

I N D E X

EXHIBIT 1
VOLUME 1

MARSHALL PRELIMINARY-----PAGES 1 - 77
July, 1971
STATEMENT OF FACTS-----PAGES 78 - 83
Donald C. MacNeil
October, 1971
MARSHALL TRIAL-----PAGES 84 - 216
(VOL. 1)
November 2-5, 1971

EXHIBIT 2
VOLUME 2

MARSHALL TRIAL CONT'D-----PAGES 1 - 115
(VOL. 11)
November 2-5, 1971
MARSHALL APPEAL-----PAGES 116 - 215
January, 1972

EXHIBIT 3
VOLUME 3

MARSHALL REFERENCE-----PAGES 1 - 235
December, 1982

EXHIBIT 4
VOLUME 4

MARSHALL REFERENCE CONT'D
FACTUM OF RESPONDENT-----PAGES 1 - 43
FACTUM OF APPELLANT-----PAGES 44 - 79
REASONS FOR JUDGMENT-----PAGES 80 - 147

EBSARY PRELIMINARY-----PAGES 148 - 254
August, 1983

EXHIBIT 5
VOLUME 5

EBSARY FIRST TRIAL-----PAGES 1 - 240
September, 1983

EXHIBIT 6
VOLUME 6

EBSARY SECOND TRIAL-----PAGES 1 - 217
Book I and II
November, 1983

I N D E X C O N T ' D

EXHIBIT 7
VOLUME 7

EBSARY SECOND TRIAL-----PAGES 1 - 309
Book III and IV
November, 1983

EXHIBIT 8
VOLUME 8

EBSARY THIRD TRIAL-----PAGES 1 - 252
January, 1985

EXHIBIT 9
VOLUME 9

EBSARY THIRD TRIAL CONT'D-----PAGES 1 - 250
January, 1985

EXHIBIT 10
VOLUME 10

EBSARY THIRD TRIAL CONT'D-----PAGES 1 - 145
January, 1985
EBSARY APPEAL-----PAGES 146 - 178
May, 1986

EXHIBIT 11
VOLUME 11

ROY EBSARY -----PAGES 1 - 3
JAMES MACNEIL -----PAGES 4 - 168
ROBERT SCOTT MACKAY -----PAGES 169 - 170
MARVEL MATTSON -----PAGES 171 - 174

EXHIBIT 12
VOLUME 12

MAYNARD CHANT -----PAGES 1 - 162
RICHARD WALSH -----PAGE 163
JOHN MULLOWNEY -----PAGES 164 -169
HOWARD DEAN -----PAGE 170
MICHAEL B. MACDONALD -----PAGES 171 - 204
JOHN PRATICO -----PAGES 205 - 286
RAYMOND RUDOLPH POIRIER -----PAGE 287
DR. M. A. MIAN -- -----PAGES 288 - 289

EXHIBIT 13
VOLUME 13

DR. M. A. NAQVI -----PAGES 1 - 65
TERRANCE P. GUSHUE -----PAGES 66 - 78

I N D E X C O N T ' D

PATRICIA HARRISS -----	PAGES	79 - 173
MARY CSERNYIK (O'REILLEY) -----	PAGES	174 - 175
CATHERINE SOLTESZ (O'REILLEY) --	PAGES	176 - 177
BARBARA FLOYD -----	PAGES	178 - 180
SANDRA COTIE -----	PAGES	181 - 183
WAYNE MAGEE -----	PAGES	184 - 203
LAWRENCE BURKE -----	PAGES	204

EXHIBIT 14
VOLUME 14

BEUDAH CHANT -----	PAGES	1 - 2
ROY GOULD -----	PAGES	3 - 13
MARY EBSARY -----	PAGES	14 - 39
GREGORY EBSARY -----	PAGES	40 - 77
EUGENE SMITH -----	PAGE	78
WILLIAM URQUHART -----	PAGES	79 - 238

EXHIBIT 15
VOLUME 15

JOHN F. MACINTYRE -----	PAGES	1 - 296
DONNA EBSARY -----	PAGES	297 - 362

EXHIBIT 16
VOLUME 16

OCCURRENCE, CRIME, CONTINUATION REPORTS -----	PAGES	1 - 16
STATEMENTS - MAY-JULY, 1971 (in date and time order)-----	PAGES	17 - 89
MISCELLANEOUS -----	PAGES	90 - 104
SYDNEY POLICE RECORDS - EBSARY and MARSHALL and EBSARY'S MEDICAL RECORDS -----	PAGES	105 - 119
INFORMATION FROM MACINTYRE and ARREST WARRANT -----	PAGES	120 - 122
HANDWRITTEN NOTES - MACINTYRE -----	PAGES	123 - 143
HANDWRITTEN NOTES - MACNEIL -----	PAGES	144 - 158
SYDNEY CITY HOSPITAL RECORDS -SEALE -----	PAGES	159 - 164
BILL OF INDICTMENT and STATEMENT OF FACTS -----	PAGES	165 - 170
NOVEMBER 1971 INVESTIGATION -----	PAGES	171 - 210
POST 1971 DOCUMENTS -----	PAGES	211 - 222

I N D E X C O N T ' D

EXHIBIT 17
VOLUME 17

FRANK EDWARDS' NOTES -----PAGES 1 - 82
ESKASONI PRESS CLIPPINGS -----PAGES 83 - 86

EXHIBIT 18
VOLUME 18

DOCUMENTS RELATING TO
1971 R.C.M.P. INVESTIGATION -----PAGES 1 - 31
DOCUMENTS RELATING TO
ROY N. EBSARY -----PAGES 32 - 89

EXHIBIT 19
VOLUME 19

DOCUMENTS RELATING TO REVIEW
AND REINVESTIGATION
JANUARY, 1982 - MARCH, 1983 -----PAGES 1 - 150

EXHIBIT 20
VOLUME 20

DOCUMENTS RELATING TO REVIEW
AND REINVESTIGATION
MAY, 1983 - AUGUST, 1986 -----PAGES 1 - 104

EXHIBIT 21
VOLUME 21

R.C.M.P. - RED BOOKLET
ALL COMPILED BY STAFF SERGEANT
WHEATON - 1982 -----PAGES 1 - 221

EXHIBIT 22 Map of Wentworth Park

EXHIBIT 23 Drawing of Knife by Ebsary

EXHIBIT 24 Knife

EXHIBIT 25 Transcript of Ebsary Video Tape

EXHIBIT 26 Chef's Knife

I N D E X C O N T ' D

- EXHIBIT 27 8 Knives
- EXHIBIT 28 Original of Ebsary Statement
 November 15, 1971
- EXHIBIT 29 Toronto Star Article (photocopy)
 December 2, 1982
- EXHIBIT 30 Handwritten Statement (original) of Maynard
 Chant - May 30, 1971
- EXHIBIT 31 Original Statement of Maynard Chant
 June 4, 1971
- EXHIBIT 32 Map of Sydney (Tony Ross)
- EXHIBIT 33 Page from Notebook of Ambrose MacDonald
- EXHIBIT 34 Notes beginning "1. The Accused Person of 1971"
 (Walsh - original)
- EXHIBIT 35 Notes beginning "Pg 8 What happened to the
 Exhibits" (Ambrose MacDonald - original)
- EXHIBIT 36 Letter of Dr. Mian re John Pratico, dated
 September 16, 1987
- EXHIBIT 37 Map of Sydney (Tony Ross)
- EXHIBIT 38 Handwritten notes from Detective Michael
 MacDonald, 1971 (Saunders)
- EXHIBIT 39 Information dated May 3, 1971: M. B.
 MacDonald - informant
- EXHIBIT 40 Notes from diary of M. Wood, May 29, 1971

I N D E X C O N T ' D

- EXHIBIT 41 Excerpt from notebook of Inspector Terry Ryan,
May 29, 1971 ff.
- EXHIBIT 42 Article from Cape Breton Post, May 29, 1971
- EXHIBIT 43 Letter to George MacDonald from Dr. O'Brien
September 16, 1987
- EXHIBIT 44 N. S. Hospital Medical Records - Roy Ebsary
- EXHIBIT 45 Cape Breton Hospital Medical Records - Roy
Ebsary
- EXHIBIT 46 Certificate of Service, Royal Navy - Roy Ebsary
November 4, 1940 - January 8, 1942
- EXHIBIT 47 Medical Records of John Pratico
- EXHIBIT 48
VOLUME 22 Informations and Documents re Donald
Marshall and Thomas Christmas
- EXHIBIT 49
VOLUME 23 Supplementary Medical Records of John Pratico
- EXHIBIT 50 Curriculum Vitae, Dr. Mian
- EXHIBIT 51 Cape Breton Post, Xerox, Friday, November 5th,
1971 "Marshall Denies Stabbing Seale" (Pugsley)
- EXHIBIT 52 Cape Breton Post, Xerox, November 4th, 1971
(Pugsley)
- EXHIBIT 53
VOLUME 24 Sydney City Hospital Records re Sandy Seale

I N D E X C O N T ' D

- EXHIBIT 54 Original Statement of Terrance Gushue,
dated June 17, 1971 (in Vol. 16:72)
- EXHIBIT 55 Original Statement of Patricia Harriss,
dated June 17, 1971 - unsigned (in Vol. 16:64)
- EXHIBIT 56 Original Statement of Patricia Harriss,
dated June 17, 1971 - unsigned (in Vol. 16:67-8)
- EXHIBIT 57 Criminal Record of Patricia Harriss (Sydney)
- EXHIBIT 58 Criminal Record of Patricia Harriss (Toronto)
- EXHIBIT 59 Letter of June 7, 1971 from Deputy Chief MacAskill
to Winn (BUF)
- EXHIBIT 60 Letter of December 24, 1973 from Donald Marshall,
Jr. to Sandra Cotie (MacNeil)
- EXHIBIT 61 Statement of Mary O'Reilley (Csernyik), dated June
18, 1971 (in Vol. 16:74)
- EXHIBIT 62 Statement of Catherine O'Reilley (Soltesz), dated
June 18, 1971 (in Vol. 16:80)
- EXHIBIT 63
VOLUME 25 Roy Gould documents
- EXHIBIT 64 Clippings re Membertou
- EXHIBIT 65 Complaints from Indian teenagers re police, signed
by Cameron Paul, 1970
- EXHIBIT 66 Application Proposal - Community Relations and the
Law
- EXHIBIT 67 Criminal Record - Roy Gould

I N D E X C O N T ' D

- EXHIBIT 68 Minutes of Advisory Committee Meeting - Native Courtworker Programme - November 18, 1974
- EXHIBIT 69 Parole Report signed by Kevin Link & Bernard MacNeil, March 2, 1978
- EXHIBIT 70 Parole conditions - Tom Christmas
- EXHIBIT 71 Criminal record of Tom Christmas
- EXHIBIT 72 Clipping - Cape Breton Post - October 6, 1971
- EXHIBIT 73 Diagram of Sydney Detectives' Offices, by Dave Ratchford (Ruby)
- EXHIBIT 74 Statement of Dave Ratchford, March 29, 1982
- EXHIBIT 75 Handwritten statement of Mary Ebsary, dated November 15, 1971
- EXHIBIT 76 Picture of Ebsary knives given to Sergeant Wheaton
- EXHIBIT 77 Handwritten statement of Greg Ebsary, dated November 15, 1971
- EXHIBIT 78 Clipping - Cape Breton Post - June 2, 1971
- EXHIBIT 79 Affidavit of Simon Khattar, dated August 9, 1982
- EXHIBIT 80 List of Crown Witnesses from Bill of Indictment, November, 1971
- EXHIBIT 81 Letter from Malachi Jones to the R.C.M.P. setting out principles regarding disclosure, dated March 23, 1961

I N D E X C O N T ' D

- EXHIBIT 82 Curriculum Vitae of Bruce Archibald
- EXHIBIT 83
VOLUME 26 Opinion prepared by Bruce Archibald re: The Use of Evidence and the Making of Evidentiary Rulings at the Trial of Donald Marshall, Jr.
- EXHIBIT 84 Affidavit of Keith Beaver, dated August 11, 1982
- EXHIBIT 85 Letter from A. D. Muggah to Daniel Morrison, dated November 26, 1971
- EXHIBIT 86 Original notes of John MacIntyre (reproduced at 16:129)
- EXHIBIT 87 Portions of notebook of Constable Clarke, Baddeck
- EXHIBIT 88 List of documents given by Sergeant MacIntyre to Harry Wheaton, dated April 26, 1982
- EXHIBIT 88A Handwritten copy of last page of Exhibit 88, S/Sgt. Harry Wheaton
- EXHIBIT 89 Affidavit of John MacIntyre, dated August 17th, 1984, MacIntyre vs. CBC
- EXHIBIT 90 Extract of notes from Staff Sgt. Wheaton's notebook 1982
- EXHIBIT 90A Notes - handwritten version of typed Exhibit 90, Harry Wheaton
- EXHIBIT 90B Original notebook, Harry Wheaton
- EXHIBIT 91 Letters of commendation etc. re: John MacIntyre 3 volumes A, B & C

I N D E X C O N T ' D

- EXHIBIT 92 Notes of Eugene Smith, November 17-24, 1971
- EXHIBIT 93 Polygraph Cases - 1971 (Eugene Smith)
- EXHIBIT 94 Job description of Reader (Donald Burgess), dated
1983
- EXHIBIT 95 Notes prepared by Donald Burgess, RCMP (A-5, Dec.
6, 1983)
- EXHIBIT 96 Notes of Eugene Cole
- EXHIBIT 97
VOLUME 36 File of Melinda MacLean/Deborah Gass
- EXHIBIT 98
VOLUME 29 Aronson's and Edward's notes
- EXHIBIT 99
VOLUME 34 Wheaton's Investigation/Lab Reports
- EXHIBIT 100 Original statement of Greg Ebsary, April 19, 1982,
witnessed by Harry Wheaton
- EXHIBIT 100A Statement of Mary Ebsary, dated April 19, 1982
- EXHIBIT 101 Original statement of Donald Marshall, Jr., 1982
- EXHIBIT 102 Affidavit prepared by H. Wheaton, re Reference,
September 7th (?), 1982
- EXHIBIT 103 Statement of Roy Ebsary, witnessed by Corporal
Carroll, dated February 23, 1982
- EXHIBIT 104 Handwritten notes of Corporal Carroll

I N D E X C O N T ' D

- EXHIBIT 105 Excerpts from Cape Breton Post, May 31-June 5, 1971
- EXHIBIT 105A Clipping - Cape Breton Post, re remand of Donald Marshall, Jr.
- EXHIBIT 106
VOLUME 37 Transcript of June, 1984 Examination of Discovery of Heather Matheson, MacIntyre v. CBC
- EXHIBIT 107 Calendar, 1800 to 2050
- EXHIBIT 108 Notes tken by Harry Wheaton during 1982 Reference
- EXHIBIT 109 Diagram of office where Wheaton/Davies met MacIntyre, April 26, 1982
- EXHIBIT 110 3 pages from Discovery evidence of Heather Matheson, missing from original document (See Exhibit 106)
- EXHIBIT 111 RCMP media guidelines
- EXHIBIT 112
VOLUME 35 Correctional services material
- EXHIBIT 113
VOLUME 27 Aronson materials
- EXHIBIT 114 Original statement from Donald Marshall, Jr. taken by Staff/Sgt. Wheaton, March 9th, 1982
- EXHIBIT 115 Superintendent Scott's Notes, 1982
- EXHIBIT 116 Cape Breton Post article, June 19, 1986

I N D E X C O N T ' D

- EXHIBIT 117 RCMP Operational Manual (one page)
- EXHIBIT 118 Letter from D. B. Scott, 1980, re Dan Paul
- EXHIBIT 119 William Urquhart - personal history
- EXHIBIT 120 Documentations re Robert Patterson
- EXHIBIT 121 Fingerprints, Roy Ebsary, April 9, 1970
- EXHIBIT 122 Criminal Code provisions
- EXHIBIT 123 Correspondence between Cacchione and National
VOLUME 30 Parole Board, House of Commons Justice Committee,
MacGuigan, and Correctional Services of Canada
- EXHIBIT 124 Correspondence - September 11, 1981 to February
VOLUME 31 22, 1983
- EXHIBIT 125 Correspondence - May 9, 1983 to February 23, 1984
VOLUME 32
- EXHIBIT 126 Letter dated May 10, 1983 from Chief Justice of
Nova Scotia to Federal Minister of Justice
- EXHIBIT 127 Notes of Ron Fainstein
- EXHIBIT 128 Federal-Provincial Task Force Report on
Compensation of Wrongfully Convicted and
Imprisoned Persons
- EXHIBIT 129 Notes of Brian Williston (D. Pink)
- EXHIBIT 130 Newspaper articles containing allegations against
William Urquhart (D. Murray)

I N D E X C O N T ' D

<u>EXHIBIT 131</u> <u>VOLUME 38</u>	Newspaper articles, Hansard clippings, etc., 1982-1986
<u>EXHIBIT 132</u> <u>VOLUME 28</u>	Selected correspondence
<u>EXHIBIT 133</u>	Handwritten notes, Steven Aronson (1 page)
<u>EXHIBIT 134</u> <u>VOLUME 39</u>	Compilation of materials re Reference
<u>EXHIBIT 135</u> <u>VOLUME 33</u>	Donald Marshall - letters re compensation
<u>EXHIBIT 136</u>	Duties and functions of Attorney General
<u>EXHIBIT 137</u>	Reports and Recommendations
<u>EXHIBIT 138</u>	Letters - Attorney General's Department, 1984
<u>EXHIBIT 139</u>	Letter from Felix Cacchione, dated June 7, 1984
<u>EXHIBIT 140</u> <u>VOLUME 40</u>	R.C.M.P. Contracts
<u>EXHIBIT 141</u> <u>VOLUME 41</u>	Letters, agreements, etc., A/G's office and Indian Affairs
<u>EXHIBIT 142</u>	Letters from Black United Front to A/G Department
<u>EXHIBIT 143</u>	Newspaper - Toronto Star, December 27, 1985
<u>EXHIBIT 144</u>	Letter from Dept. of Social Services, March 1, 1983

I N D E X C O N T ' D

- EXHIBIT 145 Hansard references, 1982-83
- EXHIBIT 146 Newspaper excerpt, Toronto Star - June 9, 1986
- EXHIBIT 147 Prosecuting Officers Act
- EXHIBIT 148 Job Description, Director (Prosecutions)
- EXHIBIT 149 Evaluation form, Crown Prosecutors
- EXHIBIT 150 National Parole Board - Policy and Procedures
Manual (Section 4)
- EXHIBIT 151 Photocopies of expense vouchers paid by Crown on
behalf of Donald Marshall
- EXHIBIT 152 Summary of meetings, Edwards & Wheaton (Pugsley)
- EXHIBIT 153 Draft Report of Staff Sergeant T. Barlow, dated
83-06-16 1983
- EXHIBIT 154 Service History of Superintendent Vaughan
- EXHIBIT 155 Comments of Superintendent Vaughan re Role of
Criminal Operations Officer for Nova Scotia
- EXHIBIT 156 6 page memo prepared by Superintendent Vaughan
entitled "Relationships in the R.C.M.P."
- EXHIBIT 157 Federal-Provincial Task Force Report on
Compensation of Wrongfully Convicted and
Imprisoned Persons
- EXHIBIT 158 Federal-Provincial Guidelines on Compensation for
Wrongfully Convicted and Imprisoned Persons

I N D E X C O N T ' D

- EXHIBIT 159 Job Description, Director (Criminal)
- EXHIBIT 160 Job Description, Director (Criminal) as of 1975
- EXHIBIT 161 Letter - "Department of Justice" to Gordon Gale re
request by the Union of Nova Scotia Indians re
"Feasibility Study"
- EXHIBIT 162 Letter from Department of Justice to Attorney
General's Department re Nova Scotia Indians Legal
Aid meds and a brochure on Research Proposal
- EXHIBIT 163 Letter from K.M. Psychological Services to the
Royal Commission on the Donald Marshall, Jr.,
Prosecution, dated June 21, 1988
- EXHIBIT 164 Statement of Facts With Respect to the "Thornhill"
Case
- EXHIBIT 165 Booklet of "Thornhill" Documents
- EXHIBIT 166 Assembly Debates - re: letter from Super. H.
Feagan (R.C.M.P.) to the Attorney General
- EXHIBIT 167 Notes of Deputy Comm. J. Quintal (R.C.M.P.)
- EXHIBIT 168 Notes of David Thomas
- EXHIBIT 169 Newspaper article dated April 18, 1980 - "R.C.M.P.
Seeking Documentation"
- EXHIBIT 170 N.S. Court of Appeal Division R. v. Ruddock -
February 14, 1978
- EXHIBIT 171 N.S. Court of Appeal Division R. v. Williams -
November 2, 1978

I N D E X CONT'D

- EXHIBIT 172 Chronicle-Herald newspaper article dated April 12, 1988 - "Chief Judge How Responds to 'Story Article'"
- EXHIBIT 173 Booklet of "MacLean" Documents
- EXHIBIT 174 Policy Statement - Negotiations with Defense Counsel Concerning Plea and Sentence
- EXHIBIT 175 Photocopies of Cases appearing on Sentence
- EXHIBIT 176 Press Conference with Attorney General Ronald Giffin in early November, 1984

September 21, 1988