

RG 44 301.287 \* 20

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

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX  
NOVA SCOTIA, B3J 3K5 902-424-4800

CHIEF JUSTICE T. ALEXANDER HICKMAN  
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS  
COMMISSIONER

THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

September 23, 1987

Ms. Carol Farmer  
34 Benson Drive  
Sydney, Nova Scotia B1S 2L9

Dear Ms. Farmer:

Thank you for your letter of September 16th, 1987 to Chief Justice Hickman, the Chairman of the Commission. He has asked me to advise you that, although complaints of R.C.M.P. misconduct beyond the immediate Donald Marshall, Jr., case are not strictly within the Terms of Reference of the Commission, he is most concerned that your complaint be properly investigated.

I have taken the liberty of showing your letter to the lawyer appearing for the R.C.M.P. at the Commission Hearings. He in turn has advised Superintendent A. W. Sabeau, Officer in Charge of Administration and Personnel for Nova Scotia, and has requested him to investigate your complaint. I expect that you will be contacted during the investigation, and the R.C.M.P. lawyer will advise me of the results.

Should you have any further concerns after this investigation, please let me know. Thank you for bringing this to our attention.

Yours very truly,

David B. Orsborn,  
Commission Counsel

DBO/ljb

bcc: James D. Bissell, Esquire

Department of Justice (Canada)  
Atlantic Regional Office  
4th Floor  
Royal Bank Building  
5161 George Street  
Halifax, N.S.  
B3J 1M7  
Tel: 426-7592

87-09-23

Mr. David ORSBORN  
Counsel  
Royal Commission of Inquiry  
into the Wrongful Conviction of  
Donald MARSHALL Jr.  
St. Andrew's United Church  
Sydney, N.S.

Dear Sir:

Re: Complaint of Ms. Carol FARMER

Thank you for providing me with a copy of a letter of complaint you received from Ms. Carol FARMER. I have taken the liberty of forwarding a copy of the letter to Superintendent A.W. SABEAN, Officer i/c Administration & Personnel for "H" Division, R.C.M. Police. This Section is responsible for investigating complaints against members, to determine the validity of complaints and what action is warranted, where misconduct is discovered. For your information, I enclose a copy of the letter I sent to Supt. SABEAN. I will advise you of the results of the Inquiry.

If I can be of further assistance, do not hesitate to contact me.

Yours very truly,



James D. BISSELL  
General Counsel  
Director, Atlantic Region

Department of Justice (Canada)  
Atlantic Regional Office  
4th Floor  
Royal Bank Building  
5161 George Street  
Halifax, N.S.  
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Supt. A.W. SABEAN  
Officer i/c  
Administration & Personnel  
R.C.M.P. "H" Division  
P.O. Box 2286  
Halifax, Nova Scotia  
B3J 3E1

Dear Sir:

Re: Complaint of Ms. Carol FARMER  
to Royal Commission of Inquiry  
into the Wrongful Conviction of  
Donald Marshall Jr.-----

On September 22, 1987, I received the enclosed letter, signed by Ms. Carol FARMER from David ORSBORN, Counsel to the Royal Commission of Inquiry into the Wrongful Conviction of Donald MARSHALL Jr.

Since the misconduct alleged in the letter is attributed to members of the Royal Canadian Mounted Police, I thought it appropriate to bring this matter to your attention, so that you may make the inquiries you deem appropriate. I would appreciate it if you could advise me of the results of your inquiries, so that I may in turn inform Counsel for the Royal Commission.

I am sending this letter to you from Sydney, where I am attending the Inquiry hearings and apologize for the lack of proper stationery.

I thank you for your attention to this matter.

Yours very truly,

James D. BISSELL  
General Counsel  
Director, Atlantic Region

cc: Insp. D.S. WEBSTER

Royal Commission on Wrongful  
Prosecution of Donald Marshall Jr.

Newfoundland Chief Justice J.  
Alexander Hickman

Associate Chief Justice Lawrence D.  
Poitras of Quebec

Hon. Mr. Justice Gregory Thomas  
Evens of Ontario.

Carol Farmer  
34 Benson Drive  
Sydney NS B1S 2L9  
Sept. 16, 1987

Dear Honorable Messrs. Justice:

I have been following your  
investigation of the Donald Marshall  
affair and commend the justice system  
for trying to get to the bottom of this  
injustice. It will be up to you  
to ultimately decide if the police

could have and should have  
conducted matters differently.

In 1981, we experienced a  
very traumatic situation in our  
family with the R.C.M.P. Our  
16 year old daughter, an excellent  
student with no bad conduct record  
of any kind, was questioned in our  
driveway locked in the back seat  
of a police car by two R.C.M.P.  
officers and threatened with what  
she thought was "arrest" if she  
didn't cooperate with them and  
sign a statement admitting guilt  
in a dangerous driving incident at  
Mina Provincial Park on July 11, 1981.

No one else was at home at that

time. After she signed the statement, she thought that would be the end of it so she decided not to say anything to us, her parents.

On August 5, one of the R. C. M. P. officers who had questioned her that day - Constable La Fosse with the Sydney Detachment, brought the charge to the house and told us she should plead guilty since the evidence was overwhelmingly against her and the sentence would probably be very light for first conviction.

After recovering from shock and anger at our daughter for not telling us about the incident at the beginning, we hired a <sup>(Ken Haley)</sup> lawyer who was able to establish that our daughter Deborah

wasn't at the park when the incident happened in the early hours of July 11, but had left the park several hours before with 3 friends, also girls with excellent reputations.

We went to court in Glass Bay - and Judge R. Mac Donald began the questioning when he realized something was wrong with the whole matter and abruptly through the case out of court. We were grateful and felt everything would be alright.

Because we were disappointed with the R.C.M.P. handling of the matter, my husband went to see Inspector Don Scott of the Sydney Detachment to tell him how we felt.



He was not very receptive to criticism of his men's conduct and within a couple of weeks, an appeal by the Crown had been started to have the trial reopened. Alton Sullivan agreed that the air should be cleared and granted a new trial. It never took place and for years we felt a cloud hanging over our family waiting for something else to happen.

About a year ago, the young man who had committed the offence admitted to a friend that he had been the one driving that night at Mrs Park and that he was sorry Dennis had been put through so much pain. That's where it ended for

us.

Had the P.C.M.P. officers conducted a proper investigation at the start, our family would have been spared a long year of anxiety, grief and great expense. I have always wanted to go to the Attorney General's Dept. with this, but was afraid for my child. Now she is grown, has a Bachelor of Business Administration Degree from U.C.C.B. and is married and studying to be a Chartered Accountant. What if we had done as Constable Lafosse suggested and let her plead guilty.

Thanks God for the Young Offenders Act. We were

extremely pleased when that  
came into being, for the sake of any of  
our younger children who could  
become a "victim" as Deanna did.

Godspeed in your deliberations.  
Donald Marshall deserves much  
better treatment and compensation  
for what has happened to him  
and his family. Please do what  
you can to make our justice system  
a better one.

Respectfully,

Carol Farmer  
(Mrs. Earl Farmer)