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**ROYAL COMMISSION ON THE
DONALD MARSHALL, JR., PROSECUTION**

Volume 55

Held: March 14, 1988, in the Imperial Room, Lord Nelson Hotel,
Halifax, Nova Scotia

Before: Chief Justice T.A. Hickman, Chairman
Assoc. Chief Justice L.A. Poitras and
Hon. G. T. Evans, Commissioners

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Messrs. Bruce H. Wildsmith and Graydon Nicholas: Counsel for
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Mr. E. Anthony Ross: Counsel for Oscar N. Seale

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United Front

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MARCH 14, 1988 - 9:44 a.m.

1 MR. MACDONALD

2 Good Morning, My Lord. I'm sorry for the little delay. Mr.
3 Patterson was a little tired this morning. It was hard to get here.
4 I'd like to say at the beginning that Mr. Patterson is just out of
5 hospital and may even get tired from time to time. So I've
6 advised that if he gets tired and feels the need for an
7 adjournment to advise me and that we will accommodate him.

8 MR. CHAIRMAN

9 Fine, okay.

10 ROBERT PATTERSON, duly called, testified as follows:

11
12 EXAMINATION BY MR. MACDONALD

13
14 Q. Your name, sir, is Robert Patterson?

15 A. Yes.

16 Q. And Mr. Patterson, you reside at the present time in Toronto?

17 A. Yes.

18 Q. And have been hospitalized for the past how many months?

19 A. I was a month this past...

20 MR. CHAIRMAN

21 He hasn't been sworn.

22 MR. MACDONALD

23 Oh, I'm sorry. Good idea.

24
25 ROBERT PATTERSON, sworn, testified as follows:

1

2

MR. PATTERSON

3

A. It was a year, it will be a year, it was a year this past Tuesday

4

last week.

5

Q. A year last week you had been hospitalized.

6

A. Yeah.

7

Q. And you've been in the Linhurst Hospital, has it?

8

A. Yeah, not a year there. It will be a year on the 8th of April

9

that I've been at Linhurst.

10

Q. And Linhurst Hospital is a hospital for convalescing people...

11

A. Paraplegics and quadraplegics.

12

Q. You are paraplegic at the present time?

13

A. Yes.

14

Q. As a result of a motor vehicle accident that occurred when?

15

A. In '76...'77.

16

Q. Sorry?

17

A. In '77.

18

Q. '77?

19

A. Yeah, March of '77...Or '87, sorry.

20

Q. Okay. You grew up in Sydney, Mr. Patterson?

21

A. Yes.

22

Q. When were you born?

23

A. May 12th, 1954.

24

Q. And you were born, indeed, in Antigonish, is that correct?

25

A. Antigonish, St. Martha's Hospital.

1 Q. When did you move to Sydney?

2 A. In the late sixties.

3 Q. Who were your friends in Sydney as you grew up?

4 A. Junior Marshall, Doc Tobin, Pius Marshall, Junior's brother,
5 Artie Paul. There was a whole crew of us. Frankie French.
6 Other names, Patricia Harriss.

7 Q. What is your formal education? How far did you go in school?

8 A. Eight.

9 Q. When did you leave school?

10 A. What year?

11 Q. Yeah.

12 A. '70 or '71, one of the two, I can't remember.

13 Q. And you had some experiences with the Sydney Police as you
14 were growing up, is that correct?

15 A. Yes.

16 Q. And were charged and convicted of several crimes.

17 A. Yes.

18 Q. I'm going to ask you about particular people and ask you to
19 tell the Commissioners if you knew them and how you knew
20 them.

21 A. Yeah.

22 Q. Donald Marshall, Jr., you said you ran around with him?

23 A. Junior, yeah.

24 Q. Did you know him well?

25 A. Well, well enough for him to take me to his home.

- 1 Q. How often would you see Junior in the run of a week?
- 2 A. Three or four times a week.
- 3 Q. Sandy Seale, did you know him?
- 4 A. Just to see him. I didn't know him personally.
- 5 Q. Never ran around with him.
- 6 A. No.
- 7 Q. Patricia Harriss?
- 8 A. Patricia was my first love.
- 9 Q. I see.
- 10 A. Yeah.
- 11 Q. In fact, you have a couple of tattoos on your body.
- 12 A. All the tattoos on my body are "Trish", Patricia.
- 13 Q. Are they? When did you get those put on?
- 14 A. When I was in the "county bucket".
- 15 Q. The county what?
- 16 A. County bucket.
- 17 Q. Is that the jail?
- 18 A. Yeah, in Sydney.
- 19 Q. Is that how you refer to it, "The bucket"?
- 20 A. Yeah.
- 21 Q. Did you know Terry Gushue?
- 22 A. Not well, I knew but not really that well.
- 23 Q. And you said also you knew Artie Paul.
- 24 A. Yeah.
- 25 Q. Doc Tobin.

1 A. Doc Tobin.

2 Q. Frankie French.

3 A. Frankie French.

4 Q. Pius Marshall?

5 A. Yeah.

6 Q. What about John Pratico?

7 A. To see him. I knew where he lived, that was about it, you
8 know. I used to see him around but as far as chumming
9 around with him or, you know, talking to him, no.

10 Q. Was he a member of the crowd?

11 A. No.

12 Q. Did you know Sgt. William Urquhart of the Sydney Police?

13 A. Sure did.

14 Q. How did you know him?

15 A. Well, I believe I was charged by him for credit cards, I
16 believe it was for credit cards.

17 Q. What's that? Using somebody else's credit card?

18 A. No, just theft of credit cards.

19 Q. What about Sgt. John MacIntyre?

20 A. He was also one of the investigating officers.

21 Q. Did you know him?

22 A. Yes.

23 Q. Do you think he knew you?

24 A. He'd have to know me. I mean, you know, he arrested me, he
25 put me in jail.

1 Q. Sgt. MacIntyre has testified before this Commission that he
2 did not know you.

3 A. Oh, really?

4 Q. You say that's not the fact?

5 A. No.

6 Q. No?

7 A. No.

8 Q. In 1971, were you employed?

9 A. Yes.

10 Q. What were you employed as?

11 A. I was just helping a guy deliver groceries for Davis Markets,
12 which he had two grocery stores in Sydney. We used to
13 deliver the groceries.

14 Q. Did you live at home?

15 A. Yes.

16 Q. And who would be there? Who did you live with?

17 A. My Mum and three brothers.

18 Q. Did you used to, were you running around the streets and
19 fairly easy to find in those days, as far as you knew?

20 A. Oh, yeah.

21 Q. Pardon?

22 A. It wouldn't be very hard to find me. I was all over the place,
23 you know, downtown. If I wasn't in the park, I was in the
24 pool hall.

25 Q. If you weren't in the park, you were in the pool hall.

1 A. Yeah.

2 Q. Where was the pool hall located?

3 A. Right on Charlotte Street, almost at the end of Charlotte Street.

4 Q. Did you used to go there a lot?

5 A. Yeah, quite often.

6 Q. Now you probably know, Mr. Patterson, we're very interested
7 in the events that took place on May 28th, 1971. That's the
8 night that Sandy Seale was stabbed.

9 A. Yeah.

10 Q. Where were you that night?

11 A. I was at a dance.

12 Q. That would be a Friday night.

13 A. Yeah.

14 Q. Was it your practice to go to those dances?

15 A. Friday and Saturday, yeah.

16 Q. Where was this particular dance being held?

17 A. Just up from Wentworth Park. I don't, I forget the name of
18 the hall now but it's just a couple of blocks from the park.

19 Q. St. Joseph's Hall the name?

20 A. I think that's the name of it.

21 Q. Were you with anyone?

22 A. I was with Patricia, Terry, a couple of the boys from the
23 reserve. I don't remember Junior being there that night.

24 Q. Were you drinking?

25 A. Oh, yes.

1 Q Was that a practice for you to be drinking?

2 A. Yes.

3 Q You were born, you say, in '57?

4 A. '54.

5 Q So you would have been about 17 years old.

6 A. 16, 17.

7 Q When you say you "were drinking", how much would you be
8 drinking?

9 A. Well, at that age, it doesn't take too much to, maybe one
10 bottle of wine.

11 Q Would you be drunk?

12 A. Pretty well intoxicated, sometimes enough to make you sick,
13 you know.

14 Q Do you remember leaving the dance?

15 A. Yes.

16 Q Do you remember if you left with anybody?

17 A. I left with Patricia and Terry.

18 Q Where did you go?

19 A. To Wentworth Park.

20 Q What did you do when you arrived at the park?

21 A. We were basically just "shooting the shit", talking and I laid
22 down on one of the benches because I wanted to get some
23 sleep before I went home, you know, straighten out because I
24 didn't feel like getting a lickin' from my Mom.

25 Q Your mother wouldn't be very pleased if you arrived home in

1 your stage, would she?

2 A. No.

3 Q. Do you remember if you saw anyone else besides Patricia and
4 Terry at the park?

5 A. Couple of the guys from the reserve and that's all. The
6 names, I forget.

7 Q. Did you go to sleep?

8 A. Yeah.

9 Q. What did you do when you woke up?

10 A. I got up and went home.

11 Q. I want to refer you to a couple of statements that have been
12 given by various people and get your comments on them if I
13 can. On the table, there is Volume 16, Mr. Patterson. Do you
14 see that?

15 A. Yeah.

16 Q. Turn, first of all, would you to page 17. That is a typewritten
17 copy of a statement that was given to the Sydney Police by
18 Donald Marshall, Jr. on May 30th. That would be a couple of
19 days after. That's on the Sunday. In the first paragraph
20 there, you see it says: "I met Sandy Seale in the park coming
21 toward me. We walked together. We met Bob Patterson. He
22 was drunk. We asked him if he knew us and he called us by
23 name. We told him to sit down."

24 A. I don't remember seeing them.

25 Q. You don't remember seeing Junior and Sandy?

1 A. No, I was pretty loaded.

2 Q. Okay, and then look at page 22. That is a typewritten copy of
3 a statement given to the Sydney Police on the same day by
4 John Pratico. And the last part of that statement, he was
5 asked, "Did you see them at the dance?" And that's a couple
6 of fellows that Pratico says he saw. The answer, "Yes, I seen
7 them walking around. Bobby, Robert Patterson said they are
8 from the Toronto Saint's Choice bike gang." Any recollection
9 of that?

10 A. I never even heard of Satan's Choice until I went to Toronto.

11 Q. Do you recall talking to John Pratico at all?

12 A. No, I never talked to him in my life.

13 Q. Now let's go to page 63. That's a partial statement,
14 typewritten copy of a partial statement from Patricia Harriss
15 given on June the 17th. And about partway through that first
16 paragraph, it says: "We sat on a bench. Robert Patterson was
17 on the grass sick throwing up." That's Patricia Harriss. Any
18 recollection of that?

19 A. No, but I could have been because that Private Stock 74 wine
20 sure does it to your stomach.

21 Q. Private Stock 65 wine.

22 A. 74 wine.

23 Q. 74. I don't know if that's the year or what. Hard on the
24 stomach, is it?

25 A. It's the cheapest going.

- 1 Q Page 65. Again, about halfway through that first paragraph:
2 "We went to the park and sat on a bench and started arguing.
3 Robert Patterson came to the park with us." That, again, is
4 Patricia Harriss.
- 5 A. Yes.
- 6 Q Do you recall going to the park with Patricia Harriss?
- 7 A. And Terry.
- 8 Q And Terry, okay, and look at page 69. That is a statement of
9 Terry Gushue, again typewritten, and that long first long
10 answer toward the bottom: "We stopped there for awhile.
11 We were talking to Robert Patterson. He came from the dance
12 with us." And that's your recollection, is it?
- 13 9:58 a.m. *
- 14 A. Yeah.
- 15 Q Okay. When did you first hear of Sandy Seale having been
16 stabbed?
- 17 A. The first of the week I think it was. I can't really say for
18 sure.
- 19 Q Was it your practise in those days to listen to the news on the
20 radio?
- 21 A. No.
- 22 Q Read the papers.
- 23 A. No.
- 24 Q Do you know who told you about Sandy?
- 25 A. No. Somebody from the reserve, I think it was Arty Paul, I'm

1 not too sure.

2 Q. When you first heard of it had Sandy already died?

3 A. He was dead then, I think Junior had been arrested and
4 charged with the murder.

5 Q. By the time you had heard of it.

6 A. Yeah, by the time I had heard.

7 Q. Now, did you ever discuss this case with any of the people
8 you've mentioned, Patricia Harriss, Terry Gushue, Junior
9 Marshall, Paul, French, these people?

10 A. No.

11 Q. Did you ever have occasion to discuss the case with the
12 police?

13 A. Yes.

14 Q. Who in the police?

15 A. Bill Urquhart and MacIntyre.

16 Q. Tell the judges, if you would, how that conversation came
17 about? How did ...how did they get in touch with you?

18 A. There was two uniformed police picked me up.

19 Q. Where did they pick you up?

20 A. At home. As a matter of fact Mum screamed at me, "Now,
21 what the hell did you do?" you know, and I said, "Nothing."

22 Q. But when...

23 A. I said, "I don't know what it's all about."

24 Q. Your Mum was home when you were picked up.

25 A. Yeah.

1 Q. And did they tell you why they wanted you?

2 A. No.

3 Q. What were you told?

4 A. "That you're wanted downtown, the detectives wanted to see
5 you."

6 Q. Now, where did you go?

7 A. To the old police station, to the detectives' office which was
8 straight it was...like a separate building, it was like a garage
9 almost, you know.

10 Q. Was it located to the rear of the police station?

11 A. Yeah, right at the back.

12 Q. Had you ever been there before?

13 A. Yeah.

14 Q. Now, who was present?

15 A. Bill Urquhart and MacIntyre.

16 Q. Were you told why you were there?

17 A. Yes.

18 Q. What were you told?

19 A. "We're investigating the Junior Marshall/Sandy Seale case."

20 Q. And did they indicate why they wanted to talk to you?

21 A. They said that they knew that I was with Junior that night
22 and that I had seen Junior doing the stabbing, which I said,
23 "I'm sorry, but..." like I said to you a few minutes ago, "I don't
24 even remember seeing Sandy or Junior that night."

25 Q. Describe the, if you would, the set-up in the room? Where

1 you were and where these other people were?

2 A. Well, the desk is here, for instance say this is the desk,
3 MacIntyre is sitting here, [Witness points to witness table]
4 Urquhart was sitting over here. [Witness points to right side]
5 When I had arrived at the place, I was handcuffed to the
6 chair first.

7 Q. You were handcuffed to a chair.

8 A. I was handcuffed to a chair.

9 Q. A chair that you were sitting down in.

10 A. Which was a...one of the old style office chair, the big heavy
11 wooden chairs, you know, with wheels on them.

12 Q. Just go on, who was doing the questioning of you?

13 A. Basically MacIntyre.

14 Q. How would you describe his tone?

15 A. Well, to a sixteen, seventeen year old, pretty scary.

16 Q. Just go on there and tell us what took place.

17 A. He said, "We know that you were there and you saw what
18 happened and everything else," and I said, "I'm sorry, I
19 don't." And, MacIntyre started screaming at me, "Yes, you
20 do, because we have already got two statements saying that
21 you were there."

22 Q. Yes.

23 A. And I said, "Well," I says, "I would like to see those two
24 statements and he says, "Well, you don't have to see
25 anything."

1 Q Uh-hum. What else?

2 A. Bill Urquhart meanwhile had gotten up and had left the room.

3 Q Yes.

4 A. MacIntyre came around to the desk, pulled my hair, pushed
5 the chair up against the wall, pulled my hair, started slapping
6 me around and like saying, "You know, what...you were there,
7 now what happened, what happened?"

8 Q What do you mean by "slapping around"?

9 A. Physically abusing me.

10 Q Where would you have been slapped? What part of your
11 body?

12 A. In the head, in the head and face.

13 Q In the head and face.

14 A. Yeah.

15 Q Okay. How long would that have taken?

16 A. Ten.

17 Q How long would it have gone on?

18 A. Ten minutes. Like he'd stop and say, "Now, do you admit it?"

19 Q "Now, do you admit it?"

20 A. "Now, do you admit it?" and I'd say, "No," and he'd start again.

21 Then I guess this went on for ten, fifteen minutes. Bill
22 Urquhart came back into the room and he had a statement
23 already typed out and he said, Bill Urquhart said to me, he
24 says, "Okay, sign this." And I said, "What is it?" and he said,
25 "Just a statement saying that you've...you were with Junior

1 and you saw Junior doing the stabbing." And, I said, "I'm
2 sorry, but I'm not signing that. " I said, "because I wasn't even
3 with Junior that night, I didn't even see him. " Like I said I
4 don't even remember seeing him that night.

5 Q. What happened then?

6 A. Oh, they left me handcuffed to the chair. They both left...left
7 me and went outside, came back in and started slapping me
8 around again, he said, "Are you going to sign it?" I said, "No,"
9 I said, "I refuse to sign it," because I says, "I know nothing
10 about any stabbing, " which I didn't.

11 Q. Let me just stop you there. You said, "They came back and
12 started slapping you." Who are "they"?

13 A. Bill Urquhart and MacIntyre.

14 Q. Were they both present the second time?

15 A. Both present.

16 Q. Were both of them physically hitting you?

17 A. No, just MacIntyre.

18 Q. How long would this whole exercise have taken?

19 A. I think I was there anywhere from two to three hours.

20 Q. Did you finally...

21 A. Maybe a little longer. I'm not too sure.

22 Q. Did you finally sign anything?

23 A. No.

24 Q. How did it all end up?

25 A. They just come in and unlocked the handcuffs and got, says,

1 "Get the hell out."

2 Q Did you report this to anybody?

3 A. No.

4 Q Why wouldn't you tell your mother?

5 A. She was having...my mother is not well, okay, and she hasn't
6 been well for a long time. I felt that she, you know, there was
7 no sense in telling her this because she'd only be worrying.

8 Q Had you ever before been interrogated by the Sydney Police
9 or any police and been physically abused?

10 A. Not that I can remember.

11 Q Did you have any further contact with the Sydney Police
12 about this case after that one interview?

13 A. No.

14 Q You were arrested, I think, in September.

15 A. For the credit cards.

16 Q Okay.

17 A. Yeah.

18 Q I've also put in front of you, Mr. Patterson, Exhibit 120, which
19 is a copy of your own records. And, I just wanted to refer
20 you to a couple of pages. I don't know if they are listed, but
21 there are...there were two pages, if I can just get them...there
22 is a page 6, My Lord, the exhibit seems to be numbered. So,
23 page 6. I'll also be referring the witness to page 8 and page 9.
24 Page 6 is a copy taken from the Sydney Police records of the
25 incident at the Sydney, Police Court and it shows that the

1 prosecutor (this is February 1, 1971) the prosecutor is shown
2 to be Detective Sergeant MacIntyre. And, that that says,
3 "Theft of credit cards," and do you recall that particular
4 incident?

5 A. Yeah.

6 Q. And do you recall if it was Sergeant MacIntyre who was
7 involved in the arrest?

8 A. Oh, yes, it was him.

9 Q. Okay. And on page 8, and continuing over onto page 9 this is
10 another matter that took place on March the 17th of 1971,
11 said "Arrest and charge the following with Break and Enter
12 and theft, Robert Patterson and a few other people."

13 A. A few others.

14 Q. Again, Sergeant MacIntyre.

15 A. And...

16 Q. And Detective Urquhart.

17 A. And Detective Urquhart.

18 Q. And Detective MacDonald.

19 A. Yeah.

20 Q. If you would look at page 9 indicates that the prosecutors are
21 MacIntyre, MacDonald and Urquhart. That had to do, I think,
22 with the theft of beer, three kegs of beer for...do you
23 remember that?

24 A. Yeah.

25 Q. And then also on page 11, are indications that Detective

1 MacDonalld, two MacDonallds and a Joseph charged you on
2 September 1, "Damage under \$50" and you were remanded to
3 the county jail, again in September, do you recall that?

4 A. Yeah.

5 Q Now, were you in jail in September of 1971, in the county
6 jail?

7 A. Yes.

8 Q Does Detective Urquhart have a brother who was at that jail?

9 A. Yeah, Neil Urquhart.

10 Q And what does he do?

11 A. He's...he was Deputy Warden at the time.

12 Q Both Detective Urquhart and Chief MacIntyre testified before
13 this Commission that they were looking for you and couldn't
14 find you and that they never talked to you. What do you say
15 to that?

16 A. I'm in the county bucket, they put me there, you know. It's
17 obvious that they knew where I was. It's not hard to find. I
18 mean the county bucket isn't in like Toronto. They've got
19 maybe a couple of thousand prisons, you know.

20 Q Did you have any discussions with Junior Marshall while you
21 were in jail in September? The record shows he was in jail as
22 well.

23 A. Yeah.

24 Q The same jail.

25 A. No, not really, just I kept asking him every time he'd come

1 A. I didn't want to be set up.

2 Q. What...

3 A. No, I didn't feel like getting set up and...

4 Q. Have you ever been back to Cape Breton?

5 A. No. Oh, I'll take that back. Once on my way to Newfoundland,
6 but I was...this was a job I had in Toronto. I think it was '73.

7 I think it was. And, I just went to meet my Mum. But I was
8 only in the city for like twenty minutes, half an hour, because
9 I had to catch the ferry to Newfoundland.

10 10:15 a.m.

11 Q. Other than that, you didn't go back.

12 A. No.

13 Q. What time of day was it that you were taken to the police
14 station, that time you said they wanted to talk to you about
15 what you knew of this case?

16 A. It was in the morning because I had just gotten up. I don't
17 think I even had breakfast.

18 Q. Do you recall what time you got home?

19 A. Some time after lunch, something like two o'clock. You know,
20 it's a long time ago.

21 Q. How did you end up being a witness here, Mr. Patterson? Did
22 you contact... volunteer to come?

23 A. I volunteered to come.

24 Q. When? After what?

25 A. After I was in contact with yourself.

MR. PATTERSON, EXAM. BY MR. MACDONALD

1 Q. Who contacted who?

2 A. You contacted me.

3 Q. You did not contact Commission counsel or anyone else.

4 A. No.

5 Q. Are you out to get John MacIntyre or Urquhart? I mean
6 that's obviously...

7 A. No.

8 Q. A suggestion...

9 A. I'm just down here to tell what I know, that's all.

10 MR. MACDONALD

11 Thank you. That's all I have.

12 MR. CHAIRMAN

13 Mr. Pugsley? Maybe you should have the right to question
14 this witness last.

15 MR. PUGSLEY

16 Thank you, My Lord. I'll exercise that right then.

17 MR. CHAIRMAN

18 And Mr. Murray.

19 MR. BARRETT

20 No questions, My Lord.

21 MR. WILDSMITH

22 Nor do we, My Lord.

23 MR. SAUNDERS

24 No questions.

25

1 MR. CHAIRMAN

2 Now we're back where we started.

3
4 EXAMINATION BY MR. PUGSLEY

5
6 Q. Mr. Patterson, my name is Ron Pugsley. I'm acting for John
7 MacIntyre. When you were first contacted by the
8 Commission counsel, you were residing in Lyndhurst, a rehab.
9 centre in Toronto?

10 A. Yes.

11 Q. Who first saw you?

12 A. No one saw me there.

13 Q. I see.

14 A. No one saw me there. I was contacted by phone. I gave the
15 doctor's name to Mr. MacDonald. He kept close contact with
16 the doctors because I was going in for a very serious
17 operation, as you can see. Like they had to go into my skull
18 and do an implant of electrodes and try and stimulate the
19 pain that I'm in.

20 Q. Were you seen by an investigator?

21 A. In the Toronto General Hospital, yes.

22 Q. And when was that?

23 A. A month ago now, I guess.

24 Q. Was that Mr. Horne?

25 A. No.

MR. PATTERSON, EXAM. BY MR. PUGSLEY

1 statement. It was to have a dialogue going to find out what was
2 happening. I did not take a signed statement from the witness.
3 Mr. Orsborn also visited Mr. Patterson...

MR. PUGSLEY

4
5 Just a moment, I would prefer to cross-examine the witness
6 first and elucidate this information before my friend gives the
7 witness the opportunity of hearing it.

MR. MACDONALD

8
9 Well, I'm concerned, My Lord, that my friend is taking a tact
10 that would violate the practice that's been followed throughout
11 this Commission, that statements have been taken, at least
12 handwritten notes have been made. I may then have dictated the
13 notes of virtually everyone I spoke to. No one yet has ever been
14 questioned on any of those statements. I'm very concerned that
15 there be any suggestion that the practice would be varied at this
16 time.

MR. PUGSLEY

17
18 Well, this witness has testified that he gave Mr. MacDonald a
19 statement, that he signed the statement. I take it...

MR. PATTERSON

20
21 A. Well, I signed something. It was a thing to release my record,
22 to use my file.

23 Q. That's not the impression I had from your evidence. The
24 impression I had from your evidence was that you had a talk
25 with Mr. MacDonald, you told Mr. MacDonald everything

1 you've told us here today.

2 A. Yeah.

3 Q. That he took a statement from you and you signed it. That's
4 my understanding of what you said.

5 A. Well, no.

6 Q. I see. What statement did you sign?

7 A. Huh?

8 Q. What statement did you sign?

9 A. Just, the only thing I signed for him was the thing to let the
10 R.C.M.P. use my record.

11 Q. Okay.

12 A. As evidence or whatever in the hearings.

13 Q. Yes, did you see anyone else other than Mr. MacDonald?

14 A. Yeah, I had two strange visitors at Lyndhurst Hospital on
15 Saturday, Saturday night, which caused a pretty big ruckus.

16 Q. In what sense, "a pretty big ruckus"?

17 A. Well, these two people came in to the hospital, asked me two
18 really stupid questions and they identified themselves as
19 "Ontario provincial investigators".

20 Q. Yes, showed you their license?

21 A. They just flashed a badge at me. I was sleeping, like they just
22 woke me up.

23 Q. When do you say this was?

24 A. This was Saturday.

25 Q. Saturday when?

1 A. Past.

2 Q. Yes, but Saturday when, did you say Saturday night?

3 A. No, no, Saturday at noon hour. I was still asleep. The nurse
4 came in the room to give me my pain killer and she said,
5 "Could you please excuse me for one moment?" And I said,
6 "Sure, no problem," and I said to them, I said, "Don't leave." I
7 said, "Because I have a couple of questions I'd like to ask
8 you." And they just disappeared.

9 Q. How long did they spend with you?

10 A. No more than three minutes.

11 Q. How many?

12 A. Three minutes.

13 Q. Three minutes, and what did they...

14 A. All they wanted to know was was I the one going down,
15 coming here and what time I was leaving Lyndhurst and how
16 was I getting to the airport.

17 Q. That's all they asked you.

18 A. That's all they asked me.

19 Q. Did you sign a statement for them?

20 A. No, nothing.

21 MR. CHAIRMAN

22 This Saturday past?

23 MR. PATTERSON

24 Yeah.

25

1 MR. CHAIRMAN

2 Two days ago.

3 MR. PATTERSON

4 A. Yeah. So I notified the R.C.M.P., because I thought it very
5 strange because everything had already been arranged.

6 Q. Yes?

7 A. And I felt something was wrong, you know.

8 Q. Why did you think something was wrong?

9 A. Just instinct.

10 Q. They told you who they were. They told you that they were
11 retained by me. They gave you my name.

12 A. Huh?

13 Q. They gave you my name? They told you that they were
14 acting on my instructions to interview you and they gave you
15 my name and said who they were and they told you who I
16 was acting for? Do you remember that?

17 A. I don't remember them mentioning your name.

18 COMMISSIONER POITRAS

19 Who were they again, please?

20 MR. PUGSLEY

21 A private investigator from Toronto.

22 MR. CHAIRMAN

23 From where?

24 MR. PUGSLEY

25 From Toronto, who went to see this gentleman on Saturday

1 afternoon last.

2 BY MR. PUGSLEY

3 Q. Did you sign a statement for them?

4 A. No.

5 Q. Did they ask you to?

6 A. No.

7 Q. Apart from those two gentlemen and Mr. MacDonald and Mr.
8 Horne, who you saw on a fleeting occasion, have you seen
9 anyone else in connection with this Commission?

10 A. No.

11 Q. Mr. MacDonald a few moments ago said that Mr. Orsborn had
12 seen you.

13 A. Who?

14 Q. Mr. Orsborn, the gentleman sitting beside Mr. MacDonald, that
15 he's seen you as well. Do you remember him?

16 A. I remember the face.

17 Q. Do you remember talking to him about this?

18 A. I don't know if I talked to him about the whole case or not.

19 Q. I see.

20 MR. PUGSLEY TO MR. MACDONALD

21 I should ask Mr. MacDonald, are you taking the position, Mr.
22 MacDonald, that the information that was conveyed to you by this
23 witness is not something that is appropriate for me to question
24 this witness about?

25

1 MR. MACDONALD

2 I'm certainly taking the position, My Lord, that I'm not
3 getting on the witness stand and...

4 MR. PUGSLEY

5 Sorry?

6 MR. MACDONALD

7 I am not getting on the witness stand.

8 MR. PUGSLEY

9 Oh, of course not.

10 MR. MACDONALD

11 I have no objection to him asking what he was told. If that's
12 going to be a general waiver, my concern is I spent hours, for
13 example, with Sgt. MacIntyre. We spent hours with other
14 witnesses and on the understanding that they are not giving
15 statements that were going to be signed statements subject to
16 being examined as if they were previous statements given under
17 oath, and I have great concern.

18 COMMISSIONER POITRAS

19 These people are not signing statements.

20 MR. MACDONALD

21 No, they certainly weren't. No statement was taken. I had
22 made my own notes and subsequently dictated my own notes.
23 It's the same procedure that was followed with all other
24 witnesses. I didn't put, for example, to Patricia Harriss, "Didn't
25 you tell me this at one time," if she said something different. I'm

MR. PATTERSON, EXAM. BY MR. PUGSLEY

1 not suggesting she did. I use that only by way of example. So I'm
2 a little nervous of what's going on, that's all.

MR. PUGSLEY

4 I don't want to trespass on any undertaking of confidentiality
5 that my friend gave to this witness. I note, however, that there is
6 very substantial differences in the witness's evidence this
7 morning, matters, critical matters that were not contained in the
8 statement at all and I just wonder whether or not it's an
9 appropriate area for me to cross-examine the witness on that.

MR. CHAIRMAN

11 What statement are you talking about?

MR. PUGSLEY

13 Mr. MacDonald has given us a précis of information obtained
14 apparently at interviews with this man in Toronto by Mr. Orsborn
15 and himself. That information was distributed to counsel awhile
16 ago. That information contains some very material omissions
17 from the information given by this witness this morning, some
18 highly critical omissions, and I simply ask for guidance as to
19 whether or not it's appropriate for me to ask this witness
20 concerning those omissions. I don't want to trespass on any
21 undertaking that my friend has given to this witness about
22 confidentiality of his arrangements with him.

COMMISSIONER EVANS

24 I think there is someone who wants to object. I think Mr.
25 Ruby wanted something.

MR. RUBY

1
2 If I can just enter into this. My friend, Mr. Don [Caruthy?]
3 describes the practice and no one has done this, and I think the
4 reasons are obvious. If we were to allow cross-examination on
5 the précis which are given to us and described as being
6 confidential, or given for counsel's assistance but are described in
7 a letter in closing as being confidential, then I wind up ultimately
8 comparing the witness's version of what took place in the meeting
9 with Mr. MacDonald's version. And inevitably if we do that, the
10 only value in the cross-examination is in the ultimate comparison.
11 So we decided who was telling the truth? Mr. MacDonald or the
12 witness? And that is utterly invidious. It is not necessary but in
13 the absence of a statement being taken, there's just no point in
14 going down that road because there's no value to going down that
15 road unless you get to the end of it. The end of it is, who is telling
16 the truth? MacDonald or the witness? Second, it would seem like
17 Mr. MacDonald has not put it in terms, but what he is saying is,
18 this is solicitor/client work product. As counsel for the
19 Commission, I engaged in this task and it is subject to the
20 confidentiality which was imposed upon or was sent to counsel
21 still to be confidential. It's not released to the world.

MR. MACDONALD

22
23 I'd like to read into the record, My Lord, some of the
24 statements in the memorandum that was forwarded to counsel by
25 Mr. Orsborn dealing with this matter. It says, for example,

1 "Enclosed is a copy..."

2 COMMISSIONER EVANS

3 Do you propose to make this exhibit?

4 MR. MACDONALD

5 I don't propose to make an exhibit but I propose, so Your
6 Lordships will understand...

7 MR. CHAIRMAN

8 You're reading into the record the covering letter
9 transmitted?

10 MR. MACDONALD

11 It says, "The information forwarded herewith is confidential
12 and is provided to assist your preparation." And in the top of the
13 "Statement" it says, "This has been prepared by Commission
14 counsel. It is not a statement of Robert Patterson and should not
15 be regarded or treated as such." Now Mr. Ruby, I think, has
16 accurately stated if I had misinterpreted or Mr. Orsborn
17 misinterpreted what the witness was saying, the only way to test
18 that is to ask us to take the witness stand, not to test the evidence
19 of the witness. The witness is now giving sworn testimony the
20 first time and that's what he should be tested on. Nothing else.

21 MR. CHAIRMAN

22 We agree, all of us, that the submission put by counsel for the
23 Commission is correct and that this is not admissible evidence.

24 MR. PUGSLEY

25 I was not going to attempt to put the statement that has been

MR. PATTERSON, EXAM. BY MR. PUGSLEY

1 | circulated to me into evidence. I was simply going to ask this
2 | witness whether or not he told Mr. MacDonald certain material
3 | matters that he said this morning. I take it, however, from my
4 | friend's submissions to you and Your Lordship's ruling that I
5 | should not get into this area.

MR. CHAIRMAN

7 | Right.

COMMISSIONER EVANS

9 | I'm not so sure whether you're as restricted as you think you
10 | are or suggest you are.

MR. PUGSLEY

12 | It makes it very difficult, you see. The arrangement makes it
13 | very difficult. This witness is a witness who is in Toronto. I did
14 | not have an opportunity of seeing him beforehand. I asked to
15 | interview Commission investigators. I asked Commission counsel
16 | if they would be prepared to pay an investigator on the part of
17 | my client to interview this witness in Toronto and I was declined
18 | on both those occasions. I had to make arrangements through
19 | myself to get an investigator to pay out of my own client's pocket
20 | to see this witness on a very limited opportunity. There's no
21 | property in a witness, it is true, but in view of the fact that this
22 | man has been in Toronto and has not been well and has only been
23 | discovered a short while ago, it's very difficult to exercise that
24 | right. However, I'm not, I don't wish to trespass on any
25 | arrangements made by my friend with the witness and I'll stay

1 away from it.

2 BY MR. PUGSLEY

3 Q Now, Mr. Patterson, you've had a number of criminal
4 convictions.

5 A. Quite a few.

6 Q How many have you had?

7 A. I couldn't count them all.

8 Q Can you give us an estimate?

9 A. Oh, 25, 30.

10 Q 25 or 30?

11 A. Yeah.

12 Q And these have been in various parts of the country, have
13 they?

14 A. Just Sydney and Toronto.

15 Q And have there been other offences that you have committed
16 for which you have not been charged?

17 A. No. That has nothing to do with what we're talking about.

18 MR. RUBY

19 Just a second. You must, Mr. Patterson, when we all rise at a time
20 like this, you must stop.

21 MR. MACDONALD

22 I don't think that's a fair question to put to the witness, My
23 Lord.

24 MR. PATTERSON

25 I don't think it's any of your business.

1 MR. MACDONALD

2 Pardon?

3 MR. PATTERSON

4 I don't think it's any of his business.

5 MR. CHAIRMAN

6 We're on your side on that. The record is in evidence?

7 MR. PUGSLEY

8 Yes.

9 MR. CHAIRMAN

10 And Mr. Patterson has presumably consented to it being
11 released and put in evidence and my interpretation of his
12 evidence so far is that he admits that record.

13 MR. PUGSLEY

14 Yes.

15 MR. CHAIRMAN

16 Now if you have any other record that is not in there, you
17 would have to put it to him.

18 MR. PUGSLEY

19 I have no other record.

20 BY MR. PUGSLEY

21 Q Did you plead guilty on each of these occasions with which
22 you were charged?

23 A. Yeah.

24 Q You pleaded not guilty on occasion?

25 A. No. You make deals in Toronto.

- 1 Q My question is, did you plead guilty on each occasion with
2 respect to...
- 3 A. Well, when you're making deals with police officers, you get
4 what you can.
- 5 Q I see. My question is, did you plead not guilty to any of these
6 offences? Were you tried? Did you go to trial?
- 7 A. Of course.
- 8 Q Did you give evidence on some of those occasions?
- 9 A. No.
- 10 Q You went to trial, you pleaded not guilty...
- 11 A. No...
- 12 Q But did not given evidence.
- 13 A. No, no, what happens in Toronto is the coppers come to you,
14 "Okay, Bob, we'll drop this, we'll drop this, convict you on
15 this." Mr. Ruby should know. That's the way they work.
16 That's why they've got so many people in jail in Ontario.
- 17 Q My question is, did you plead not guilty to any offences with
18 which you were charged that you were subsequently
19 convicted of? Did you ever give evidence in support of a
20 defence of not guilty?
- 21 A. No.
- 22 Q Never did.
- 23 A. No.
- 24 Q On each of these occasions that we have with respect to this
25 record, you pleaded guilty.

1 A. Yeah.

2 Q. Yes.

3 A. The only time I ever took the stand was when I fired my
4 lawyer at a bail hearing and did my own bail hearing and
5 managed to get it.

6 Q. The first record that we have is in 1970 and it would appear
7 to be in the month of August, August 12th, 1970, break, enter
8 and theft, six charges in Sydney. Did you have a lawyer in
9 Sydney representing you on that occasion?

10 A. I don't remember. I think I went in and pleaded guilty.

11 Q. Did you ever have a lawyer in Sydney representing you in
12 connection with any charges laid against you in Sydney?

13 A. I don't think I've ever had one, maybe duty counsel. But, you
14 know, for just to speak for me, you know, for sentencing or
15 whatever. But as far as a lawyer, no.

16 Q. You indicated that the occasion when you were taken to the
17 Sydney Police Station and seen by MacIntyre and Urquhart,
18 that was the first occasion in which you had been
19 manhandled by any police?

20 A. That was the first time I was ever manhandled by them.

21 Q. Had you ever been manhandled at any other time by the
22 Sydney Police other than that occasion?

23 A. No.

24 Q. Or by any other police?

25 A. Oh, yes.

1 Q. Have you been manhandled on many occasions by police?

2 A. Many occasions.

3 Q. Many occasions?

4 A. Many occasions. That's why there's so many people in jail in
5 Ontario.

6 Q. And the manhandling that occurred, well, on the occasions
7 that you were charged in Toronto, were you manhandled on
8 each of those occasions by the police, by the Toronto Police?

9 A. Most of them, except for the last charge.

10 Q. And on these occasions when you were manhandled by the
11 Toronto Police, were you manhandled more severely than you
12 were by the Sydney Police?

13 A. Well, narcotics divisions, they don't really care what you look
14 like when you go to court.

15 Q. I see. I take it you...

16 A. He fell down the stairs, you know, those kind of things.

17 Q. I see. And that's what happened by you? You were beaten
18 by the police, were you?

19 A. Oh, yes.

20 Q. On many occasions?

21 A. On more than one occasion.,

22 Q. And beaten severely?

23 A. Well, being thrown out of the back cruiser that's doing maybe
24 45 or 50 miles an hour and getting thrown out the door, if
25 that's not severe, then I don't know what is.

MR. PATTERSON, EXAM. BY MR. PUGSLEY

1 Q And that's what the Toronto Police did to you?

2 A. On one occasion, yes.

3 Q Have there been other occasions when they've beaten you
4 severely?

5 A. Yeah.

6 Q Did you make any complaints to any lawyers who acted for
7 you in Toronto?

8 A. I learned my lesson on that.

9 Q You learned your lesson on that?

10 A. Yes, don't...

11 MR. RUBY

12 Just a moment, please. Complaints to lawyers of his own
13 would be privileged and he ought to be advised that he has a right
14 to maintain that privilege.

15 MR. CHAIRMAN

16 You didn't retain lawyers?

17 MR. RUBY

18 This is Toronto.

19 MR. CHAIRMAN

20 In Toronto?

21 MR. PATTERSON

22 Yeah.

23 BY MR. PUGSLEY

24 Q Did you have lawyers who acted for you in Toronto?

25 A. Oh, different lawyers.

1 Q Did you make any complaints to any Police Commission or any
2 police officials in Toronto?

3 A. I did make a complaint, oh, I don't know what year, I think it
4 was drug charges I was up on, and I was manhandled pretty
5 roughly and I spoke to someone, I don't know whether it was
6 the police at the bull pen or whether it was duty counsel, I
7 just forget now. It was a long time ago. But I remember the
8 two people from headquarters came to see me while I was
9 still at city hall and I hadn't been taken back to the Don jail
10 yet. Okay, I was still at city hall waiting for the paddywagon
11 and got hauled into an office and these two investigators said,
12 "You're charging so-and-so, so-and-so with assaulting you,
13 manhandling you?" I said, "Yes." He said, "Well," he said,
14 "We've got all these other charges here." He says, "Now let's
15 make a deal. You sign this here, you waiver the, you know,
16 the charges against the police and we'll forget about these
17 charges."

18 Q You say that you did lay charges against members of the
19 Toronto City Police.

20 A. Didn't lay charges. I said "I filed a complaint."

21 Q You filed a complaint?

22 A. Yes.

23 Q With the Toronto City Police.

24 A. Yes.

25 Q When was that?

MR. PATTERSON, EXAM. BY MR. PUGSLEY

1 A. Like I said, I don't remember. It was on one of the drug
2 charges.

3 Q. Was that the incident when they threw you out of the vehicle
4 at 40 miles an hour?

5 A. No.

6 Q. This was another incident.

7 A. This was another incident.

8 Q. More serious than throwing you out of a car at 45 miles an
9 hour?

10 A. Yeah, I'd say so.

11 Q. What process did you go through to file a complaint?

12 A. Duty counsel. I spoke to duty counsel because I was going in
13 for a bail hearing and he asked me what happened here...

14 Q. You don't need to, as Mr. Ruby pointed out, any conversation
15 you had with your lawyer, is certainly something you do not
16 need to divulge.

17 A. You know, well, this was duty counsel...

18 MR. RUBY

19 Maybe if he wished, if he understands the...

20 MR. CHAIRMAN

21 Well, it's purported what he did.

22 MR. PUGSLEY

23 Q. And I don't really need to get into that, but the fact is you
24 filled out a form and you filed a written form, did you, a
25 written complaint?

1 A. No. That's what they were there for.

2 Q. I see.

3 A. The two officers that came to get all the particulars and to
4 take a statement from me about the complaint, they were the
5 ones that made the deal, you know.

6 10:40 a.m.*

7 Q. So, you never got to the point of filing a complaint.

8 A. That's right.

9 Q. At any time.

10 A. At any time.

11 Q. Against the Toronto Police although you say you were
12 manhandled on virtually every occasion on which you were
13 charged in the Toronto area?

14 A. Ninety-five percent of the time, yes.

15 Q. Okay. All right. Getting back to this particular incident. You
16 say that you were taken down to the detectives' office by two,
17 did you say uniformed policemen?

18 A. You're talking about Sydney.

19 Q. I'm talking about Sydney.

20 A. Yes.

21 Q. Yes. Do you have any idea who these policemen were?

22 A. No.

23 Q. And they took you down to the detectives' office...

24 A. Yeah.

25 Q. ...and MacIntyre...

- 1 A. Just handed me over to MacIntyre and Urquhart.
- 2 Q. And they were both there.
- 3 A. Yeah.
- 4 Q. And how many rooms are there in the detective office?
- 5 A. Just the one.
- 6 Q. Just the one.
- 7 A. It was just a shack with a pile of junk in there.
- 8 Q. Yes.
- 9 A. Like stuff they had picked up, you know, from cases.
- 10 Q. Uh-hum.
- 11 A. Like they had no such thing as a evidence room, you know,
12 where they kept evidence locked up. It looked like they used
13 their office as a closet.
- 14 Q. You say there was just the one room.
- 15 A. Yeah.
- 16 Q. In a building.
- 17 A. It was a wooden building, you had your regular police station,
18 the detectives' office was at the end of the driveway where
19 you pull the car in, okay. Like if you drove fast enough you
20 could go right through the place.
- 21 Q. But just...just one room.
- 22 A. Yeah.
- 23 Q. There was no stenographer there.
- 24 A. No.
- 25 Q. This was in the morning.

- 1 A. Yeah.
- 2 Q. Do you have any idea of whether it was a weekday or
3 weekend?
- 4 A. I don't recall.
- 5 Q. And this was after Marshall had been charged.
- 6 A. This was afterwards.
- 7 Q. Can you give us any idea how long afterwards?
- 8 A. A couple of days.
- 9 Q. A couple of days.
- 10 A. Two.
- 11 Q. This would be before the preliminary hearing, would it?
- 12 A. Oh, yeah.
- 13 Q. Yeah.
- 14 A. It was long before the preliminary hearing.
- 15 Q. Yes. And there was no one else present in this building
16 except Urquhart and MacIntyre in one room.
- 17 A. That's it.
- 18 Q. And the two uniformed policemen escorted you into the room.
- 19 A. Escorted me in, I was put in a chair, handcuffed to the chair
20 and then the questioning started.
- 21 Q. Yes. And what did they say to you?
- 22 A. They just said to me that they know I was with Junior, that I
23 saw everything, the stabbing and everything else, and I said,
24 "I don't know what you're talking about." I says, "As far as
25 being with Junior that night, " I said, "If I was, I don't

1 remember because I was very drunk."

2 Q. Yeah. The...when they brought you into the police station
3 were you suffering from a hangover on that occasion?

4 A. No.

5 Q. Did you confine your drinking just to the weekends or...

6 A. Just to the weekends.

7 Q. Yes. On a Friday and Saturday night.

8 A. Yeah, Friday and Saturday night.

9 Q. Okay. You say that Urquhart left the room for about ten
10 minutes or so.

11 A. Ten, fifteen minutes.

12 Q. Yes.

13 A. It might have been twenty, you know.

14 Q. Were you manhandled before Urquhart left the room?

15 A. No. It was after he left the room.

16 Q. Okay. And tell me what was done?

17 A. What was that?

18 Q. Tell me what was done. What did MacIntyre do?

19 A. As I already stated I was slapped around, pushed up against
20 the wall, like when you're handcuffed to a chair and you get
21 kicked across the room you can take an awful jolt going
22 against the wall, you know.

23 Q. You were first of all slapped around, were you?

24 A. Slapped around, my hair was pulled, my ...

25 Q. Tell me about the...

- 1 A. ...head was banged on the desk.
- 2 Q. Tell me about the slapping around? How many...
- 3 A. I don't know in what order.
- 4 Q. ...times were you...
- 5 A. But, you know.
- 6 Q. Well, how many times were you slapped around?
- 7 A. When you scold your children, do you count how many times
- 8 you slap their bum?
- 9 Q. Well, that's not the question now. How many times...
- 10 A. Well, I'm just telling you.
- 11 Q. How many times were you struck?
- 12 A. I don't know.
- 13 Q. Were you struck with an open fist, with an open hand or a
- 14 closed fist?
- 15 A. Closed fist on the lower body, open hand on the...on like on
- 16 the face.
- 17 Q. And how many times were you hit in the lower body?
- 18 A. I didn't have a calculator with me, I don't know.
- 19 Q. Well, once or twice or fifteen times.
- 20 A. No, it was more than once.
- 21 Q. More than once.
- 22 A. Yes.
- 23 Q. And when you say the "lower body" do you mean the area of
- 24 the genitals?
- 25 A. No, no, stomach, you know, side, rib cage.

1 Q. That you were hit in the rib cage and the stomach with a
2 closed fist.

3 A. Yes.

4 Q. By MacIntyre.

5 A. Yeah.

6 Q. Both fists or just the one?

7 A. One. Maybe he switched hands, I don't know.

8 Q. All right. What were you doing all this time?

9 A. What was I doing, I was screaming.

10 Q. You were screaming. Yes. Okay.

11 A. Yeah, trying to just convince him that I didn't know anything
12 about the damn stabbing.

13 Q. And did you continue screaming throughout this incident
14 when MacIntyre was manhandling you?

15 A. No, I started crying.

16 Q. Yes. Loudly?

17 A. No, just trying...trying to tell this guy that I don't know
18 anything about what he's talking about.

19 Q. Did you scream loudly when you screamed?

20 A. No, not really.

21 Q. Why didn't you bawl your lungs out?

22 A. Well, I mean you...you're a sixteen-year-old kid, seventeen-
23 year-old kid sitting in a chair and you've got a two hundred
24 and thirty, two hundred and fifty pound man standing over
25 you.

- 1 Q. Yes.
- 2 A. Slapping you around.
- 3 Q. Uh-hum.
- 4 A. It gets pretty scary.
- 5 Q. I'm sure it does. If it were true, I'm sure it would. And the
6 question is why didn't you scream your bloody lungs out?
- 7 A. What good would it do?
- 8 Q. You didn't.
- 9 A. No, what good would it do?
- 10 Q. Yes, Urquhart came back...
- 11 A. I just started crying, that's all, you know, I don't...trying to
12 convince them that I didn't know anything about it, which I
13 didn't, and I don't to this day, you know. What happened in
14 the park that night I don't...
- 15 Q. In the fifteen or twenty minutes that Urquhart was absent
16 from the room, was MacIntyre manhandling you throughout
17 that period?
- 18 A. Most of it, yes.
- 19 Q. And when Urquhart came back into the room, did MacIntyre
20 continue to manhandle you?
- 21 A. No.
- 22 Q. No.
- 23 A. Not until about ten minutes afterwards.
- 24 Q. And what did he do then?
- 25 A. Gave me a few more slaps because I wouldn't sign the

- 1 statement that Bill Urquhart brought in.
- 2 Q You say slaps across the face.
- 3 A Yeah.
- 4 Q Open palm.
- 5 A Open hand.
- 6 Q Yes, uh-hum. Hard.
- 7 A Oh, enough to give your head a good jolt.
- 8 Q Make you cry.
- 9 A Yeah.
- 10 Q Make you scream.
- 11 A No.
- 12 Q What did Urquhart say when this was going on?
- 13 A Nothing.
- 14 Q Nothing.
- 15 A Urquhart was playing the sympathy cop.
- 16 Q I see.
- 17 A MacIntyre was playing the heavy.
- 18 Q I see. And how...what kind of sympathy was Urquhart
19 extending to you when MacIntyre was slapping you back and
20 forth?
- 21 A Well, he was sort of, you know, "That's enough, that's enough,
22 we don't have to handle this like this. Now, Bob, you know,
23 Bob, come on," just being nice to me.
- 24 Q Yeah.
- 25 A Quiet, low voice.

1 Q. Yes.

2 A. You know, it was just "Sign the statement and everything will
3 be settled."

4 Q. Now, the statement that they brought back, that Urquhart
5 brought back into the room, was a typewritten statement.

6 A. Typewritten, yeah.

7 Q. Typewritten statement, yeah. There had been no statement
8 taken at any time from you by either of them.

9 A. No.

10 Q. No. No handwriting taken by either of them at all.

11 A. No.

12 Q. And Urquhart comes back with a typewritten statement.

13 A. Typewritten statement.

14 Q. Yeah. How many pages was it?

15 A. I don't know, he just said, "Sign this", it could have been two
16 pages, three pages, no more than three.

17 Q. No more than three. Okay. And did you ask to read the
18 statement?

19 A. Yes.

20 Q. And what did they say?

21 A. He said, "There's no reason for you to read it, just sign it."

22 Q. No reason for you to read it. Did they refuse to let you read
23 it?

24 A. Yes.

25 Q. Yes. You refused to sign it.

1 A. I refused to sign it.

2 Q. And what happened to the statement?

3 A. Hum.

4 Q. And what happened to the typewritten, three-page
5 statement?

6 A. What they did with it I don't know. Like they finally let me
7 go because they knew I wasn't going to sign it.

8 Q. And...

9 A. Because I'm not going to sign anything, you know.

10 Q. Now, you've indicated that you were there for about two to
11 three hours with them.

12 A. It could have been four.

13 Q. It could have been four hours.

14 A. Could have been.

15 Q. Right.

16 A. You know, like...

17 Q. For what period of time were you manhandled, during that
18 two, three or four hour period over what period of time were
19 you slapped around and punched?

20 A. When I first got there they were really nice to me, you know.
21 I was handcuffed to the chair and I said, "What's this for?"
22 "Oh, nothing," and I sort of...I don't know what they're asking,
23 "what do you mean?", or...I said something to them...to them
24 in that effect anyways, you know, "why am I handcuffed to
25 the chair?" And, MacIntyre stated to me that, he says, "Well,

1 we know that you are involved in this Sandy Seale/Junior
2 Marshall case." And I said, "Well, what do you mean by
3 that?" He said, "Well, we know that you saw Junior doing the
4 stabbing and that, and that you were with Junior." And I
5 just..."Wait a minute now, no way."

6 Q. Over what period of time...

7 A. I said I had not seen Junior that night, I don't remember
8 seeing him that night.

9 Q. Over what period of time were you slapped around and
10 manhandled by the Sydney City Police during this two, three
11 to four hour interview?

12 A. Total time of being slapped around.

13 Q. Uh-hum.

14 A. Maybe fifteen minutes.

15 Q. Uh-hum. And that was...well the time...pretty well all the
16 time that Urquhart was out of the room.

17 A. Yeah.

18 Q. And then when Urquhart came back...

19 A. In other words, like MacIntyre was trying to soften me up
20 before Urquhart brought in the statement.

21 Q. Yes. And then when that didn't work MacIntyre started
22 manhandling you again.

23 A. Yeah.

24 Q. Yeah. All right. How long had you been with them before
25 Urquhart left the room?

- 1 A. Quite a while.
- 2 Q. How long?
- 3 A. Oh, hour, hour and a half.
- 4 Q. I see. Were you manacled throughout the entire interview?
- 5 A. Throughout the whole...
- 6 Q. From the time you ...
- 7 A. From the time I went there.
- 8 Q. Yeah.
- 9 A. Until the time I let I was handcuffed to the chair.
- 10 Q. Right. And were both hands handcuffed or just one?
- 11 A. No, both of them.
- 12 Q. Both of them.
- 13 A. Both.
- 14 Q. Were both hands handcuffed together and then handcuffed to
- 15 the chair?
- 16 A. One on each arm.
- 17 Q. One on each side, I see. So you were completely defenceless,
- 18 you had both your hands handcuffed to the chair.
- 19 A. Yeah.
- 20 Q. And MacIntyre was slapping you around and punching you in
- 21 the stomach.
- 22 A. Yeah.
- 23 Q. This kind of thing.
- 24 A. Yeah.
- 25 Q. Yeah.

1 MR. CHAIRMAN

2 Sorry, I missed that. Try that again. You had how many
3 handcuffs on you?

4 MR. PATTERSON

5 Two handcuffs, two sets of handcuffs.

6 MR. CHAIRMAN

7 Two sets.

8 MR. PATTERSON

9 One.

10 MR. CHAIRMAN

11 On each arm like this.

12 MR. PATTERSON

13 Yeah, like for instance here is the arm of the chair. I was
14 handcuffed to the runners holding the arm on the chair.

15 MR. CHAIRMAN

16 And there you were for, you say it could have been up to four
17 hours.

18 MR. PATTERSON

19 Yeah.

20 MR. CHAIRMAN

21 Without the handcuffs ever being removed.

22 MR. PATTERSON

23 They were never removed.

24 MR. CHAIRMAN

25 Did you ask to have them removed? Did you want to go to

1 the washroom or anything during that period or...

2 MR. PATTERSON

3 No, I asked them to loosen them because like every time I
4 was being pushed and that the handcuffs were getting tighter and
5 tighter because they didn't put the lock on it or whatever you call
6 it on the handcuffs. And, like every time I get bounced around
7 the handcuffs were getting tighter, and I asked to have them
8 loosened up and they wouldn't...which they wouldn't do.

9 MR. PUGSLEY

10 Q. As I understand your evidence, you were handcuffed to this
11 chair, both your hands, for a period of up to four hours.

12 A. Yeah.

13 Q. Without being permitted to leave that chair.

14 A. Yeah.

15 Q. And during that period of time you were also slapped around
16 and manhandled and punched and hair pulled.

17 A. Yeah, in that period they left me alone sitting there, you
18 know, went into the main building, just left me in the chair,
19 come back.

20 Q. Sorry. When they went into the main building, what main
21 building was that?

22 A. The police station.

23 Q. That was some yards away in a separate building I take it.

24 A. No, no, it's connected almost together.

25 Q. Connected almost together.

1 A. Well, it was made of stone, okay, you got your police station
2 here, the driveway is here, the detectives' office was right
3 here.

4 Q. Was the detectives' office a separate building from the police
5 station?

6 A. It was a wooden building.

7 Q. Yes, but was it separate.

8 A. It wasn't made of stone. It's a separate building.

9 Q. And how far away from the police station was it? You're
10 indicating about two inches.

11 A. Well, I mean it's flush.

12 Q. Sure.

13 A. It was flush against the building.

14 Q. And your screams would not be heard by anyone in the police
15 station.

16 A. No.

17 Q. No. Were your hands chaffed and sore and red and skin
18 broken?

19 A. No, the skin wasn't broken; they were red though.

20 Q. Were there marks on your face, marks on your chest where
21 you had been punched and slapped?

22 A. No, just very sore.

23 Q. Yes. Okay. So, what did you do when you were let out?

24 A. I went home.

25 Q. Uh-hum. How did you get home?

1 A. Walked.

2 Q. Yes. Didn't speak to your mother at all about it?

3 A. No.

4 Q. Didn't speak to your friends...

5 A. She's got enough to worry about.

6 Q. Didn't speak to your friend Donald Marshall about it?

7 A. No.

8 Q. Didn't speak to your friend Pius Marshall about it?

9 A. No.

10 Q. No. Didn't speak to your friend Donald Marshall and say,
11 "Look it, Donald, the police had me down there trying to set
12 you up as well by trying to force a statement out of me." The
13 friend that you saw two or three times every week. You
14 didn't say that to him at all.

15 A. No.

16 Q. Why?

17 A. Well, I know it's...now if I had of it would have helped him in
18 Court.

19 Q. I'm not...

20 A. But...

21 Q. Yes.

22 A. But at the time I just, eh, I wanted to forget about it.

23 Q. I see. This had never happened to you before. This was an
24 absolute unique experience in your life up to this time.

25 A. That was unique, I mean...

1 Q. Absolutely unique up to this time, that...

2 A. Yeah.

3 Q. Nothing like this had ever happened to you before.

4 A. No.

5 Q. And yet you spoke to absolutely no one about it.

6 A. Yeah. I didn't want to speak to anyone about it.

7 Q. Including your friends, Marshall...

8 A. Well, I was also warned before I left the police station.

9 Q. Oh.

10 A. Not to talk to anyone about it.

11 Q. I see. Who warned you about this?

12 A. Both Urquhart and MacIntyre.

13 Q. And what did they say?

14 A. Just that no one was to know that I was there and not to
15 speak to anybody about this.

16 Q. Uh-hum. Did they say what would happen to you if you did?

17 A. They didn't have to say.

18 Q. What did you think...what did you think they were going to
19 do to you if you had spoken to your mother, if you had
20 spoken to Junior Marshall, if you had spoken to a lawyer?

21 A. God knows.

22 Q. I see. Okay. You stayed around Sydney for the rest of the
23 summer.

24 A. Yeah.

25 Q. You got into some more trouble that summer.

1 A. Yeah.

2 Q. What was that all about? What was the trouble you got into
3 at the end of the summer?

4 A. I think it was credit cards.

5 Q. Stealing credit cards.

6 A. Yes, or something like that, I don't...I don't remember.

7 Q. What were the kinds of offences that you've been convicted
8 of? What...you were running drugs for a while, were you?

9 A. Yes.

10 Q. What kind of money street value was involved in those
11 things?

12 A. Well, listen I've been convicted, I did my time, I...

13 Q. Oh, yes, I know.

14 A. I don't think that has any...

15 Q. And I'm not...

16 A. I don't think that has anything to do with this case.

17 Q. Well, I mean is this nickels and dime stuff, five and ten
18 dollars, or are you talking about thousands of dollars that you
19 were running with drugs?

20 A. Well, if you want to find that out, then you get my record out
21 or speak to the Metro Police.

22 Q. I see. You're not prepared to disclose that to us?

23 A. No, why should I?

24 Q. Because it might give us a handle on what kind of a person
25 you are.

- 1 A. Well, it has no...it has nothing to do with this case.
- 2 Q. Well, it's...that is up to the Commissioners.
- 3 A. If I'm ordered by the Commissioners to testify or to give that,
4 then it's okay. But what went on in Toronto, what...has
5 nothing to do with what's going on here.
- 6 Q. Were you taking any drugs the night of this stabbing of Sandy
7 Seale in the park?
- 8 A. I never took drugs until I arrived in Toronto.
- 9 Q. Do you have some brothers?
- 10 A. Yeah.
- 11 Q. How many brothers do you have?
- 12 A. Three brothers, one sister.
- 13 Q. How old are they? How old are your brothers?
- 14 A. One is twenty-eight, one is twenty-one, twenty-two, he's
15 traveling all over Europe right now.
- 16 Q. Yes.
- 17 A. And I think the other one is twenty-nine. Mum had them
18 pretty close together.
- 19 Q. Yes. And you're how old now? Thirty-three, thirty-four.
- 20 A. Thirty-four.
- 21 Q. Thirty-four. Did you ever speak to any of your brothers
22 about this?
- 23 A. I haven't seen, except for...
- 24 Q. No, no, I meant at the time that it occurred, in 1971.
- 25 A. No.

1 Q. When you got back to the house, did you speak to any of your
2 brothers?

3 A. I never spoke to anyone about it.

4 Q. Your brothers were living...

5 A. The first time I ever started talking about it was in Kingston
6 Penitentiary, okay. That's the first time I ever started talking
7 about it.

8 Q. Talking about what?

9 A. The Junior Marshall case.

10 Q. I see.

11 A. A guy got shipped up from Dorchester I said, "Do you know
12 Donald Marshall?" "Oh, yeah, we know Donald."

13 Q. You saw Donald Marshall on a number of occasions between
14 this incident at the Sydney Police Station and the time when
15 he was finally convicted in November of 1971.

16 A. Yeah.

17 Q. How many times would you say you had seen him? Did you
18 go and visit him in jail?

19 A. No.

20 Q. You didn't.

21 A. No.

22 Q. Why was that?

23 A. Because for one thing you're not allowed, other cons are not
24 allowed to visit other cons.

25 Q. Do you mean to say that you were not allowed because...

1 A. That's a written law.

2 Q. A written law.

3 A. I'm pretty sure it is.

4 Q. I see. And you say this is the reason you did not go to see
5 Donald Marshall during the summer of 1971.

6 A. Basically.

7 Q. I see. What about Pius Marshall? Did you see...did you see
8 Pius throughout the summer?

9 A. Yeah.

10 Q. Three or four times a week.

11 A. No. Every...the whole gang sort of split up, you know, what I
12 mean, like we just didn't get together.

13 Q. Did you get together at all?

14 A. No, I don't think.

15 Q. Well, would you see Pius at all during the summer of '71?

16 A. Yeah.

17 Q. Yeah. On how many occasions?

18 A. I couldn't say.

19 Q. You never spoke to him about this incident with the Sydney
20 Police.

21 A. No.

22 Q. When you went back to the house after being at the police
23 station with Urquhart and MacIntyre, did you speak to your
24 brothers about it?

25 A. No. No one. I was told by them not to speak to anyone. I

1 didn't speak to anyone.

2 Q. Yes.

3 A. Like sixteen, seventeen years old, and a man that size tells
4 you "Don't talk to anyone about this," you don't talk to
5 anyone, because retaliation, you don't know what can happen.
6 And, like MacIntyre and Urquhart both had a very good
7 reputation for manhandling people.

8 Q. They did.

9 A. Yes.

10 Q. I see. Among who?

11 A. Oh, just a reputation.

12 Q. I see. A reputation in Sydney, MacIntyre and Urquhart had a
13 reputation in Sydney...

14 A. Yeah.

15 Q. ...for manhandling people.

16 A. Yeah.

17 Q. I see. Any charges ever been brought against them, any
18 complaints ever made against any of them at any time in
19 their careers?

20 A. I don't know. I don't follow their careers.

21 Q. Excuse me, just one moment, My Lord, until I check my notes.
22 When you were picked up in September of 1971, were you
23 manhandled on that occasion and charged with break and
24 enter?

25 A. No.

1 COMMISSIONER EVANS

2 Damage to property, was it not in September?

3 MR. PUGSLEY

4 I'm sorry. Thank-you, My Lord, it was.

5 COMMISSIONER EVANS

6 The B & E was in March.

7 MR. PUGSLEY

8 Yes, that's right.

9 Q You were charged in September with damage to property,
10 what was that about, do you remember?

11 A. No, I don't recall.

12 Q Were you manhandled on that occasion?

13 A. Like I said, the only time I was ever manhandled by
14 Urquhart...Urquhart or MacIntyre or MacDonald, or anybody
15 else, was at the time of the investigation of Donald Marshall.

16 Q Were you ever manhandled by MacDonald at any time?

17 A. I don't think so. No, not really.

18 Q What do you mean by that?

19 A. Just what I said.

20 Q What do you mean, "not really"? I mean were you
21 manhandled by MacDonald at any time?

22 A. No.

23 Q Was he present on this occasion?

24 A. No.

25 Q Was anyone else present?

1 A. No.

2 Q. Did anyone else come in that room at any time during that
3 four-hour interval, up to four hours?

4 A. I think MacIntyre was called out, someone came to the door
5 and called MacIntyre out for something, I don't know what.

6 Q. You must have been aware of this Inquiry.

7 A. I've been reading up on it, yes.

8 Q. Sure. Reading in the newspapers in Toronto.

9 A. Yeah.

10 Q. Did it ever occur to you that the evidence that you've related
11 here today could be of some interest to this Inquiry?

12 A. Not really.

13 Q. I see. Well, you've heard about the evidence of Patricia
14 Harriss.

15 A. Hum.

16 Q. You've heard about the evidence of Patricia Harriss, where
17 she suggests that she was pressured by MacIntyre into saying
18 things.

19 A. Yeah.

20 Q. Yeah.

21 A. Yeah.

22 Q. You would have followed that.

23 A. Hum.

24 Q. You would have followed that, the evidence of Patricia
25 Harriss.

MR. PATTERSON, EXAM. BY MR. PUGSLEY

1 A. I read that.

2 Q. Sure. Why didn't you get in touch with the Inquiry then and
3 advise the Inquiry counsel that you had something important
4 to contribute?

5 A. I had enough to worry about.

6 Q. I see.

7 A. Okay. I'm a complete paralysed person from the chest down,
8 I've been in a rehab centre for over a year, okay. I've got
9 better things to do, pardon me, Your Worship, than to be
10 down here right now. I'm in a lot of pain. I've gone through
11 so many...a lot of serious operations, okay.

12 Q. Have you been in touch with Patricia Harriss over the last six
13 months?

14 A. No. I sure would like to see her though.

15 MR. PUGSLEY

16 Thank-you, My Lord.

17 MR. MURRAY

18 I'm going to be very brief, My Lord.

19

20 EXAMINATION BY MR. MURRAY

21 Q. Mr. Patterson, my name is Donald Murray. I'm representing
22 William Urquhart. Could you tell me, sir, who the detectives
23 were in the Sydney City Police Department in 1971?

24 A. I don't know. I think there was two MacDonald brothers, and
25 Bill Urquhart, and MacIntyre.

1 Q. Now, these...

2 A. I don't think there was any other detectives.

3 Q. You had two MacDonald brothers you say.

4 A. Yeah. Maybe they weren't brothers. I don't know.

5 Q. Mr. Urquhart, who you described as being in on this session
6 with John MacIntyre, what was that person wearing that you
7 think was Mr. Urquhart?

8 A. A suit.

9 Q. Uh-hum.

10 A. What colour, I don't know, I mean it's been a long time.

11 Q. What colour was this person's hair?

12 A. Well, it's probably grey now, but at the time it was brown.

13 Q. Uh-hum. Was the person wearing glasses or not wearing
14 glasses?

15 A. That I can't remember.

16 Q. Did he have a moustache or not have a moustache?

17 A. No moustache.

18 Q. What kind of build did this person have?

19 A. Same as his brothers, slim build.

20 Q. Slim build, about what weight?

21 A. I couldn't say.

22 Q. Uh-hum. Did you know Michael R. MacDonald?

23 A. Yeah. Didn't they nickname him Black Mick?

24 Q. Black Mick I understand is M. J. MacDonald.

25 A. Oh, well, I don't know.

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MR. MURRAY

I have no further questions, My Lords.

MR. G. MacDONALD

I just have one question, My Lord, it's omitted question.

EXAMINATION BY MR. MacDONALD

Q. Mr. Patterson, are you at the present time on any medications?

A. Yes.

Q. What medications to you take?

A. Demerol, every four hours, 125 units.

Q. Yes. Anything else?

A. Yes, I'm taking medication for my bowels, kidneys, liver, everything below my [brain?].

Q. How long have you been on that medication?

A. For just under a year now.

Q. Any including the Demerol, every four hours?

A. No, Demerol I've been on since I had this operation in my head.

Q. And when was that operation?

A. January 16th. But it was a series of five different operations.

Q. And since then you've had Demerol every four hours.

A. Yeah.

Q. Including while you're here.

A. Yeah.

1 MR. MacDONALD

2 That's all I have, My Lords.

3 MR. CHAIRMAN

4 Just one question I want to ask you, Mr. Patterson, and I don't
5 want to keep you longer than necessary. I understood from you
6 that when the two police officers came to pick you up.

7 MR. PATTERSON

8 Uh-hum.

9 MR. CHAIRMAN

10 Your mother said to you, "What have you been doing now?"

11 MR. PATTERSON

12 Yeah, it was similar to that, like "What the hell have you been
13 doing now? What are you in trouble for now?"

14 MR. CHAIRMAN

15 Um. And then off you went with the two police officers.

16 MR. PATTERSON

17 Yeah.

18 MR. CHAIRMAN

19 You were away from home then I think your testimony is up
20 to four hours.

21 MR. PATTERSON

22 Three or four hours, something like that.

23 MR. CHAIRMAN

24 Well, when you came back did your mother ask you what you
25 were doing at the police station?

EXAMINATION BY COMMISSIONERS

1 11:09 a.m.

2 A. Yeah.

3 CHAIRMAN

4 Did you tell her?

5 A. No.

6 CHAIRMAN

7 Did you rep-,.what did you say to her?

8 A. I said, "Nothing, Mum, don't worry about it."

9 CHAIRMAN

10 And she didn't pursue it any further?

11 A. No.

12 COMMISSIONER EVANS

13 Mr. Patterson, I have only a couple of questions but if you
14 take a look at the record, and I think you admitted it, but you
15 were convicted in March of '71 and you received three months in
16 jail for B & E. That's in Sydney.

17 A. Yeah.

18 COMMISSIONER EVANS

19 So, I take it, you didn't spend the full three months there.

20 A. No, you spend two-thirds of your time.

21 COMMISSIONER EVANS

22 Right. So that you had just recently been released from jail
23 when this episode happened with Marshall.

24 A. Yeah.

25 COMMISSIONER EVANS

EXAMINATION BY COMMISSIONERS

1 Now, as far as I am aware, and I want to get the facts of the
2 situation correct. Marshall, from the time he was picked up was
3 not released on bail or anything.

4 MR. SPICER

5 That's correct, My Lord.

6 COMMISSIONER EVANS

7 So that when you went back in in September on the
8 conviction for damage to property for which you received four
9 months, Junior Marshall was in jail.

10 A. He was there. He was downstairs. They put mE upstairs.

11 COMMISSIONER EVANS

12 I see. So you have said that you did not speak to Marshall
13 during the period of time that he was in jail, that is...

14 A. No, no. I had the opportunity ...

15 COMMISSIONER EVANS

16 No, just a minute. Before you went in in September, you did
17 not visit Marshall in jail.

18 A. No. No.

19 COMMISSIONER EVANS

20 Then after you were in jail with Marshall did I understand
21 you to say you had no conversation with him other than just...

22 A. Other than when he come back from court or whatever.

23 COMMISSIONER EVANS

24 What happened sort of thing.

25 A. "How did things go?" or whatever, you know.

EXAMINATION BY COMMISSIONERSCOMMISSIONER EVANS

1 But you had never told him anything about your affair with
2 Urquhart and MacIntyre.

3 A. No. I was told not to.

COMMISSIONER EVANS

4 Yes. That's all, thank you.

WITNESS WITHDREW

5 RECESS - 11:12 - 11:34

MR. ORSBORN

6 The next witness will be Mr. Stephen Aronson and while Mr.
7 Aronson is taking the stand I'd like to file exhibits that have been
8 distributed.

9 The first is a single sheet of paper which I believe to be Mr.
10 Aronson's handwriting. I apologize, it should have been included
11 in Volume 31.

EXHIBIT 133 - SINGLE SHEET OF PAPER IN S. ARONSON'S

12 HANDWRITING - "Meeting with Junior - September 3, 1981

13 The second is a small, red volume entitled "Volume 28"
14 containing selected correspondence in October, December 1984
15 and 1986.

EXHIBIT 132 - VOLUME 28 - CORRESPONDENCE - OCTOBER,

16 DECEMBER 1984, 1986

CHAIRMAN

17 That's marked Exhibit 132 and this is Exhibit 133. Just to