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JOHN F. MacINTYRE, by Mr. MacDonald

1 Chant had on Byng Avenue the night of the stabbing?

2 A. And they talked about it, yeh, what took place.

3 Q. That's what you mean there?

4 A. Which number is that you're talking about?

5 Q. I'm still talking about paragraph fourteen, Chief.

6 A. Yeh. Oh, yes, he's in that.

7 BY MR. CHAIRMAN:

8 Q. Who prepared the affidavit?

9 A. Mr. -- I would say -- I don't know. The day I was there
10 it was Mr. Edwards and Mr. Wheaton were there and it's from
11 them I got the affidavits.

12 BY MR. MacDONALD:

13 Q. Did you not have Mike Whalley available as well as your
14 solicitor or acting on your behalf?

15 A. We weren't present. We weren't present when those affidavits
16 were made up. We were given them. Mr. Whalley was up there,
17 I believe, on one occasion.

18 Q. Did you not give instructions to Frank Edwards in order that he
19 could prepare the affidavit?

20 A. I did not.

21 Q. Did you not discuss it with him?

22 A. No. No.

23 Q. So he just prepared it himself and called you in?

24 A. That's right.

25 BY MR. CHAIRMAN:

Q. Can you just take me through that again? Mr. Edwards who

12:23 p.m.

JOHN F. MacINTYRE, by Mr. MacDonald

1 prepared the affidavit must have gotten --

2 A. I don't know. The day I was there Mr. Edwards and
3 Mr. Wheaton was there, the Staff Sergeant of the R.C.M.P.,
4 and the Crown Prosecutor.

5 Q. Yes.

6 A. And we were given those and they weren't made up in my
7 presence. That's all I have to say, sir -- My Lord.

8 Q. No, but you did meet with them -- with Mr. Edwards I
9 understand -- I assume?

10 A. That's right.

11 Q. Before the affidavits were prepared?

12 A. Before this was written down?

13 Q. Yes.

14 A. No.

15 Q. Well, would he have gotten the information?

16 A. They made them up.

17 BY MR. MacDONALD:

18 Q. Chief, let me refer you to volume 17.

19 BY MR. CHAIRMAN:

20 Q. Well, what do you mean they made them up? They -- They --

21 A. They made up this so --

22 Q. You mean they prepared them?

23 A. Prepared them, yes.

24 Q. But in preparing them they must have gotten the information
25 contained therein from somewhere and the question is, did they

JOHN F. MacINTYRE, by Mr. MacDonald

1 get it from you?

2 A. They weren't talking to me before that, My Lord.

3 Q. Well --

4 MR. MacDONALD:

5 Could I have volume 17?

6 BY MR. MacDONALD:

7 Q. Do I understand you to say you didn't meet with Frank Edwards
8 for a period of time in order that he could get the information
9 to prepare that affidavit?

10 A. The information from me?

11 Q. Yes.

12 A. I don't recall meeting with him, no.

13 COMMISSIONER EVANS:

14 What page?

15 MR. MacDONALD:

16 On volume 17?

17 COMMISSIONER EVANS:

18 Right.

19 MR. MacDONALD:

20 I'm going to start on page 12, My Lord.

21 THE WITNESS:

22 What are you showing me there?

23 BY MR. MacDONALD:

24 Q. What I've handed to you, Chief, is volume 17 and they
25 contain hand -- typewritten parts-- typewritten notes prepared

JOHN F. MacINTYRE, by Mr. MacDonald

1 | THE WITNESS:

2 | Yeh.

3 | BY MR. MacDonald:

4 | Q. And Whalley was acting as solicitor for you, wasn't he? Was
5 | he the City Solicitor?

6 | A. Not me -- I think he came up with us, yeh, he's solicitor for
7 | the City.

8 | Q. So I suggest to you, Chief, that you had ample opportunity
9 | to review that affidavit in detail and that you did review it
10 | before you swore to it?

11 | A. Yes, I looked it over and I did swear to it, that's right.

12 | COMMISSIONER EVANS:

13 | He asked him on the 22nd as I have it. He had them before that
14 | because it said on the 22nd:

15 | - Whalley, MacIntyre and Urquhart ...

16 | came...

17 | ... to (the) office with (the)
18 | affidavits I had previously drafted.

19 | And that would be -- Then that affidavit was not sworn until the
20 | 26th.

21 | MR. MacDONALD:

22 | That's correct, My Lord.

23 | COMMISSIONER EVANS:

24 | And then there was a subsequent application or change made on that
25 | particular affidavit to delete paragraph 29.

JOHN F. MacINTYRE, by Mr. MacDonald

1 Q. Okay, tell me then how you contacted Pratico on that day and
2 what took place with Pratico?

3 A. On that day he was taken to the station by who at this time
4 I don't recollect.

5 Q. At your -- on your instructions?

6 A. Yeh, that's right and a statement was taken from him.

7 Q. He was picked up, taken to the station and a statement was
8 taken from him?

9 A. That's right, yeh. And he would have been told that I
10 figured there was more he could tell me in regard to what
11 happened or I don't -- I don't remember my exact words; but
12 I --

13 Q. That's the way --

14 A. -- I knew that he knew that I was making -- I would make it
15 known to him that I thought probably I wasn't getting the
16 truth in the first statement. Something -- words to that
17 effect.

18 Q. But you didn't feel you -- he had given you the truth on
19 the first statement and you wanted the truth?

20 A. That's right, yeh.

21 Q. And then having said that to him, you would have taken down
22 everything that he said?

23 A. That's right, yes.

24 Q. Had you seen him since you had taken the statement on May 30th
25 until he was brought to your office on June the 4th, which was

2:06 p.m.

- 1 a Friday?
- 2 A. No, no.
- 3 Q. So this was your first contact with him from the first
4 statement until the second. And you told him, "I don't
5 think you," or words to this effect, "you weren't telling
6 me the truth before, I want the truth"?
- 7 A. That's right, yes. Some words to that effect.
- 8 Q. Who was present do you recall, Chief, when you interviewed
9 him?
- 10 A. Yeh, may I see the statement, sir?
- 11 Q. Yes. It's on page 41 of volume 16. Volume 16, Chief?
- 12 A. Yes, I'm getting it. Sergeant Urquhart --
- 13 Q. Sergeant Urquhart --
- 14 A. Sergeant Urquhart was with me.
- 15 Q. It's your handwriting isn't it on this statement?
- 16 A. The statement itself, yes.
- 17 Q. Yes, okay. Why did you have Urquhart present?
- 18 A. Well, he was around on that morning with me, I guess. That's --
- 19 Q. Did you make any --
- 20 A. Sergeant Urquhart might have taken him to the station. I
21 haven't got any recollection at this time.
- 22 Q. And that statement started at 10:45 a.m.?
- 23 A. Yes.
- 24 Q. And you believe there would have been some introductory remarks
25 made by you?



May 29/72. 12 10 AM

I was called at home by
Sgt Sen Mas Sullivan, and I
proceeded to the City
Hospital in my own car, on
aneway they were taking in
Sawly Hale. Leo Carr and
Dauette. I noticed

Donald Marshall in another
small room, and he had a
cut on the inside of his left
arm, about 10 ins from his wrist
I questioned him as to what
happened and he said two men
stopped them in the park
and asked for a cigarette,
He said he gave them a

Cigarette and a light, and
then one of the men pulled
out a knife and said to
Seale This is for you.
~~and drew it into Seale~~
Black Man, and then he
drew it into Seale, he
then made a dive at me
and I covered up, but he
cut me, I then made a
kick at him, around the
head, and then I ran
away to Bentley's. It
I hit the sign post
when I ran.

I. Heavy set.
Short.

Dark Blue Coat. To KNEES.

Hair - Grey.

Black Low shoes.

Wearing Glasses. Dark Rims

Tall - 5-11.

Black Hair

Clean Shaven

Coat $\frac{3}{4}$ Length

Brown in Color



Ex 120

55189

POLICE COURT
CITY OF SYDNEY

Feb 1 19 71

Det Sgt. J. J. MacIntyre Prosecutor
Robert Bruce Patterson Defendant

Age May 12, 1953
Residence 128 George St.
Place of Birth Warrington
Occupation lab. work
Married or Single single
State of education PLW IX
Religion R.C.
No. of Prior Convictions
Use of Liquor
Convicted of offence charged and
adjudged to pay a fine of \$
and costs \$
to be paid forthwith.
Total \$

CHARGE:

Acc.
250 HCC
Theft of credit cards
August 1970
Jan 29th
Adj. Feb 8th
One mo.
County Jail
N. J. M. General

Time when committed

In default of payment days in the
Common Jail at Sydney.

Warrant Issued Feb 5/71
Defendant [Signature]

Stipendiary Magistrate in and for
the City of Sydney.

RECEIVED PAYMENT 19

City Collector

No. 00203

POLICE COURT
CITY OF SYDNEY

March 18 19 71

M^{rs} Sydney - M^{rs} J. McDonald - Unemployed Prosecutor
Robert Bruce Benjamin Patterson Defendant

CHARGE:

Age May 12, 53 Sec. 292-1-B CC

Residence 135 George St

Place of Birth Antigonish

Occupation Unemployed

Married or Single Single Time when committed March 18

State of education HS

Religion R.C.

No. of Prior Convictions _____ 3 mos County jail

Use of Liquor _____

Convicted of offence charged and
adjudged to pay a fine of \$ _____

and costs _____
to be paid forthwith.

Total \$ _____

W. A. G. G. G.

In default of payment _____ days in the
Common Jail at Sydney.

Warrant Issued March 18/71

Defendant [Signature]

Stipendiary Magistrate in and for
the City of Sydney.

RECEIVED PAYMENT _____ 19 _____

City Collector

1971

March 17-71 Arrested and charged the following with B & E Theft
Robert Patterson & Barry
Cameron.
the following with Sec 296 B.
C.C.

(68)

Brian Puskie, Richard Hill
Gordon Pasher, Lawrence
Gardner, Kenneth Cooke,
Lenni Delaney, Michael
Muller, Ferran Kelsie,
Michael Joseph Sively,
Thomas Stephen Kuba,
Barry Mac Kenzie.
This was from theft of
three kegs of beer from
C.N.R. Bot car.

Sgt. Det. John MacInlyne
Det. Sgt. William P. McDonald

Mon 18 Mr Hugh MacQueen 211
Donald St, reports his car
1960 Chev - Spe # 2-27-51
69. stolen from the V.M.E.A
somewhere this evening.
On Mon 19, picked up one
Greg Janus, Dominican,
and he admitted taking
the car, and was charged
with this offense.

Sgt John MacInlyne
Sgt M R Mac Donald

55520
No. _____

POLICE COURT
CITY OF SYDNEY

Sept 1 1971
Det. Mr. J. McDonald - McDonald - Joseph
Prosecutor
Robert Bruce Patterson Defendant

CHARGE:

Age May 12, 1953
Residence 778 Merton Road
Place of Birth Antigonish
Occupation Labourer
Married or Single single
State of education IX
Religion PC
No. of Prior Convictions _____
Use of Liquor _____
Time when committed Sept 1/71
Damage, under \$50.00
Remand to Jail Sept 8th

Convicted of offence charged and
adjudged to pay a fine of \$ _____
and costs \$ _____
to be paid forthwith.
Total \$ _____

*4 mos. to Jail
Judge (C. ...)*

In default of payment _____ days in the
Common Jail at Sydney.

Warrant Issued Sept 8/71
Defendant Rob

Stipendiary Magistrate in and for
the City of Sydney.

RECEIVED PAYMENT _____ 19 _____

City Collector

JOHN F. MacINTYRE, by Mr. MacDonald

- 1 Q. I know what he said --
- 2 A. Yeh.
- 3 Q. -- and I'm trying to find out why you didn't ask him, sir --
- 4 A. Well, they weren't asked, sir, and that's what -- the statement
- 5 I took from him at that time.
- 6 Q. Can you give me any reason why you wouldn't have asked given
- 7 the --
- 8 A. No.
- 9 Q. -- fact that the other people had talked about age, for example.
- 10 Why wouldn't you have asked him how old they were or did he notice
- 11 their age?
- 12 A. It had -- It wasn't asked, sir. I can't give any reason for
- 13 that.
- 14 Q. He refers in the statement in his last sentence there, Chief,
- 15 to a Robert Patterson.
- 16 A. Yes.
- 17 Q. Now, that is a name that Junior Marshall referred to as well.
- 18 A. Yes, and the Harriss girl also.
- 19 Q. Yeh. But at least on May 30th, two people gave you the name
- 20 Robert Patterson.
- 21 A. Yes.
- 22 Q. Did you ever speak with him?
- 23 A. No.
- 24 Q. Why not?
- 25 A. I didn't locate him.

1 Q. Did you try?

2 A. Well, my men were out looking for him, and it wasn't brought
3 to my attention.

4 Q. He --

5 A. The only part about Patterson, if you recall from all witnesses
6 that say that they seen him, was that he was down in the park
7 area on the other side of the pond, and he was supposed to
8 be intoxicated and sitting there by himself. In fact, I think
9 in one of the statements of Harriss's that he came down to the
10 park with them on that particular night and stayed in the park.

11 Q. Does the fact that he is drunk have any significance?

12 A. Well, according to some of them that he was so full that they
13 put him under bushes over there so the police wouldn't see him,
14 I believe, and I think that's the story of Marshall.

15 Q. Well, let's go back to Marshall's statement. That's on page 17.
16 Page 17.

17 A. Yeh.

18 Q. The first paragraph.

19 A. Yes.

20 Q. We met Bob Patterson. He
21 was drunk. We asked him if
he knew us and he called us
by name.

22 A. Yes.

23 Q. That's Sandy Seale and Marshall together.

24 A. Yes.

25 Q. So he's sober enough to know Sandy Seale and Junior Marshall.

JOHN F. MacINTYRE, by Mr. MacDonald

1 There's no reference to Bob Patterson in Maynard Chant's state-
2 ment, and then Pratico just says Patterson was there and he
3 spoke to him, that Patterson told him where these two
4 individuals were from, that they were members of the Toronto
5 Saints Choice bike gang. It would seem to me that given what
6 you knew on May the 30th, Patterson would be a pretty important
7 person to find and talk to. Wouldn't you not agree with that?

8 A. No, I think Patterson was over on the other side of the park.
9 There's no evidence to state that Patterson was over around
10 Crescent Street or that Patterson was involved with any of
11 those people that I talked to.

12 Q. Let me come back to you, to May 30th, Sunday. You've already
13 gone through who you spoke to. It wasn't a lot of people up
14 until the time you brought in Marshall, Chant, and Pratico. And
15 when you're through with Marshall, Chant, and Pratico, this is
16 what you know at least as I see the information. You know that
17 Seale and Marshall met Patterson and that he called them by
18 name and that he was drunk, and you know that Pratico spoke
19 with Patterson who told him that the two people Pratico allegedly
20 saw carrying out a stabbing were from -- told him they were
21 from the Toronto -- or at least were from a certain bike gang
22 in Toronto. That's all you knew, isn't it?

23 A. Well, yes, that was his story, yes.

24 Q. That was --

25 A. That was --

9:56 a.m.

1 Q. -- the story of Pratico.

2 A. Pratico, yes.

3 Q. And Marshall?

4 A. Marshall is not talking about a Volkswagon.

5 Q. No.

6 A. No.

7 Q. I never suggested he was.

8 A. No.

9 Q. I'm trying to find out why you wouldn't have on Sunday or Monday
10 or Tuesday or any day, yourself, as the man in charge, gone
11 and found Patterson.

12 A. Well, he just wasn't located. That's all I can tell you, and
13 he wasn't interviewed, and --

14 Q. Do you think that was competent police work on your behalf?

15 A. I don't -- I didn't see anything wrong with it. I don't know
16 what Patterson could tell me except that what other people were
17 telling me that he was on the bench on the other side of the
18 park, if he was sober enough to realize that and that -- I had
19 no information that Patterson seen anything from anybody.

20 Q. You tell me what information you had that Patterson was on the
21 bench on another side of the park. Who told you that?

22 A. Well, I think -- Wasn't there evidence that when -- the people
23 who walked through the park that seen this fellow alone on a
24 bench?

25 Q. Are you saying you had that evidence before you spoke with

1 Marshall and Pratico?

2 A. Before I spoke -- I don't know what the Dixons -- I think I seen
3 the Dixon's on that same day, didn't I?

4 Q. Dixon is on page 24, Chief.

5 A. No, I don't know whether I had that before or not, sir.

6 Q. Alanna Dixon you saw on May the 30th, the same day.

7 A. Yeh.

8 Q. Her statement's on page 24. I don't see any reference in it
9 to Bob Patterson. Is there?

10 A. No, the only thing is here is:

11 Q. Did you see anybody else
12 in the park?

13 And they'd be coming in the direction from George from the
14 dance.

15 A. Just one man wearing some-
16 thing light sitting on a
bench with his head down.

17 Now, you know, who was that?

18 Q. I have no idea, Chief.

19 A. No, but I mean, that's where I -- That was my understanding at
20 the time that more than one person seen this Patterson in the
21 park. Now -- And my men tried to contact him with no success
22 at that time.

23 Q. Have you ever spoken to him?

24 A. No, I haven't. No.

25 Q. I come back, Chief, and suggest to you that when you have finished your

6020

1 examinations on Sunday of those three witnesses, and including --
2 four witness, if you like. Alanna Dixon. You know that
3 Patterson may well have important information to give you, at
4 least important enough that you should go talk to him.

5 A. No, I didn't have important information that he could give me,
6 sir, from anybody, except he was sitting in the park -- He was
7 in the park and he was intoxicated, eh.

8 Q. That he had spoken to Seale and Marshall. You knew that? At least
9 that's what Junior Marshall told you.

10 A. That's what Marshall said, yes.

11 Q. And that he had knowledge of where the two people Pratico saw
12 came from -- who they were. He had knowledge of that.

13 A. Yeh.

14 Q. You didn't consider that important?

15 A. I just took what he had to -- Pratico had to say at the time
16 at that time. As you -- You know, as you realize, I went back
17 to Pratico at a later date.

18 Q. Did you not -- Were you interested in any evidence that -- you
19 know, might lead you to these two other people that were
20 supposed to be there?

21 A. You mean the two that Pratico was talking about?

22 A. Pratico. Chant was talking about two people. Marshall was
23 talking about two people.

24 A. I think Ryan of the R.C.M.P. gave information, and I don't
25 recall at this time, but I accompanied him to Waterford on a

1 Tuesday looking for this Volkswagen.

2 Q. Well, I think, in fact, what -- Ryan said you accompanied him
3 to Waterford --

4 A. It was in New Waterford. Yeh.

5 Q. -- to look for any witnesses there who might've been in the
6 park.

7 A. Yes, I think he did talk about the Volkswagen.

8 Q. He did talk about the Volkswagen?

9 A. That's what I think. I'm not that --

10 Q. Do you wish today, Chief, that you'd gone and seen Bob Patterson?

11 A. No, I don't -- Looking at today, what would it -- You're
12 talking about them belonging to a chain -- a bicycle gang in
13 Toronto and what have and what have you, and that didn't turn
14 out, did it, in the evidence?

15
16
17
18
19
20 *JFM*
21
22
23
24
25

JOHN F. MacINTYRE, by Mr. MacDonald

- 1 Q. It didn't turn out in the evidence because --
- 2 A. We're talking about Sunday now, but on Friday that was a different
- 3 story.
- 4 Q. Are you saying today --
- 5 A. On June the 4th it was a different story than May the 30th.
- 6 Q. On May the 30th?
- 7 A. Yes.
- 8 Q. Are you saying today that it was in your opinion good, competent
- 9 police work not to find Bob Patterson and take a statement
- 10 from him?
- 11 A. I'm saying today that my men looked for Bob Patterson and we
- 12 didn't find him, but what Pratico said on May the 30th was a
- 13 different -- is different than what he said on June the 4th, sir.
- 14 Q. I'm talking May 30th.
- 15 A. I know, May 30th. Well, I'm saying that we couldn't locate
- 16 him.
- 17 Q. Patterson couldn't be that hard to find.
- 18 A. Well, we -- my men couldn't locate him. That's all I can tell
- 19 you, sir.
- 20 Q. Well, do you know if they talked to Marshall and asked him
- 21 where they could find Patterson?
- 22 A. No, I don't know that, sir.
- 23 Q. Did you?
- 24 A. No, I didn't. No.
- 25 Q. Did you know if they talked to Pratico and said, "Where can we

10:02 a.m.

JOHN F. MacINTYRE, by Mr. MacDonald

1 find Patterson?

2 A. No, I --

3 Q. Did you?

4 A. I don't -- No, I didn't, sir, not that I recall --

5 Q. And as you said --

6 A. Not that I recall, no.

7 Q. Now are you saying that you told your men specifically, "Go
8 and find Bob Patterson for me"?

9 A. Yes, I would -- During this investigation his name came up and
10 I would say that the men were looking for him to the best of
11 my recollection.

12 Q. You would have --

13 A. And they never came up with him and in -- and the R.C.M.P. were
14 looking for the man too and didn't come up with him.

15 Q. You would instruct your men then, Chief, just so I understand--

16 A. I believe --

17 Q. Just let me ask the question and then you can answer. You're
18 telling me that you instructed your men on May 30th or shortly
19 thereafter to find Bob Patterson for you, that you wanted to
20 speak to him?

21 A. I would say that I discussed Bob Patterson with my men, yeh.

22 Q. Yeh, that's a different thing, Chief. Did you instruct your
23 men to go find him or not?

24 A. Well, if Bob Patterson could have been found (I'll put it this
25 way.) we would have questioned Bob Patterson, but he couldn't be

JOHN F. MacINTYRE, by Mr. MacDonald

1 | located, sir. That's all I can tell you at this time.

2 | Q. Well, my question doesn't seem to me to be difficult, Chief.

3 | Did you or did you not instruct your men to go pick him up for
4 | you?

5 | A. If he was seen around to pick him up, yes, that would be my
6 | instructions.

7 | Q. Okay. And what men are we talking about? Are we talking about
8 | patrolmen?

9 | A. It could be patrolmen. It could be Billy Urquhart that I was
10 | working with. I mean then we all knew that Bob Patterson was
11 | in the park that night and that several people had seen him.
12 | And again I'm telling you, I don't know, although we couldn't
13 | find him -- I'm being honest with you. But I'm telling you at
14 | this time, I don't know what evidence he could -- you're
15 | talking about his importance. I don't know what evidence
16 | that he could give as this thing turned out later on with
17 | those people.

18 | Q. As it turned out later on, Chief --

19 | A. Yeh.

20 | Q. -- we still haven't -- you and I haven't reached an agreement
21 | yet on what you think turned out later on.

22 | A. No.

23 | Q. The --

24 | MR. PUGSLEY:

25 | In fairness to the witness I wonder if my friend would direct his

JOHN F. MacINTYRE, by Mr. MacDonald

1 | attention to page 135.

2 | MR. MacDONALD:

3 | Thank you.

4 | MR. PUGSLEY:

5 | And at the two words at the top of the page which may assist in
6 | this line of questioning.

7 | MR. MacDONALD:

8 | Thank you, Mr. Pugsley.

9 | BY MR. MacDONALD:

10 | Q. Chief, page 135 of volume 16. Can you tell me whose handwriting
11 | that is, Chief?

12 | A. That's William Urquhart's: "Patterson wanted".

13 | Q. I don't know when those were made. It's not dated, but in any
14 | event hopefully some day we'll be able to ask Mr. Urquhart about
15 | that, and that's in quotes, "Patterson wanted". So you would
16 | have told Urquhart then you wanted Patterson?

17 | A. That is my recollection.

18 | Q. Okay. That's fine. So you did want to talk to him?

19 | A. I wanted to talk to him, yes.

20 | Q. Now, was Patterson. Do you know him, Robert Patterson?

21 | A. No.

22 | Q. And you, yourself, did not ask Junior Marshall, John Pratico,
23 | or anyone else who mentioned Patterson, you didn't ask them
24 | where he lived, how can I get in touch with him?

25 | A. I can't recall at this time, sir, but I -- you know, I have no

JOHN F. MacINTYRE, by Mr. MacDonald

1 | knowledge of asking them.

2 | Q. And I suggest if you had asked, you would have then told
3 | someone, go get him at such and such an address?

4 | A. That's right. If they knew, yes.

5 | Q. At the end of the day on May the 30th, that's Sunday, when you're
6 | through taking these statements, is that the last thing you
7 | would have done that day, Chief, with respect to this
8 | investigation?

9 | A. I couldn't say at this time.

10 | Q. Could you tell me at the end of that day did you have your
11 | patrolmen, your investigators, actively looking for anybody,
12 | searching for any suspects?

13 | A. I'll put it this way to you, sir, the police were aware of it
14 | and the police were aware of what went on Friday night, they
15 | were aware of descriptions. I don't know about this Volkswagen
16 | business at that time.

17 | Q. Let me just review with you, Chief, the various descriptions
18 | that were available to the police on May the 30th in the
19 | evening, just review them and then see if I can get you to
20 | tell me which one would have been followed or which
21 | description would have been given to your people to look
22 | for? I've just summarized these and I can take you through
23 | them if you wish, but this is what I've summarized. Mroz's
24 | report said he had been told there was someone in their
25 | mid-forties, very tall with white hair and there was a second

JOHN F. MacINTYRE, by Mr. MacDonald

1 person much shorter and younger. That's what Mroz said.
2 Dean said it was a tall fellow with white hair and a short
3 fellow. M.R. MacDonald said one of them was heavy set and
4 short, wore a dark blue coat to his knees, grey hair, black
5 low shoes, wearing glasses, dark rims; the second was tall,
6 five foot eleven, black hair, clean shaven, corduroy coat,
7 brown in colour, three quarter length. We have the Telex
8 that was sent from the Sydney Police saying that there was
9 an unknown male, just one of them, five foot eight to six
10 foot tall, grey hair, approximately fifty years old. You
11 had Junior Marshall saying that it was small fellow, five
12 foot nine or ten, a hundred and ninety pounds, grey hair,
13 combed back, glasses, fifty years old, long wide face, long
14 blue coat, black shoes, rounded toes. And the second guy
15 was wearing a brown corduroy coat, five eleven, a hundred
16 and fifty pounds, black hair, thirty-five years, thin face.
17 And you had Chant saying, six foot two, light brown hair,
18 dark pants, suit coat, over two hundred pounds; six foot
19 tall, dark pants, dark hair, a hundred and sixty-five pounds,
20 couldn't say if he was young or old. And Pratico, one had on
21 a brown corduroy jacket, five foot five, dark complexion,,
22 heavy set; the other was, a grey suit, six feet, husky with
23 a red sweater. What did you have your men looking for? What
24 description did you give your men? What did you tell them?
25 A. There was quite a few different descriptions here.



29 - May - 71 ✓

9³⁰ AM - 11 AM office & Sydney
City Police Station R:
Meeting in Wentworth Park
early A.M. This date
Tues. by night. Seal &
Marshall.

Conversation with Edward
Mrs. Neil & Det. Mrs. Lutz
speaking at the time Marshall
was responsible and incident
happened as a result of argument
between both Seal & Marshall.

Mentioned Rotary Park
incident two weeks previous
where knife was used.

Thought at the time to be
no connection.

only description received
from Marshall was
a man 45/50 yrs. with
gray hair.

Ex
40

30 - May 71

9 AM - 10 AM

Office

✓

Discussion with Edward
Ma Neil & William Young
with Sgt. City Police
Hobbs and resulting
murder. I.B. with opinion
Marshall responsible.

names [redacted] & [redacted]
of N. with given to them
as possible suspect.

[redacted] has grey hair
recently released D. [redacted]
believed living in Dept.
on parole.

31 May 71

8 AM - 9 AM Office R.

Special Duties. Must
Discussion of Auto murder
9 AM - 11 AM Local R. Special
interviewing of merchant
observed at New York
parked on Pitt Street near

- 1 | A. Well, I went back to the Station after that, sir.
- 2 | Q. Yes.
- 3 | A. And I think I was talking with Donald Marshall there that
- 4 | morning.
- 5 | Q. You asked that he'd come down?
- 6 | A. Well, he was over around the Park and I left word with somebody
- 7 | there if they seen him to -- I think -- I recall that he was
- 8 | around the Park or I had knowledge that he was around the Park.
- 9 | And I asked somebody in one of the cars to have him drop into
- 10 | the Station.
- 11 | Q. Why did you want him there?
- 12 | A. Because I wanted to talk to him.
- 13 | Q. Did you?
- 14 | A. And I did. And I seen his injury that morning.
- 15 | Q. What did you think of that?
- 16 | A. On his arm. Well, I thought it was very, a very shallow injury.
- 17 | Q. How could you tell that?
- 18 | A. Well, he had it bandaged and he pulled it down and I seen it.
- 19 | Q. But wouldn't it be stitched up?
- 20 | A. It was, yeh.
- 21 | Q. How can you tell how shallow or deep it was, did you split it?
- 22 | A. By just looking at it, sir, I thought it was.
- 23 | Q. You can tell by looking at a stitched cut whether it's shallow
- 24 | or deep?
- 25 | A. Well, a deep cut is pretty, you know, it's a little different

- 1 | to one that's not deep.
- 2 | Q. I can't understand that, Chief, if it were open?
- 3 | A. Sure.
- 4 | Q. But I have trouble when it's stitched up to get that in my
- 5 | mind?
- 6 | A. Well, I didn't -- I went to see the doctor that done it at
- 7 | that time. I had a conversation with him.
- 8 | Q. On this Saturday?
- 9 | A. I don't know whether--I don't know if it was Saturday.
- 10 | Q. Yeh?
- 11 | A. I think it was after I got the jacket.
- 12 | Q. Okay, well, when Marshall came to the Station then on
- 13 | Saturday and showed you his cut?
- 14 | A. Yeh.
- 15 | Q. Did you form any opinion at that time whether it was shallow,
- 16 | deep, self-inflicted or whatever?
- 17 | A. No, no, I was keeping my mind open at that time.
- 18 | Q. Okay, so you spoke to Marshall, how often or how long would
- 19 | you have spoken to him?
- 20 | A. Oh, it was -- more than once, probably three or four times,
- 21 | just casually. He was just hanging around the Station there.
- 22 | He wasn't --
- 23 | Q. Did you ask him to hang around?
- 24 | A. Hang around for a while, yeh.
- 25 | Q. Why did you want him around?

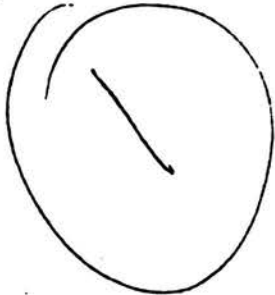


(3)

Shawkes

RCMP 377

May 30 3 11 AM '71



T
RCMP HFX

1 ROUTINE SYD MAY30 UNCLAS

H DIV HFX MCIS
INFO SYDNEY S/DIV

*B.F file
MURDER*

*also card Marshall
please.*

82 ALEXANDER SEALE (NEGRO) AGE 17 YRS OF WESTMOUNT C.B. CO DIED APPROX 8PM 29-5-71 AT SYDNEY CITY HOSPITAL AS RESULT OF ABDOMINAL STAB WOUNDS. SEALE LOCATED AT WENTWORTH PARK SYDNEY 12.15AM 29-5-71 IN AN UNCONSCIOUS STATE AND ADMITTED TO HOSPITAL IN CRITICAL CONDITION. DONALD MARSHALL JR INDIAN AGE 17 YRS GALLAGHER STREET MEMBERTOU, SYDNEY ALSO LOCATED SAME AREA IN PARK. AND ALSO ADMITTED TO HOSPITAL WITH SEVERE LACERATION TO RIGHT ARM CONDITION SATISFACTORY CIRCUMSTANCES PRESENTLY BEING INVESTIGATED BY SYDNEY PD INVESTIGATION TO DATE REVEALS MARSHALL POSSIBLY THE PERSON RESPONSIBLE HOWEVER MARSHALL STATES HE AND DECEASED WERE ASSAULTED BY AN UNKNOWN MALE APPROX 5'8 TO 6' TALL GREY HAIR APPROX 50 YRS WHO STATED HE DID NOT LIKE INDIANS OR NEGROES AND ASSAULTED BOTH PERSONS WITH A LARGE KNIFE. SEARCH OF THE AREA FAILED TO PRODUCE THE WEAPON INVOLVED. MAY RECORDS BE CHECKED FOR PERSON(S) IN SYDNEY MET AREA USING SIMILAR TYPE MO WITH PHOTOS ETC FWD TO NCO I/C SYDNEY DET.

SYDNEY DET

*CIB a.m. 311A-
[Signature]
A100.*

RCMP HFX

17
CITY OF SYDNEY POLICE DEPARTMENT
CONTINUATION REPORT

RCM 2 58

SUBJECT

CASE No.

COPY

1971

May 30 - 4:50 P.M.

Statement of Donald John Marshall, age 17 yrs., residing at 38 MacMac St., Sydney -

About 12 P.M., Friday night, I came through the park from the direction of George St. near the tracks. I met Sandy Seale in the park coming towards me. We walked together. We met Bob Patterson. He was drunk. We asked him if he knew us and he called us by name. We told him to sit down. We started to walk to the bridge. We stood there for a few seconds; 2 men whom we did not know called us up from Crescent St. They asked us for 2 cigarettes. I gave them to them; also a book of matches. The old guy started to talk to me about women. I said lots of them in the park; also they wanted to know where a bootlegger was.

I asked them where they were from and they said Manitoba. I asked then if you guys are priests and the tall fellow ~~xxx~~ said we are. One fellow had a long blue coat on. They told us we don't like colored people and Indians. The old guy turned to Sandy and said there is one for you black boy and he put the knife in his stomach. He then took the knife out of Sandy and swung at me and put it in my left arm. He told me there is one for you to Indian.

I stood for 2 seconds and then I ran for help.

They both ran away up back of a green house. I circled around and got help. The police were called and ~~xxx~~ the ambulance.

Q. Did you know these fellows

A. No

Q. Did you ever see them before

A. No

Q. Describe these fellows to me

A. 1 fellow - the small fellow was 5-9-10 - 190 lbs. hair - grey combed back. wore glasses (black rimmed) age 50 yrs. Long wide face. long blue coat; dark blue sweater; black shoes-rounded toes.

The other fellow - brown cordroy short coat - 5-11 - 150 - hair-black. short hair - age 35 yrs -he was wearing a blue sweater too - V neck sweater with buttons - both of them - thin faces.

Signed: Donald Marshall

May 30th-5:12 P.M.

Sergt. Det. J.F.MacIntyre



C O P Y

June 4, 1971
10:45 A.M.

Statement of John Louis Pratico, age 16 yrs., residing at 201 Bentinck St., Sydney.

① Last Friday night I went to the dance at St. Joseph's Hall, George St., Sydney. I went with Bobbie Christmas; Donald Gordon and I met Bob Janes from Alexander St. there. He gave me money to get in. This was about 9:30 P.M. I was at the dance till about 10 or 5 to 12. Then I walked out by myself.

② I met Donald Marshall and Sandy Seale. We walked to the corner of Argyle St. Donald said John come down to the Park in a rough voice. I said No. I went down Argyle St. and over Crescent St. I was walking on the park side. I seen Sandy and Donald on the other side of the bridge stopped. I did not pay much attention to them. I kept walking for the tracks. On the tracks I stopped where I showed you. Then Donald Marshall and Sandy Seale were up where the incident happened. I heard Sandy say to Junior, you crazy Indian and then Junior called him a black bastard. They were standing at this time where the incident happened. They were still arguing. They were talking low. I could not make out what they were saying.

Q. Which way was Sandy Seale facing

A. Facing the tracks

Q. Which way was Donald Marshall facing

A. The street

Q. ~~Who were they~~ How close were they

A. Arms length

Q. What did you see or hear next

⑤ A. I did not hear. I just seen Doald Marshall's hand going towards the left hand side of Seale's stomach. He drove his hand in -turned it and pulled it back.

Q. What happened then

⑥ A. I seen Sandy fall to the ground and Donald Marshall running up Crescent St. towards Argyle St.

C O P Y

---continued - page 2

Q. What did you do

A. I run home up Bentinck St.

Q. Were you standing on the track at the time Sandy Seale fell to the ground

A. Yes. I was.

Q. Why were you standing there

A. I was drinking a pt. of beer

Q. Was there anybody else around the scene

A. Nobody - not a soul

Q. Did Seale scream when Donald Marshall struck him in the stomach

A. He screamed - aah

Q. How long did you know Sandy Seale

A. 4 or 5 years

Q. How long did you know Donald Jr. Marshall

A. Since last summer

Q. Did you ever quarrell with either boy

A. No

Q. Were you talking to Sandy Seale at the dance

A. Yes outside about 10:30 P.M.

Q. How far away would you be from Sandy Seale and Donald Marshall when they were on Crescent St.

A. 30 to 40 ft.

Q. How long were they standing there

A. About 10 minutes. They were arguing over something

Q. How is it you did not come down where they were at

A. I was scared

Q. Did they notice you on the tracks

A. I don't know

Q. Would ~~there~~ there be any obstruction between you and Sandy Seale and Donald Marshall when you were on the tracks from them seeing you

A. Bushes between them and me - blocking the view on them. It was easier for me to see them.

Q. Did you see Donald Marshall since

A. Yes, Saturday or Sunday.

Signed: John Pratico

By: Sergt. Det. J. F. MacIntyre 11:30 A.M. - Sgt. Det. Wm. Urquhart.



JOHN F. MacINTYRE, by Mr. MacDonald

1 Q. Let me take you to the statement then, Chief, it's on page 41.
2 He starts out by saying he went to the dance "last Friday
3 night" and he named certain people that he went with. At
4 any time did you talk to those people, Bobby Christmas,
5 Donald Gordon and Bob Janes?

6 A. I have no recollection of that.

7 Q. Okay. Did you ever make any attempt to determine the state
8 of Pratico that night? That is his -- whether he was drunk
9 or sober or --

10 A. Just what he -- just what he told me that's here --

11 Q. That's what he had told you in the statement?

12 A. That's right. That's right.

13 Q. Okay, we'll come -- you made no independent effort to determine
14 his state?

15 A. No.

16 Q. Okay, he goes on to say:

17 I met Donald Marshall and
18 Sandy Seale. We walked (down)
to the corner of Argyle St.
19 Donald said John come down to
the Park in a rough voice. I
20 said No. I went down Argyle
St. and over Crescent St. I
was walking on the park side.
21 I seen Sandy and Donald on the
other side of the bridge stopped.
22 I did not pay much attention to
them. I kept walking for the
23 tracks. On the tracks, I
stopped where I showed you.

24

25 What does he mean, where he "showed you"?

JOHN F. MacINTYRE, by Mr. MacDonald

1 A. Well, I have no recollection of -- of picking him up but I
2 would say that that must have -- that he must have showed
3 me where he was standing and I must have been in the car.
4 I don't know.

5 Q. You must have been in the Park with him?

6 A. No, but I mean, "I stopped where I showed you".

7 Q. He stopped on the tracks, "where I showed you"?

8 A. Yeh, yeh.

9 Q. He must have showed you where he stopped in the tracks?

10 A. Yeh, that's what I'm saying.

11 Q. So when were you in the Park with him?

12 A. It must have been the morning he was picked up.

13 Q. Did you pick him up?

14 A. I've -- I've no recollection of it at this time.

15 Q. Mr. Pratico testified on page 2128 and this is in response
16 to questions from Ms. Edwardh:

17 ...I went to the Park with them
18 after the first statement...

19 Okay, that's what I wanted to...
20 draw (to) your attention... So
21 let's talk about the time you went
22 to the Park before you gave this
23 second statement.

22 Okay, and do you recall who you went
23 to the Park with on that...occasion?

23 Who was that?

24 Sergeant MacIntyre.

25 Did you take him to the Park?

JOHN F. MacINTYRE, by Mr. MacDonald

- 1 A. I would say that I was over at -- must have been over at the
2 Park with him; although I got no recollection of it.
- 3 Q. Well, certainly this statement would led one to that
4 conclusion, wouldn't it?
- 5 A. Yes, but the -- the first statement he was supposed to be
6 over to the court house, so it couldn't --
- 7 Q. I know, Chief, I'm talking about you and Pratico?
- 8 A. Yes, I would say I must have been.
- 9 Q. And you and Pratico were together in the Park before he gave
10 you this second statement, isn't that correct?
- 11 A. I would say by this statement that I must have been.
12 Although I have no recollection of it now. That's what I
13 said.
- 14 Q. Is that just -- are you just coming to that now as a result
15 of my showing you this statement?
- 16 A. Yeh, that's right, yeh.
- 17 Q. Did you walk about the Park with him?
- 18 A. Yes.
- 19 Q. Did he take you to the place on the tracks that he "showed" you?
- 20 A. I know where he was supposed to be on the tracks.
- 21 Q. Where?
- 22 A. I think it was the -- the bush in front of the second house.
- 23 Q. How do you know where he was supposed to be?
- 24 A. I -- he says, "I stopped where I showed you", so --
- 25 Q. I know he says that, but you just said you knew where he was

JOHN F. MacINTYRE, by Mr. MacDonald

1 "supposed" to be. How did you know where he was supposed to
2 be?

3 A. I'm saying I have no recollection of it now; but he must
4 have taken me over there. That's as far as I can go on that,
5 Mr. MacDonald.

6 Q. So you must have been in the Park with him then?

7 A. Well, I could have been, but I don't, you know, I have no
8 recollection of it right now.

9 Q. That's something, Chief, I would think would be pretty
10 important for you to recollect. That's a pretty important
11 fact whether you were in the Park with him before you took
12 that second statement?

13 MR. PUGSLEY:

14 It may or may not be important; but the man has said five times
15 he doesn't recall if he was there or not. I mean whether it's
16 important or not it's something that he --

17 MR. CHAIRMAN:

18 He also said -- made a statement that I presume will be clarified,
19 that Mr. Pratico was where he was supposed to be. Now I don't
20 quite know what that means either, so I'm -- So if I could get
21 that clarified then, we can move on.

22 BY MR. MacDONALD:

23 Q. Where was he supposed to be?

24 A. My recollection, you know, at the time, my recollection was
25 that Chant was down near the trestle and Pratico was up near

1 Bentinck Street.

2 Q. But did you tell Pratico where Chant was supposed to be?

3 A. No, indeed I didn't.

4 Q. No reference to that at all?

5 A. No, sir.

6 Q. ~~But where was Pratico supposed to be?~~

7 A. Pratico -- Pratico, my recollection at the time was that
8 Pratico was supposed to be up near Bentinck Street on the
9 -- near the railroad track.

10 Q. Supposed to be there?

11 A. Yeh.

12 Q. Where did you get that information, Chief? Why was he
13 supposed to be there?

14 A. Why?

15 Q. Yes?

16 A. I have recollection that he was having a bottle of beer and
17 he was watching what was going on. I don't -- I didn't --
18 I didn't read this yet, Mr., I don't know what's in here,
19 Mr. MacDonald.

20 Q. But you're telling me that you copied down -- you told me,
21 you copied down verbatim as best you could what was said by
22 Pratico, isn't that correct?

23 A. That's what I thought I did; yes.

24 Q. Yes, and so as we go through it, he says "I stopped on the
25 tracks", not in a bush, "on the tracks, where I showed you"?

:14 p.m.

1 A. Yeh.

2 Q. And you offered the comment, "he was supposed to be some
3 place"? And are you saying he was supposed to be behind
4 a bush up on Bentinck Street?

5 A. No, there was bushes along the track, along the railway on
6 the Crescent Street side.

7 Q. Is that where he was supposed to be?

8 A. That's where he was supposed to be, yes.

9 Q. I see. Okay, let me just go on:

10 Then Donald Marshall and Sandy
11 Seale were up where the incident
happened.

12 What does that mean, "where the incident happened"?

13 A. Could I -- I'd like to read some more of this statement if
14 you don't mind, sir?

15 Q. Take your time, Chief, I'm -- Would I be correct in
16 assuming you've read that statement a lot of times over the
17 past sixteen years or seventeen -- sixteen years. You've
18 seen that statement a lot of times?

19 A. I've seen it, yes, on several occasions, yes.

20 Q. Okay, what does it mean; "where the incident happened"?

21 A. I would say that the -- I would say that he had, in that,
22 that he had pointed out where he was at and where the
23 incident happened over on Crescent Street?

24 Q. But how could he point that out to you in the office?

25 A. No, I said before that I must have been over there with him

2:18 p.m.

1 | in the car.

2 | Q. You must have been over there with him in the car?

3 | A. Yes, when I -- and he's saying: "I stopped where I showed
4 | you".

5 | Q. Yes?

6 | A. Yes.

7 | Q. And he -- did he point out where the incident happened?

8 | A. Yes, he did.

9 | Q. Or did you?

10 | A. No, I didn't -- I didn't point anything out because I wasn't
11 | there, sir, on that particular night I was seeing what he
12 | had to say.

13 | Q. You were there with Pratico in the Park, were you?

14 | A. Well, I was in that vicinity, yes.

15 | Q. Were you standing on the tracks?

16 | A. No, I can't --

17 | Q. Where he showed you?

18 | A. I can't recall. He could have pointed that out from the car
19 | where he was at on Crescent Street if we were on it.

20 | Q. Now, Chief, wouldn't you have been having discussions with
21 | him then when you were in the car or on your foot whatever
22 | you were, you would have been having discussions with him
23 | as to what happened on that night?

24 | A. Yeh, yes, I would have.

25 | Q. Then why didn't you take a statement about that? Why didn't

2:20 p.m.

1 | you make a note about that somewhere?

2 | A. Well, I haven't got it there. Only he says, "I stopped where
3 | I showed you".

4 | Q. Chief, I'm talking about the --

5 | A. Yeh.

6 | Q. -- time you must have been in the Park with him or in your
7 | car?

8 | A. Yeh.

9 | Q. And you're -- and you're at the scene?

10 | A. Yes.

11 | Q. Why didn't you make some note to your file, take a statement
12 | from him then? You've left the impression, sir; I suggest
13 | to you, that everything you've talked about with Pratico,
14 | everything, is contained in this statement?

15 | A. But he's saying something in the statement that must have
16 | taken place before I took the statement. He says:

17 | I stopped where I showed you.
18 | Then Donald Marshall and Sandy
19 | Seale were up where the incident
happened.

20 | Q. Chief, shouldn't you --

21 | A. So I must have -- I must have -- I must have been over to
22 | the -- to the Park with him. I might have been in the car
23 | when he was picked up. I'm saying that I don't recollect
24 | that at this time.

25 | Q. Is it possible, Chief, that what you did with Pratico was

JOHN F. MacINTYRE, by Mr. MacDonald

1 take him over to the Park. Take him where he said he was
2 on his first statement and say; "That's not possible, you're
3 lying"? Did you do that with him?

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

5 Q. You don't?

6 A. No, no.

7 Q. And then was it possible that you then took him and said, "Let's
8 go up where the incident happened and see if you have any
9 recollection about that."?

10 A. I -- I would say that I must have went up to the Park with
11 him; but he would -- I wouldn't be showing him where the
12 incident happened. I'd want to know what -- what he had
13 to say.

14 Q. Were you assisting him --

15 A. If anything --

16 Q. -- in any way?

17 A. No, I would say, no.

18 Q. Although you don't really recollect being with him at all?
19 Isn't that so?

20 A. No, I don't recollect it at this time, sir, no.

21 Q. But you will agree with me that you must have been with him
22 somewhere --

23 A. Yes.

24 Q. -- in that vicinity?

25 A. Yes, when this is in the statement the way it is here, yes.

1 Q. Thank you. What's your best recollection today of where
2 Pratico was supposed to be?
3 A. Behind a bush, near the track, near Bentinck Street on the
4 Crescent Street side.
5 Q. And is that what you got from your discussion with Pratico?
6 A. That's what I --
7 Q. Okay, now, Chief, you take the time (You just have) to read --
8 to read through this statement.

9 A. Yeh.
10 Q. There is no reference in this statement at all, I suggest.
11 A. Yes.
12 Q. To Pratico being behind any bush?

13 MR. CHAIRMAN:

14 Which statement is this -- the first?

15 MR. MacDONALD:

16 That is Pratico's statement, My Lord, yes the second one, starting
17 on page 41.

18 MR. CHAIRMAN:

19 Wait now --

20 BY THE WITNESS:

21 A. On the next page --

22 MR. CHAIRMAN:

23 Yeh.

24 BY THE WITNESS:

25 --

Were you standing on the track

*See Vol. 33
p 6134ft*

2:24 p.m.



CITY OF SYDNEY POLICE DEPARTMENT
CONTINUATION REPORT

RCMP2.8

46

SUBJECT

CASE No.

COPY

June 4, 1971 - 2:55 P.M.

Statement of Maynard Vincent Chant, age 14 yrs., residing at Main St., Louisburg, C.B.

① Last Friday night after 11:30 P.M., I left the Acadian Lines on Bentinck St. and walked down Bentinck St. to the tracks. Then I started down the tracks towards George St. I noticed
② a dark haired fellow sort of hiding in the bushes about opp. the second house on Crescent St.

Q. Did you know him.

A. No. I did not know his name but I seen him before out at the dences in Louisburg

Q. Did you see him since

③ A. Sunday afternoon at the Police Office in Sydney. I walked by this fellow on the track. I looked back to see what he was looking at. Then I saw 2 fellows standing about 1 1/2 ft. from each other on Crescent St. near the house with the railing up the middle of the steps. The same house which
④ I called the police from. An old man with grey hair & glasses answered the door

Q. Were they the same size

A. One was taller than the other

Q. Which one was facing you

⑤ A. Short dark fellow was facing the tracks

Q. The taller man was facing the houses

Q. At this pt. did you recognize either of these men

A. The only man I recognized was Marshall

Q. What was he wearing

A. Dark pants and I think a yellow shirt with the sleeves up to the elbows. I wish to say that when he was arguing I mean Donald Marshall with the other men his sleeves were down to his wrist at that time.

SUBJECT

CASE No.

continued - page 2-----

6 Q. How long were you on the tracks watching them

A. About 5 minutes

Q. Could you hear what they were talking about

A. No. I just heard a mumbling of swearing. I think Marshall was the one who was doing most of the swearing. Then I seen Marshall haul a knife from his pocket and jab the other fellow with it in the side of the stomach.

7 Q. What side

A The right side - I seen him jab it in and slit it down

Q. How could you tell it was a knife

A. By the figure of it - it was shiny and long

Q. What happened then.

A. when Marshall drove the knife in, Seale, he bent over. Then I ran toward George St. down the ~~xx~~ tracks. I went into the Park, through the Park; then up to George St.; crossed the tracks and then on to Byng Ave.-about 3 houses over I met Donald Marshall and he said look at my arm. It was his left arm; his sleeve was up. The cut was on the inside of his arm - it was not a deep cut and it was not bleeding at that time-until we caught up to 2 boys & 2 girls who were walking. Donald said could you help us. One of the fellows said what is wrong. Then he said look what they done to me.

just refers to name Seale. Earlier said did not know him

8 Then the other guy said "who" and Donald Marshall said the 2 fellows. He said my buddy is on the other side of the Park with a knife in his stomach. They ~~they~~ said they would try and help us. At the time a car came along and Donald stopped it and we asked for help. They picked us up and drove to the other side of the Park and we stopped about 6 ft. away from Seale. At this time, Seale was lying on the opp. side of the street. Donald Marshall got out; came over near the body of Seale and stood there. There was another man came along and knelt by Seale and then went over to a house and called an ambulance. Then he came back and knelt along side of me about 5 minutes. I asked this dark haired fellow to look

CITY OF SYDNEY POLICE DEPARTMENT
CONTINUATION REPORT

48

SUBJECT

CASE No.

continued - page 3-----

after Seale while I went up and called again. I forgot to state that the minute I got to Seale, I put my white shirt on his stomach. I said hold it and he mumbled. Police and ambulance arrived and he was taken to hospital.

11 Q. Did Donald Marshall call the police or ambulance at any time
A. No

Q. Did you
A. Yes, first at the house with the railing coming down the center of the steps

Q. Who was with you
A. Marshall stayed on the sidewalk

Q. Was there any other conversation between you and Marshall at that time
A. He said - there were 2 men - tall one had brown hair done the stabbing.

Q. This of course is not true
A. No

12 Q. Did he know you were over the tracks
A. No - he did not.

Signed: Maynard Chant

3:45 P.M.

By: Sergt. Det. John McIntyre

Sergt. Det. Wm. Urquhart.



WAYNE MAGEE, by Mr. Orsborn

1 in any way challenge your own recollection?

2 A. It challenge -- it challenges my recollection; but my
3 recollection is that I -- I can't specifically -- I can
4 remember certain happenings that day, and I do not recall
5 Mrs. Chant leaving the room.

6 Q. Did you have any particular practice as a police officer
7 in terms of having parents present or not present when you'd
8 take statements from juveniles?

9 A. It was my understanding and that when questioning a juvenile
10 or a juvenile suspect we'll say or witness for that matter,
11 if he was under the age of sixteen years, then you would --
12 should if at all possible have one or two of the parents
13 present.

14 Q. Would this apply even if the juvenile was not the accused
15 but was simply a witness?

16 A. It was my -- it was my policy to have a parent present for
17 any questioning whatsoever of a juvenile.

18 Q. Was this a practice that you followed?

19 A. Yes, it is -- was.

20 Q. Do you recall the format of the interview whether or not
21 it was a discussion or whether or not it was a more formal
22 question and answer approach?

23 A. I -- Detective MacIntyre conveyed to Maynard that certain
24 information in a prior statement did not correspond with
25 other information that they had obtained afterwards and

WAYNE MAGEE, by Mr. Orsborn

1 that they wanted more or less some clarification pertaining
2 to the first -- first statement. And he then put questions
3 to Maynard and wrote the answers down.

4 Q. Sergeant MacIntyre put the questions?

5 A. Sergeant MacIntyre did all of the questioning and writing.

6 Q. Did you speak at all during the interview?

7 A. No, I did not.

8 Q. Did Detective Urquhart speak at all?

9 A. No, he did not.

10 Q. Did Mr. Burke speak at all?

11 A. No, he did not.

12 Q. Mrs. Chant?

13 A. No, she did not.

14 Q. Are you able to describe for us today the -- the tone and
15 the level of voice which Sergeant MacIntyre used?

16 A. I would say it was -- it was a normal tone. I don't recall
17 any -- anything sticking out in my mind that was unusual.
18 I don't recall any raising of any voices by anyone including
19 Detective MacIntyre. They would -- Detective MacIntyre would
20 ask certain questions and -- and Maynard would answer them.
21 I think perhaps the answer wasn't written down immediately,
22 but they would -- they would -- they would quiz each other
23 so to speak and for clarification and they would -- this is
24 the way the statement was conducted. And I do not recall,
25 in fact, I thought, you know, that it was done in a very

1 generally interested enough in the events to follow the
2 discussion?

3 A. I don't think I was really up about it. I mean, it was
4 just another days work and really and truly I don't think
5 -- I read the goings on in reference to the trial and the
6 conviction of Mr. Marshall and I can't say that I gave it
7 any second thought at all.

8 Q. I'm thinking of sort of during the interview, when you
9 were sitting in there, if you were interested in following
10 the information that was being obtained?

11 A. Not really. I did wonder -- At one time, I recollect, I
12 was going to leave but then I thought I might -- it might
13 interfere with the line of questioning or whatever and so
14 that I just sat there and, as policy, said nothing.

15 Q. Now, you've related to us the -- you recall comments being
16 made to the effect that there was information that was
17 inconsistent with what Maynard had said --

18 A. Yes.

19 Q. -- and you wanted to question Maynard again. Do you have
20 any recollection of what that other information was that
21 the police had at the time?

22 A. I can't recall specifics. I do recall that there was answers
23 that Maynard gave to Detective MacIntyre that, I think, he
24 felt that wasn't quite right and that he would -- he may say
25 well, we were talking with this individual and they said this

WAYNE MAGEE, by Mr. Orsborn

1 and -- that line of questioning but --

2 Q. Yes. Do you remember the names of any individuals being
3 given?

4 A. No, I can't recall any names.

5 Q. Do you remember Maynard taking the approach initially that
6 he didn't see anything on that night?

7 A. I can't recall that.

8 Q. Okay. Do you remember any discussion between them of the
9 route that Maynard took through Wentworth Park on that night?

10 A. I can't specifically recall that.

11 Q. Remember any discussion about a dark haired fellow in the
12 bushes?

13 A. I don't recall that but to elaborate they -- it was outlined
14 the circumstances of the stabbing and the location etcetera
15 but -- and there was a lot of questions and of course they
16 all pertained to the stabbing but I can't recall any specific
17 questioning.

18 Q. When you say it was outlined, the circumstances of the
19 stabbing, how was that outlined?

20 A. I think Mr. Chant was advised that well, the bridge is here
21 and the bandshell is there and this one was supposed to be
22 here. That's sort of dialogue was going on between them.

23 Q. Okay. If I understand you correctly, and please correct me
24 if I'm wrong, was there a sort of a scene painted for Maynard
25 so that he could put himself into it?

WAYNE MAGEE, by Mr. Orsborn

- 1 A. I don't think that would -- that that was the case.
2 I believe that Maynard was -- he might have been getting
3 confused and he was given advice as to well, you know,
4 this one in this statement didn't say that. You know,
5 what's the situation here or there. It's -- I can't recall
6 the specifics of it but I'm -- you know, that was the
7 gist of it. They were -- there may be five minutes or two
8 minutes or a minute and a half of questioning before an
9 answer was written down.
- 10 Q. Okay. Do you recall if there was any reference made to
11 a statement given by another witness?
- 12 A. I don't recall any references made to specific individuals
13 or names. I don't recall any names -- any other names.
- 14 Q. Do you know if Sergeant MacIntyre was referring to any
15 statement or piece of paper when he was questioning Maynard?
- 16 A. I don't recall. I don't believe. He had his pen in his
17 hand and the paper on the desk and he was writing answers
18 down and --
- 19 Q. Now, the -- you've spoken of the outline that was given,
20 were there suggestions made to Maynard in the course of the
21 questioning as to what he might have seen or might not have
22 seen?
- 23 A. I don't -- I don't recall any suggestions being made to him.
24 Some of the answers were -- I take it and I guess it's only
25 my opinion, that I take some of the answers perhaps Detective

WAYNE MAGEE, by Mr. Orsborn

1 MacIntyre knew weren't right or didn't correspond with other
2 information so he was quizzed more. That was pretty well
3 the gist of the taking of the statement.

4 Q. Okay. When he was quizzed more would that simply be a
5 repetition of the question --

6 A. Yes.

7 Q. -- by Sergeant MacIntyre?

8 A. Most often, yes.

9 Q. Would there be suggestions made to Mr. Chant?

10 A. I don't recall any suggestions being made. It -- There was
11 no arguing going on. The questions were asked and there
12 may have been -- may have been a pause by Maynard or maybe
13 a mistake that Detective MacIntyre knew and he would put the
14 question to him again but it was a very -- I recall, a
15 very straight forward undertaking by the detective.

16 Q. Okay. Do you recall any mention being made, during the
17 interview, of Maynard being on probation and getting in
18 trouble if he didn't tell the truth?

19 A. I do not recall that being said.

20 Q. Could it have, in fact, been said and you just don't
21 remember?

22 A. I don't think so. I -- you know, again, to repeat myself
23 there's certain aspects that I remember distinctly and again
24 the introductions -- except that I don't -- I think I would
25 have recalled that.

WAYNE MAGEE, by Mr. Ruby

- 1 A. I told him that I believed -- I believed that the statement
2 was signed by everyone but that I wasn't quite certain of it.
- 3 Q. You told him that during the statement process?
- 4 A. No, this was after.
- 5 Q. This was after?
- 6 A. After the statement, yeh.
- 7 Q. My question was, you knew based on your experience in 1982
8 that it was important not to leave a misleading impression
9 on the statement of the record of the interview with you.
10 Why did you not correct it?
- 11 A. Well, again, this -- you know, this is what I recollect that
12 during his apparent writings, and it was afterwards, it was
13 a very simple matter to look at the handwriting to determine
14 whether or not all persons had signed it or whether their
15 names were just written down.
- 16 Q. Turning to another matter. You said today, again in response
17 to my friends questions, that they, meaning Mr. Chant and
18 Sergeant MacIntyre, would quiz each other. Do you recall
19 that?
- 20 A. Yes. I said that.
- 21 Q. Give me an example of Maynard Chant quizzing Mr. MacIntyre.
22 What would have happened?
- 23 A. He would be asked a question. Maynard would be asked the
24 question by Detective MacIntyre and he would give an answer
25 and it wouldn't correspond apparently, that would be my opinion,

WAYNE MAGEE, by Mr. Ruby

1 that it wouldn't correspond with other information and
2 he would ask him to elaborate more on it. You know, he would
3 maybe say a few words or he -- maybe there'd be nothing said.
4 This was the type of questioning and answering that was
5 going on.

6 Q. That's -- what you've given me is an example of Sergeant
7 MacIntyre quizzing Maynard Chant?

8 A. Yes.

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WAYNE MAGEE, by Mr. Ruby

- 1 Q. But you said they would quiz each other. I want an example
2 of Maynard Chant quizzing Sergeant MacIntyre.
- 3 A. That's my error. I totally meant that Detective MacIntyre was
4 asking was asking the questioning -- questions and Maynard was
5 answering. There was no argumentative type answer -- question-
6 answer.
- 7 Q. Well, an example that I might dream up --
- 8 A. Yes.
- 9 Q. -- of Maynard Chant quizzing Sergeant MacIntyre would be:
10 "Sergeant MacIntyre, how can I swear to this if it didn't
11 happen? Sergeant MacIntyre, I've told you a number of times
12 I wasn't there and didn't see the murder. How can I confess
13 that he did it, that this man did it?" Those are examples,
14 are they not, of Chant quizzing MacIntyre?
- 15 A. Well, they would be examples, but I do not recall it being
16 said.
- 17 Q. You said that there were periods of one and a half to two
18 minutes of questioning before the answer would be written
19 down. Correct?
- 20 A. That would be my estimate, more or less, yes.
- 21 Q. Okay. And that would happen on a number of occasions?
- 22 A. It happened a number of occasions, yes.
- 23 Q. Yes. So it's clear then that not everything Mr. Chant said
24 was written down? Correct?
- 25 A. I would say that not everything may not have been written down.

WAYNE MAGEE, by Mr. Ruby

1 | Everything may not have been written down. The question
2 | would be put. There might be another minute go by or a minute
3 | and a half that they -- that he would -- Maynard would
4 | elaborate and maybe another question would be put and then
5 | an answer written down.

6 | Q. So the quizzing process wasn't written down? Correct?

7 | A. Perhaps not every word.

8 | Q. Well, the term of the statement couldn't have a length of
9 | fifty minutes, could it? It's not fifty minutes of conversa-
10 | tion. You've seen that statement.

11 | A. No. May I read the statement?

12 | Q. Certainly. Please read it.

13 | A. I've never read it.

14 | Q. The typewritten copy can be found in Volume 16, if you have
15 | it, at page 46. Take a moment by all means.

16 | A. What page is it on?

17 | Q. Page 46 in Volume 16.

18 | A. Volume 16, page --

19 | BY MR. CHAIRMAN:

20 | Q. What's the purpose of your reading that statement now, Sheriff?
21 | The question put to you by Mr. Ruby was: Do you believe that,
22 | looking at this four page statement, that it would take fifty
23 | minutes, that it contains fifty minutes of conversation?

24 | A. My Lordship, he was questioning me on the question and answer.
25 | I'd never read the statement and some of the answers I note are

WAYNE MAGEE, by Mr. Ruby

1 | that was said.

2 | Q. But that's not the question I'm asking you. Those occasions
3 | did occur, did they not, when he became confused and the police
4 | officer, Sergeant MacIntyre, gave him information about the
5 | crime. That happened. You told us it happened.

6 | A. I don't recall that it -- in that manner. I recall that a
7 | question would be answered and not immediately would an answer
8 | be written down on his statement. That, for instance, a latter
9 | of the statement, there's a lengthy answer there in reference
10 | to where this one ran or that one ran and who called --
11 | different locations, I believe, would be pointed out to him.
12 | This type of question-answer --

13 | Q. So the locations would be pointed out to him and that's not,
14 | you may take my word for it, in the statement?

15 | A. No.

16 | Q. So that at least is the officers giving him information about
17 | the crime, is it not?

18 | A. Yes.

19 | Q. And yet you swore under oath on page 192 in Volume 13 -- If
20 | you turn to it.

21 | A. Page?

22 | Q. 192 in Volume 13. This is at the reference -- Sorry, at the C.B.C.
23 | examination by Mr. Murrant and Pugsley, Question 44:

24 | Q. Are you saying that whatever question was posed,
25 | it was written down?

WAYNE MAGEE, by Mr. Ruby

1 | What was in Mr. Chant's mind, I don't know. I can't say that,
2 | but I do not see anything sticking out that -- It may be that
3 | at the C.B.C. Discovery, I did answer that question and it
4 | may be too, the exact every word was not written down. But
5 | ther were answers written down. What were -- What was in
6 | those answers that I wrote down, I can't tell you.

7 | Q. What was not written down, you agree with me, were the answers
8 | that were not acceptable to Sergeant MacIntyre in the light
9 | of the infomation that you believed he had. Correct?

10 | A. That's possible. I --

11 | Q. Correct or not correct?

12 | A. I would say not correct.

13 | Q. In what respect is it not correct?

14 | A. He asked the questions; he wrote down the answers.

15 | Q. But you've told me already --

16 | A. Maynard read the statement and he apparently signed it.

17 | Q. Yes, I know that, but Maynard's a child.

18 | A. Well, he could read, sign his name.

19 | Q. Do you agree with me or do you disagree with me that you have
20 | testified here under oath --

21 | A. Yes, I have.

22 | Q. -- and it is true that when Maynard Chant gave an answer that
23 | did not correspond with the information you believe Sergeant
24 | MacIntyre had, he questioned him further and got different
25 | answers. Is that true or not?

WAYNE MAGEE, by Mr. Ruby

1 A. He may have been trying to get -- I can't tell you.

2 Q. I don't want to know why he did it. I want to know if it
3 happened. Is it true?

4 A. What happened is what I just stated that the questions were
5 asked, that there was some conversation between them before
6 an answer was written down, and it's as simple as that.

7 Q. Well, is the answer that was not written down, the answer that
8 did not correspond to what you believe Sergeant MacIntyre
9 by way of other information?

10 A. It may have been. I can't say that it was. It may have been.

11 Q. But there were a number of occasions when such answers were
12 given, answers that did not correspond. Correct?

13 A. Yes, that's true.

14 Q. All right.

15 MR. RUBY:

16 The Commissioners can read the document and see that it has none
17 of those answers in it.

18 BY MR RUBY:

19 Q. Now, you said in response to one of my questions a moment ago
20 that you had no reason to lie.

21 A. No, sir.

22 Q. Let's go back at the interview at a moment. These police
23 officers from Sydney were senior men at that point in time.

24 A. That's correct.

25 Q. How old were you?



65
CITY OF SYDNEY POLICE DEPARTMENT
CONTINUATION REPORT

7
RCMP 236

SUBJECT

CASE No.

C O P Y

June 18th - 1:20 A.M.

Statement of Patricia Ann Harris, age 14 yrs., residing at 5 Kings Road, Sydney

On May 28th, 1971, I went to St. Joseph's Dance Hall. I met Terry Gushue there. We danced for awhile and then a fight started. Terry got mixed up in it and he was asked to leave. So I went with him. I got mad at him for drinking & fighting. We went to the Park and sat on a bench and started arguing. Robert Patterson came to the Park with us. After a while, we crossed the park back of the bandshell. Then we went up to Crescent St. and by the green apt. building, we met Jr. Marshall. Terry got a match of him.

Q. Was there anybody with Jr. Marshall

A. Yes

Q. Who was it

A. He had a dark jacket on

Q. Was it Sandy Seale. Do you know him

A. Yes, I know Sandy and it looked like him

Q. Did he speak to you

A. No

Q. Did Jr. Marshall say anything else

A. He was drinking

Q. How was he dressed

A. He had a light jacket on

Q. Were they standing or walking when you met them

A. Standing facing one another but when we came closer, they sort of parted and Sandy Seale moved back. We talked to Jr. got a match and left for home.

Q. Did you see anybody else in the area

A. No. Not on Crescent St.

Q. Did you notice anybody on the railroad tracks

A. No

Q. Where did you learn about the stabbing

A. My mother told me.

CONTINUATION REPORT

RCMI 2 36

PAGE

SUBJECT

CASE No.

C O P Y

continued - page 2 - Patricia Harris

Q. Did you see any weapons on either Jr. Marshall or Sandy Seale

A. No

Q. How were they facing

A. Sandy was facing the houses and Jr. Marshall was facing the Park

Q. What time would this be

A. I would say about 12 P.M. ~~xx~~ We left the dance about 11:30P.M.

Signed: Patrician Harris

June 18th - 12:25 A.M.

Sergt. Det. J.F. MacIntyre

Sergt. W. Urquhart.

JUNE 17, 1971 - 8:15 P.M.

STATEMENT OF PATRICIA HARRIS, 5 KINGS ROAD,
BORN: 1957-Nov-15

On the night of the dance at St. Joseph's, May 28, 1971, my boyfriend Terry GUSHUE, 2 Tulip Terrace, left the dance at 11:45 P.M. We sat on a bench near the Bandstand. We sat on a bench. Robert PATTERSON was on the grass sick, throwing up. We smoked a cigarette. Terry and I left, walked back of the Band Shell on to Crescent Street in front of the big green building. We saw and talked to Junior MARSHALL. With MARSHALL was two other men.

Q. Describe the other men to me?

A. One man was short with a long coat. Gray or white hair, with a long coat. I was talking to Junior. Terry got a match from Junior and Junior said they are crazy. They were asking him, Junior, for a cigarette.

Q. Did you see Sandy SEALE in the Park?

A. No.

Q. Was there anyone else in the Park?

A. Yes, boys and girls walking through the Park. Gussie DOBBIN and Kenny BARROW, they left while we were still on the bench.



1 Q. Did you tell her that if she didn't tell you the truth she
2 was going to be in trouble or she might be going to gaol?

3 A. No, I didn't. I don't tell people that when I'm taking a
4 statement, sir.

5 Q. And specifically you did not tell that to Patricia Harriss?

6 A. No.

7 Q. And she testified -- you heard her testify that you did?

8 A. Yes, I heard her testify, yes.

9 Q. That throughout the evening she was told about perjury and
10 if she didn't tell the truth she would go to gaol?

11 A. Yes, I heard that, yes.

12 Q. And you deny that?

13 A. I'm denying that, yes.

14 Q. Tell me then what you would have said to Patricia Harriss before
15 you took the statement from her -- before you starting writing
16 it down at eleven-twenty -- I'm sorry, at twelve zero seven
17 on June the 18th?

18 A. That's -- That's on page --

19 Q. That's on page 67. What would you have said to her before you
20 started to take that statement?

21 A. I couldn't remember my exact words at this time but I guess
22 I would have told her that -- that -- I don't know whether
23 I told her I interviewed Gushue or not but there was two
24 different stories about her -- what she seen and what Gushue
25 seen and I wanted to see if she was telling the truth. That's

9:58 a.m.

1 | about all I can tell you, and she was quite adamant at that
2 | time that there was two other parties there and then I
3 | remember talking to her for a few minutes, and then let in or
4 | out. Now she had a guardian there and as you know at the
5 | time I was -- when I was questioning her before I wasn't sure
6 | which one -- I knew there was two Harriss women in that house.
7 | It was a woman that was there, and I wasn't sure whether she
8 | was in with her or not at that statement and if she wasn't in
9 | it was because that she wanted to stay out. I've heard the
10 | evidence of Mrs. Harriss -- or Ms. Eunice Harriss here today
11 | and she said she was in on that statement. My recollection
12 | is poor on that, whether she was in or out, but you said she
13 | was in most of the time and then -- I told -- was it
14 | at that time I told her to leave or was she talking about eight-
15 | fifteen. I don't know.

16 | Q. She says that when she arrived, and we can go through the
17 | evidence in detail if you like but my -- my understanding is
18 | she said they arrived at eight-fifteen, you and Mr. Urquhart
19 | were both there?

20 | A. Yeh.

21 | Q. After an hour and a half or so of questioning and crumbling up
22 | of paper and throwing it on the ground, you asked her to
23 | leave. That's what she said.

24 | A. Well, I just took one statement from her and I didn't crumble
25 | any paper up.

10:00 a.m.

1 Q. And you did not ask Ms. Harriss to leave, Eunice Harriss?

2 A. I don't recall calling -- asking Mrs. Harriss to leave at
3 any time.

4 Q. Now you said a moment ago, Chief --

5 A. Yeh.

6 Q. --that before you took the statement from Patricia Harriss that
7 she was adamant that there had been two people there?

8 A. That's right. That's right. Yeh.

9 Q. Now I don't see anything written down about that?

10 A. No, because that wasn't part of the statement then. I wasn't--
11 She -- I wasn't getting much out of her and I decided that I
12 would let her go outside and I -- I was of the -- I am of the
13 opinion that her mother was outside.

14 Q. So you --

15 A. Anyhow I'm -- Anyhow I left her out -- I told her to go
16 out, whoever was there with her, put it that way. And a few
17 minutes later then I called her in and I asked her if she wished
18 to give me a statement and this is the statement I took after
19 she went outside, sir. Now that's my best recollection of it
20 at this time.

21 Q. Now let me -- let me get it straight then?

22 A. Yeh.

23 Q. You do recall then being in the room with Patricia Harriss and
24 she was adamant that there were two people there?

25 A. She was, yes.

- 1 Q. And you at no time wrote that down?
- 2 A. No, I didn't, no. No.
- 3 Q. But you wouldn't accept that from her?
- 4 A. Well, that -- that was --
- 5 Q. Were you telling her -- Let me finish the question.
- 6 A. Yes.
- 7 Q. Were you telling her Gushue says there's only one, there
8 couldn't have been two? Were you telling her things like
9 that?
- 10 A. No, I told her -- I would have told her that I had a
11 statement saying there was only one. That's quite possible.
- 12 Q. So you would have told her that?
- 13 A. But I wouldn't tell her that she had to agree with it.
- 14 Q. You wouldn't say she had to agree with it?
- 15 A. No.
- 16 Q. But you took the statement from Gushue. If you'd just look to
17 Gushue's --
- 18 A. Yes, I took the statement from Gushue before that, yes.
- 19 Q. Just look at that again if you would.
- 20 A. Yeh.
- 21 Q. That starts in your handwriting at eleven-forty?
- 22 A. Right.
- 23 Q. And it finishes at twelve zero three.
- 24 A. Yes.
- 25 Q. And Harriss's statement commences at twelve zero seven?

10:03 a.m.

1 A. Yes.

2 Q. But that's only four minutes. When were you telling Patricia
3 Harriss that notwithstanding that she was adamant that two
4 people were there that you had a statement from someone else
5 that there was only one?

6 A. That is my recollection of what took place on that particular
7 evening, sir, at this time.

8 Q. But you couldn't -- I suggest you couldn't do all of that in
9 four minutes?

10 A. Well, there wasn't too much to talk about as far as she was
11 concerned. All I was trying -- All I wanted to know on that
12 particular evening is what -- what they did see and where they
were at, and -- and --

14 Q. Let me --

15 A. Just a minute please. According to -- According to Mr. Gushue
16 he said he was standing on Crescent Street near the scene where
17 this was supposed to happen and he wouldn't know that because
18 he wasn't present when anything happened and that the Gushue
19 girl was with him and that Mr. Marshall and a friend or somebody
20 else was standing there with her.

21 Q. Let me go back over what you've told us today. You've said
22 you were not there when Ms. Harriss was giving her statement
23 to Urquhart, at least you don't remember being there?

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

25 Q. You do remember being present when Patricia Harriss was adamant

- 1 in saying there were two people there with Junior Marshall.
2 You then sent her out of the room to talk to somebody outside.
3 You said you told her that you had a statement from someone
4 who said there was only one. She was adamant there was two.
5 And yet you didn't take a statement from Gushue. You didn't
6 finish it until twelve zero three and you started the statement
7 from Harriss at twelve zero seven?
- 8 A. Yeh.
- 9 Q. I can't get all of that reconciled. Can you reconcile that?
- 10 A. Well, it was just a few minutes that -- that's the question
11 that I -- that I asked her and -- and there seemed to be a
12 stalemate there and I sent her out for a while.
- 13 Q. And before sending her out she --
- 14 A. Knowing that her mother --
- 15 Q. --she was adamant --
- 16 A. Knowing that her -- some lady who came with her or was with
17 her, was outside.
- 18 Q. Before you sent her out she was adamant though --
- 19 A. Yeh.
- 20 Q. --that there was two people?
- 21 A. Oh, yeh, that's true. That's true.
- 22 Q. And you were telling her, I have a statement from someone
23 that there was only one?
- 24 A. That's right. That's right.
- 25 Q. That's right. Thank you. Let's go to the statement that you

10:06 a.m.

JOHN F. MacINTYRE, by Mr. MacDonald

1 | took from Patricia Harriss then, Chief?

2 | A. I have it.

3 | Q. That's on page 65, the handwritten --

4 | A. Yeh.

5 | Q. --or the typewritten copy?

6 | A. Yes.

7 | Q. Now in that first paragraph -- First of all, you said that
8 | there was some sort of preliminary comments that you would
9 | have made. Can you tell us now -- summarize for me what
10 | those comments would have been?

11 | A. I think when she came back in -- again I can't give it --
12 | I probably asked her was she ready to tell me just what did
13 | take place on that night at that time because as you can see
14 | by the first paragraph she started to talk and then when she
15 | finished about Terry getting a match from him I -- it was
16 | all question and answer from there down, sir. That's the best
17 | of my recollection at this time in regard to this statement.

18 | Q. Were you not a little concerned, Chief, that you're dealing
19 | with a fourteen year old kid who'd been at the police station
20 | since eight-fifteen that night, who had told Detective
21 | Urquhart there was two men there, who was adamant with you
22 | that there were two men there. Weren't you a little concerned
23 | that that kid should get some advice and bring someone in, do
24 | something? I mean this is getting -- four hours.

25 | A. She wasn't with me four hours, sir.

1 Q. She was at the police station for four hours?

2 A. Well, she says she was and I have no recollection whether she
3 was or -- you know, or -- she wasn't -- we weren't interrogating
4 her for four hours.

5 Q. Well, we know that there was a statement taken at eight-fifteen?

6 A. Yes. Yes.

7 Q. And we know you were in there at least some time when she was
8 adamant that there were two men there?

9 A. That was later on.

10 Q. And I put it to you that someone is not adamant about anything
11 unless they're being questioned, isn't that so?

12 A. That was her story, yes.

13 Q. And you weren't concerned that you had a fourteen year old
14 child there --

15 A. No, there was some --

16 Q. --for that length of time?

17 A. There was somebody there with her, sir.

18 Q. Outside the room?

19 A. Yeh.

20 Q. Yes?

21 A. To my recollection, but to her mother's recollection she said
22 she was in there. I don't recall that, sir.

23 Q. Her mother said, Chief, that she was asked to leave?

24 A. Yeh, but her mother also said that she was in there for quite
25 some time with her. Now I -- you know, I --