

James Carroll

Background  
Rank.

Experience

note book: what recorded.

His practice in taking statements.

Investigation of other forces:

Policemen?

Experience & Wheaton. His  
practice taking notes

Interviewing witnesses (41/7533)

Discussions & him during the last  
years! months! days!

ETIS

(2)

1<sup>st</sup> contact to Mr. Case?

✓ Was there a Marshall file? Albany?

what was the assignment? ✓ ✓

what role was he to play?

Unique in his experience?

what told by Wheaton? (Evidence) ✓  
Scott? ✓

1/4/75  
41/7521,2  
26  
41/7527

Information they had: ✓  
think they had every thing?

Refer Diary Ex. 104

what is "308"? wheaton have copy?

why not list info.

Separate file created? Procedure?

Discussion - whether or to  
opposed to be taken?

Pre-conceived idea what happened?

Reference to <sup>al</sup> Marshall material? What  
known. what role played by Mem?

34/5 : See This Report?

p. 7 comment on Marshall mental  
capability

Vol. 1815 8112

Read this before seeing Marshall. Form  
my opinion of his ability to Tell  
Truth.

Review his Statement Nov. 15/71

34/20 ~~typed there was one~~

20  
34/38

Expect there would be other statements?  
Elsany? wife? Son? Daughter?

Discuss with Wheaton.

Practice of Wheaton before taking statements  
~~25<sup>th</sup> 10:00 am.~~ transcripts  
was this followed here?

Chant:

Reuter:

MacNeil:

Harris:

Mary & Greg Elsany:

Saison

If Wheaton took Statement + you not present would you be aware of contents. Discuss? Daily meetings!!

Q.104 - 02/09 Travel to Peter to see Sanson.

Wheaton had seen Mr Neil before this. Did Carol see Statement (34/42) Discuss with wheaton  
only suggestion of further polygraph.

Sanson 34/45

Recollection in detail:

who took Statement? 104/12

Discuss with wheaton? what was the opinion?

Other than statements from Jackson  
& MacNeil what done to Feb. 9  
Theory at this time.

Feb 11 104/2

Why seeing Pearson? What said?

Visit to L'Beauq.

How often see Chant? What time

of day see Chant in First Plant?

(Stay in L'Beauq in the interim?)

F. E.

(7)

Feb. 16

Vol 17/1

What time to L'Boing. Preparation?  
(Read his earlier statements?)

Describe situation & who present

Who took statement? 34/37  
(no name of Wheaton)

Did he read it. Does it contain  
everything of substance said during  
the interview?

His impression? Believe Chou?  
Why? Polygraph suggested? why?  
Did visit Savson.

No mention in Statement of police  
pressure. Intimidation. Rejection.

Discuss = Wheaton returning to Sydney? His  
belief? Marshall innocent?

104/3 Visit to Decker:

Meet Marshall before?

Describe circumstances

Warning? How given & recorded?  
Why give one?

✓ Q. 101 - Partial Statement  
"warned"?  
Marshall say? Discuss impression of  
Marshall & location

explain references 82-02-19

Refer <sup>34</sup> 704/49

Feb. 21/82 17/11



STAFF SGT. WHEATON, EXAM. BY MR. ORSBORN

1 Q. Correct me if I'm wrong, that you had spoken only with Mr.  
2 Chant.

3 A. Yeah, I had spoken only with Mr. Chant then and thank you  
4 very much, sir. But I did have that in my mind, I will say  
5 that quite frankly, because it was in my mind. I remember it  
6 distinctly because I wrestled with should I tell him what I  
7 have or should I not tell him what I have. And I thought I  
8 will not tell him what I have because it would be very cruel  
9 to a man who is in a penitentiary to say, "Why am I still in  
10 here? Why don't they let me out then?" And I thought, and  
11 also for his honesty to, so that he would be completely devoid  
12 of any investigation done on the outside with him on the  
13 inside. I wanted a very honest recount of what he had. He  
14 had been in there for eleven years and I wanted to know  
15 what was in his mind. But I, the Chant statement was, to me,  
16 seemed very believable. The man seemed very honest. I  
17 don't know, in my mind, I can only state that on the 18th of  
18 February, I felt Marshall was innocent, in my own mind, my  
19 own personal opinion, and that I wanted him to be very  
20 honest and he talked, he started very slowly and recounted  
21 what he could, again, remembering it was the Aronson angle  
22 that I worked on to begin with.

23 Q. Was a partial statement taken from Mr. Marshall?

24 A. Yes, sir.

25 Q. I believe in that statement in looking at Exhibit 101, there is

STAFF SERGEANT WHEATON, EXAM. BY MR. ORSBORN

1 reference there to a, at least a planned taking of money from  
2 two gentlemen in the park.

3 A. Yes, sir.

4 Q. Did Mr. Marshall volunteer this information to you?

5 A. Yes, sir, and indicated to us he had never told anyone that  
6 before. He didn't indicate it, he stated that.

7 Q. Did he say why?

8 A. He stated that he felt he would be charged with robbery or  
9 cast him in a bad light and be further criminal repercussions  
10 back in 1971. So he didn't tell his lawyers that.

11 Q. Were you aware prior to interviewing Mr. Marshall that  
12 there had been a robbery attempt or a suggestion of a  
13 robbery attempt?

14 A. Yes, sir, I was aware of that.

15 Q. Why was the interview not completed?

16 A. The guard came to the door. There had been a riot the  
17 previous day. There was loud shouting, screaming, banging  
18 on bars, what have you and he said, "Donald, I want to return  
19 you to the population so you're not accused of being an  
20 informant in this riot matter." I believe it was between  
21 French and English factions in the jail. Donald Marshall  
22 wanted to get back into that population very quickly and I  
23 was led to believe from the guard that he would have to be  
24 put in segregation which he didn't want to go into if he didn't  
25 get back in there before the prisoners knew he was missing.

STAFF SERGEANT WHEATON, EXAM. BY MR. ORSBORN

1 Q. Put in segregation why?

2 A. This seems to be something that has to be done in prisons and  
3 I'm not, I've seen it happen before. In prisons, if an  
4 individual is missing, anything is out of place, then the other  
5 prisoners wants to know why. Everything has to have an  
6 explanation. And there's sort of a constant balance between  
7 officialdom in a prison and convicts themselves.

8 Q. Was Mr. Marshall warned prior to giving this statement?

9 A. Yes, I believe.

10 Q. There's no indication of it on the statement.

11 A. No, sir.

12 Q. Would it be your practice to put that notation on the  
13 statement if he were warned?

14 A. Yes, sir.

15 Q. Anything about that interview with Mr. Marshall confirm or  
16 modify your opinion that you had reached as to his  
17 innocence?

18 A. He seemed very truthful to me. At one point he started to  
19 cry. It was my impression that he was coming off as a very  
20 truthful individual.

21 Q. Did you discuss the interview with Corporal Carroll following  
22 it?

23 A. Yes, sir.

24 Q. What was that discussion?

25 A. Well, I don't believe in running a one-man show. If at all

STAFF SERGEANT WHEATON, EXAM, BY MR. ORSBORN

1 possible I try to get other people's opinions and this is why I  
2 enjoyed having Corporal Carroll with me. I, without telling  
3 him my opinion I said, "What's your opinion?" and it was his  
4 opinion that he was very truthful. We did this after we were  
5 out in the car outside the prison itself. And that was the  
6 impression that he came away with as well as myself.

7 Q. What did you do following the interview with Mr. Marshall?

8 A. Returned to Sydney and briefed Inspector Scott of the  
9 interview and our impressions thereof. And our reasoning for  
10 not having completed it and the fact that we would have to go  
11 back to Dorchester again.

12 Q. Did you share with Inspector Scott your opinion as to Mr.  
13 Marshall's innocence?

14 A. Yes, sir.

15 Q. The documentation indicates an interview with Dr. Mian on  
16 the following the day, on the 19th of February. This is  
17 referred to in Paragraph 20 at page 14 and there is a  
18 statement from Dr. Mian at page 49 and this would be with  
19 respect to John Pratico.

20 A. Yes, sir.

21 Q. Do you remember that interview, sir?

22 a. Yes, sir.

23 Q. And is Dr. Mian's statement a fair summary of that interview?

24 A. Yes, sir.

25 Q. And he indicated to you that Mr. Pratico "tends to manipulate

1 by his minister. So, taking that witness I felt he was a  
2 truthful witness. James MacNeil, those things were said by  
3 Inspector Marshall. But in my 1982 interview with James  
4 MacNeil he seemed very forthright. He was a hypertensive  
5 individual. He...he seemed to know the difference between  
6 right and wrong and seemed to be very truthful, and again,  
7 what he said he did in 1971 he had done. In my looking at  
8 Roy Ebsary there is...he had stabbed a man at that time and  
9 was before the courts. There was the possibility, from my  
10 interviews with Mary Ebsary, one of the first people I  
11 interviewed that Sarson and Roy Ebsary were very close and  
12 that he may have told him that he, in fact, stabbed Seale in  
13 the park that night. Again, although Sarson had a criminal  
14 record or a drug record and there was a possibility for  
15 collusion, he admitted knowing Donald Marshall and going to  
16 jail. I felt that there was a possibility that he was telling the  
17 truth. The whole thing started to fit together very well. I  
18 wasn't closing my mind to the other aspect of it either,  
19 that...that Donald Marshall may have been rightly convicted.  
20 But by that time I had pretty...I had made my mind up and I  
21 was interested, very interested in the reaction of Donald  
22 Marshall in Dorchester and his reactions to my mind, and to  
23 that of Corporal Carroll afterwards, were those of an innocent  
24 man. Tears came to his eyes, et cetera. I left that jail that  
25 day and in my opinion Donald Marshall had not stabbed

104/4 Feb. 22

First contact with Roy Elsay.

Preliminary work done?

Boat collection today?

✓ Q. 103

✓ Vol. 19 / 12<sup>11</sup>

Feb. 23 17/3

(9A)

John Pratis 34/50  
02/25

Had statement from Dr. Meier  
Describe circumstances, when was  
victim. In the victim's.

Believe this man?

Feb 26 17/4 ft.

Is this what led to Harris?

1 volume. Is there any particular reason why you did not  
2 interview Mr. Pratico?

3 A. It's just that I felt Corporal Carroll would be in a position to  
4 interview Mr. Pratico better than I in that Mr. Pratico is  
5 under care of the Social Services and there was a Mr.  
6 Arsenault, as I recall, who was Mr. Jim Carroll's next-door  
7 neighbour who was his supervisor and as he had personal  
8 knowledge of Mr. Arsenault and could relate to him, I thought  
9 that he should do it, and he did it.

10 Q. And did Corporal Carroll report back to you?

11 A. Yes, he did.

12 Q. After that interview.

13 A. Yes, sir.

14 Q. And what did he report to you?

15 A. Well, he brought back this statement that he had taken on the  
16 25th from John Pratico.

17 Q. Yes. Did he give you any indication of his opinion of Mr.  
18 Pratico?

19 A. He gave me his opinion of him, yes.

20 Q. Did he feel he was a credible person to take a statement  
21 from?

22 A. As I recall Corporal Carroll was...found Mr. Pratico to be on  
23 the surface very honest, very straightforward. Under  
24 medication. I believe he met him at the hospital, if my  
25 memory serves me correctly, where he was an outpatient and



1 used to go get his drugs for his hypertension or whatever. In  
2 my recollection of it is that again we had another witness who  
3 said he was pressured into lying or perjuring himself by Chief  
4 MacIntyre.

5 Q. Uh-hum. Did Corporal Carroll provide you with any notes of  
6 his discussions with Mr. Pratico other than the statement?

7 A. No. He may have made notes. I don't know.

8 Q. Did you ever mention any of this to Pratico yourself?

9 A. No, I did not.

10 Q. Never.

11 A. No.

12 Q. Did you ever meet him?

13 A. Yes.

14 Q. The following day then you referred to a briefing of Chief  
15 MacIntyre and I believe that's referred to on the bottom of  
16 page 18, Volume 34. There's a note there, I believe, by  
17 Inspector...Inspector Scott, the bottom of the page, 82 02 26.  
18 Is this the briefing to which you're referring, Staff Wheaton,  
19 the bottom of page 18 at the end of the report?

20 A. Paragraph 29, sir.

21 Q. No, right at the bottom of the page, sir.

22 A. Oh, yes, this is the forwarding minute of Inspector Scott.

23 Q. Yes.

24 A. This would be the meeting I am referring to, yes, sir.

25 Q. Were you present?

1           who I interviewed and from my conversation with Corporal  
2           Carroll, I believe he told Mr. Pratico the same thing, that  
3           there's a possibility that they could be charged with perjury,  
4           yes.

5           Q. Did you hold any opinion as to whether they should...Mr.  
6           Chant should be charged?

7           A. No, I did not feel he should be charged.

8           Q. You did not feel he should be charged?

9           A. No.

10          Q. Did you hold any opinion with respect to Mr. Pratico?

11          A. Same position.

12          Q. Miss Hariss?

13          A. Same position, sir.

14          Q. Did you hold any opinion with respect to whether or not Chief  
15          MacIntyre should be charged with respect to any offence?

16          A. It was my opinion that Chief MacIntyre should be  
17          investigated as I felt that he had...there was...it was very close  
18          to a prima facie case of counselling perjury.

19          Q. Do I understand you to be saying then that you had not  
20          formulated your opinion to the extent that you felt a charge  
21          should be laid?

22          A. No, sir. I felt he should be investigated. The possibility of a  
23          charge.

24          Q. It might be an appropriate spot to take a break.

25          3:19 p.m. BREAK

(9B)

Patricia Harris  
34/54  
Nov 1/82

What led to her?

See the statement? Describe with

✓ selection?

Importance?

Terry Bushnell  
34/55

Some questions  
Very brief.

Nov 3  
his Diary

Mary Elzany & Greg 34/41  
March 4/82

when 1st meet them?

why both there together? Usual?

Describe the Review: Narrative &  
the Statement?

Have earlier statements?

Month 9/82 Marshall Statement

Innocent?? 34/45 52

Discussion with him before Statement.

Some style? Narrative & Her Statements?  
Verification?

who raised the topic of "colling"  
someone? Sasser p.46

Any discussion what meant by "coll"  
'colling' on p.53.

Lot of questions arise from Statement. Why  
leave loose ends.

- ✓ "fucked about everything" mayer 38  
heil 42
- ✓ "hired around about money"
- ✓ "knew we meant business"
- ✓ "felt blood running from art" Dancer 23

✓ Follow up on polygraph? ✓

Refer wheaton Report. 34/9

Assist in preparing? Not it?

p. 11 - doesn't correspond with the Statement of Chou. p. 47

p. 12 MR [unclear] see the notes of MR Macdonald, taken the night of Stabling?

of description. (Ex. #38)

13 Agree to this assessment of Elsbury?

14, Mrs. Chou - who interviewed, when? How often - to see statement?

15. See these files?

16. Present having this discussion up parole?

May 21/72. 12:10 PM

I was recalled at home by Sgt Ten mas Bellway, and I proceeded to the City Hospital in my own car, on arriving they were taking in Long Lake. Leo Conroy and Dances etc. I noticed

Daniel 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 Cogan etc, he said he gave them a

Cogan etc well right, and then one of the men pulled out a knife and said to make this in for your blood now it into the Black Man, and then he threw it into Lake, he then made a claim of an and I covered up, but he cut me, I then made a kick at him around the head, and then I ran it away to Blackish I hit the sign post when I ran.

E x 38

I then went to the room  
where she was, and  
said that I could ask her  
a question, as to what  
had happened. I was asked to leave  
by Dr  
McIn, nurse and another  
I left her from one  
to another to another and  
he was nervous to  
the 3rd floor.  
Dorothy finished was  
switched up, and given a  
needle, and was returned  
to his home.

Gray set  
short -  
Dark Blue Coat. To KNEES.  
Hair - Grey.  
Black Low heels.  
Wearing Glasses.  
Dark Rim

# Tall - 5-11.  
Black Hair  
Clean Shaven  
Coney Coat  $\frac{3}{4}$  length  
Dress in Color 294



Donald Marshall taken  
from County Jail to be  
engaged. By Sgt  
M. J. Donald. - Tom  
Christmas was also  
taken down for points.  
Sgt Charles Wall.  
Sgt Arnold Joseph  
visited them up at the  
County Jail, and returned them

m R

June 16 - Proceedings.  
To Sabell the ones  
turned over to Mr Duff  
One Jackst. Re Donald  
Mombell  
1 Coat. Re Lady deal  
Sigs were left at the lock  
for transportation  
To Cheeb Sabell on  
May 28 at Police  
officers on call.

28

Mrs Joan Colenso

S. S. Schmidt  
Duffel

Jackie B

Duff Ewer

Fabrics  
Re amount of fabric

Fabrics

104/8 March 18

March 22 34/61

March 31

David Katzford 34/68. Read?  
met him ever?  
Bodina Floyd? 34/70



~~104/10 April 20~~

34/64 Read this? Vet?

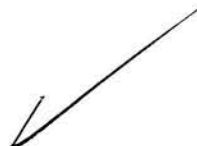
Discuss?

arrange of Donna Elson

17/8 April 16.

Discuss notes

April 19 - Some



STAFF SGT. WHEATON, EXAM. BY MR. ORSBORN

1 Q On page 60 of Volume 34, sir, I believe is the exhibit report  
2 relating to the seizure of the basket, would that be correct?

3 A. This exhibit report, yes, it refers to the basket as well as other  
4 things.

5 Q I note that the, and you certified this on the bottom, I see.

6 A. Yes, sir.

7 Q The address shown for the seizure is 68 Falmouth Street?

8 A. Yes, Items 2 and 3 were seized from 68 Falmouth Street and  
9 Item 1 was seized from Mechanic Street.

10 Q So Item 1 was not seized from Falmouth Street?

11 A. No, sir.

12 Q Moving again, sir, to your notes back on page two, the 25th of  
13 March. I'm looking at Item #15 on page two.

14 A. Yes, sir.

15 Q You have a note referring to a contact with Constable Gary  
16 Green. Why did you contact Constable Green on that date?

17 A. I believe, to the best of my recollection without having the  
18 dates in front of me, that Mr. Ratchford had phoned me and  
19 requested a meeting. I went, I believe, with Corporal Carroll  
20 to the Sydney Academy where Mr. Ratchford was working  
21 and as a result of a conversation with Mr. Ratchford, I  
22 contacted Constable Green in Ottawa.

23 Q Your report, sir, and we'll get to it in a moment, indicates that  
24 Mr. Ratchford contacted your office on the 29th.

25 A. 29th.

34/2

April 20/82  
Chow 34/81

Had Chow been seen since first  
Statement of Feb. 16/82

why look to see him. why  
Orleston not there?  
Mrs Chow present?

take statement or vacaturie just  
Brambleton by mail? Oct 19/19

Beside Chow 34/84

Seen her before?

Did she say anything about Wayne Magee being  
present?  
any statement from minister?

April 21

Burke 34/86

See Xcerpt

Why see him. Purpose: to see if present?  
Pressure?

Wayne Magee 34/87 told by Wheaton  
Did not believe him? Purpose of Interview  
44/8050

Did he believe Magee? He & Chart cannot both be telling  
truth.  
April 22

Vick 34/75 ✓

April 27

104/12 Refer Ex. 88 - Signature - why  
discussion wheaton re documents  
on floor? Significance of Statement?  
Xcerpt

- 1 Q Did you actually do a slide presentation to an audience?
- 2 A. I never did a slide presentation to an audience. It sat in my  
3 desk drawer for a year or so and then I threw it away.
- 4 Q. Okay. So, when you say you "did a slide presentation" you  
5 simply mean you had one prepared.
- 6 A. I prepared it, yes, sir.
- 7 Q. I'm sorry. Okay. The report that appears commencing at  
8 page 8 of this same volume, dated May 30th, 1983, is this the  
9 report, sir, that you prepared in response to that direction  
10 from Gordon Gale?
- 11 A. Yes, sir.
- 12 Q. There's some matters in there that I would like to ask you  
13 about. On the second page of that report, page 9 of the  
14 volume, paragraph 8.
- 15 A. Page 9, paragraph 8, sir, yes.
- 16 Q. Paragraph 8. Right in the centre of paragraph 8 and you're  
17 speaking of the Louisbourg interview with Mr. Chant and you  
18 say "Judge Edwards, who was sitting in the same building,  
19 recalled the incident the same as Mr. Burke." Do you know  
20 where that information came from?
- 21 A. I believe it came from Corporal Carroll, sir.
- 22 Q. I see. Did you ever see a statement from Judge Edwards?
- 23 A. No.
- 24 Q. Did you talk to Judge Edwards?
- 25 A. No.

- 1 Q So, would I understand that you got this information from  
2 Corporal Carroll as you were compiling this report or was this  
3 already in your mind?
- 4 A. It was way back at the time that he interviewed, as I recall,  
5 Lawrence Burke, and he brought it to his attention at that  
6 time.
- 7 Q Now, in that same paragraph, sir, you say that "Maynard  
8 Chant" and this is about five lines from the bottom, you say,  
9 "He threatened him with revocation of his probation for theft  
10 of milk bottle money."
- 11 A. Yes, sir.
- 12 Q That I do not find in those terms in either of the statements  
13 that were taken from Mr. Chant by your force. Take it from  
14 me it's not there.
- 15 A. I will, sir.
- 16 Q In those words. Given that, what would be the basis of that  
17 statement?
- 18 A. Mr. Chant would have told me that, sir.
- 19 Q And this would have been in your mind then.
- 20 A. Yes, sir.
- 21 Q You go on to say that "Mr. Chant was entirely alone," what did  
22 you mean by that?
- 23 A. Is that just below the milk money?
- 24 Q Yes.
- 25 A. That would mean he was alone in the room with the Chief,



- 1 A. Yes, sir.
- 2 Q. What is it?
- 3 A. This is an index prepared or was waiting for me at Chief  
4 MacIntyre's office. It was prepared by Chief MacIntyre or  
5 someone on his behalf when I visited the office on the 26th of  
6 April, 1982 with Herb Davies.
- 7 Q. I just point out that although the typed date is April 26th, the  
8 date with your initials on the right-hand side top of the page  
9 appears to be the 27th of April and there are other initials  
10 underneath there at the same time which appear to Corporal  
11 Carroll's.
- 12 A. That is correct, sir. That would be the date for continuity of  
13 the exhibit that I turned over to Corporal Carroll in April, on  
14 the morning of April the 27th at 11:31 a.m. Corporal Carroll  
15 acknowledges receipt of it, initials it, and dates it as well. At  
16 this time, I had been turning, started turning exhibits over to  
17 Corporal Carroll as I was being transferred to Halifax and he  
18 would be carrying on with the investigation. I left in June  
19 from Sydney, the latter part of April I had been interviewed.
- 20 Q. I'll just check one more item to see if we can get the matter of  
21 the dates settled. I'm looking at Exhibit 104, which is a copy  
22 of Corporal Carroll's notes. The 12th page of Exhibit 104.
- 23 A. 12th page, sir?
- 24 Q. 12th page. The date is 82/04/27. Do you have that there?
- 25 A. Yes.

April 30 - Draw 104/13 ✓

May 11 34/95<sup>92</sup>

Ask for his notes? G. 38

Refer witness evidence: Chief told  
Meehan you going to be paid?

Why taking statements from Police? ✓

✓ May 34/98 Refer to 18/58 ✓

✓ May 12 34/90  
Robert Meehan

May 19-20 104/15

34/97 -101

May 20/88 Wheaton Report 34/88



Did he see this. What was his understanding as of May 20/88

✓ Never any change of location.

✓ Discuss with Wheaton his views?  
Scott

June 14 104/17

34/100 -112

34/ 109 113



June 16

June 21

explains

July 2

July 12 F.S. 17/12 Cause of this?

July 14

Aug 8 104/22

Oct 25 104/23 Interspect

Oct 27 / 82 104/24

Review this in detail

Transcript 19/138

Nov. 2 / 82

104/25

Nov. 7 ft.

Jan 21/83 34/114

His role at this time?

See Questions on legend

Tracked the Elsony TRIMs +  
filed reports? why? usual? ✓  
18/58, 63, 66, 72, 73

34/122 123

Transcript 38/6745

also 19/15

June 15/83

vol 20/14

Vol. 38

6745

MR. WARDROP, EXAM. BY MR. SPICER

- 1 A. I got ahold of Marshall and asked him to go and look  
2 into it.
- 3 Q. Would there have been anybody else other than Al  
4 Marshall that you would have considered to do this?
- 5 A. No, no. He was my main investigator. He was the only  
6 investigator that I had. He was my investigator.
- 7 Q. Do you have any recollection...
- 8 A. And when I told him...pardon me. When I told him or  
9 asked him to go, I said, "Take all your time and go  
10 into, dig in there." I didn't say...I can't express the  
11 words that I said, but I said, "Look into it, take all  
12 the time you need."
- 13 Q. And what was it that you told him to look into?
- 14 A. To the fact that this person MacNeil had said this and  
15 there seemed to be something, you know, something wrong  
16 with the whole thing.
- 17 Q. Are you able to tell us today when you said that to  
18 Marshall what...what in your mind you would have  
19 expected him to do?
- 20 A. I would have expected him to do as I had done when I  
21 was an investigator for many years in Moncton, to  
22 ...to...a basic routine thing to go into the whole  
23 thing and talked to everyone that was involved.
- 24 Q. Would you expect him to be acting independently of the  
25 Sydney Police Department?

See Vol 16/195

18/81 - letter to Correctional  
Services. Normal?

19  
Speak to any media rep:  
Stay  
Harris



May 1983

Vol 20/4

8-

14 ✓

23

62

65

70

74 -

24/98

18/58

Race experience

18/79, 83 - commendation received?

\* Harris Involvement -

Quote 403

Agree = whether that charge should be laid against MacDuffre? Discuss with him?

20/57

65

why never take statement from Mac I or U. ask to take one?

JAMES CARROLL

Refer to the R.C.M.P. Report commencing on page 10 of Volume G-3. On page 11 reference is made to a file that was being reviewed. To which file does this refer. ✓

Does the file reveal that "MacNeil was frightened for his own life and afraid to come forward prior to this time". ✓

On page 12 reference is made to the fact that MacNeil's report of the polygraph was uncertain due to his "low mental capabilities". What information is he relying on to make this statement. On the same page he refers to the fact that Mrs. Ebsary could not offer any evidence in relationship to the stabbing and it was felt if she knew anything, she would tell us. (Refer to various statements of Mary Ebsary and what she had seen on that night). ✓

On page 13 reference is made to the conclusion that MacNeil appears forthright and honest. Was any consideration given to administering a further polygraph test at this time. ✓ !!

Refer to page 17 of G-3 and the statement of Roy Ebsary. What does he mean by the statement that a pen knife was not capable of inflicting the type of wound which Seale suffered?

Refer to the statement contained in Wheaton's summary starting on page 23. On page 24 of Volume G-3 the untruthful statements initially given by Pratico and Chant are dismissed because the witnesses were both scared and Pratico is not too bright. On what basis are these statements made? ✓

Carroll (Cont'd)

On page 25 was any contact made with Pratico himself and was any statement obtained. Is there any explanation for the fact that Pratico's statement corresponds very closely with the "untruthful" statement from Chant.

Where does he get the information that the first R.C.M.P. investigation took the form of a review of statements and polygraph tests conducted by then Corporal Smith. Where did he get the information to state that MacNeil was easily led in 1971.

On page 26 he states that Marshall "basically told the same story" except he admitted he and Seale were attempting to rob the others. What does he mean by the "same story"?

Where does he get the information to state that a psychiatric evaluation of Ebsary should reveal he lives in a fantasy world. If he does, why is his statement being accepted as truthful?

*Contact Ratchford because of info rec'd from Sgt Green? Ratchford 4485*



SUPT. D. F. CHRISTEN

Refer to his report found on page 21 of Volume G-3.

Confirm that the contact with the R.C.M.P. in 1982 was made by MacIntyre directly and not through the A.G.'s Department.

What psychiatrist indicated that Pratico was not mentally competent to give evidence at trial.

Is the date handwritten on the bottom of page 21 the date the report was written. On page 2 it refers to Gordon Gale being advised as of "this date".

Ex. 88 - He accompanied wheat to the  
over entire file.

Vol 43 p. 7953

46

8434

8435 - <sup>line 5</sup> was a  
blinking snowstorm

Personal knowledge (actual) that blinking Snow  
storm at whatever time machine seen at  
post box of restaurant

He himself took statement from machine +  
fold at restaurant around 10:15

witness confirm that statement

Some witness leave to Antagonist Receipt  
on clear road conditions

WRITE - ÉCRIRE À LA MAIN

|                           |                             |                            |
|---------------------------|-----------------------------|----------------------------|
| TO - A<br><br><i>CIBO</i> | FROM - DE<br><br><i>CIB</i> | Date<br><br><i>8/07/29</i> |
|---------------------------|-----------------------------|----------------------------|

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|--|---|--|---|
| <input type="checkbox"/> Comments<br>Commentaires            | <input type="checkbox"/> Action<br>Donner suite               | <input type="checkbox"/> Prepare Brief<br>Préparer un exposé | <input type="checkbox"/> Return with Current File<br>Retourner avec le dossier actuel |
| <input type="checkbox"/> Perusal and P.A.<br>Lire et classer | <input type="checkbox"/> Prepare Reply<br>Rédiger une réponse | <input type="checkbox"/> Make File(s)<br>Ouvrir un dossier   | <input type="checkbox"/> Check Records<br>Vérifier les dossiers                       |

SUBJECT - SUJET

*DONALD MARSHALL*

REMARKS (Use same A-5 for Reply when space permits) - REMARQUES (Si l'espace le permet, répondre sur cette formule)

*I have again reviewed this file and can only reiterate my earlier comments that this murder investigation, under the direction of John MacIntyre, Sydney City Police, was carried out by investigators who had no qualms about using questionable tactics. Whether or not their maneuvers can be construed as ingredient to the offence of counselling a witness to commit perjury is a matter for a court to decide. To specifically isolate certain statements given in evidence by CHANT, PRAETICO or HARRIS, and categorically state that the witnesses were under a threat by the Police if they did not co-operate, is almost impossible.*

*I believe that based on what is contained in S/Sgt. Wheaton's reports dated 83/05/30 and 86/07/14, sufficient suspicion has been raised to warrant further investigation for the offence of "counselling to commit perjury" following which the determination by the Department's Attorney General should be forthcoming concerning charges. I think that both MacIntyre and URGUNER should be interviewed, as well as the three witnesses CHANT, PRAETICO & HARRIS, to establish exactly what statements were made at the instigation of the Police. Furthermore, I think that*

Diary Date - Date d'agenda

Meeting Date - Date de réunion

P.A. - A.C.

Date

*8/08/01*

Init./N

*RB*



WRITE - ÉCRIRE À LA MAIN

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| <input type="checkbox"/> Comments<br>Commentaires            | <input type="checkbox"/> Action<br>Donner suite               | <input type="checkbox"/> Prepare Brief<br>Préparer un exposé | <input type="checkbox"/> Return with Current File<br>Retourner avec le dossier actuel |
| <input type="checkbox"/> Perusal and P.A.<br>Lire et classer | <input type="checkbox"/> Prepare Reply<br>Rédiger une réponse | <input type="checkbox"/> Make File(s)<br>Ouvrir un dossier   | <input type="checkbox"/> Check Records<br>Vérifier les dossiers                       |

SUBJECT - SUJET

DONALD MARSHALL

REMARKS (Use same A-5 for Reply when space permits) - REMARQUES (Si l'espace le permet, répondre sur cette formule)

Both MacIntyre and URQUHART should be questioned in depth as to why a further investigation was not carried out when it was learned the wrong person had been convicted. This information was relayed to Detective URQUHART by David RITCHFORD, as well as Capt. Gary GREEN, RCMP. Also CHANT openly admitted in court that he was lying and had not seen the murder, but this did not seem to sway/influence the crown to re-investigate the matter.

Perhaps, to investigate the ~~the~~ offence of Counselling may never provide the ingredients necessary to lay charges against MacIntyre or URQUHART, but it ~~is~~ would ~~be~~ must at least try, particularly in light of the fact that MARSHALL has been acquitted and Roy DEBSARY has been convicted of the murder.

Diary Date - Date d'agenda

Meeting Date - Date de réunion

Date

Init./N°

P.A. - A.C.