

P 24 vol. 287 x 35

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

June 17, 1988


Ms. Sharon Scanlon
Box 400
Bridgetown, Nova Scotia B0S 1C0

Dear Ms. Scanlon:

I am responding to your letter of June 12, 1988 addressed to Chief Justice Hickman in which you enclose a letter that you have sent to the Honourable Terence Donahoe. Chief Justice Hickman has asked me to tell you that he has read your letter with interest. The concerns that you have raised are serious one and I am sure that the Attorney General will treat them as such.

Thank you very much for your interest in the Royal Commission and for taking the time to share your concerns with us.

Yours very truly,


Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb

JUN 15 1988

Chief Justice Hickman
Suite 1026
1505 Barrington Street
Halifax, Nova Scotia B3T-2L6

12 June, 1988

Dear Chief Justice Hickman,

Enclosed is a copy of my letter to the Honorable
Terence Donahoe. I feel that it is an honest letter
that merits attention and I would be extremely
grateful if you would read it.

Respectfully yours,
Sharon Scanlon
Box 400
Bridgetown, Nova Scotia B0S-1C0

Susan June 16/88

When you respond
to this letter, please
advise Sharon Scanlon
that the Chief has
read it.

Jeon

The Honorable Terence Donahoe
Department of The Attorney General
P.O. Box 17
Halifax, Nova Scotia B3T-2L6

12 June, 1988

Dear Mr. Donahoe,

On June 6, 1988, I appeared in Provincial Court to testify in the trial of Raymond Langley, charged under section 401(0)(c) of the Criminal Code of Canada for wilfully neglecting to provide suitable and adequate shelter for two horses. The contents of this letter in no way refer to the decision of Judge John R. Nichols to dismiss the charges.

As a responsible citizen and taxpayer, I feel compelled to ask you to review the proceedings of this trial. I was then and still am appalled at what I witnessed in a Provincial Court of Law. Mr. Langley strolled into court and lounged around comfortably attired in his stocking feet. I felt this action set the tone for the trial. At no time did Judge Nichols request that Mr. Langley wear shoes or assume any dignity required by a court of law. During his testimony, the defendant continuously called out to his wife and friends seated in the court room and during cross examination, "saw no reason to take this trial seriously." I patiently waited for Mr. Nichols to dignify the proceedings.

When court reconvened after a lunch break, the proceedings continued to deteriorate. The testimony of the ensuing witness was punctuated with sarcasm and laughter

until Mr. Longley, again shoeless, performed such hip-slapping that he nearly fell off his chair. When asked for cross-examination, the Crown attorney finally told Mr. Nichols that he saw no need to continue questioning the witnesses for the defense until the "comic relief" atmosphere of the court room was corrected. Judge Nichols attributed these witnesses' responses to the "nervousness" of those appearing in court.

I appeared in this same court and I cannot accept this explanation. What I witnessed was a division of judicial proceedings, an embarrassment of our system. After three hours of listening to and watching this conduct, I felt the seriousness of our judicial system totally discredited. Furthermore, this mockery undermines the legitimacy of our police who obviously feel the nature of the charge serious enough to be decided upon in a court of law.

I did not respond to a subpoena in search of entertainment or the comedy provided by Judge Nichols' court. If you wish additional information, please contact the police (Bridgetown R.C.M.P.) or the Crown attorney, Mr. David Becker. My lawyer informed me that the Provincial Court tapes are erased after sixty days; please regard my letter with urgency and without delay.

Respectfully yours,

Sharon Seanlan

Box 700

Bridgetown, Nova Scotia B05-1C0

C.C. :

Mr. Terence Donahoe

Chief Justice Hickman

Evidence not convincing *Article appears*

Charges against Lon

MIDDLETON -- Following a lengthy June 6 trial in provincial court here which Crown Prosecutor David Acker described as providing "comic relief," Judge John R. Nichols dismissed two charges against Bridgetown resident Raymond Longley.

The accused was charged with failing to provide suitable and adequate shelter for two horses between Nov. 27 and Dec. 8, 1987, and one horse between Dec. 24 and Dec. 28, 1987.

During the above periods all three horses were pastured on the marsh in Centrelea near Bridgetown.

Mr. Longley pleaded not guilty to both charges, and the trial began with the Nov. 27 to Dec. 8 incident.

Crown Prosecutor David Acker called climatologist with Environment Canada Joseph Amirault as his first witness.

Mr. Amirault referred to weather statistics recorded in Clarence, Paradise and Green-

wood during the months of November and December 1987.

He told the court these statistics indicated below average temperatures and higher than average snowfall.

Under cross examination by defence councilor Robert Stewart, Mr. Amirault said he considered November 1987 as the coldest November for a number of years, and very cold compared to the same month over the past 20 years.

Cst. Paul Beck of the Bridgetown RCMP Detachment, called as Mr. Acker's second witness, testified his home overlooked the marsh the horses were being pastured on; that he saw these animals every day, and that November 1987 was very miserable.

Cst. Beck recalled a Dec. 4 to 5 snowstorm during which time he did not see any indications of the horses being fed. He also confirmed there was no protection from the elements on the land in question, and with the

use of aeri Feb. 10, 1 location of house.

Const. I noticed a horse's ne storm, and have the h care of animal cor bean. He al veterinarian Scanlon to horses, and to Mr. Long removal.

Under c Cst. Beck s sider a six foot ravine quate shelt and that th heavy coat not underw

Also calle the prose Scanlon, wi Dr. Dennis her 17 year

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Case dismissed

(from page one)

stated that as these ponies are not fenced in they are free to seek shelter and warmth as a herd.

First witness for the defence was Mr. Longley who testified that he'd owned horses all his life and never had one die. Questioned about the availability of food in the pasture, Mr. Longley said "you could have put out 200 horses there and fed them all."

Although Mr. Longley said he didn't check the horses every day, he confirmed asking Paul Joudrey to do so.

Asked if he'd received telephone calls from people expressing their concerns about the horses being outside, Mr. Longley said he couldn't recall the names of anyone who called, and referred to one caller as "some simpleton across the river."

While he admitted to usually bringing the horses in at Christmas, Mr. Longley said he saw "no need" to do so during the time in question.

Under cross examination by Mr. Acker Mr. Longley said he saw no point in taking his trial seriously. He also admitted to not checking the horses at any time during the months of November and

December 1987 because he didn't have "enough time."

Other witnesses for the defence included Paul Joudrey, Andy DeBoer, Louis Phelan, Reg Mack and Jan Speelman. The five men referred to the grass on the marsh during the time in terms which varied between "choice" and "enough to feed 50 to 60 horses." They were unanimous in referring to the ravine on the property as "adequate shelter."

The majority of testimony given by defence witnesses was punctuated with sarcasm and ensuing laughter from a number of people in the courtroom.

Mr. Acker said defence witnesses were treating the trial as a joke and providing entertainment for the public. Judge Nichols attributed this irreverance to the nervousness of those appearing to testify.

In giving his summation Mr. Acker said "the real issue is the question of suitable and adequate shelter with reference to the dates in question. The evidence from Mr. Longley and his friends keys in on the ravine and directly conflicts with testimony given by Mrs. Scanlon and Cst. Beck. Mr. Amirault produced evidence of colder temperatures than normal, and that defence witnesses provided information on conditions after the time in question.

In his summation Mr. Stewart questioned the meaning of "suitable and adequate shelter," and that according to definition could be deemed as "barely satisfactory or suitable."

Judge Nicholson said he was not suitably convinced the horses were neglected under Mr. Longley's care. He delivered a verdict of "not guilty" and recommended both charges against the accused be dropped.