you able to tell us whether or not you told the GIS man
11 before you found out about the polygraph that you believed
12 Donna Ebsary?

13 A. I don't recall indicating that to anybody.

14 Q. Okay.

15 A. I was there to establish whether that investigation had been
16 done.

17 Q. When you were interviewed by Harry Wheaton did you tell
18 him that the file was brought out by Urquhart?

19 A. I don't recall if I mentioned that to Harry or not.

20 Q. Are you able to advise us whether or not you indicated that
21 you had access to the file, that you were not denied access to
22 the file?

23 A. I don't...I don't recall what I said in reference to the file, but it
24 was on...my recollection is it was placed on the table.
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Q. I'm talking now about what you told Wheaton.

A. To Harry Wheaton, whether I covered the file on the table I'm not certain whether we covered that or not.

Q. How long was your interview with Wheaton?

A. He called me at home and he just wanted the general background on what my involvement was with Dave Ratchford and what had taken place.

Q. This is a telephone interview.

A. Yes.

Q. A telephone call. You did not see him personally.

A. No.

Q. Didn't sign any statement.

A. No.

Q. No. How long did the discussion last with Wheaton?

A. I just gave him a general overview on the phone as to what had taken place.

Q. I take it that after you finished the interview with GIS that was the end of the matter as far as you were concerned.

A. I had gotten the information to the parties concerned or I had given them the information and when I found out about the polygraph test it...it really, as I said, evaporated my confidence in what I had been told.

Q. As far as you were concerned that was an end of it. As far as your involvement was concerned.

1 A. Yes.

2 Q. Yes.

3 A. That was.

4 Q. You were not intending to report it to your superiors in
5 Halifax.

6 A. At that point I began to wonder what I was dealing with.

7 Q. No. My question is you were not at that point going to report
8 it to your superiors in Halifax after you had your interview
9 with GIS in Sydney.

10 A. No, I didn't really know where to take this from that point.

11 Q. Well, did you...no. Did you have any intention to report it to
12 your superiors in Halifax?

13 A. At that point, no.

14 Q. So, -you would never have told David Ratchford that you were
15 going to report it to your superiors in Halifax.

16 A. I don't recall saying that to Dave.

17 Q. And there would be no reason for you to say that because it
18 wasn't true.

19 A. As I say, I don't recall saying that to Dave.

20 Q. My friend, Mr. MacDonald, referred to Corporal Bradshaw.
21 Who is Corporal Bradshaw?

22 A. Grant Shaw.

23 Q. Sorry. Oh, sorry. I beg your pardon. Who is Grant Shaw?

24 A. He is the corporal here in...stationed in Halifax.
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Q. And what involved does he have in these proceedings.

A. I believe he was more or less coordinating the police witnesses and to get some idea of what the...what they would be presenting.

Q. I see. So you had discussed the nature of your evidence with him.

A. Yes.

MR. PUGSLEY

Yes. Thank-you.

MR. CHAIRMAN

Mr. Murray.

MR. MURRAY

Yes, I wonder, My Lord, as I may be awhile, I wonder if we...it would be appropriate to take the break now. I'll be quicker later.

MR. CHAIRMAN

All right, okay.

BREAK - 3:10 p.m.

CPL. GREEN, EXAM. BY MR. PUGSLEY

1 Q. And what involved does he have in these proceedings.

2 A. I believe he was more or less coordinating the police
3 witnesses and to get some idea of what the...what they would
4 be presenting.

5 Q. I see. So you had discussed the nature of your evidence with
6 him.

7 A. Yes.

8 MR. PUGSLEY

9 Yes. Thank-you.

10 MR. CHAIRMAN

11 Mr. Murray.

12 MR. MURRAY

13 Yes, I wonder, My Lord, as I may be awhile, I wonder if
14 we...it would be appropriate to take the break now. I'll be
15 quicker later.

16 MR. CHAIRMAN

17 All right, okay.

18 BREAK - 3:10 p.m.INQUIRY RESUMES - 3:29 p.m.

19 EXAMINATION BY MR. MURRAY

20 [One Q. & A. not on tape]

21 Q. ...on more than one occasion that she, in fact, did not go to the
22 Sydney City Police. Given your knowledge of Donna Ebsary
23 would that surprise you?
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A. I wasn't at that time familiar with Donna Ebsary.

Q. All right. So, you would not be able to make a comment on that.

A. No.

Q. During your interview with Donna Ebsary, the first time when this story was related, in fact, it wasn't Donna Ebsary that did most of the talking it was David Ratchford you say.

A. Yes.

Q. Your objective in going to the police was merely to relay the information that Ratchford had conveyed to you.

A. Yes.

Q. And you were able to do that.

A. Yes, I explained why I was there and what the information was.

Q. And Mr. Urquhart received that information and explained some of the background of the circumstances to you.

A. In his description of Donna Ebsary.

Q. Well, with respect to the investigation of the case. Mr. Urquhart explained that to you, there was some discussion.

A. He more or less acknowledged the information by saying that Donna Ebsary was a disturbed...

Q. I appreciate that.

A. Disgruntled young lady who had just left home.

Q. I appreciate that he made that remark, but after you had

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conveyed your information he then gave you information about the investigation, and apprised you of certain facts.

A. He advised me that the RCMP had, in fact, done an investigation a couple of years prior and it had been closed.

Q. Uh-hum. How long were you with Mr. Urquhart?

A. Probably fifteen to twenty minutes.

Q. There would have been more discussion then, I take it, than simply what you've related to this Commission.

A. That...what we have discussed is pretty well the high points of why I was there and what I received in return.

Q. And what you received in return, I suggest, was a brief summary of what had happened in the past and that enabled you to go and pursue the matter at the GIS office.

A. I don't know what you are referring to when you say "other information that occurred in the past."

Q. The original investigation and subsequent reinvestigation in 1971.

A. I don't think we went into any great detail as to what the first investigation involved and what the subsequent investigation was.

Q. You went into some detail though, did you?

A. We may have, but I don't recall.

Q. When you spoke with Dave Ratchford the first time you say he had not been to the police at that point.

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A. As I said in the back of my mind there was...there's a question as to him saying that "Donna will talk to you because she knows you."

Q. Uh-hum.

A. "As a non...she's afraid of policemen but she's willing to relate the story." But that's, in the back of my recall, but it's...

Q. And as a result of that you encouraged them to go to the police in any event.

A. Yes.

Q. And so they had not been to the police at that point as far as you understood.

A. As I say, I just have a point in the back of my mind that says I had a conversation in that regard and then, the second time I was talking to them I assume that they had both gone down together.

Q. The second time, let's say, you assume that there had been contact made with the Sydney City Police.

A. Yes, there had been.

Q. Did Mr. Ratchford at that time identify for you who he had spoken with at the Sydney City Police?

A. I don't believe he did, no.

Q. Was that because he did not know who he came in contact with at the Sydney City Police?

A. No, it was just generally that he had gone down, tried to get

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the information across and felt that he hadn't been able to do so.

Q. Uh-hum. He didn't identify the fact of having spoken to Mr. Urquhart.

A. I don't recall.

Q. Would you be able to say whether or not David Ratchford advised you that he had called the police on the telephone?

A. My assumption was that they had gone down.

Q. You had no personal knowledge as to whether, in fact, he made a call though rather than going down.

A. If my memory is serving me correctly I left after giving them directions to go down and present this to the Sydney Police Department.

Q. Uh-hum. You spoke of stress during your interview with Mr. Urquhart, and I take it that was stress within yourself as a junior constable going into another police force's territory.

A. Yes, I'm dealing with another police force. It's a file I have little or no knowledge of.

Q. Uh-hum.

A. And, I felt stress in the room.

Q. Uh-hum. And that was your feeling, not necessarily Mr. Urquhart's.

A. I felt that he was under a bit of stress or...that's...

Q. Well, how did he demonstrate this stress that you felt he was

1 under?

2
3 A. I thought the...when the file was...the file being brought out
4 and placed on that table was a bit of a provocation to see
5 what my reaction at that point would be and it...I just got a
6 general sense that I was in somebody else's territory dealing
7 with a file that they were well informed on and I was not
8 well informed on.

9 Q. You became concerned at that point that you weren't as well
10 informed as you might be.

11 A. I knew I wasn't well informed, I just wanted to get...relay this
12 information.

13 Q. I suggest to you, sir, that Mr. Urquhart's reaction was an
14 individual who had many people coming to him over a period
15 of time, bringing him information, and thankful for receiving
16 the information but this information had been received
17 before. Is that essentially Mr. Urquhart's manner?

18 A. That was part of my answer when I said...when he described
19 Ebsary as being disturbed, disgruntled young lady who just
20 left home, and he wasn't about to open this investigation
21 based on another rumor.

22 Q. He said "another rumor" did he?

23 A. Yes.

24 Q. Commission counsel referred you to Volume 15, page 298, on
25 the second page after the divider.

1 A. Yes.

2 Q. And this is the statement of Donna Elaine Ebsary, and
3 commission counsel read you the sentence "We also got ahold
4 of Constable Gary Green of the RCMP and they apparently got
5 no where with the City Police either." He asked you whether
6 that was correct and you said "Yes". I would like you to take
7 your time and read that sentence again and is, in fact, that
8 correct?

9 A. Is that in the first paragraph?

10 Q. Yes, it is.

11 A. Sorry.

12 Q. Third sentence.

13 A. I can't account for the structure of that sentence.

14 Q. No. - I don't ask you to account for the structure of it, sir. But
15 it's my understanding from what you've told me that you
16 went to the Sydney City Police to give them some information,
17 you in fact gave them some information and you had
18 completed your task.

19 A. Yes.

20 Q. So, to say you got no where with the City Police would be
21 incorrect.

22 A. Well, when I'm told that this...in a sense this won't be
23 considered because it's just another rumor, I didn't feel that I
24 had accomplished much.
25

1 Q Well, did they say it won't be considered, sir?

2 A. They said this case will not be reopened on the basis of
3 another rumor.

4 Q I see. I have no further questions.

5 EXAMINATION BY MR. ROSS

6 Q Corporal Green, my name is Anthony Ross and I've just got
7 two short questions for you. The first thing you've indicated
8 that you reviewed a file at GIS in Sydney.

9 A. I discussed a file with somebody else at GIS, yes.

10 Q But there was a file in the GIS office in Sydney.

11 A. To my recollection there was a file in reference to the
12 investigation that had been conducted two years prior.

13 Q In November of 1971.

14 A. Whenever, if that was the one involving Inspector Marshall.

15 Q Yeah. You actually saw that file.

16 A. To my recollection there was a file referring to that.

17 Q Yeah. But I don't know that you answered me. You're telling
18 me there was a file referring to a file.

19 A. I don't recall the file. I just...I recall discussing this case and
20 that review that had taken place by the RCMP.

21 Q Do you recall the presence of a file folder with material in it?

22 A. I seem to recall that there was a file there.

23 Q Yes.

24 A. During the discussion.
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Q. Do you recall the person with whom you were discussing this matter opening that file, opening the file folder?

A. I don't recall that, somebody physically opening the file, no, I don't.

Q. I see. So, I take it then you recall the discussion and the presence of a file folder with material in it.

A. Yes.

Q. I see. The other thing that I wanted to ask you about is you indicated that you attended one or two courses with respect to polygraph.

A. Pardon me.

Q. You...sorry, you attended one or two lectures about the polygraph machine.

A. I think during the courses of our police training after graduation when the polygraph was coming into vogue we had some presentations on what the polygraph was and so on, so forth.

Q. Did Ed Smith[sic] conduct any of these presentations?

A. I don't recall who made the presentations.

Q. Do you recall Corporal Smith?

A. I recall him being stationed in Nova Scotia but I...in what capacity I can't recall.

Q. You do not...but with respect to polygraph you cannot tell us that you recall any...

1 A. I can't recall him specifically giving...

2 Q. Any presentations.

3 A. Any presentation on polygraph test.

4 Q. I see. Thank-you, very much. No more questions.

5 EXAMINATION BY MR. RYAN

6 3:42 p.m.

7 Q. Corporal Green, you've testified that at the time you were at
8 Sydney you were there for approximately...you were with the
9 force for approximately seven years, is that correct?

10 A. Yes, I joined in 1967.

11 Q. You were not stationed in Sydney at the time of the original
12 Marshal trial, were you?

13 A. No, I was in Windsor at the time.

14 Q. As I understand your evidence when you were approached
15 by David Ratchford and Donna Ebsary you had no prior
16 knowledge of Donald Marshall or what had gone on during the
17 original trial?

18 A. That is my first encounter with that case.

19 Q. And as I further understand your evidence, when the
20 information was related to you the names had no particular
21 significance to you, that is Roy Ebsary, Seale, Marshall or any
22 other of the players in the main action.

23 A. I think the name that became significant initially was the
24 name Ebsary because it was Donna's father.
25

1 Q. As a result of that information you suggested that they go to
2 the Sydney City Police, is that correct?

3 A. Yes.

4 Q. It's my understanding that your information or your
5 discussion with them, your suggestion they go to the Sydney
6 Police, your subsequent conversation with David Ratchford
7 that he had contacted the city police, your subsequent visit to
8 the city police and then to GIC all happened on the same day.

9 A. Yes, I think they were all in rapid succession.

10 Q. All within the space of approximately four hours, is that
11 correct?

12 A. I believe it, yes.

13 Q. And you had no prior involvement with the Marshall case
14 before talking to David Ratchford.

15 A. None whatsoever.

16 Q. You had no involvement subsequent after leaving GIS.

17 A. No.

18 Q. Other than talking in 1982, I believe, with Harry Wheaton.

19 A. That's correct.

20 Q. And during your four-hour involvement with this matter you
21 talked to Detective Urquhart of the city police who was senior
22 to you, is that correct?

23 A. Yes.

24 Q. You also then went up to GIS and talked to someone else who
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was senior to you.

A. Yes.

Q And you were informed that someone senior to you had come from Halifax, had done reinvestigation and had conducted or arranged for the conducting of a polygraph on Roy Ebsary.

A. Yes.

Q And that the results of that polygraph was that Mr. Ebsary had passed.

A. That's correct.

Q In relation to questions asked to him.

A. Yes.

Q And that the substance of that polygraph was essentially the same information as had been conveyed to you by Donna Ebsary and David Ratchford.

A. Yes.

Q What was the attitude of the force , of the constables on the force, with respect to the accuracy of polygraphs back in 1974?

A. At that time they were held in very high regard or high esteem. Certainly in a higher mode than they are today, because we know more about them.

CPL. GREEN, EXAM. BY MR. RYAN

1 Q. Were you prepared to accept the findings of the polygraph
2 back in '74 when you were informed that Roy Ebsary had,
3 indeed, passed the test?
4

5 A. Yes.

6 Q. Was it as a result of that conclusion that you made no follow-
7 up efforts on the information conveyed to you?

8 A. Yes.

9 MR. RYAN

10 Those are the questions I have, My Lord.

11 EXAMINATION BY MR. CHAIRMAN

12 Q. Did you ask Donna Ebsary if she had been interviewed by any
13 member of the RCMP or, indeed, any, at the time of the
14 reinvestigation?

15 A. No, there was no indication that she had been interviewed by,
16 or I got no indication that she had been interviewed by a
17 member of the RCMP.

18 Q. Or I presume by any police officer prior to that because
19 otherwise she wouldn't be anxious to get this information
20 concerning the knife through to them now at that time.

21 A. Yes.

22 MR. CHAIRMAN

23 That's all. Thank you.

24 MR. RYAN
25

CPL. GREEN, EXAM. BY MR. RYAN

1 May Corporal Green be excused, My Lord?

2 MR. CHAIRMAN

3 Yes.

4
5 DONALD L. BURGESS, duly called and sworn, testified as follows:

6 EXAMINATION BY MR. SPICER

7
8 Q. What is your full name, please, Mr. Burgess?

9 A. Donald Lowther Burgess.

10 Q. And you're a reader with the RCMP, is that correct?

11 A. Yeah, my title is Supervising NCO, Criminal Operations.

12 Q. And your career, except for the first few years, has been
13 constituted by being a reader?

14 A. That's correct.

15 Q. You've been kind enough to bring with you a job description,
16 have you not, of your position as reader? And is that a copy
17 of it?

18 A. Yes, it is.

19 EXHIBIT 94 - COPY OF DONALD L. BURGESS' JOB DESCRIPTION

20 DATED 1983.

21 Q. Mr. Burgess, what's the date of this particular job description?

22 A. 1983.

23 Q. Has the job of a reader changed much since 1971?

24 A. Just the matter of doing things, but basically no.
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Q. The nature of the job is pretty well the same.

A. Yes.

Q. Okay, let's take a couple of minutes and go through what it is that a reader does, and I believe that starts with Item "E" on your list of functions. The first one is, "Reviewing and Analyzing reports to insure procedures are consistent with force policy." What does that mean?

A. Well, if you make a seizure of exhibits or anything, that you follow the proper procedure. That the report is written in the manner that it's supposed to be written. That it's done properly and not a lot of spelling errors or poor grammar.

Q. If there is a force policy with respect to any particular matter, would Item 1 encompass the reader insuring that the force policy is followed with respect to whatever the report is in front of him?

A. Yes.

Q. Is there a force policy with respect to how to conduct an investigation?

A. There is general guidelines.

Q. General guidelines?

A. Yes.

Q. Would one of your jobs be in reading a report to try and insure that to the best of your ability that the force policy or the general guidelines with respect to investigations were

1 being followed?

2 A. Yes.

3 Q. Item 2 is, "Insuring the requirements of the various statutes
4 are met with respect to investigations." Can you elaborate on
5 that for us?

6 A. Well, for example, if it's a breathalyser case, make sure that
7 you've given them breathalyser demand and the alert
8 demand.

9 Q. I was just wondering if everybody could hear the witness.
10 You speak softly.

11 A. I have a soft voice.

12 Q. Let's put this a little bit closer to you. Maybe you can speak
13 up a bit as well.

14 A. Yeah.

15 Q. Okay, let's run through Item 2 again. That was "Insuring the
16 requirements of the various statutes are met with respect to
17 investigations."

18 A. Yeah, just to insure that, for example, a breathalyser case, the
19 alert demand was given properly and that the breathalyser
20 demand was given, that the two tests were done and that
21 there was enough time between the first time and the second
22 test.

23 Q. And you're required, I take it from your job description in
24 Item D-1, to have a working knowledge of the Criminal Code
25

1 and the federal and applicable provincial statutes.

2 A. Yes.

3 Q. So you would be expected to know what the requirements
4 would be.

5 A. Yes, or if we don't, we look them up.

6 Q. Item 3, "Checking that investigational reports are thorough
7 and that they contain information needed to base a charge on
8 or support a decision relevant to the charge." What does that
9 mean?

10 A. Well, just what it says, that we, that there's enough
11 information in the report to justify a charge being laid.

12 Q. How would you check that an investigational report is
13 thorough?

14 A. Just by reading it.

15 Q. Just by reading the report itself?

16 A. Yes.

17 Q. Item 4, "Preparing written replies, making specific
18 recommendations where required, and giving direction."
19 Preparing written replies to what?

20 A. Well if the detachment is doing an investigation, they could
21 ask questions of us and we'd reply to it. Or if there's not
22 enough information in the report, we would write back and
23 ask them for more detail. Or if certain aspects of the
24 investigation weren't done, we'd ask them why they weren't
25

1 done or if they were done.

2 Q Why would it, to take your example, why would a detachment
3 be asking you as the reader?

4 A Well, they might be asking for guidance as to whether there's
5 enough evidence to conduct a search or...

6 Q You're asking you for your opinion as to whether or not...

7 A For our opinion, yes.

8 Q Sufficient evidence?

9 A Yeah.

10 Q Item 5 is, "Making recommendations on and preparing
11 operational policy."

12 A Well, we have, I think, it's ten books of operational policy of
13 procedures to follow. Again, for the breathalyser, it's the
14 proper procedures to do. If there's a court case where cases
15 are dismissed because of new decisions of the court, then we
16 put out policy to that that you should follow this new
17 procedure in future.

18 Q To take that example, would you make that kind of a
19 recommendation of your volition, or would you have to have
20 that passed on by somebody superior to yourself?

21 A No, all policy assigned by the, now, it used to be the C.I.B.
22 officer, it's the Criminal Operations Officer, him and the
23 commanding officer.

24 Q And would that be the case with respect to any
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recommendations that you'd be making that you would, you would be the person who would formulate and then you'd pass them on up the line for implementation?

A. Yes, or we could discuss it with our higher-ups or send it in and get their opinion on it.

Q. Under whose name would it eventually go out?

A. Superintendent Vaughan, at the present time.

Q. It wouldn't go out under your name.

A. No.

Q. You're doing the research and the background, is that correct?

A. That's right.

Q. "Undertaking research projects," Item 6, "relative to legal and investigative problems."

A. Well, again, if a judgement comes down from the Supreme Court of Canada about new procedures that the police should follow, then, of course, we'd have to put out policies to let all the detachment members and, well, all the members know.

Q. For how long have you been a reader?

A. 29 years, or 28 and some.

Q. And you had a number of years in the force prior to becoming a reader?

A. Yes, seven years.

Q. Seven years?

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A. Yes, sir.

Q. What did you do in those seven years?

A. I was on detachment.

Q. In Halifax?

A. Well, various detachments throughout the province.

Q. Have you worked as a reader all the time in Halifax?

A. Yes, well, except for the first year or so that I was here I was on detachment and then I went to other detachments and then when I come back 22 years ago, I've been a reader ever since.

Q. Are the readers situated in places in Nova Scotia other than in Halifax?

A. Not at the present time.

Q. How many readers are there at the present time in Halifax?

A. There's four besides myself.

Q. Are you now senior to the people actually doing the reading function?

A. Yes, I am.

Q. What is your current position?

A. Well, I'm supervising, I supervise all the, what they do.

Q. When you were working as a reader, can you give us some understanding of how all this information would flow to you and how it would then be distributed to other people?

A. Well, back in those days...

1 Q. Yeah, let's go back to 1970 and '71, you give us some idea of
2 what was going on?

3 A. I'm not sure but, one time everything was reported, every
4 motor vehicle accident, there was a report come in. Every
5 speeding case, there was a report come in.

6 Q. And it would come over your desk.

7 A. Well, somebody's desk, yes.

8 Q. One of the readers' desks.

9 A. Yeah, back then we had more readers because we had more
10 correspondence come in. That over the years has been, we've
11 done away with it, like motor vehicle accidents, just pure
12 motor vehicle accidents, we don't get them any more, we get
13 the fatal accidents. A lot of thefts, a lot of break, enter, and
14 thefts, we don't get. So the number of incidents that have to
15 be reported has been reduced greatly.

16 Q. Okay. But the material of the reports, are you telling us that
17 all the reports that are made up in connection with any
18 offences, possible offences, people to be charged, all that
19 material would flow over the desk of a reader.

20 A. Yes.

21 Q. And a reader will be expected to review it?

22 A. Yes.

23 Q. In accordance with the job description you've given us a
24 couple of minutes ago.
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A. Yes.

Q. You would then review that information and what would you then do with it? Let's take a report that comes in recommending a prosecution? What would you do with something like that?

A. Well, maybe I misled you there. A prosecution they shouldn't, I guess they don't ask us for, whether or not they should prosecute. They make up that decision and they go ahead and...

Q. Okay, bad example. Then just a report.

A. Well, any report that comes in, we would read it and if everything was done or we thought everything was done and it didn't have to go anywhere, we would just initial it and p.a. it and...

Q. Sorry, initial it and what?

A. P.a. it, put away. And then we send the...Now this is now. We send that down to our records man and they take the correspondence and put it on the file. Back in 1971, we just, we read the material, if it was, if it didn't have to go anywhere and there was nothing done, we'd just pin it to the file and send it back to records.

Q. How would you differentiate between material that had to go somewhere and material that didn't have to go anywhere?

A. Well, like murder investigation, rapes, we send, normally

1 send those to the Attorney General's Department, serious
2 cases. Motor vehicle accidents go to the Motor Vehicle
3 Branch. Certain federal statute cases go to our headquarters
4 in Ottawa.

5 Q. Would you expect that, in connection with an investigative
6 report, that if that was being passed up the line, that the
7 officers senior to you that would eventually look at that
8 report, to your knowledge, would they be relying on you as
9 the reader to have gone through that report critically and see
10 whether there's anything not quite right with it?

11 A. Yes.

12 Q. And you accepted that as one of the responsibilities of a
13 reader to do that.

14 A. Yes, because there's just too many files for them, for one
15 person to go through.

16 Q. I'm going to direct your attention to page 204 of Volume 16.
17 Do you recognize that report, sir?

18 A. Yes.

19 Q. Are you able to tell us today whether or not you would have
20 had any involvement with this report of Al Marshall at the
21 time that it was prepared, that is in December of 1971?

22 A. No, I don't know.

23 Q. You don't remember.

24 A. No.
25

1 Q. You indicated to me a couple of minutes ago that in checking
2 that investigational reports are thorough, that's Item 3 in
3 your job function, that you would have regard to the report
4 itself.

5 A. Yes.

6 Q. To give you an example. If, for instance, a report indicated
7 that two people had been interviewed and didn't make any
8 reference to the fact that there were eight more that maybe
9 ought to have interviewed, how would you know whether or
10 not the report was thorough?

11 A. Well, we wouldn't.

12 Q. There's no way for you to know.

13 A. No.

14 Q. So that if information is left out, for whatever reason, which
15 might bear directly on whether that report is, in fact,
16 thorough, the mere reading of the report itself gets you
17 nowhere, does it?

18 A. That's right.

19 Q. Would you, in the course of reviewing a report, if you did
20 have any concerns, would you go to the investigating officer
21 and say, "Look, I've got this concern, I've got that concern."

22 A. Well, we would write a memo.

23 Q. Would write a memo?

24 A. Yes.
25

1 Q. And, again, would the senior officers assume that by the time
2 the report got to them, that if you had had any concerns that
3 that job would have been taken care of, that you would have
4 gone to the investigating officer?

5 A. Yes, I would think so. On occasion, they see things that we
6 don't, but in the normal course of events.

7 4:01 p.m.

8 Q. You're familiar with Mr. Wardrop?

9 A. Yes, I am.

10 Q. In 1971, was Mr. Wardrop an officer superior, senior to
11 yourself?

12 A. Yes, he was.

13 Q. And in 1971 what rank did you hold, sir?

14 A. Sergeant.

15 Q. Mr. Wardrop gave some testimony yesterday in response to
16 some questions from the Chairman concerning the role of a
17 reader, and I just want to read you a couple of excerpts from
18 it. He's being asked the question,

19
20 As I understand it from your evidence the
21 responsibility of a reader is to review all reports
22 coming in very carefully.

23 VOICE

24 What page?

25 MR. SPICER

1
2 Sorry, 6825.

3 Q.

4 A. The research and researching go back and,
5 you know, anything he could dig up of
6 relevance.

7 Q. So are we entitled to assume, then, that
8 Sergeant Burgess (and he assumed that you
9 had conducted the work with connection with
10 this report)...are we entitled to assume, then,
11 that Sergeant Burgess very carefully perused
12 the report (and he's referring to the Marshall,
13 Al Marshall report) ... and research the report
14 that had come in from Inspector Marshall.

15 A. I had the greatest faith in him and I would
16 assume that he would, yes. I never had to
17 question him, never once. (And the next
18 question is.)

19 Q. A reading of that report by a skilled RCMP
20 officer, given the appointment of reader, I
21 would suggest it would very quickly indicate
22 to him that only one witness had been
23 interviewed by Inspector Marshall.

24 A. Reading it literally I suppose he would have,
25 yes.

Q. If he reached that conclusion would it be his
responsibility, then, to bring that to your
attention? (That is Wardrop.)

A. No, you know, I would have thought that, you

1 know, he would have satisfied himself
2 otherwise if he had got himself involved in
3 delving into it further. And when it came to
4 my, you know, to my area I would have
5 thought that he would have satisfied himself
6 that everything had been done. Now, you
7 know, I wouldn't say that he should have
8 come up to me and said, 'Listen, hey, this
9 didn't happen or that didn't happen.'

10 And the impression one gets from that testimony is that at
11 least in Wardrop's mind he would have had the idea that if
12 you had thought there were other things that needed to be
13 done as a reader, you would have taken it upon yourself to go
14 ahead and do it if you'd seen that only one witness, in fact,
15 had been interviewed in general terms.

16 A. Yeah.

17 Q. But I believe what you said to me a couple of minutes ago
18 was that if only one witness or two witnesses or whatever
19 had been interviewed and there were eight or nine or ten
20 other ones that should have been interviewed and there was
21 nothing in the report, there was nothing you could do.

22 A. That's right.

23 Q. So the confidence of Mr. Wardrop was based on an
24 assumption that, in fact, wasn't true, isn't that it?

25 A. Well, I don't know.

Q. Well...

A. You know, it's hard to me to say that.

1 Q. If the assumption was that you would go off and see whether
2 or not there ought to have been other people questioned,
3 although not, if that fact was not shown by the report, if he
4 was thinking that, then he was wrong in that, wasn't he.

5 A. I guess so.

6 Q. In that same volume, sir, if you could turn to page 90...have
7 you seen that document before?

8 A. Yes.

9 Q. We've been trying to discover for quite some time what
10 happened to this document and where it went. I was
11 wondering if you could help us out a bit with that. I believe
12 from talking to you earlier you can identify for us the
13 handwritten name at the top of the page.

14 A. Yes.

15 Q. And what is that name?

16 A. That's Stollicker.

17 Q. Sorry?

18 A. Stollicker. Ex-Staff Sergeant Stollicker.

19 Q. And was he a reader?

20 A. Yes, he was.

21 Q. And seeing his name at the top of the page, would you have
22 any idea why his name would be there?

23 A. I would think that indicates that he was reading that file and
24 that is, when the messages all come in in the morning my job
25

1 where I am now you just put the name on the top of the file
2 so that he would get that file. Or the message would go to
3 him.

4 Q. So that, does this note then say to you that any information,
5 or any material concerning that file, and would that be a file
6 concerning Sandy Seale's stabbing?

7 A. Oh yeah, that would be the Marshall, that file, yes.

8 Q. Would go to that person as the reader. He'd be the reader
9 responsible for that....

10 A. Yes.

11 Q. I see.

12 A. That's, now that's just my assumption on that.

13 Q. But that, is it fair it say that that would have been the
14 practice?

15 A. Yeah.

16 Q. Your understanding.

17 A. That's right.

18 Q. And at the bottom of that page there's a note, "CIB a.m. 31st"
19 and below that there's another squiggle and sergeant after it.
20 Can you tell us what that is?

21 A. It could be, I'm just guessing, an ex-Sergeant Taylor, who was
22 the acting Order Officer and back in those days sergeants and
23 above had to take turns every weekend going into the office
24 to see what was going on. Read the messages and see if any
25

1 action had to be taken.

2 Q. And this would indicate that this acting, is that what "A.O."
3 stands for?

4 A. Acting Orderly Officer, yes.

5 Q. Acting Orderly Officer. That he would have come in and
6 signed it himself...

7 A. And directed...

8 Q. As CIB on the 31st?

9 A. It's CIB for the 30-, yeah, to go to CIB on the 31st.

10 Q. To go to CIB.

11 A. Yes.

12 Q. He would not be CIB himself.

13 A. No, he was, if that, if, that's who I assume it is, he was in
14 Records Section.

15 Q. And would you think, then, if there was anybody who had
16 any knowledge concerning the substance of this telex or
17 whether or not it was ever responded to, that we ought to
18 talk to Mr. Stollicker?

19 A. If he remembers, you know. And see, that was addressed to
20 what they call Crime Index Section...

21 Q. Yes.

22 A. And they would have replied to it rather than Readers.

23 EXHIBIT 95 - A5 with related notes and internal RCMP
24 correspondence

25

1 Q. I'm showing you three pages that we've had identified as
2 Exhibit 95, Mr. Burgess. Can you tell us what those are?

3 A. Well they're just notes on what we call an A5.
4

5 Q. Take us through them, now, starting, the first page. This is in
6 your handwriting?

7 A. Yes.

8 Q. And this is a note prepared by yourself?

9 A. Yes, it is.

10 Q. Can you just take us through it and tell us what it's all about?

11 A. Well, this is just to go on the file.

12 Q. Yes.

13 A. And I said, "Reference is attached to A5", this is the form
14 number of the paper.

15 Q. And the attached A5, is the next page, is that correct?

16 A. That's right. And,

17 On the 2nd of December '83, Solicitor-General
18 Kaplan was in Halifax in connection with Crime
19 Prevention Week and was interviewed on TV.
20 During the interview he was asked about the
21 involvement of Inspector Marshall, of the RCMP,
22 and the initial investigation. And the Solicitor-
23 General asked the CO (Chief Superintendent Reid)
24 what our involvement was. As a result, a review
25 of the file was made as noted on the attached A5
and the DCI (that is the Director of Criminal
Investigation in Ottawa)...

Q. And who would that have been?

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A. I don't, I'm not sure of his name.

Q. Okay.

A.

...was advised by CO, the Solicitor-General
requested that he be advised.

Q. And how would it be that this information would come to
you? Were you, in fact, the person who was asked to review
the file?

A. I take it that the CO went to the CIB officer at the time who
told me to review the file and...

Q. Do you have any recollection of this at the time?

A. Not really, no.

Q. The second page of the note is, that is the A5 that you're
referring to?

A. Yes.

Q. And, again, that's your handwriting and that's your review of
the file?

A. Yes, it is.

Q. Can you take us through that and just tell us what the file
review indicated?

A. "Number one, we re-investigated at the request of Sydney
City Police. And then seen note of CIBO dated 24th of
February '83."

Q. And that's the letter that is in our exhibit.

A. Oh, it is. All right. "The DCI was first notified and

1 correspondence sent to him on 26th of February '82 when
2 Inspector Marshall's report was forwarded."

3 Q DCI is ...

4 A. Director of Criminal Investigation.

5 Q Director of Criminal...and that's the gentleman whose name
6 you don't know.

7 A. I don't know who was there at the time.

8 Q Okay.

9 A. "The DAG..."

10 Q Who's that?

11 A. That's the Department of Attorney General, I didn't mean the
12 Deputy Attorney General, we just use it that way, DAG. It's to
13 refer to the Attorney General's Department. "Ordered Sydney
14 City Police to turn over all material re their investigation to us
15 on the 20th of April '82."

16 Q. If I could just stop you there. The information that you've
17 put down in Items 1 to 3, from where do you glean that
18 material?

19 A. Off the file I would say, yes.

20 Q. So with respect to Item 3, for instance, "DAG ordered Sydney
21 City Police..." et cetera, that note would have been made as a
22 result of what, looking at a note or a letter or something?

23 A. I must have seen something on the file to ...

24 Q. Okay. Sorry, continue. Number 4.

25

1 A. Item 4,
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3 DIC was sent all correspondence on the file up to
4 the 3rd June '82." And then I made a suggestion,
5 "We could send the memo to the DIC updating
6 the file to the present, at the same time advise
7 them the Solicitor-General was inquiring as to
8 our involvement in the initial investigation and
9 we could request Headquarters to inform
10 Solicitor-General that all that was done for
11 Inspector Marshall to review the evidence and
12 polygraph operator to give a polygraph
13 examination.

14 Q. All right, let me just ask you a couple of questions about that
15 last three or four lines. Where would you have gotten the
16 idea that what Inspector Marshall, all that was done was for
17 "Inspector Marshall to review evidence and polygraph
18 operator to give polygraph examination."

19 A. I'm reading the report of it.

20 Q. And would that be the report that I've already referred you
21 to?

22 A. Yes.

23 Q. Of Inspector Marshall.

24 A. Yes.

25 Q. I see. And the third page?

A. Well that's a note to me from the CIB Officer...

Q. And that's the CIB Officer Reid?

A. No, Superintendent (Christian?), ex-Superintendent Christian.

1 I take it that's his, I'm guessing that's his writing 'cause he
2 was the CIB Officer.

3 Q. Now take us through what...

4 A. Again, he says that he spoke to the...

5 Q. Well there's a date on that, down at the bottom. Is that the...

6 A. That's the date I, as I say I'd initialed, (PA?) it and the date I
7 did that. Was the 6th.

8 Q. That's the day you put it away.

9 A. 6th of December of '83, yeah.

10 Q. 6th of December, '83. And the date that you received it?

11 A. Well I...

12 Q. (Is this date?) so ...

13 A. The same date or the day before, you know. And he says, "He
14 spoke to the Deputy Commissioner of Ops...

15 Q. Who would that be?

16 A. That would be the Commissioner of Operational. Again, I...

17 Q. You don't know. Okay.

18 A. Don't know. I didn't have much to do with them. This date,
19 the 5th of December '83, and apprised him Inspector Marshall
20 was directed to proceed to Sydney by CO following a request
21 from AG's Department who were reacting to a request from
22 the Crown Prosecutor, Donald ...

23 Q. MacNeil.

24 A. I'm not sure.
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Inspector Marshall did not do a investigation but examined the evidence and, as well, had a polygraph examination done. Inspector Marshall submitted his report and had no further role to play. I received the above information from Inspector Marshall direct via telephone. No more action necessary at this end unless the media publishes anything of a...

Q. Contentious?

A. Contentious issue. If you receive a call on our response...

Q. Is that "must be"?

A. I don't know. "Must be", I guess, yeah.

No investigation done by Force but we did examine the evidence available plus the polygraph exam. Advise me if there are any other developments.

Q. And the date of that note would be the 5th of December 1983. Is that what you're saying? At the top it says, "I spoke this date..."

A. Well, okay, yeah. So I may have done it in late afternoon and didn't get it away, put away until the next day, I don't know.

Q. Did you have any discussion with the CIB Officer as to what caused this conversation to take place and the note to be generated?

A. Not, I don't recall.

Q. And what did you do with this information?

1 A. Just filed it on the file.

2 Q. Why would the information be coming to you at all?

3 A. I don't know.

4 Q. You're not being asked to do anything. What, are you just
5 fulfilling a filing function?

6 A. Yeah. It's just a habit of mine. If I do something I make a
7 note and put it on a file in case something comes up later.

8 Q. All right. But this is somebody else's note that you got. It
9 came to you.

10 A. Oh well, yeah.

11 Q. The third thing.

12 A. It's my note to him and his note back.

13 Q. Right.

14 A. So I'd put it on the file.

15 Q. I see, okay. To your knowledge, other than the role that you
16 fulfil and is set out in your job description, Item 3, "Checking
17 investigation reports are thorough." Do you know of any
18 other way in the RCMP which is used to ensure that reports
19 are thorough?

20 A. Yes, well there's an Officer Commanding and we have a
21 Section NCO who goes around to audit all detachments and
22 during their audit they check the files and see that the proper
23 investigation is being done.

24 Q. And that would be like an audit function from time-to-time?
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A. Yes.

Q. And would that kind of function take place on an annual, bi-annual basis or...

A. Well back in those days I think the Section NCO had to go twice and the...

Q. Twice in...

A. Twice in the year. And the Officer in Command once. I could be wrong, but something like that.

Q. It could be a lot of water under the bridge in between the times that those people go.

A. Yeah, well, three times a year, I guess.

Q. Did you have a fair degree of contact as a reader with the people in the AG's Department?

A. Yes.

Q. And did you, in fact, have a telephone on your wall at some point?

A. Yes. Still do.

Q. And that was a direct line between yourself and the Attorney General's Department?

A. Yes.

Q. What sorts of requests would come to you on that telephone line?

A. Oh, they might want to know, if they got a query about a certain investigation they'll call me to find out where the

1 investigation is, when the report may be in, or sometimes
2 they get a complaint about something and they'll give me the
3 details and I'll send it out to the detachment and ask them to
4 look into it.

5 Q. Was it in your, was it your instruction to always respond to
6 whatever requests were made from the Attorney General's
7 Department?

8 A. Oh, yes.

9 Q. So there was nothing that you weren't allowed to tell them.

10 A. Oh, no. No, no.

11 Q. Can you tell us generally who would be calling?

12 A. Back then?

13 Q. Yeah.

14 A. Yeah, it was Mr. Gale and Mr. Anderson.

15 Q. Would you ever receive calls from any of the more junior
16 solicitors in the Department?

17 A. I do now and I suppose I did back then, too.

18 Q. But the names that stick out at that time, in '71 or so, were
19 Gale and Anderson?

20 A. Oh, yes. They were the ones we dealt with mostly, yes.

21 Q. I see. Did you ever receive any telephone calls from anybody
22 in the Attorney General's Department inquiring as to whether,
23 where Al Marshall's report was?

24 A. Not that I recall.
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Q. Not that you recall. If you had received, or if that type of call had been received by one of the other readers, would a note have been made of that?

A. If I had received it, I normally make a note and put it on the file. And I would assume the rest of them do it, I really don't know.

Q. And is your assumption based on what you understand the practice of the readers to be? That is, if you get that type of request you, most, it would be your practice to make a note.

A. Yes.

Q. And you would assume the others would do that.

A. Yes.

Q. You said some time ago that some, certain material you would, as a matter of course, forward to the Attorney General's Department.

A. Yes.

Q. If you had received Al Marshall's report, the one that I showed you a few moments ago, would that be the type of thing that you would forward on to the Attorney General's Department?

A. Oh, certainly.

Q. And by what method would you forward it to the Attorney General's Department?

A. I would either, again, back in those days, I likely would have

1 written a memo just saying, "Attached is his report", outlining
2 the investigation that he had done or outlining the inquiries
3 that he made. Or else there's a, we have a stamp, just
4 stamped the "Attorney General" which, it still has to be
5 signed.

6 Q. Can you just take a look at that report again. It's page 204.
7 Tell me whether you can see anything on that report that
8 would indicate that it was sent over to the Attorney General's
9 Department?

10 A. No, there's nothing to indicate it went anywhere.

11 Q. Now you're looking at the first page of the report. And is that
12 where such an indication would normally occur?

13 A. If it was stamped it would be on the last page.

14 Q. Yes.

15 A. But if it, a memo was with it it would be on the front.

16 Q. And would there be a reference on the first page of the report
17 itself, or would the memo be a separate document that if that
18 had got lost you wouldn't be able to tell from looking at the
19 report itself.

20 A. Yeah, it would be separate.

21 Q. Separate.

22 A. Yeah.

23 Q. And with that type of report, report of an investigation, other
24 than forwarding it to the AG's office where else would you, if
25

1 | it had been you that had received a report like that, where
2 | else would you have sent it?

3 | A. Nowhere.

4 | Q. Nowhere?

5 | A. No.

6 | Q. What about to Mr. Wardrop?

7 | A. Oh, well he...

8 | Q. Internally.

9 | A. No, when we sent it to the Attorney General's Department he
10 | would sign it so he would see it when it was going over to
11 | them.

12 | Q. Who would sign it?

13 | A. Inspector, Superintendent Wardrop.

14 | Q. All right. Take me through that process, then. How would
15 | that happen?

16 | A. All right, if we got, if I had got that file and was to send it to
17 | the Attorney General's Department I would prepare a memo,
18 | attach the memo to this here and give it to him for signature.

19 | Q. I see, so that that memo would go out under Inspector
20 | Wardrop's signature.

21 | A. Yes.

22 | Q. Having been prepared by yourself.

23 | A. Yes. Or if it was stamped, the same thing. It would still go in
24 | to him for signature.
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Q. I see. And would you send that report to anybody else?

A. No.

Q. Inspector Wardrop indicated that his recollection was that he hand-delivered this report to somebody in the Attorney General's Department.

A. That's possible.

Q. In your experience, would it be unusual for a report to go over in that fashion without a covering memo?

A. Not back in those days 'cause we were so close. We were right across the street from each other and he did go over once a week and, no, I would say that a reader didn't, any reader that would have processed that, if they had of sent it there would be something on it. So if he did, Superintendent Wardrop is, wasn't a reader, I don't imagine he ever was, and maybe he forgot to put something on, if he did take it over. I don't know.

Q. Would the report, when it came into the system, initially go to the reader?

A. It's hard to say. In normal circumstances it would but this was Inspector Marshall who was right in the same building and it's quite feasible that he would go up and deliver the report to Superintendent Wardrop and discuss the file with him.

Q. Thus by-passing the reader?

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A. Well just doing that first.

Q. But would that effectively by-pass you in terms of the reader getting the report?

A. We would get it eventually but, yeah. They, Superintendent Wardrop would get it first.

Q. I see. And how would you get it eventually?

A. Well, he would likely give, send the file back to us.

Q. Who's "he"?

A. Superintendent Wardrop.

Q. But if he didn't do that, if he just took it over to the Attorney General's office...

A. And pinned that to the file, well, we'd never, well, we'd see it eventually when it come up again in '83.

Q. But not in '71.

A. No.

MR. BURGESS, EXAM. BY MR. PUGSLEY

1 Q. Inspector Marshall testified that his recollection, and that's at
2 page 5662 of the testimony was that he would have sent that
3 report to Wardrop with a transmittal slip.

4 A. Right.

5 Q. Would that be the normal thing that you would expect?

6 A. Yeah, quite possibly do that, yeah.

7 Q. And if it had been sent to Inspector Wardrop with a
8 transmittal slip, would that mean that it would come to the
9 reader first and then go up Inspector Wardrop or would it go
10 directly?

11 A. It could go either way. If it went to Records Section they
12 would put it on the file and send it up to us but if it's just, it
13 was addressed right to Superintendent Wardrop it may have
14 went direct to him, I don't know.

15 Q. And if that was the course that occurred it's possible that at
16 that, that you would have no record of the thing ever going
17 over to the AG's Department at all.

18 A. Well, yeah, there was certainly no record there that...

19 MR. SPICER

20 Thank you.

21 4:23 p.m.

22 EXAMINATION BY MR. PUGSLEY

23 Q. Okay, Mr. Burgess, I just want to, my name is Pugsley, I'm
24 acting for John MacIntyre. I just want to get an
25

1 understanding of how this paper is generated. In 1971, you
2 were located in what building?

3 A. Down on Hollis Street, sir.

4 Q. Whereabouts on Hollis Street?

5 A. Right next to the Attorney, the old post office, the corner of
6 Hollis and George. Right next to the Provincial Building.

7 Q. Yes, so you were right next-door to the Attorney General's
8 office.

9 A. Yes.

10 Q. Yes. Oh yes, of course. I recall the building now. And how
11 many floors did you have there?

12 A. There was four, four or five floors.

13 Q. And what floor were you on?

14 A. I think we were on the third. We moved around the time I
15 was there. It was second and third but it...

16 Q. And where was Inspector Wardrop?

17 A. Oh, he was always right next-door.

18 Q. Right next-door to you?

19 A. Well, to our office.

20 Q. On the same floor.

21 A. Oh, yes.

22 Q. And where would Inspector Marshall have been?

23 A. He was, in '71 I'm not really sure. He was somewhere in the
24 Headquarters Building, I believe.
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Q. Somewhere in the same building.

A. As far as I can recall, yes.

Q. So that when Inspector Marshall dictates his report and the report is typed by his secretary would a copy of that report automatically go to the readers for review before it was sent to Wardrop, or simultaneously?

A. No, normally it would be one report and two or three copies and they would all go to one place. And whether or not they, I don't know. I don't know if he took it to Superintendent Wardrop or if it went direct to, Superintendent Wardrop or if it come in to the readers.

Q. Are you satisfied that a report was, this report was seen by the readers in December of 1971?

A. I have no idea. There's nothing on it to indicate that we did.

Q. Would it have been the appropriate reporting channel for a reader to have examined that report...

A. Yes.

Q. And to have vetted that report.

A. Yes.

Q. And would a reader normally see the report before it went to Inspector Wardrop?

A. Yes.

Q. And then after getting the green light from the reader the normal procedure would be for Marshall to then deliver it or

1 have it sent to Wardrop.

2 A. No, no. It would go from Marshall, if it came, it would be
3 from Marshall to the readers to the Superintendent Wardrop.

4 Q. Oh, I see. The reader would send it on to Wardrop.

5 A. Yes.

6 Q. I see. But normal for Marshall to get the reader's approval
7 first to see if the report was complete, thorough, et cetera,
8 before the reader sent it to Wardrop.

9 A. Yes.

10 Q. So once it goes out of Marshall's hand unless it's returned to
11 him by the reader for further work, then it's beyond
12 Marshall's control and it goes from the reader to Wardrop to
13 whoever.

14 A. Yes.

15 Q. Now, how many readers were there in 1971?

16 A. I think there were six readers and an NCO...

17 Q. In '71.

18 A. In charge, yes.

19 Q. I see. You...

20 A. That's my recollection.

21 Q. You have been a reader for 22 years now...

22 A. In Halifax, yes.

23 Q. Yes. Were you a reader elsewhere?

24 A. Yeah, I was seven years in Truro.
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Q. As a reader.

A. Yes.

Q. I see. And prior to that time what did you do?

A. I was on detachment.

Q. And were you involved in investigations and things of that nature?

A. Yes, I was.

Q. If Inspector Wardrop had given you the assignment in 1971 that he described he gave to Inspector Marshall, and I'll just tell you the description that he gave, he said in the evidence in Volume XXXVII at page 6743, 6743 at the top of the page, this is the examination by Mr. Spicer,

Q. Okay, what is your, what was your first knowledge of the situation in Sydney? How did it come to your attention?

A. I knew that there was a murder in Sydney. I knew that a certain person by the name of Marshall was convicted. I didn't follow the thing in the newspaper because I had my own function to perform here. I got word from the Attorney General's Department that there was a person by the name of MacNeil that was putting, that was maybe a slang expression, 'putting the finger' on Ebsary and that he was saying that Marshall hadn't committed the murder. (And then on the next, at the

1 bottom of that page)...That's exactly what
2 I'm trying, going to try to tell you. I'm not
3 sure if Bob Anderson or Gordon Gale
4 called me direct or if I might have been
5 out of the office at the time and Burgess
6 might have taken the call, if I was out of
7 the office they had free, we had a very
8 informal relationship with the
9 Attorney General's Department. Like if I
10 was out and they wanted to talk to
11 anyone else they would talk to one of my
12 readers and Burgess would be the
13 one that would talk to them. So I
14 don't know, it was one of the two,
15 but anyway, I was told that the
16 Attorney General had received this
17 information, they wanted an
18 investigation...(and then at the top of
19 the next page, 6745)...I got a hold of
20 Marshall and asked him to go and look into
21 it.

22 Q. Would there have been anybody else
23 other than Al Marshall that you would
24 have had considered to do this?

25 A. No, no. He was my main investigator. He
was the only investigator that I had. He
was my investigator.

Q. Do you have any recollection?

A. And when I told him, pardon me, when I
told him or asked him to go I said,
'Take all your time and go into, dig in
there.' I didn't say, I can't express the
words that I said but I said, 'Look into it,
take all the time you need.'

1
2 Now, if those were the instructions you had received as the
3 prime investigator in that department in 1971, what would
4 you have done?

5 A. I really don't know, sir. It would be very easy to say I'd go
6 down and interview everybody and do all the, full
7 investigation, but really I don't know.

8 Q. Why don't you know?

9 A. Well, I just don't.

10 Q. I see.

11 A. I was, Inspector Marshall is a very experienced investigator...

12 Q. Yes.

13 A. I was on detachment for seven years so it's not something
14 that they would turn over to me.

15 Q. I see. You did not have sufficient experience to conduct an
16 investigation of this kind.

17 A. I was not, no, I was not a great, I didn't have a lot of
18 experience in actual investigation.

19 Q. But in the training that you received before you entered the
20 Force, would you not have been given instructions in
21 investigation techniques and going to source and interviewing
22 people, that kind of thing?

23 A. Oh, yes. I was but I have been out of the field now for, this is
24 '71, for quite a few years.

25 Q. You can't tell us whether or not you were the actual reader of

1 Al Marshall's report or, indeed, whether anyone was.

2 A. No, I can't.

3 Q. Well, how would anyone, who was the reader of the Marshall
4 report, know whether or not Marshall did a thorough job if he
5 did not know what instructions Wardrop gave Marshall?

6 A. I don't know, sir.

7 Q. So that when we look at your check list, Exhibit 94, point
8 number 3, the function of the reader, "Checking that
9 investigation reports are thorough", how can a reader
10 possibly satisfy that injunction that is placed upon his
11 shoulders if he does not know what instruction the
12 investigator gets?

13 A. I don't know, sir.

14 Q. So that if he doesn't know that the reader really doesn't
15 perform a useful function at all. He doesn't satisfy the
16 requirement that he is instructed to satisfy.

17 A. Well we, again, this was an assistance case and if it had of
18 been our own case we likely would have looked at it a little
19 more thorough.

20 Q. You can't seriously mean that. You can't seriously mean that!

21 A. Yes, I do, sir.

22 Q. You say that you would have been more thorough if this was
23 your own case and that you were less thorough because you
24 were assisting?
25

1
2 A. Well, I'm afraid that's what I think because if that murder
3 hadn't been in the Sydney Detachment area it would have
4 been, then a full investigation would have been done. We
5 would have been the prime investigators.

6 Q. But are you suggesting that your function as a reader was less
7 stringent because you were assisting another force rather
8 than carrying out the prime investigation?

9 A. It looked to me, from, after I read this report that he just
10 went down, as I said, and did a review of the evidence and
11 did a polygraph. That's all he did. He didn't do...

12 Q. That's right, that's all he did.

13 A. He didn't do a full investigation.

14 Q. He certainly did not and he did not, apparently, carry out the
15 instruction he received from Wardrop.

16 A. Apparently not.

17 Q. But I'm interested in your comment that you would expect it
18 to be a less stringent, what was, what were the words you
19 used?

20 A. Maybe I put that wrong but when you're doing your own
21 investi-, when something happens in your area you do put a
22 little more attention to it than you do when you're assisting
23 somebody else.

24 Q. Doesn't the seriousness of the matter have something to do
25 with it?

MR. BURGESS, EXAM. BY MR. PUGSLEY

1 A. Oh, yes.

2 Q. There could be nothing more serious than this. This is a man
3 convicted of murder.

4 A. I know, sir.

5 Q. So you think that if this had been done in the Halifax area
6 that the reader would have done a better job than the reader
7 would normally have done in this situation.

8 A. I don't know, sir.

9 Q. I see.

10 MR. PRINGLE

11 That's not quite correct. His testimony was that he doesn't
12 even know if there was a reader looked at it, himself or
13 anyone else.

14 MR. PUGSLEY

15 Yes.

16 Q. If a reader did not look at this report this was a mistake. This
17 was an error.

18 A. Yes.

19 Q. A reader should have looked at this report.

20 A. Yes.

21 Q. And a reader to carry out his job thoroughly, as was the
22 injunction placed on his shoulders, should have found out
23 what Wardrop's instructions were to Marshall.

24 A. Yes, I guess so.
25

1 CHAIRMAN

2 Can we adjourn now till tomorrow?

3 MR. PUGSLEY

4 Certainly, My Lord.

5 CHAIRMAN TO MR. BURGESS

6 Have you read this report of Inspector Marshall's?

7 MR. BURGESS

8 Yes, sir.

9 CHAIRMAN

10 The entire report?

11 MR. BURGESS

12 Yes, sir.

13 CHAIRMAN

14 Recently or...

15 MR. BURGESS

16 Well I read it back in '83 and then I didn't, I glanced over it
17 today. I didn't read it thoroughly.

18 CHAIRMAN

19 Maybe you could avail of the adjournment until tomorrow
20 morning to review it carefully. Reread the report.

21 MR. G. MacDONALD

22 My Lord, I hesitate to interrupt but I understand the witness
23 may not be available tomorrow and if we could just (see?)
24 that with him.
25

4:33 p.m. - ADJOURNED TO 9:30 a.m. - 13 January 1988

REPORTER'S CERTIFICATE

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I, Margaret E. Graham Court Reporter, certify that the foregoing is a true and accurate transcript of all the evidence taken by way of recording and reduced to typewritten copy.



Margaret E. Graham

DATED THIS 12th day of January , 1988, at Dartmouth,
Nova Scotia