

it in this envelope and I dated the envelope the 31st of the 1st month 1969. The envelope was marked Exhibit J and describing what was in the envelope - a sample of pubic hair from body of Gail Miller; and my name appearing in the lower right hand corner of the envelope.

Now this was turned over to Staff Sgt. Paynter at the R.C.M.P. Laboratory in Regina at 2:20 p.m. on February the 7th 1969. And at 1:55 p.m. on May the 22nd 1969 I received this 10 envelope back from Cpl. Malchanko at the R.C.M.P. Laboratory.

Q And when it was in your custody did you alter the sample in any way other than packaging it up and marking it for identification purposes?

A No, I didn't.

Q And was it under lock and key at any time when it was in your custody?

A Yes it was.

Q Did you tender this item yourself at the 20 preliminary inquiry herein?

A Yes I did.

MR. CALDWELL: I would tender that, My Lord, I suppose as an exhibit.

THE COURT: I don't think so yet.

MR. CALDWELL: Very well, I will tender it for identification, My Lord.

THE COURT: P.14 identification.

(Sample of pubic hair  
from the body of Gail 30  
Miller  
made EXHIBIT P.14  
for identification.

MR. CALDWELL:

Q And did you at the autopsy at the same time collect a sample of head hair or scalp hair from the deceased?

A Yes I did.

Q I show you this; is this the sample?

A Yes - the date the 31st of the 1st month 1969 appears on the upper right hand corner of the envelope marked as Exhibit K and sample of scalp hair from body of Gail Miller; and my name at the bottom lower right hand corner of the envelope. At 2:20 p.m. on February the 7th 1969 this was turned over to Staff Sgt. Paynter at the R.C.M.P. Laboratory. And at 1:55 p.m. May the 22nd 1969 it was received from Cpl. Malchanko at the R.C.M.P. Laboratory. 10

Q And you collected and packed the sample yourself, did you?

A Yes I did.

Q And other than when it was out of your custody did you keep it under lock and key? 20

A Yes I did.

Q And did you alter the sample in any way while it was in your custody?

A No, I didn't.

MR. CALDWELL: I would tender that for identification, My Lord.

THE COURT: P.15 identification.  
(Sample of head hair from the body of Gail Miller made EXHIBIT P.15 for identification. 30

MR. CALDWELL:

Q Now, did you receive a lady's handbag or purse at some stage of the proceedings?

A Yes I did.

Q And I show you a purse - is that the one?

A Yes. This is the purse which I received from Detective McCorrison at 7:30 p.m. on February the 8th 1969.

Q How do you identify it?

A I placed the time and the date on the bottom of the purse; I received from Detective McCorrison; and my initials "T H K" on the purse. 10

Q And what did you do with the purse eventually?

A The contents of the purse with exception of a blue folder which is a Bank of Montreal folder, was left in the purse. The contents were removed and the purse and the blue folder were turned over to Sgt. Edmondson of the R.C.M.P. for transport to the laboratory at 5:00 p.m. on March the 19th 1969. And at 9:20 a.m. on June the 3rd 1969 it was received from Sgt. Kirby at the R.C.M.P. Laboratory. 20

Q Did you then keep the purse and tender it at the preliminary inquiry?

A Yes I did.

Q And while it was in your custody was it under lock and key so to speak?

A Yes it was.

Q Now, you have described taking some contents from it and as I understood you to say you left this blue Bank of Montreal book in the purse? 30

A Yes.

Q Did you examine that book - the booklet or book?

A Yes I did.

Q Did it have any identification of any sort in or on it itself?

A I don't recall exactly whether . .

Q . . I see; but at any rate you left it in the purse, did you?

A Yes.

Q And I take it you did not alter the book or other contents of the purse itself except to divide them in that way? 10

A That's right.

MR. CALDWELL: I would tender that item for identification, My Lord.

THE COURT: P.16 identification.

Does it contain anything now, Mr. Caldwell?

MR. CALDWELL: I'd better have the witness look into it -

Q Can you just open it, Officer, and see if there is anything in it please? 20

A It's the blue folder.

Q Now, was that in it when it left your possession?

A Yes.

Q And is that the entire contents of it now?

A Yes.

MR. CALDWELL: I believe I had tendered that, My Lord, for identification.

THE COURT: Yes; P.16 for identification.

(Lady's purse  
made EXHIBIT P.16 30  
for identification.

MR. CALDWELL:

Q I show you a left boot; did you receive that item?

A Yes. My initial and the date appear on the inside label of the boot - the 31st of the 1st month 1969, initial "T K" on the label. And I also placed a tag on the plastic bag with the occurrence number, the date January the 31st 1969; one black left overboot from body of Gail Miller; and my name on the tag.

Q And you took that right at the autopsy from the body, did you? 10

A Yes I did.

Q And what did you do with it?

A It was kept in my locker until 5:00 p.m. of March the 19th 1969, when it was turned over to Sgt. Edmondson of the R. C. M. P. for transport to the R.C.M.F. Laboratory in Regina. And at 9:20 a.m. on June the 3rd 1969 it was received from Sgt. Kirby at the R.C.M.P. Laboratory in Regina.

Q And did you tender it in the preliminary inquiry 20 herein?

A Yes I did.

Q And any of the time when it was in your possession was it under lock and key and locked up?

A Yes it was.

Q Did you change it at all other than marking it?

A No I didn't.

MR. CALDWELL: I would tender that, My Lord, as an exhibit if I may. 30

THE COURT: P.17

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(Left overboot from the  
body of Gail Miller  
made EXHIBIT P.17

MR. CALDWELL:

Q I show you a right winter boot; did you have that item?

A Yes. My initial "T K" appears on the inside label and I placed a tag on the plastic bag - the boot was placed in a plastic bag and the tag was placed on the bag with the date the 28th 10 of the 2nd month of 1969, that is February the 28th 1969; 2:55 p.m.; received from Detective Parker.

Q And what did you do with it eventually?

A It was kept in my locker under lock and key and it was turned over to Sgt. Edmondson of the R. C. M. P. for transport to the laboratory at Regina at 5:00 p.m. on March the 19th 1969; and it was received back from Sgt. Kirby at 9:20 a.m. on June the 3rd 1969 at the R. C. M. P. Laboratory20

Q And did you then keep it under lock and key and tender it at the preliminary inquiry?

A Yes I did.

Q And other than mark it for identification have you altered it in any way?

A No, I haven't.

MR. CALDWELL: I tender that for identification, My Lord.

THE COURT: P.18 for identification.

(Right overboot 30  
made EXHIBIT P.18  
for identification.

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MR. CALDWELL:

Q I show you an envelope containing a maroon knife handle; did you have dealings with that item?

A Yes I have. I received this from Detective McCorriston in this envelope. It wasn't sealed at the time, it was open; and I received it from Detective McCorriston at 4:45 p.m. on March the 2nd 1969; and it's marked on here what time it was turned over to me and I have my name placed on the lower right hand corner of the envelope. 10  
And I also initialled the handle - my initial "T K" appears on the handle.

Q Is that scratched into the plastic?

A Yes it is.

Q And I believe you said it was in an envelope but not sealed when you got it, was it - from McCorriston?

A That's right, yes.

Q What did you do with the item once you marked it that way? 20

A I sealed it with sealing wax and it was turned over to Sgt. Edmondson of the R. C. M. P. for transportation to the laboratory at 5:00 p.m. on March the 19th 1969; and I received this envelope with the maroon handle in the envelope from Sgt. Kirby at the R.C.M.P. laboratory at 9:20 a.m. on June the 3rd 1969.

Q And did you keep it under lock and key in the interim and then tender it at the preliminary inquiry? 30

A Yes I did.

MR. CALDWELL: I would tender that for

identification, My Lord.

THE COURT: P.19 identification.  
(Maroon knife handle in envelope  
made EXHIBIT P.19  
for identification.

MR. CALDWELL:

Q I show you a brown envelope containing three  
white envelopes and three pill boxes; did you  
have any dealings with that collection?

A The first envelope has the time 4:00 p.m. 10  
February the 5th 1969, my initial "T H K"; and  
this is vacuum collections from the right front  
of the coat and it is marked at the bottom  
Exhibit O.

Q Now, did you make those collections?

A Yes; Lieut Fenkala and myself made these  
collections.

Q Were you there and taking part in that process?

A Yes.

Q Were they made from the coat which is now P.5? 20

A Yes sir.

Q And when you say that it's written there, the  
source of them, is that in your writing?

A Yes it is.

Q I see; so that's where you actually vacuumed  
them up from, is it?

A Yes.

Q And once you had assembled that item what did  
you do with it?

A It was turned over to Sgt. Edmondson of the 30  
R. C. M. P. for transport to the laboratory at  
5:00 p.m. on March the 19th 1969.



Q Was it in the form of a sealed envelope then?

A Yes; I placed these seals on the back of the envelope and my initial appears on the seals.

Q Now, were the other two white envelopes there part of the same process so to speak?

A Yes they were.

Q What were they?

A This envelope is from the left front back and inside lining of the coat; and this envelope was from the fur collar and cuffs on the coat. 10

Q And in each case you are personally aware of where the material came from then?

A Yes, that's why I marked it on the envelope.

Q Right; and that is again in your writing, is it?

A Yes it is.

Q And did you likewise seal them and give them to Edmondson at the same time and place?

A Yes I did.

Q And did you have anything say further to do with 20 those items?

A No, I didn't.

Q And did you have anything to do with those three pill boxes whatsoever?

A No, I didn't.

Q They would be new to you, would they?

A Yes.

MR. CALDWELL: Very well. My Lord, might I suggest - I'd like to tender the entire collection - the three envelopes and three pill 30 boxes - for identification. There will be more evidence about both or all parts of it and I

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believe there will be evidence that the boxes  
were added at the laboratory.

THE COURT: P.20 for identification.  
(Three envelopes and three  
pill boxes  
made EXHIBIT P.20  
for identification.

MR. CALDWELL:

Q I show you a black leather wallet; did you have  
something to do with that item? 10

A Yes. I received this from Sgt. Kirby at the  
R.C.M.P. Laboratory 9:20 a.m. June the 3rd 1969;  
and my initials appear on the outside of the  
envelope.

Q When you received it, Officer Kleiv, the brown  
envelope was part of the thing, was it?

A Yes.

Q Was it sealed and closed?

A No, it wasn't; it was open.

Q But included the envelope and the wallet, did  
it? 20

A Yes.

Q Did you mark the item itself in some manner?

A I believe I did. I placed this tag on the  
wallet - received from Staff Sgt. Kirby R.C.M.P.  
Laboratory June the 3rd 1969 9:20 a.m.; and my  
name on the tag; and my initial "T K" appears  
on the inside of the wallet.

Q Did you do that at the same time?

A Yes. 30

Q And I take it that other than marking it you did  
not alter it in any way?

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A No, I did not.

Q And was it under lock and key during the time you had it?

A Yes it was.

Q And did you tender that at the preliminary inquiry as an exhibit?

A Yes I did.

MR. CALDWELL: My Lord, I would tender that item for identification.

THE COURT: P.21 for identification. 10  
(Envelope containing  
wallet  
made EXHIBIT P.21  
for identification.

MR. CALDWELL:

Q Now, I show you a film box marked with the letter Q; did you receive that box at some stage?

A Yes; I used this box to place a sweater in it.

Q I see; you yourself added the box, did you?

A Yes I did. 20

Q Alright and what was it you put in the box?

A It was a sweater that I put in the box.

Q And where did you get the sweater?

A I received it from Detective Parker at 2:55 p.m. on February the 28th 1969.

Q And is it in there now?

A Yes. I placed this tag on the sweater - one black and red sweater received from Detective Parker 28th of February 1969 at 2:55 p.m.; and my name on the tag. 30

Q Did you examine the sweater at all at the time?

A No, I didn't examine it very closely, no.

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Q Is it a cardigan, say button type, or pullover type, Officer?

A I believe it's a button type sweater.  
Yes, buttons down the front.

Q And did you examine it at all at any time for the presence or absence of any sort of punctures or holes yourself?

A Yes I did.

Q And with what - what did you find?

A I didn't find any. 10

Q Right; so, you provided the paper box for that, did you?

A Yes I did.

Q And what did you do with it?

A I turned this over to Identification Officer Grant after I had placed it in the box and sealed it; it was turned over to Identification Officer Grant for transportation to the R.C.M.P. Laboratory at 5:30 p.m. of April the 20th 1969.

Q And did you mark the box as well as the sweater? 20

A Yes. I marked the box - Exhibit Q, initials "T H K", and the occurrence number on the box; I also sealed the box and placed this wax seal on the box.

Q And once you gave it to Grant did you get it back again or not?

A No, I didn't.

MR. CALDWELL: I tender that for identification, My Lord.

THE COURT: P.22 for identification. 30

(Box containing red and black sweater made EXHIBIT P.22 for identification.

MR. CALDWELL:

Q I beg your pardon - with respect to P.22 for identification the sweater, when you had it did you keep it under lock and key?

A Yes I did.

Q And did you alter it at all other than marking it?

A No I didn't.

Q And packaging of course?

A No. 10

Q I show you a further item; did you receive that item somewhere during the investigation?

A Yes. I received this from Staff Sgt. Faynter at 1:45 p.m. on May the 22nd 1969 at the R. C. M. P. Laboratory in Regina.

Q And what was the item when you received it?

A It was in the form of a vial and I believe I placed my initials on the envelope here - my initials "T K". And I also placed my initial on the vial here on the adhesive tape. 20

Q And there seem to be more or less two envelopes there?

A Yes; it was kept in this wrapper and then placed inside this envelope.

Q And you received all the parts at that time, did you?

A Yes I did.

Q Did you mark the outer envelope?

A Yes, the outer envelope is marked on the back.

Q And when did you get that again? 30

A I received this from Staff Sgt. Faynter at 1:45 P. m. on May the 22nd 1969.

Q And did you keep it from there on under lock and key and tender it at the preliminary inquiry?

A Yes I did.

Q And did you alter it at all other than marking it?

A No I didn't.

Q And is that the only time that particular item was in your possession then?

A Yes sir.

MR. CALDWELL: I tender that for identification,  
My Lord. 10

THE COURT: P.23 identification.  
(Wrapper containing  
envelope containing vial  
made EXHIBIT P.23  
for identification.

MR. CALDWELL:

Q I show you two brown envelopes containing two further vials; did you receive that collection of items?

A Yes. I received these two vials from Sgt. 20  
Paynter at the R. C. M. P. Laboratory in Regina Saskatchewan at 1:45 p.m. on the 22nd day of May 1969.

Q And did you mark the vials themselves?

A I don't believe I did.

Q Or the tags?

A Yes; I marked the one tag which was attached to the two vials.

Q I see; and did you mark either of the envelopes?

A I marked the outside envelope with the Exhibit U 30  
and I have my name at the bottom of the envelope.

Q Were they open or sealed when you got them - the envelopes?

A They were open.

Q Open?

A Yes.

Q And now I beg your pardon, but you first received those from Paynter I believe you said?

A Yes, that is the inside envelope.

Q The inside envelope first?

A Yes.

Q Right; and it was open, was it?

A Yes, it was open; and I placed the time that I 10 received it from Paynter and my name on the outside of the envelope.

Q Were the vials in it on that occasion?

A Yes.

Q Right; and then what happened once you got it from Paynter initially; what did you do with it?

A It was again placed in another envelope and the outside of the envelope was marked with the occurrence number and the Exhibit U; and saliva sample; and it was turned over to Staff Sgt. 20 Paynter at the R. C. M. P. Laboratory at 9:00 a.m. on June the 3rd 1969.

Q I believe you first received it at 1:45 of May the 22nd from Paynter at the Lab., did you?

A Yes I did.

Q And then returned it to him later?

A Yes.

Q And was that the last you had to do with it?

A Yes.

Q And other than that series of marking and 30 packaging did you keep it under lock and key during the time you had it?

A Yes I did.

Q And did you change it at all?

A No, I didn't.

MR. CALDWELL: I would tender that for  
identification, My Lord.

THE COURT: P.24 for identification.  
(Envelope containing a  
further envelope  
containing two vials  
made EXHIBIT P.24 10  
for identification.

MR. CALDWELL:

Q Now, I believe that you eventually at one time  
obtained from the accused a sample of the hair of  
his head or scalp hair?

A Yes I did.

Q And is the person here from whom you obtained  
the sample?

A Yes he is.

Q Which person is it please? 20

A He's seated there in the prisoner's dock.

Q And what is his name?

A David Milgaard.

Q And when was it you received a scalp or head  
hair sample from him?

A It was at 10:50 a.m. of April the 18th 1969.

Q I show you an item; is that the sample you  
collected?

A Yes it is.

Q How do you identify it? 30

A I placed the exhibit V on the outside of the  
envelope, the occurrence number; head hair sample



David Milgaard; and at 10:50 a. m. April the 18th 1969; and my initials appear on the outside of the envelope.

Q And what did you do with that item?

A It was turned over to Identification Officer Grant for transportation to the laboratory at 5:30 p.m. on April the 20th 1969.

Q And did you have anything further to do with that then?

A No I didn't. 10

Q And while you had it did you keep it under lock and key?

A Yes I did.

Q And did you alter the contents in any way?

A No, I didn't.

MR. CALDWELL: I tender that, My Lord, for identification.

THE COURT: P.25 identification.  
(Envelope containing head hair from accused David Milgaard 20  
made EXHIBIT P.25  
for identification.

MR. CALDWELL:

Q I show you a collection of items in a plastic bag; did you have something to do with those?

A Yes. These are the contents of the purse which I placed in the bag; and I placed this tag on the plastic bag; contents of purse received from Detective McCorriston on February the 8th 1969 at 7:30 p.m.; and my name on the tag. 30

Q And you assembled that collection out of the

purse, did you?

A Yes I did.

Q And what did you do with that collection once you had assembled it?

A I kept it in my possession and it was turned over at the preliminary hearing.

Q Tendered into court at that time?

A Yes.

Q And did you alter the collection any while it was in your possession?

10

A Yes, I examined some of the paper items in the collection for fingerprints and I didn't find any.

Q I see; and you by the way - you are qualified and experienced in fingerprinting examination, are you?

A Yes.

Q And you say you found none?

A That's right.

Q Alright; now, was there anything in that collection that bore an identification of any sort?

20

A Yes, I believe there was.

Q Now, what was it, do you recall?

A I don't recall; I would have to refer to my notes.

Q Could you just simply look in the items please?

A Yes, I can look in.

Three Bank of Montreal checking account stubs with the name "Gail Miller" on two of them and "G. Miller" on one. And there's a Bank of Montreal booklet with the name "Gail Miller" on

30

the book, outside of the booklet. And there's a cheque book with various names on it.

Q I take it none of them are that of Gail Miller?

A That's right.

Q And now, are we to understand, Officer, that all this was from the purse you received from McCorriston?

A Yes it was.

Q And you simply packaged it up and retained it after you had examined for fingerprints? 10

A Yes.

Q And tendered it at the preliminary inquiry, did you?

A Yes I did.

Q And other than what you have told us did you alter that collection at all?

A No.

Q And you have already mentioned leaving the one other item that was in the purse which is still in there? 20

A Yes.

Q And you retained them under lock and key, did you?

A Yes I did.

MR. CALDWELL: I would tender that collection for identification, My Lord.

THE COURT: P.26 for identification.  
(Plastic bag containing contents of purse made EXHIBIT P.26 30 for identification.

MR. CALDWELL:

Q I show you two gloves; are these the ones which you mentioned retrieving at or near the body earlier in your evidence?

A Yes; my initial "T K" appears on the inside band of the glove with the date the 31st of the 1st month 1969.

THE COURT:

Q That's one glove, is it?

A That's one glove in this package, My Lord.

Q Which was that - the right or the left? 10

A This is the right hand glove. And a tag is placed on the bag with the date January the 31st 1969 9:10 a.m. and my name "T. H. Kleiv"; one right hand lady's glove received from scene alley 200 block Avenue "N" South.

MR. CALDWELL:

Q And where were the gloves in relation to one another, Officer?

A Well, one was closer to the fence than the other one was. 20

Q And how far apart would they be from one another?

A I estimate three or four feet.

Q And from the body?

A They were south of the body, possibly four or five feet south of the body.

Q Did you add that paper towel that's in there?

A Yes. At the time they were covered with snow, there was snow on them and when they were taken inside they became wet and the paper towel was added in there to take up the dampness of the glove. 30

Q Now, once you collected them - it was that

morning at the scene, was it?

A Yes.

Q Did you retain them in your possession and tender them at the preliminary inquiry?

A Yes I did.

Q And did you alter them in any way other than marking them in the meantime?

A No, I didn't.

MR. CALDWELL: I would tender the right hand glove, My Lord, I would think as an exhibit. 10

THE COURT: P.27.

(Bag containing right hand glove made EXHIBIT P.27)

MR. CALDWELL:

Q Now did you handle the other one - the left hand glove in an identical way to what you have told the Court?

A Yes I did.

Q Any difference at all?

A No. 20

THE COURT:

Q Marked the same way - marked the actual glove itself?

A Yes I did, My Lord.

MR. CALDWELL: I would tender the other glove, My Lord, as an exhibit also.

THE COURT: P.28.

(Bag containing left hand glove made EXHIBIT P.28)

MR. CALDWELL: 30

Q I believe you obtained a pair of surgical scissors from another officer?

A Yes I did.

Q I show you these - are those the scissors?

A Yes. My initial "T K" scratched in the scissor at this location. And I placed a tag on the scissors - one pair of scissors received from Cst. Fleming on May the 1st 1969 at 12:10 p.m.; and my name on the tag.

Q And did you, other than marking them in both those ways, did you change them in any manner?

A No, I didn't. 10

Q Did you keep them under lock and key and tender them at the preliminary inquiry?

A Yes I did.

Q And was this adhesive tape tag on the scissors when you received them?

A Yes it was.

Q Were the marks that are on there now on there when you received them?

A Yes.

MR. CALDWELL: I would tender those for 20  
identification, My Lord.

THE COURT: P.29 for identification.

A (Cont.) The name "Miss G. Miller" appears on the adhesive tape.

MR. CALDWELL:

Q Was it there when you got it?

A Yes.

(Pair of surgical scissors  
made EXHIBIT P.29  
for identification.

Q Now I believe, Officer, that a number of the 30  
items you have dealt with that you have already  
told the Court were turned over to one Staff Sgt.

Edmondson to go to Regina on one occasion?

A Yes.

Q Now, did you only turn over items to Edmondson on one occasion?

A Yes I did.

Q And what were the items you packaged up and gave to him on that occasion then?

A There was the boots - the two boots; the lady's purse; there was the knife handle; and there was three envelopes of vacuum collections. 10

Q And aside from - you have already dealt with all those items individually here?

A Yes.

Q Aside from the wrappings and so on you have identified so far, what did you do after giving them to him?

A Well, they were all placed in a box and then the box again was wrapped with brown paper and sealed and turned over to Sgt. Edmondson.

Q And was it in that state - a sealed box wrapped 20 in brown paper when he received it then?

A Yes.

Q I'd like to show you a cardboard box and a wrapping. Are those the ones in which you placed all those items when you gave them to Staff Sgt. Edmondson?

A Yes; I didn't mark the box but I marked the outside wrapper. I addressed it to the R.C.M.P. Crime Detection Laboratory, Regina, Saskatchewan; and I have the occurrence number 30 on the outside wrapper with my initials; it was originally sealed and it was turned over to Sgt.

Edmondson of the R. C. M. P. at 5:00 p.m. on  
March the 19th 1969.

Q Is that all in your writing?

A Yes.

Q And that then is the wrapper that was around the  
box, is it?

A Yes, that's right.

Q And is that the box?

A Yes, I believe that's the box.

Q And when he received it it was as you said as 10  
a sealed closed item, was it?

A Yes it was.

Q With those things in it?

A Yes.

MR. CALDWELL: My Lord, I would tender  
both items if I may as one exhibit.

THE COURT: For identification.

MR. CALDWELL: Very well, My Lord.

THE COURT: P.30 for identification.

(Cardboard box and wrapper 20  
made EXHIBIT P.30  
for identification.

MR. CALDWELL:

Q Officer, I'd like to go now to P.2, which you  
described briefly earlier as I understand it an  
enlargement of part of a city map including the  
area of the City of Saskatoon Saskatchewan that  
contains the block which you photographed and  
which you sketched I believe in P.3; and I  
believe you have added a number of items to 30  
that - locations of certain places at my request?

A Yes.



Q And I take it that you have personally been at the locations of the places where you have marked such and such a business or address and so on?

A Yes I have.

Q Now, will you show the jury please first of all the block which we have called as containing the scene?

A The block which contains the scene is this block located to the right of the diagram. 10

Q And that's the one containing the inverted "T" in the diagram, is it?

A Yes.

Q Does that represent the lanes which you spoke of and which are shown in both the photographs and in P.3?

A Yes.

THE COURT:

Q Show me that please?

A There, My Lord - this. 20

MR. CALDWELL:

Q And I believe the map shows that as being between Avenues "N" and "O", 20th and 21st; and that you have personal knowledge that that's where it is?

A Yes.

Q Now, have you shown the location of St. Mary's Church?

A Yes; St. Mary's Church is located at this point (pointing out).

THE COURT: 30

Q Is that marked on there?

A Yes.

MR. CALDWELL:

Q And the rectory, have you shown its approximate location?

A Yes, it's directly north of the church.

Q Now, looking at the block of the scene - and you've been there as I understand it - if you protracted westward the east-west lane or top of the "T", where would it pass in relation to the church and rectory?

A It would be between the church and rectory. 10

THE COURT:

Q What would be?

A The east-west lane which runs between Avenue "N" and "O" would project between the rectory and St. Mary's Church.

MR. CALDWELL:

Q That's simply hypothetical; it doesn't exist that way?

A No, that's hypothetical, yes.

Q And are the church and rectory shown to scale there? 20

A No, they're not.

Q Alright; have you shown St. Mary's School?

A Yes. St. Mary's School is located here and it is between Avenue "O" and Avenue "P" and between 20th Street and 19th Street.

Q And again is the rectangle indicating it to scale?

A No, it isn't.

Q I believe you have shown two private houses there labelled 330 and 334 across Avenue "O" from St. Mary's School? 30

A Yes.

Q As I understand it that would then be on the east side of "O", would it?

A Yes it would.

Q And are they to scale?

A No, they are not.

Q And where did they lie in that block, Officer?

A 334 is the last house in the block, that is it's the house located on the northeast corner of the intersection of 19th Street and Avenue "O". 10

Q And where does 330 lie from 334?

A 330 is immediately north of 334.

Q That would be next door then I take it?

A Yes it would.

Q And I believe you have shown looking up the diagram or north an item "Hillorest Texaco"?

A Yes; it's located on the northeast corner of the intersection of Avenue "P" and 22nd Street.

Q And again is the rectangle to scale or is that simply where it is located? 20

A It's not to scale, no; and that's the approximate location.

Q Right; now I believe you have shown "Belmont Texaco" and the tag has fallen off your diagram and perhaps we can get you to repair that, but where does it fall in fact?

A It's at Avenue "W" and 22nd Street and it's located on the south - it's on the southwest corner of the intersection of Avenue "W" and 22nd Street. 30

THE COURT: Avenue "W" is not shown as such on the photograph.

A No.

Q ~~Is~~ the street between . . ?

A . . Avenue "V" and Avenue "X". Avenue "W" is the avenue between Avenue "V" and Avenue "X".

MR. CALDWELL:

Q Officer, the small tag has just become loose; could you possibly repair that in the morning and stick it back in the proper place?

A Yes, I could.

Q And I believe you have shown the location of the 10 Trav-a-leer Motel also?

A Yes.

Q Where is it?

A It's located to the far left side of the diagram and it's at Circle Drive and 22nd Street.

Q And I believe you've shown an address 130 Avenue "O" South?

A Yes I have.

Q Would you point it out please?

A 130 Avenue "O" South is located here (indicating) 20 - it's between 21st Street and 22nd Street on Avenue "O".

Q And you have labelled it "130" with a rectangle, have you?

A Yes.

Q Where is it from the corner of that block?

A It's second house from the corner.

Q And does the rectangle indicate there's a house on the corner?

A Yes.

30

Q And I take it again that those items are not to scale but simply show roughly where it's located?

A That's right.

Q And I believe you've also shown an address  
104 "N" South?

A Yes, it's to the right of 130 "O" South.

Q Would you just point it out please?

A Yes; it's located here (indicating).

Q And where is it located on that block, do you  
know?

A I believe it's the second house from the corner  
of 22nd Street and Avenue "N" and it's on the 10  
east side of the avenue.

Q I see; and I believe you have also shown an  
address 129 Avenue "T" South?

A Yes; it's located at this location between 22nd  
Street and 21st Street and Avenue "U" is the  
west boundary and Avenue "T" is the east  
boundary. This house is the third house from  
the corner located on the west side of Avenue "T".

Q And you have shown that by the two other  
rectangles below it, have you? 20

A Yes.

Q And have you indicated the lay-out of alleys on  
that block?

A Yes. It shows the north-south alley and then  
there's an east-west alley, which is indicated  
by the "T".

Q And you know that of your personal knowledge,  
do you?

A Yes; yes.

Q Now, are those the only individual addresses or 30  
businesses or what-have-you that you have shown  
on the sketch?

A Yes.

Q And you've been around all those places, have you?

A Yes I have.

Q That is all the ones you have indicated as individual locations?

A Yes.

Q Now, did you make a measurement of mileage or distance from the thing you have shown as the Trav-a-leer Motel down 22nd Street to a point on 22nd? 10

A Yes. I made a measurement from Avenue "O" and 22nd Street, that is the intersection of Avenue "O" and 22nd Street, to Circle Drive and 22nd Street; and this showed a distance of 1.3 miles; and to the Trav-a-leer Motel office it showed a distance of 1.5 miles, which is one and a half miles.

Q And that's simply by the most direct route down 22nd, is it? 20

A Yes.

Q And are you in a position to if asked or if necessary to tell the Court from your other large sketch P.2 the dimensions of the city block including the scene and any block the same size along there?

A Yes; I have the measurement right on the diagram.

Q Is that diagram to scale?

A Yes it is. 30

THE COURT: Did you say from your other big sketch?

MR. CALDWELL: Yes, My Lord - P.2.  
THE COURT: P.1.  
MR. CALDWELL: P.1, I beg your pardon.  
THE COURT: P.1 is what you're referring  
to now.  
MR. CALDWELL: Yes, My Lord, I'm sorry I  
gave you the wrong number.  
THE COURT: I just wanted to make sure  
it was on the record properly -  
Q This is P.1 here? 10  
A Yes, My Lord.  
Q And that's the second last photo shown in P.4?  
A Yes.  
THE COURT: The set of pictures; thank  
you.  
MR. CALDWELL:  
Q And P.1 is to scale?  
A Yes it is.  
Q And what is the scale?  
A One inch equals forty-eight feet. 20  
Q So that if necessary you can calculate for the  
Court the size of the block or what-have-you?  
A Yes; it's already calculated on the diagram.  
Q Where is the item as you have told the Court -  
the city map type sketch P.2 is not to scale  
at least to your personal knowledge?  
A No, it is not.  
Q Now, the place where you attended to make the  
photographs and saw the body was of course in  
Saskatoon in the province of Saskatchewan? 30  
A Yes it was.  
MR. CALDWELL: If Your Lordship please,

I am very near the end of my examination-in-chief and if given the opportunity I would appreciate a chance to just look through this again before I close.

THE COURT: Very well.

MR. CALDWELL: There is quite a bit of material there, My Lord.

THE COURT: We'll adjourn until tomorrow morning at ten o'clock.

4:55 P.M. JANUARY 19TH, 1970 - COURT ADJOURNED. 10

10:00 A.M. JANUARY 20TH, 1970 - COURT RESUMED.

JURY POLLED - ALL PRESENT.

THE COURT: Yes, Mr. Caldwell.

MR. CALDWELL: Just one or two things if Your Lordship pleases -

Q Officer, yesterday you showed the jury the place where you found the body and that is recorded on P.1 I believe?

A Yes sir.

Q And could you tell the Court how far north of 20 the east-west alley or the top of the "T"?

THE COURT: Excuse me a minute; have the members of the jury the copies that they had yesterday?

(COURT CLERK DISTRIBUTED COPIES OF P.1 TO THE JURORS.)

THE COURT: And you're dealing with P.1, that's the second last photograph.

MR. CALDWELL: The sketch of the one block, My Lord. 30

THE COURT: Yes, the one to scale.

MR. CALDWELL: That's right -



Q On P.1, Officer, how far north of the "T" of the alley was it that you located the body?

A It was approximately fifty feet north.

Q And I think you said that was indicated by the A, B and C on your sketch?

A Yes sir.

Q What was the D and E?

A It was the location of where the two gloves were found.

Q I see; and you put that on there of your own 10 knowledge, did you?

A Yes.

Q Would you point it out please where that is to the jury?

THE COURT: Where what is?

MR. CALDWELL: D and E, My Lord.

A D and E (indicating).

Q Now, what is the measurement - the size of that block Avenue "N" and "O" between 20th and 21st?

A "N" and "O" the distance from 20th Street to 20 21st Street is 534 feet. And the distance from Avenue "N" to Avenue "O" along 20th Street and along 21st Street is 386 feet.

Q And that's indicated right on your sketch?

A Yes sir.

MR. CALDWELL: If Your Lordship pleases I would like leave in due course to recall the officer to identify certain other items. Subject to that, that's my examination-in-chief.

THE COURT: Mr. Tallis, are you prepared 30 to proceed with cross-examination on the evidence to this time?

MR. TALLIS: Yes, reserving the right to of course cross-examine further on matters that my learned friend raises, but I am prepared to go ahead now.

THE COURT: And then your cross-examination later on would be confined to the new matters which he raises.

MR. TALLIS: Yes, subject to checking something which I might want to ask special leave but I would go on to this point. 10

THE COURT: Alright.

MR. TALLIS, cross-examining:

Q Mr. Kleiv, you told my learned friend Mr. Caldwell yesterday that Detective Sgt. Reid and Detective Parker were already at the scene when you arrived?

A Yes sir.

Q And as I understand it you went in company with Lieut. Penkala and Cst. Winter?

A Yes sir. 20

Q And Lieut. Penkala was your superior officer in the Identification Section?

A Yes sir.

Q And Cst. Winter at that time was attached to the Identification Section?

A Yes sir.

Q But he would be junior in service to you?

A Yes.

Q And when you arrived at the scene I take it that these two officers Reid and Parker were somewhere near the body? 30

A Yes.

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Q And I take it that the usual practice in a matter of this kind is to leave the scene as undisturbed as possible until the Identification officers arrive?

A Yes sir.

Q And this is certainly the recommendation that the Identification men have?

A Yes.

Q And now what time did you receive the call to go there?

10

A It was approximately 9:00 a. m., sir.

Q And now, when you approached this particular scene you would have had some advance information as to where the body had been located?

A Yes.

Q And which way did you go into that "T" intersection?

A Yes - entering the east-west alley, we proceeded west in the alley towards the "T" intersection.

20

Q And then you stopped the car at that point or did you turn and go north up the alley?

A No, we stopped at that point right at the "T" intersection.

Q So that if I may refer to this sketch P.1 I take it that you stopped right at the base of the "T" intersection here?

A Yes, that's right.

Q Stopped the patrol car?

30

A Yes sir.

Q And having done that I take it that you

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proceeded to go on foot to the scene where the body was located?

A Yes sir.

Q And I take it that Lieut. Penkala was with you?

A Yes.

Q And as you approached this particular area could you see the body from the point where you stopped the car?

A Yes.

Q And having noted it there I take it that you would be careful to make observations as you approached the body? 10

A Yes.

Q And the purpose of this is of course to see whether or not there was anything of significance visible to the human eye?

A Yes.

Q And I presume that as you approached the body you looked for what I think I might properly call boot or foot marks? 20

A Yes.

Q And I take it that you were not able to observe any boot marks or foot marks that you could link up with the scene which I will characterize by referring to points A, B, C, D and E?

A That's right, sir.

Q And this of course was one of the things that you would be looking for?

A Yes. 30

Q So that there is no misunderstanding there were no marks from snowboots or oxfords or anything

like that that you could link up with the scene of this crime?

A That's right, sir.

Q And as I understand it from looking at the photographs - and perhaps I could have the set P.3 - I gather from looking at the photographs and I am referring now to this Exhibit P.3 and directing your attention to photos #1 and particularly #2, it's fair to say that there was quite a depth of snow when you got off the travelled portion of the lane? 10

A That's right, sir.

Q And approximately what was the depth of snow there to your recollection?

A This I never measured the depth but it would be approximately two and half feet - two to two and a half feet.

Q And as I understand it you were able to observe some old marks where snow had fallen in . . . ?

A . . . yes. 20

Q . . . to the holes made by boots or snowboots?

A Yes.

Q But apart from that there was nothing that you could link with the scene that were fresh?

A That's right, sir.

Q And then just so that there is no misunderstanding I take it that once again referring to photo number - or sketch P.1, your search - your initial search or check for boot marks or foot marks would start right at this base here not far from point P as is marked on this sketch? 30

A Yes that's right, sir.

Q And then you proceeded in a northerly direction to the scene where the body is located?

A Yes sir.

Q Now, was Lieut. Penkala with you while you were walking?

A Yes, we were more or less together, sir.

Q Yes; in other words you were to use the term that's commonly used paired?

A Yes.

Q And I suppose the theory is that what one 10  
doesn't see the other may?

A That's right, sir.

Q And this is a common police practice to pair Investigation officers particularly in Ident. work and also detective work?

A Yes sir.

Q Now, I gather that the snow was such in that alley going north towards the body where you were walking, that boot marks would show up in it? 20

A Yes, it would in places.

Q Yes; and as a matter of fact you did find fresh boot marks there which clearly were not linked with the scene?

A Yes.

Q In the sense first of all you noticed some small children's prints?

A Yes.

Q And as I understand it they were of a size that you would say would be in the seven or eight age 30  
group?

A Yes.

- Q And they were fresh?
- A Yes, they appeared fresh.
- Q Yes; and then similarly you noticed boot marks which had obviously been made by police officers who were there before you?
- A Yes.
- Q And you were able to identify those marks in the snow because you know the boot marks from previous experience?
- A Yes. 10
- Q In other words, there were distinctive features to the police boot marks that showed up?
- A I wouldn't say they were distinctive, sir, but . . .
- Q . . . well, how were you able to know that they had been made by police officers?
- A Well, I had seen them walking in this area.
- Q Oh I see; and then having looked where they were walking you saw the prints?
- A Yes.
- Q But the nature of the mark was such that it was 20 consistent with a police boot?
- A Yes.
- Q Now, I take it that your examination of the area did not reveal the presence of any blood or anything appearing like blood except in the vicinity of points A, B, C, D and E - in that general area where the body was found?
- A That's right, sir.
- Q And that of course can be linked up with P.3 photo #2; in other words the spots of blood 30 that you described are only in the immediate vicinity of the body?

A Yes, that's right.

Q Was there any blood spots that you could see in the vicinity of where the glove was found?

A No.

Q No; so that the area where blood spots were located is confined to pretty close to the body?

A Yes sir.

Q And by the way, were any colored photographs taken at the scene?

A No. 10

Q None were taken?

A No.

Q So that there aren't any colored photographs available that would show up the red specks in the snow?

A No, there isn't.

Q And how far did blood spots radiate out from the body? I just can't - maybe you can assist us by looking at photo #2; there are a few specks around there but I can't tell whether or not 20 they are blood?

A Well, I can't tell from the photograph either and I didn't make note of how far out they radiated from the body but they were around the body, yes.

Q I see; in other words you can't tell from looking at photo #2 whether or not these specks - perhaps you would just step down -

If I may ask the witness to do that, My Lord?

THE COURT: Yes. 30

MR. TALLIS:

Q (Cont.) Looking at photo #2 of Exhibit P.3 there



appear to be some specks here in the foreground;  
can you tell us from your recollection whether or  
not they were blood specks or just some other  
type of specks?

A I couldn't tell you about these but the ones that  
are closer in to the body were red in color.

Q I see; but the specks shown further in the  
foreground you have no recollection of that?

A No, I can't say what they are.

THE COURT: 10

Q Are you pointing directly in front of the body?

A Yes.

MR. TALLIS: The witness was directing  
the attention here to these specks here; he made  
reference to those close to the body.

THE COURT:

Q What about those two dark spots over to the  
right?

A That is where the glove was found. There is a  
glove that was found there. 20

Q But there are three black spots there. One not  
so prominent at the top and then there are two  
immediately below it that appear to be . .

MR. TALLIS: . . I don't know whether we  
are looking at the same thing, My Lord.

THE COURT: These ones down here.

MR. TALLIS: Oh yes, the witness has  
identified that as being the glove and I asked  
him whether there was any blood there and he  
said there wasn't. 30

THE COURT:

Q There was no blood there?

A No, there was no blood there. There was a glove that was found there, My Lord.

THE COURT: Thank you.

MR. TALLIS, continuing:

Q So that I gather it's fair to say that - as a result of your investigation at the scene it's fair to say that there was nothing to indicate that an assault on this girl had commenced at some other point and then progressed up the alley? 10

A No, there was nothing to indicate this.

Q No; and naturally I take it that this is one of the first things that your mind would be directed to.

A This is one of the things, yes.

Q Yes; and how many years of service do you have in identification work?

A Four years, sir.

Q Four years; and how many years do you have altogether on the Force? 20

A It will be fourteen years in August.

Q Fourteen; so that prior to being in Identification you had general police duties which would include investigations?

A Yes sir.

Q And these observations that you made would be before you actually took photographs, would they?

A Yes.

Q In other words, you looked with the naked eye and then you photographed the scene? 30

A Yes.

Q As best you can to portray it?

A Yes.

Q Now, another thing I take it that you looked for in that vicinity would be tire marks of any significance?

A Yes.

Q And once again I take it it is fair to say that this is one of the first things you would look for on approaching a scene of this nature?

A Yes.

Q And by "tire marks" I also include marks 10 indicating that a vehicle had been stuck or spinning its wheels or something like that?

A Yes.

Q And as I understand it you did not observe any tire marks of any significance in this area?

A Yes sir.

THE COURT: Just a minute please - none at all?

A That's right, My Lord.

THE COURT: Well, then you had better 20 clear something up for me and I imagine for the jury too.

MR. TALLIS: I was going to come to that, My Lord, because I'm not trying to duck.

THE COURT: Very well.

MR. TALLIS:

Q Now, I take it that it is fair to say that the lane - the north-south lane where points A, B, C, D and E were marked on by you in P.1 . . . ?

A Yes. 30

Q . . . was a lane that was fit for travel?

A Yes.

- Q And it was obvious that vehicle traffic had moved along there at least on previous days?
- A Yes.
- Q But you were not able to see any fresh tire marks?
- A None distinguishable, no.
- Q And as I understand it on this particular morning there had been a very heavy frost cover?
- A Yes.
- Q And accordingly this would tend to make tire marks more distinguishable, wouldn't it, if they were fresh? 10
- A Possibly they would, yes.
- Q Well - generally that's the case, isn't it?
- A Yes.
- Q Yes; and as I understand it this lane - and perhaps we can look at photo #4 of P.3 in evidence here - maybe you could just step down - If I may ask the witness to, My Lord - I am referring to photo #4 of Exhibit P.3 and the 20 same photo appears in P.4. If we look at photo #4 of this exhibit what direction first of all are we looking there, I think you told us yesterday?
- A We're looking in a southeasterly direction towards the body.
- Q Yes; and if we were driving straight along the alley going away from the camera we would be going pretty well straight south?
- A That's right, sir. 30
- Q And as I understand it that photograph there shows that the lane is in fact open for vehicle

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traffic?

A Yes sir.

Q And as I understand it from looking at the foreground boot marks and so forth do show up pretty well in there?

A Yes, in the centre portion.

Q And if you look there, there is nothing to indicate any fresh tire marks?

A That's right.

Q You can go back. Now once again I take it that 10 the east-west lane . .

THE COURT: . . excuse me a minute, are you through with the tire marks?

MR. TALLIS: Yes.

THE COURT: I'd like the witness to explain what that shadow is in picture #1 leading up to the car situated in the alley.

THE WITNESS: I'm sorry, My Lord, that is a mistake on my part with the photo processor.

THE COURT: 20

Q That depicts nothing at the scene?

A That's right; I'm sorry about that.

MR. TALLIS:

Q Now, if I may turn to the east-west alley?

A Yes.

Q You have told us that you drove from the entrance - we'll assume you entered at Avenue "N"?

A Yes.

Q In a westerly direction to where you stopped around point P as is shown in this sketch P-1? 30

A Yes.

Q And I take it that that alley was open for

traffic?

A Yes sir.

Q Similar to the north-south alley?

A Yes sir.

Q And I take it that since you knew when you were going there the location of this body you would look pretty carefully as you entered the alley, you were making observations?

THE COURT: Entered which alley?

MR. TALLIS: The east-west alley. 10

A Entering the east-west alley?

Q Yes.

A Not so much in the east-west alley.

Q No but I mean you were looking out the window?

A Yes.

Q And naturally one of the things you would be looking for would be tire marks of any significance?

A No, I wasn't watching that closely travelling west on that alley. 20

Q I see; well now, when you got out after stopping the car you certainly would look both north and east and west?

A I looked north and I checked the area from the "T" intersection northwards but I didn't check the alley going west.

Q No but when you stopped around this point P here on Exhibit P.1 you got out of your vehicle?

A Yes.

Q And you looked you say to the north? 30

A Yes.

Q But this is before you walked north?

A Yes, that's right.

Q You were standing around?

A Yes.

Q Then, is it not also fair to say that you looked both to the east and to the west?

A Yes, from this point I probably looked that way.

THE COURT:

Q From what point?

A From the point of the "T" intersection of the alley here, My Lord. 10

Q It's easier for me to follow and I think probably the jury if you refer to this picture #6 where you've got your police car down - that police car is at the junction of the east-west and north-south alley, isn't it?

A Yes, My Lord.

Q And it's that one that Mr. Tallis is referring to?

A Yes, My Lord.

MR. TALLIS: 20

Q Well now, I take it you don't have any photographs of the east-west alley?

A That's right, sir.

Q But I take it that you have no recollection of seeing any fresh tire marks as you entered the alley?

A No, I don't.

Q No; and naturally this is one of the things that you would be looking for almost by intuition, isn't it? 30

A Yes.

Q And certainly after you got out of the car even

though you didn't drive to the west right at that time you would be able to look to the west as well as to the north, wouldn't you?

A Yes.

Q And you didn't notice any tire marks or anything like that of significance at that time?

A Not that I observed, no.

Q No; and as I understand it if we may come back for a moment here to photograph #2 of Exhibit P.3, the lady's foot is just about on the edge of the travelled portion of the alley, isn't it? That is if you were going north along the alley your right wheels of the car would be pretty close to that foot? 10

A Yes, it would.

THE COURT: Which picture are you referring to?

MR. TALLIS: Photo #2, My Lord.

THE COURT: It shows better really in #1, doesn't it? 20

MR. TALLIS:

Q Well, #1 shows it as well?

A Yes.

Q But #2 is really a closer up photo?

A Yes, that's right.

Q Now, later on after you had walked up in the vicinity of the body I take it that you walked north of it?

A Yes I did.

Q And did Lieut. Penkala walk north with you? 30

A I'm not sure whether he walked with me or not, no.

Q In any event I take it that there were no blood



spots to the north?

A That's right, sir.

Q That is to the north of the body?

A Yes sir.

Q And then I take it that you also examined the fence area that is depicted in photo - I suppose #2 and perhaps a better shot of it would be photo #3 of Exhibit P.3?

A Yes sir.

Q And is it fair to say that you did not find any 10 blood spots in the vicinity of the fence?

A That's right, sir.

Q And you specifically of course were looking for things of that nature when you were examining the fence area?

A Yes sir.

Q And did you examine the branches and what-not as well?

A Not too closely, just looked at them, didn't observe any blood spots. 20

Q But you were looking at them to see if there was anything of significance?

A Yes.

Q And I take it then from your examination of the scene there was nothing to indicate that the deceased had been dragged to this location?

A No, I couldn't find anything to indicate this.

Q And naturally if I may put it to you this way and I think I put it fairly - this is one of the things you would be looking for? 30

A Yes.

THE COURT:

Q And if she had been dragged there is no doubt in your mind I take it that you would have been able to see some trace of it?

A Yes, My Lord.

MR. TALLIS:

Q So that I gather, Mr. Kleiv - I think you know me well enough to ask me to restate something if you don't understand it - I gather that it is fair to say that when you arrived at the scene this was not a case where a large crowd had gathered? 10

A That's right.

Q And apart from the police officers that were there was there anyone else around when you arrived?

A No, there wasn't.

Q I see; and from an identification standpoint would it be fair to say that you were dealing with a relatively undisturbed scene, that is undisturbed by people coming along after?

A Yes. 20

Q Now, sometime along the way did you have occasion to measure the height or observe the height of this young lady being measured?

A I didn't measure the height of this body.

Q I see; did you observe it being measured later at the hospital?

A I don't think it was measured at the hospital; it was possibly measured at the scene.

Q In any event, is it fair to say that you estimate her height to be approximately five foot 30 six inches?

A Approximately, yes.

Q And from your observations of the body did she appear to be - and I don't use this in a disparaging manner - a robust girl - robust young woman?

A Yes.

THE COURT:

Q I take it you were not present when and if she was weighed?

A I don't believe she was weighed, My Lord.

MR. TALLIS: 10

Q Now, Mr. Kleiv, as I understand it referring to sketch #P.1 you placed a number of dots on this sketch; there is a dot on the lot 227, two dots on lot 226 and some dots in the alley - the east-west alley. As I understand it these dots were simply marked there by you on instructions from some other person?

A Yes sir.

Q And you didn't personally find anything in any of those locations? 20

A No I didn't, sir.

THE COURT: Are those those very small . .

MR. TALLIS: . . those very small dots  
and I understand that they may be covered by another witness, My Lord.

THE COURT: There are three of them  
around 227 - one in the lot area . .

MR. TALLIS: . . and two below it.

THE COURT:

Q In the lane? 30

A Yes; and there's one at the rear if I may see the plan.

MR. TALLIS:

Q Yes certainly.

A There's one at the rear of 1414 20th Street West.

THE COURT:

Q Where is that?

A Right there (indicating).

Q Oh yes; that's right down near those trees  
you're indicating?

A By the trees, yes. There are two dots in the  
rear yard of 226 Avenue "O" and one dot in the 10  
rear yard of 227 Avenue "N" and two dots in the  
alley by the south fence line of 227.

MR. TALLIS:

Q Fine; now in addition to that and perhaps you  
could tell me - there are some larger circles  
just south of points A, B, C, D and E - what  
are they put on there to denote?

A Yes; those are poles.

Q And what type of poles?

A They're either power poles or telephone poles. 20

Q I see; and the same in the alley running east  
and west there appear to be three circles on the  
south side of the alley?

A Yes sir.

Q And they are all poles, are they?

A Yes; all the circles that are shown on there  
indicate poles.

Q Fine; now if I may turn to another matter. I  
take it that it is common ground between us that  
apart from the rolling over of the body by Dr. 30  
Fogel you are satisfied that there was no change  
in the position of the clothes on the body when

you saw it?

A That's right.

Q And your purpose in taking the photograph which is in evidence here as part of P.3 - photo #7 - is to depict the sorry picture . . ?

A . . yes.

Q . . that is shown to one who saw it just as the body was turned over?

A Yes; it's taken to show the clothing on the body.

Q As an Identification officer, you of course make 10 sure that nobody moved the clothes or anything other than rolling over the body?

A That's right.

Q And as I understand it the reason for this was quite obvious, that is you wanted to preserve a picture of the scene as precisely as you could to show the position of the clothes?

A Yes sir.

Q Now, did you notice what I think we can perhaps all call somewhat the unique situation with 20 reference to her coat and dress before the body was rolled over or was it only after it was rolled over?

A It was after it was rolled over that I noticed.

Q I see; and as I understand it then it was then that you noticed that her arms were through the coat sleeves?

A Yes sir.

Q But that her dress was off the sleeves - I'm sorry, that her dress was off her arms? 30

A Yes.

Q Her dress sleeves were off?

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A Yes.

Q And it was rolled down as is shown in photo #7.  
And I take it that as soon as you saw the body  
there in this position you immediately noted  
and realized that somewhere along the way this  
girl's coat had to be taken off in order for the  
dress to come down?

A Yes.

Q That is of course assuming that she was properly  
dressed and we'll assume that. And of course 10  
you would realize that after the dress was taken  
down and so forth that the coat must have been  
placed back on again?

A Yes.

Q And I take it that once you noticed this somewhat  
unique situation you had taken an even more  
careful look at the area?

A I didn't personally, no.

Q I see; you didn't personally?

A No. 20

Q But this was something that immediately  
attracted your attention?

A Yes.

Q And as I understand it then your senior officer  
was left there, was he, at the scene?

A Yes he was.

Q And you went with the body when it was being  
removed?

A Yes.

Q And I take it that when you discovered this 30  
somewhat unique situation as far as the clothes  
are concerned you came to the conclusion at that

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point at least that some little time must have been involved in this incident?

A Yes, I would say that it would take some time.

Q Yes; and that was a matter that immediately came to your mind when you saw the situation as you portrayed it in photo #7?

A Yes; it was one of the things that came to my mind.

Q Yes; and in any event one of the things that you directed your mind to in looking at the scene 10 was to see whether or not there was anything to determine the sequence of events here?

A Yes, this was . .

Q . . and you weren't able to find anything or link anything up there which would assist in ascertaining the sequence of events?

A No.

Q Now, as I understand it at that particular time at the scene you did not examine the coat or clothes for puncture wounds or puncture marks? 20

A Not at the scene I didn't, no.

Q No; and did you make these observations later on at the hospital?

A Yes.

Q And now, at the hospital of course you have told us that you took her dress into your possession?

A Yes.

Q And as I understand it, it was at this time that you had an opportunity to look at the dress and examine it for puncture marks? 30

A Yes.

Q Or cuts?

A Yes.

Q And one of the significant things that you immediately noted when you made that comparison was that there were no puncture marks of any kind in the dress?

A That's right.

Q And indeed the dress that's here will show that?

A That's right.

Q And I take it that from looking at the wounds on the body it was obvious then to you that the 10 punctures that had been made in her body below the breast area were obviously inflicted after the dress was taken down?

A Yes.

Q And then when you got examining things further at the hospital you looked at the coat and found puncture marks in it?

A Yes.

Q And as I understand it those puncture marks matched up pretty well with the location of the 20 wounds on the back of the girl?

A Yes.

Q And once again the very unique feature here was that there were no such wounds - no such puncture marks that you could tie in with the dress?

A That's right.

Q The only thing that you found wrong with the dress was that one little seam up by the collar and the zipper?

A That's right. 30

Q And as I understand it when you found the - when you took possession of the dress it appeared that



the zipper had been sprung at the back?

A Yes.

Q With the shoe remaining right up near the collar?

A Yes.

Q Now, when you were at the scene and before the body was moved did you conduct an examination for <sup>what</sup> one might call alien or foreign hair?

A I didn't personally, no.

Q You didn't personally; well did anyone else do that in your presence? 10

A Not in my presence, no.

Q I see; so that your search for alien hair and what-not was confined as I understand it to a vacuum collection that you made from the clothes, is that right?

A Yes, we made a vacuum collection from the coat.

Q From the coat; and that was the only thing that you made the collection from?

A As far as vacuum collections were concerned, yes.

Q As I understand it you used a vacuum cleaner and 20 vacuumed samples from various portions of the coat?

A Yes.

Q And then put them in these separate envelopes, is that right?

A That's right, sir.

Q Yes; and those are the ones that you referred to yesterday when my learned friend Mr. Caldwell was examining you?

A Yes. 30

Q Now, was that done with the assistance of another officer, that is was Lieut. Penkala there?

A Yes he was.

Q And were these the only clothes that you examined that you can recall with hair samples - the coat?

A Well, all the clothes were actually . .

Q . . all the clothes were actually examined?

A Just briefly and then they were submitted to the laboratory for this purpose.

Q I see; now, when you were examining the body both at the scene and at the hospital did you 10 look to see whether or not there were any bite or scratch marks on the body as distinct from the wounds that you described?

A I didn't see any bite marks, no.

Q And naturally this is something you would be looking to see if there were any in a case of this nature?

A Yes.

Q And as I understand it the wounds that you referred to are about one-half inch? 20

A Approximately, yes.

Q Approximately; you didn't measure them as such, I take it?

A No I didn't.

Q And as I understand it from looking at the wounds in the photograph some of them appear to be similar in shape?

A Yes.

Q And others appear to have some differences, is that correct? 30

A Yes, some of them look different.

Q Looking at photograph #14 did you notice any

differences in the nature of the wound on the  
breastal area or chest area?

THE COURT: You mean immediately below  
the breast?

MR. TALLIS: Yes.

A There are two that appear similar; there is  
another one at the top there that is probably  
a little more jagged than the others.

Q I see; well perhaps if you can just step down  
here then - I don't particularly want to 10  
burden people with photos of this nature -  
but as I understand it you did notice some  
difference in the wounds and you are referring  
now to photo #15?

A Yes, the only one that's a little different of  
these three here is this one here (indicating).

Q You're pointing to the third one from the  
bottom?

A Yes.

Q And you noticed that that was more jagged, did 20  
you, when you were at the hospital?

A Yes, it looks different.

Q I think that's all right at this point, you can  
go back.

And having regard to the respective edges of  
each wound and particularly those that you say  
are quite similar, you mentioned there were two -  
I suggest to you that those wounds from your  
observation are consistent with having been  
inflicted by a double edge knife? 30

A I don't feel that I am qualified to state this;  
it's possible that this could be; I don't know

for sure.

Q I see; but from your observations you realize certainly that it could possibly be by a double edge knife?

A I say it could be possible but I'm not qualified to answer a question of that nature.

Q Now, yesterday you referred of course to the dress, which is really a nurse's uniform P.10 in these proceedings; and you mentioned that the stain on the breast area was faded 10 somewhat. Then you proceeded to tell us about the coat which is in evidence here before the Court and was marked P.5; and you mentioned that you noted that a button was off that coat?

A Yes.

Q And you referred us to the middle button that was missing. Now as I understand it from what you told my learned friend that button was never found at the scene?

A That's right. 20

Q And as I understand it a very careful search was made for it?

A Yes.

Q So that there is no misunderstanding I think that the search even included extensive melting operations that were carried on for some little time in that area?

A Yes.

Q And I believe you were at the scene of the melting operations from time to time, weren't you? 30

A I was there on one occasion, yes.

Q And how far did the melting radiate out from the point A, B and C where the body was located?

A It took in the entire travelled portion of the alley?

Q It did?

A Yes.

Q Going both north and south?

A North and south, yes.

Q For how far?

10

A I don't recall exactly how far it had gone; at the time I was there it was working its way south from the north along the rear of 221 Avenue "N" South.

Q I see; and as I understand it from your evidence yesterday you took possession of quite a number of items, some of which are not all in as yet as exhibits, but you checked out carefully for fingerprints here in your lab. in Saskatoon?

20

A Yes; I checked the contents of the purse for fingerprints.

Q But did you make a check for fingerprints of the accused on other items?

A No, I didn't.

THE COURT:

Q Does that include the handle of the knife?

A The handle of the knife, that was checked for prints too, My Lord, and I didn't find any.

MR. TALLIS:

30

Q Now, coming back for a moment to that morning, I gather that it's common ground that it was

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around forty-two below - I think that was your recollection?

A Yes, it was around forty below.

Q Around forty below zero; in other words it was cold enough that if you weren't clad well you would feel the frostbite pretty quickly?

A Yes sir.

Q And I take it that when you took your hands out of your gloves to deal with some of your equipment you felt the cold in just the matter 10 of a minute or two?

A Yes.

Q And did your ears start to become frostbitten in a short period of time out there?

A Yes they did, sir.

Q Did you have anything over them or what was the situation?

A Yes; I didn't to begin with but then I had to.

Q You had to get something on?

A Yes. 20

Q In order to continue?

A Yes.

Q In other words, if a person were in that area that morning for very long he would soon feel the effects of the weather unless he was well dressed?

A Yes.

Q And you know that of course from your own personal experience there?

A Yes. 30

Q Now, during the course of your evidence you told my learned friend about obtaining a sample of

head hair from David?

A Yes I did.

Q And I think that it's fair to say that your purpose in obtaining this sample of head hair which is now in evidence here as P.25 - your purpose in obtaining that sample of hair was to have it available for comparison purposes with other samples?

A It was to have it available for comparison, yes.

10

Q Yes; with samples that may be found on clothes and things like that?

A Yes.

Q Now, I think that you told my learned friend that you obtained this sample P.25 for identification on April the 18th 1969 at around 10:50 a.m.?

A That's right, sir.

Q And I believe that this was done at the City Police Station here?

20

A Yes it was.

Q Now, at that time I think it's also fair to say that David was not under arrest?

A No, he wasn't.

Q In other words he wasn't in custody on this charge?

A That's right.

Q And he was down as I understand it - he had been invited down to the Police Station and you asked him if he wished to give you a sample of hair? 30

A Yes.

Q Now, as I understand it he co-operated fully with

you when you explained that you wanted a sample of hair from his head?

A Yes he did.

Q And knowing him as I do I am sure you mentioned to him why you wanted it?

A No, I don't believe I mentioned to him why I wanted it.

Q I see; in any event you assumed that he knew that it was in connection with the Gail Miller incident?

10

A I assumed this, yes.

Q Because other officers had seen him before that?

A Yes.

Q And as a matter of fact when you asked him for a sample of his hair he readily gave it to you?

A Yes.

Q And I believe it's fair to say that you had a pair of scissors there and he took the scissors and cut it out for you?

A That's right.

20

Q Yes; and after he cut it out he handed it to you?

A That's right.

Q Now, as a matter of fact before you got this sample of hair from him you did introduce yourself to your recollection as being an identification officer?

A Yes, I believe I did.

Q Now, I'd also like to suggest to you, Officer, that the day before David was down at the Police Station?

30

A Yes.

Q At the invitation of someone there?



A Yes.

Q In other words, he wasn't in custody or charged with any offence?

A No, he wasn't.

Q And I believe that you got a sample of hair from him on that occasion?

A Yes I did.

Q And did you obtain the sample from him at that time or how was it obtained?

A Yes, I obtained the sample from him. 10

Q I see; and I take it that on that particular occasion he was quite co-operative with you?

A Yes he was.

Q And as I understand it it turned out that that sample you<sup>got</sup>/that particular day wasn't a good enough sample for your purpose?

A That's right.

Q And accordingly you arranged to get in touch with him the following day to get a better sample? 20

A That's right.

Q And I suppose that when he was there the following day you explained to him that the last sample wasn't a good enough sample?

A Yes sir.

Q For comparison purposes, that is?

A Yes, I believe so.

Q Now, dealing with the first sample that didn't turn out to be a very good one, was this the sample that he had sort of pulled out for you? 30

A Yes.

Q As a matter of fact you had asked him to

actually pull it out?

A That's right.

Q So that you would have some of the roots as well?

A That's right.

Q And as I understand it he was quite co-operative with you on that occasion?

A Yes he was.

Q And readily gave you the sample in the manner in which you asked for it?

A Yes. 10

Q And the idea of using the scissors on the second occasion was really your idea because you had them there?

A Yes.

Q And you thought that this would get you a better and bigger sample?

A Yes.

Q And so that on the two occasions that we've talked about - these two hair sample occasions - it's fair to say that David was most co-operative with you? 20

A Yes he was.

Q And he was friendly towards you just as you were friendly towards him?

A Yes.

Q And as I understand it the conversation that took place between you was a soft spoken conversation in your normal tones?

A Yes.

Q Now, as I understand it, you also obtained hair samples from other persons who were suspects? 30

A Yes.

Q And in particular there was one other sample?

A Yes.

Q From - without going into the details at this point - from a person living not too far from the area where the crime took place?

A That's right.

Q And now I take it that after obtaining that sample of head hair you kept it in your possession?

A Yes. 10

Q And now dealing with David's sample of head hair I gather that it was sent to the Crime Detection Laboratory?

A Yes it was.

Q By you?

A Yes.

Q And this other sample of head hair I take it was never sent to the laboratory?

A That's right, sir.

Q And this is no criticism on you, I take it that 20 you only submit samples when instructed to do so by someone superior to you?

A Yes, that's right, sir.

Q And as a result of the instructions you received from somebody superior to you it was not sent down?

A That's right, sir.

Q Now, referring to this sweater P.22 for identification, as I understand it this was turned over to you by - was it Mr. Parker? 30

A Yes, Detective Parker.

Q Yes; Detective John Parker. And when it was

turned over to you did you examine the buttons on it?

A Yes, I believe I did.

Q I see; and also the button holes? Just have a look at it; perhaps it will refresh your memory. Does that appear to be in the same condition as when it was turned over to you apart from the way in which it was folded in the . . . ?

A Yes.

Q And I take it then it's common ground that there 10 was no sign of any buttons being torn off or anything?

A No, there wasn't.

Q Or the button holes being torn?

A No.

Q And when the sweater was handed to you I presume you would examine it to see whether or not it was stretched - you know how a sweater sometimes stretches out of place when it's tugged or pulled? 20

A I didn't examine it for that, no.

Q I see; you didn't look at it for that?

A No, I didn't.

Q But I take it that you wrapped it up so that it would be in the same condition as nearly as possible as when you received it?

A Yes.

Q And did you examine it for hair or anything like that?

A No, I didn't, sir. 30

Q I see; do you know whether or not it was examined for hair?

A I don't know; it was submitted to the laboratory.

Q I see; this isn't my hair but I just noticed as it was taken out of the bag there are still hairs attached to it; do you recall seeing any hair on it? There's one that I notice specifically - do you see it there?

A Yes I do.

Q It appears to be human hair?

A Yes.

Q Did you examine it for hair at all? 10

A No, I didn't; no sir.

Q I see. Perhaps you could just fold it.

Now, turning to this sketch which is described as P.2 in evidence here, you have put on the location of St. Mary's Church and the rectory. Now, when you were driving around for purposes of preparing this sketch and putting these things on, can you tell us the location of the street car stops? Suppose that a person was getting on a street car at 20th Street to 20 come down town, that is to the 2nd Avenue area, can you indicate where the street car stops shall we say in relation to St. Mary's Church? I would assume it would be on the south side of the street?

A No, I can't actually - I never made a note of where the bus stop was in that location.

Q I see; it is common ground that there is a bus that goes along 20th Street?

A Yes. 30

Q But you are not able to say specifically - perhaps if we look at this sketch P.1 - you are

not able to say where the bus stops along 20th  
in relation to Avenue "O" or in relation to  
Avenue "N"?

A No, I am not able to say exactly.

Q I see; but you do/<sup>know</sup>that a bus goes along 20th?

A Yes.

Q And the block which we can call the 300 block  
South that's shown on P.2, you only have two  
houses in there; actually how many houses are  
there in that block?

10

A I didn't count them, sir.

Q I see; but would there be approximately another  
seven or eight houses north of 330 in that same  
block?

A Oh yes, there probably would be.

Q Probably in that number?

A Yes.

Q But you don't have any note as to the number of  
them there?

A No, I didn't count the number of houses, sir. 20

MR. TALLIS: My Lord, I don't think - if  
we could rise at this point I will check my  
notes but I don't think there is very much that  
I have other than questions that may arise out  
of some of the material that has not yet been  
proven.

THE COURT: Well, Mr. Tallis, there are  
two questions I want to ask, maybe I'll put  
them now; I was going to do it at the completion  
of your cross-examination but it appears you are 30  
fairly well through . . .

MR. TALLIS: . . . yes, My Lord.

THE COURT:

- Q First of all, Officer, was there any search made of the residence of the deceased woman by anybody to your knowledge?
- A I believe there was but I didn't personally do this, My Lord.
- Q Well, I'm specifically asking this question for this reason. I am interested and I imagine the jury might be interested in ascertaining whether any button was found on her premises which might match the button on the coat? 10
- A This button wasn't found but I can't say for sure, My Lord, if a search was made in her premises.
- Q Well, you didn't make one anyway?
- A No, I didn't, My Lord.
- Q The other thing is this. This may have been clear to counsel and the members of the jury but it wasn't entirely so to me. I am referring to photograph 7 of Exhibit P.4 and specifically to the dress which appears to be about the centre of the body? 20
- A Yes, My Lord.
- Q Just below the half slip that you referred to?
- A Yes.
- Q Was that dress attached to the body?
- A Yes it was.
- Q Then it hadn't - as far as you could tell it had not been completely removed?
- A That's right. 30
- Q It was around the body?
- A It was around the body, yes.

THE COURT: Thank you; we'll adjourn  
for ten minutes.

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THE COURT: Mr. Tallis?

MR. TALLIS, continuing:

Q Mr. Kleiv, as I understand it this sketch P.1  
is in fact drawn to scale?

A Yes it is.

Q And I take<sup>it</sup>/then that it's fair to assume from  
the sketch that the east-west alley that we have 10  
been talking about in this block goes through -  
there is this point P marked on it - would be  
about 386 feet in length?

A The entire length of the alley?

Q Yes.

A Yes.

THE COURT: Where is that point P?

MR. TALLIS: Oh, there's a pencilled mark  
P in there, My Lord; I guess it isn't on that  
sketch. 20

THE COURT: Oh, I don't know whether the  
jury caught that or not - what the P was that  
you were referring to?

MR. TALLIS(speaking to the jury): It might be on  
your sketch; the point P is the one that I have  
been referring to and the witness has been  
talking about.

THE WITNESS: I wish to make it clear that  
I didn't place that P on there.

THE COURT: Where is it again, Mr. 30  
Tallis? Maybe the jury would like to mark it on  
if they've got pens to do it.



MR. TALLIS: It's a pencil mark P and I think it will be identified by a witness later on.

THE COURT: Thank you; what was the question that was asked about that?

MR. TALLIS: The length of the alley being 386 feet, that is from east to west.

THE WITNESS: Yes, from Avenue "N" to Avenue "O".

MR. TALLIS: 10

Q And now, I think that when we rose you told me about taking a sample of hair from a person within that area and am I correct in saying that that sample was from one Shorty Cadrain?

A Yes sir.

Q And the date that it was taken was on April the 26th 1969 at 9:45 a.m.?

A Yes sir.

Q And was it taken at the Police Station?

A Yes it was. 20

Q And was Cadrain already there when you took it from him or did you invite him down?

A No, he was already there, sir.

Q I see; do you recall the officer that brought him up to you?

A No I don't, sir.

Q But someone else did bring him up to you in Identification?

A Yes.

Q In other words, he didn't find his way up there 30 on his own?

A No.

Q And as I understand it then from what you told us earlier you were not present during all of the melting operations, that is there wasn't one man standing by on any particular shift?

A No, I wasn't; I was only there on one occasion.

Q I see; and do you know who was in charge of the melting operations at the scene?

A No I don't sir.

Q That is you don't know the name of the person in your department who was supervising it? 10

A No; the day I was there Cst. Drummond was looking after the operation.

Q Cst. Drummond was looking after it at that particular time?

A Yes.

Q Was there anyone else there with him at that time?

A No.

MR. TALLIS: That concludes the questions I have to ask at this time, My Lord. There are 20 a number of other items that apparently my learned friend is going to go into when the witness is recalled and I may have some additional questions arising out of that.

THE COURT: I take it that relates to those vials, does it, Mr. Caldwell?

MR. CALDWELL: As far as I can see at the moment that will be all, My Lord, there could conceivably be one or two other things.

THE COURT: Well have you any 30 re-examination now?

MR. CALDWELL: Yes, My Lord - what it would

relate to I think was the question of the blood samples from the deceased.

THE COURT: Yes; the ones that were referred to already which were not here yesterday.

MR. CALDWELL: Yes, My Lord.

THE COURT: They're not here yet?

MR. CALDWELL: No, they have never been yet introduced, My Lord, either in the court below or . . .

10

THE COURT: . . will they?

MR. CALDWELL: Yes, they will.

MR. CALDWELL, re-examining:

Q Now, if I can ask one or two things, Officer Kleiv, briefly. I think my learned friend asked you a question relating to I believe the north-south alley and something to the effect boot marks would show up there and I believe your answer was - yes, it would in places. Do you recall that question and answer?

20

A Yes sir.

Q Now, I just wondered what you meant by the qualification "in places"?

A I was thinking more or less in the centre of the alley where the snow isn't packed down. The travelled portion is packed down and it wouldn't readily leave a footprint.

Q I see; and the travelled portion being what portion?

A The travelled portion would be the left and right edge or the east and west edge of the alley.

30

Q Where wheels would normally go, is that right?

A Yes, that's right.

Q And I believe my learned friend showed you photograph #4 and I am showing you P.3.

THE COURT: I would prefer if it makes no difference to you if you continued to refer to P.4 because the jurors have copies of P.4.

MR. CALDWELL: Yes, that's fine, My Lord.

THE COURT: It's understood that the pictures are the same and the books are the same 10 with the exception that that one plan was added to P.4 - copy of plan.

MR. CALDWELL: I'd be pleased to do that, My Lord -

Q And in photo #4 is there what you call a boot mark showing there?

A This possibly may be one at the bottom of the photograph approximately in the centre.

Q Could you just point out that to the jury please - the centre at the bottom? 20

A Yes (indicating).

Q And show His Lordship please?  
(Witness points out to His Lordship.)

THE COURT:

Q I see it; the only thing that concerns me there is how far are you going into this re-examination because there was evidence that there were footprints from officers; now, is that one that might possibly be a footprint of an officer? 30

A Yes that's right, My Lord.

MR. CALDWELL:

Q I see; that's your impression of that one,  
is it?

A Yes, sir.

MR. CALDWELL: And just one other thing  
if I might, My Lord -

Q That particular one though that shows in P.4,  
where would it be in relation to the travelled  
portion and the centre?

A It would be just off to the west of the  
travelled portion and more towards the centre. 10

Q West of the travelled portion?

A Yes.

Q And that travelled portion I take it would be  
the most easterly tire track so to speak for  
normal vehicle travel?

A Yes, that's right, sir.

MR. CALDWELL: I see; that's all the  
re-examination I have at this time, My Lord.

THE COURT: Thank you, Officer.

THE WITNESS: Thank you, My Lord. 20

MR. CALDWELL: My Lord, I wonder if  
possibly we could get Your Lordship's  
indication unless there is some witness my  
learned friend wishes kept available will  
witnesses such as this be excused?

THE COURT: Well, that is entirely up  
to counsel, Mr. Caldwell. You can confer with  
Mr. Tallis and come to your own arrangements  
in that regard.

MR. CALDWELL: Very well, My Lord. 30

THE COURT: If you can't agree of course  
you can always apply to me.

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MR. TALLIS: Well, I can say very quickly that insofar as this witness is concerned I know where he is and there is no need for him to wait around; we can always call him back.

THE COURT: Alright; next?

MR. CALDWELL: I call Ronald Dale Wilson,  
My Lord.

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177-347  
TRIAL

11:40 A.M. JANUARY  
20TH, 1970.

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Exam of R.D. Wilson

57  
Bridgman  
3/20/70  
Examined  
1/24/70  
me

RONALD DALE WILSON, sworn, states:

MR. CALDWELL, examining:

Q Now, your full name I believe is Ronald Dale  
Wilson, is it?

A Yes it is.

Q I'll ask you, Mr. Wilson, if you will speak up  
good and loud so we can all hear you please.

And how old are you?

A Eighteen.

Q And where do you live?

10

A 126 Cornwall North, Regina.

Q And is that your parental home?

A Yes it is.

Q Who else lives there?

A My mother and father, my three sisters and one  
brother.

Q I see; and how far did you go, Mr. Wilson, in  
your education?

A I've got a partial grade ten.

Q And when did you finish that?

20

A In November of '68 I believe.

Q And were you going to school so to speak  
steadily up to that point?

A No I wasn't.

Q Had you had some other breaks or intermissions  
in your education there?

A Yes I did.

Q And since that time what <sup>have</sup> you been doing?

A I - well, I did some time in Edmonton and I've  
got back into school and I started on the 29th  
of this month.

30

Q And where is that?

A In Regina.

Q Now, I believe that you know David Edgar Milgaard from some time ago, do you?

A Yes I do.

Q Is he here in court today?

A Yes he is.

Q Which person please?

A He's in the prisoner's box.

Q And how long have you known him?

A I'd say about a year and a half. 10

Q And where was it you first met him?

A In Regina.

Q And I believe that in early 1969 that you went on a car trip with Milgaard?

A Yes I did.

Q And originating from where?

A Regina.

Q Did you have a car at the time?

A Yes I did.

Q Would you tell the Court please . . . 20

THE COURT: Just a minute please -

Q It was in your car?

A Yes it was.

THE COURT: Thank you.

MR. CALDWELL:

Q And that was your own car as opposed to your father's or something, was it?

A Yes.

Q And would you tell the Court please the description of that car? 30

A It was a '58 Pontiac, light green with white top and a gray hood.



Q And when did you obtain it originally?  
A I obtained it for Christmas.  
Q Would that be of 1968?  
A Yes.  
Q I see; and have you still got it?  
A No, I don't.  
Q When did you get rid of that car?  
A It blew up on me in February of '69.  
Q I see; and when you say that what do you mean?  
A Well, the motor blew out. 10  
Q I see; and you no longer own it?  
A No I don't.  
Q Now, can you tell the Court then first of all when was this trip on which you say you went with the accused sort of arranged or planned?  
A It was arranged approximately January the 30th of '69.  
Q The 30th?  
A Yes.  
Q And whose idea was it? 20  
A Dave's and myself.  
Q Now, to be clear when you say "Dave's" you of course are referring to the accused David Milgaard?  
A Yes I am.  
Q And where did you plan on going originally?  
A Edmonton.  
Q To Edmonton; and did you invite anyone else to come along on that trip?  
A Yes, we did. 30  
Q Who was that?  
A Nichol John.

Q Nichol John; now that's a girl from Regina I believe?

A Yes it is.

Q Had you known her before that time?

A Yes.

Q For how long?

A Three years.

Q And who actually or were you there so to speak when she was invited to come along on the trip?

A I don't think so.

10

Q Alright; but at any rate she did end up coming, did she?

A Yes.

THE COURT:

Q You didn't invite her then?

A Not that I can recall.

MR. CALDWELL:

Q And I believe that prior to leaving on the trip you had to put a battery in your car?

A Yes, we did.

20

Q And did you take part in handling and placing the battery in there so to speak?

A Yes.

Q Anyone else?

A David also.

Q And did anything happen just while that was going on?

A We got battery acid on ourselves.

Q And that would be from the battery?

A Yes.

30

Q Did you get some on you?

A Yes I did.

Q Whereabouts?  
A On my right leg on my pants.  
Q And did David get any on him that you saw?  
A Not at that time.  
Q And earlier at all in the handling of the battery and putting it into the car had he got any acid on him, do you know?  
A I believe he did in carrying it.  
Q In which?  
A In carrying it - while he was carrying it. 10  
Q Did battery acid damage your clothes?  
A Yes it did.  
Q And did you see any damage to David's clothes from battery acid?  
A He got some on his jacket, which ate quite a few holes in it.  
Q And you saw that, did you?  
A Yes.  
Q And what did it do to your clothes?  
A It ate through my pants. 20  
Q What sort of pants were they?  
A Brown corduroy.  
Q And where did it eat through them?  
A Around the pocket area on the right leg.  
Q The right leg around the pocket area?  
A Yes.  
Q Now, did you change those pants before you left on the trip?  
A No I didn't.  
Q And do you know whether David changed the jacket before he left on the trip? 30  
A No he didn't.

- Q No, he did not change it?
- A No, he didn't.
- Q Alright; and what time was it that you people left Regina?
- A Anywhere between twelve o'clock and twelve thirty on the morning of the 31st.
- Q That would be twelve midnight into twelve thirty a.m., would it?
- A Yes.
- Q And the morning of the 31st of what? 10
- A January '69.
- Q I see; and do you remember, Mr. Wilson, what day of the week that was?
- A No I don't.
- Q I see; and what persons left?
- A David and myself and Nichol John.
- Q And using your car I presume?
- A Yes.
- Q How, did any of you bring any luggage along?
- A David brought a suitcase. 20
- Q And did you?
- A No, I didn't.
- Q And as far as you saw did Nichol bring one?
- A No.
- Q And when you came or went or headed out so to speak where were you going in the first place?
- A When we started off?
- Q Yes.
- A We were going up to Saskatoon to pick up Shorty.
- Q Alright; now, had you ever been to Saskatoon? 30
- A No, I hadn't.
- Q Before that time in your life?

A No.

Q I take it you have been back since then on a number of occasions?

A Yes I have.

Q And so when you headed out did you know so to speak which way to go on highways and so on to get to Saskatoon?

A On the highway I did.

Q On the highway you did?

A Yes. 10

Q And did you continue on once you left to Saskatoon?

A You mean straight through or . . . ?

Q Yes.

A We stopped at a few towns.

Q And did you have anything in the way of car trouble on the way up on that trip?

A Yes I did.

Q And what was that?

A I got stuck in Craik. 20

Q And what did you do about that to get unstuck and so on or did you get unstuck?

A Yes, we eventually got unstuck.

Q Now, did anything happen to your car during that process?

A Yes, my reverse gear was blown.

Q And how did that actually occur?

A David put the - well I had it in drive and he threw it in reverse.

Q And what did that do? 30

A It stripped my reverse band, I believe.

Q Did you try it - was the reverse working before

that time?

A Yes it was.

Q Did you try it after that?

A Yes.

Q And did it work after that?

A No, it didn't. It grabbed once; that's how we got unstuck.

Q I see; but you did get unstuck and on your way, did you?

A Yes.

10

THE COURT:

Q You must have been off the highway then, were you?

A Yes, we were.

MR. CALDWELL:

Q Now, on the way to Saskatoon did you see anything in the car which might be a potential weapon of any sort?

*knife*

A I saw a knife.

Q And where did you see that?

20

A On David sometime between Regina and Saskatoon.

THE COURT:

Q Just a minute please; you say on . . . ?

A On the way between Regina and Saskatoon.

Q Yes but you saw a knife in the car and I thought you said on David?

A Yes.

Q On David?

A Yes.

MR. CALDWELL:

30

Q And how would you describe the knife that you saw . . . ?

THE COURT: Excuse me just a minute -  
would you follow up by - where was it on him?

MR. CALDWELL:

Q What do you mean by "on him"?

A On him personally, I guess you could put it.

Q Where was that? Just explain what you mean  
by that.

A On his - I don't know how you would put it like  
but it was on him - in his clothes or something  
to that effect.

10

THE COURT:

Q But how would you see it if it was in his  
pocket, for example?

A Well, I don't know if it was in his pocket or  
not but at the time I saw it.

Q Where was it - in his hand or . . . ?

A This I can't remember.

THE COURT: Go ahead.

MR. CALDWELL:

Q Alright; and how would you describe it, Ronald? 20

A It had a reddish brown handle and was a sort of  
paring knife type.

THE COURT:

Q Just a minute please - reddish brown handle and  
sort of paring knife type?

A Yes.

MR. CALDWELL:

Q Now, had there been any knife of that sort in  
your car to your knowledge when you started out?

A No.

30

Q And what time did you get to Saskatoon?

A Around five thirty or six o'clock in the

morning of the 31st.

THE COURT: Just a minute please, I'm not satisfied here just yet, Mr. Caldwell, on this business of the knife -

Q Where was he sitting in the car when you observed this knife?

A On the passenger's side.

Q That was on the outside?

A Yes.

Q And the girl was in between? 10

A Yes.

Q And you were driving?

A Yes I was.

Q Well, how did you happen to notice the knife?

A I believe it was when I was talking to Nichol.

Q And was anything said about the knife?

A No, there wasn't.

Q Was anything done with the knife?

A Not at that time.

THE COURT: Thank you; go ahead. 20

MR. CALDWELL:

Q And did you yourself have any knife in your own possession as opposed to in the car?

A No, I didn't.

Q And did you yourself see anything of any second or other knife during that trip?

A Yes I did.

Q Alright, when was that?

A After we left Saskatoon.

Q Oh I'm sorry, Wilson, I meant between Regina and Saskatoon? 30

A No, I didn't.



- Q Alright; and what time did you say you got to Saskatoon?
- A Between five thirty and six o'clock on the morning of the 31st.
- Q And I don't wish to go into details but were there any other stops along the way from Regina to Saskatoon?
- A No, there wasn't.
- Q Alright; and when you got to Saskatoon now who was navigating so to speak or saying where to go? 10
- A David was.
- Q And you had mentioned - what was the purpose of going to Saskatoon again?
- A To pick up Shorty.
- Q How, did you know anybody by the name of Shorty then?
- A Other than what David told me; I didn't know him personally.
- Q You didn't which? 20
- A I didn't know him personally.
- Q You did know him personally?
- A I didn't.
- Q Did not, alright; you didn't know a Shorty when you headed out?
- A No, I didn't.
- Q Alright; and who was it that seemed to know Shorty?
- A David did.
- Q So when you got to Saskatoon I think you said <sup>David</sup> would be navigating? 30
- A Yes.

Q And as best you can tell the Court where did you go in Saskatoon?

A To my knowledge now where I went?

Q No, but I mean do you know your directions and so forth in the city?

A I pretty well do now.

Q And just tell the best you can like the route you followed and what-not on that occasion and where you got to?

A We went over the overpass on to the freeway and we followed the freeway as far as it went down town by Simpson-Sears. 10

Q Alright?

A And we went up town - I don't know whereabouts up town.

Q And by "up town" you're talking about what sort of an area?

A Business area.

THE COURT:

Q Did you turn to the left or did you turn to the right when you came down to Simpson-Sears? 20

A I believe we went straight for a couple of blocks.

Q And then where did you turn - left or right?

A I don't know, I know we ended up some place near the Bus Depot; I remember seeing the Bus Depot sign.

MR. CALDWELL:

Q That was one of the places you were or in that area at any rate? 30

A Yes.

Q And where did you go then?

A We went up a side street off the business area  
- we went to a residential area.

Q Into a residential area?

A Yes.

Q And as you went along in that area did  
anything happen?

A Yes, there did.

Q And what was that?

A We saw a lady which we stopped and asked  
directions.

10

Q Now, up to the point where you saw the lady  
and stopped her and asked her directions, had  
you had the car stopped at all like other  
than for traffic lights or stop signs after  
you got into Saskatoon?

A No, I didn't.

Q You had been driving steadily, had you?

A Yes.

Q Alright; and when you saw this lady - now what  
was the situation as to darkness and daylight  
and so on?

20

A It was fairly dark out and it was also foggy.

Q And foggy?

A Yes.

Q And where was the lady in terms of street and  
sidewalk?

A She would be on my right, like the passenger's  
side would be towards the sidewalk she was on.

Q And from that she was on a sidewalk, I take it?

A Yes.

30

Q And was she walking?

A Yes she was.

- Q Was there anyone with her?
- A No, there wasn't.
- Q And what did you notice about the lady when you saw her?
- A Nothing other than she had a dark coat on.
- Q And where were David and Nichol in the car?
- A Nichol was next to me and David was up against the passenger's door.
- Q And all three in the front seat?
- A Yes. 10
- Q And you're driving?
- A Yes.
- Q And what happened when you saw the lady - now pardon me, but were you going opposite to her or the same way as her?
- A The same way.
- Q The same way?
- A Yes.
- Q And what happened when you saw the lady?
- A We stopped and we asked her directions. 20
- Q And how was this done?
- A By David rolling down the window and asking her.
- Q And did anyone else but David talk to her?
- A No.
- Q And could you hear what he was asking her and so on?
- A Yes, I did.
- Q And what was that?
- A He asked her which way to Peace Hill district.
- Q Which way to the Peace Hill district? 30
- A Yes.
- Q And did you hear what she said?

A I believe she said that she didn't know.

Q I see; now, did you stop the car completely for this purpose?

A Yes I did.

Q And what happened to the lady - did she stop or keep walking?

A She stopped.

Q And did anyone get out of the car as part of that inquiry about where the Peace Hill district was? 10

A No.

Q What happened after the question and the answer?

A Well, we said thank you and Dave rolled up the window and then he made a remark.

Q And was this in your hearing?

A Yes it was.

Q What was it?

A → He said "stupid bitch". *Didn't say this at Prelim. he said "we said thanks".*

Q And what did you do then?

A I drove on up towards the end of the block. 20

Q Pardon me?

A I drove away towards the end of the block.

Q I see; now, did you change your direction of travel at all?

A Not at that time.

Q So you started up and went straight ahead and did you see - like what did the lady do after the interview or did you see?

A I didn't look back.

Q I see; alright, and when you started the car up and went ahead how far ahead did you go? 30

A About three-quarters of a block.

Q And I didn't ask you, Ron, but do you remember how far down the block it was that the question and answer business took place?

A I imagine it wasn't too far - about a quarter of a block.

Q And would that be say from the start or the finish of the block?

A From the start.

Q From the start; and you continued on about three-quarters of a block? 19

A Yes.

Q And what happened when you got - that would put you at the end of the block, would it?

A Yes it would.

Q What happened when you got there?

A I attempted to make a U-turn.

Q And what happened when you tried to make a U-turn?

A I got stuck.

Q Now, what sort of an intersection - I presume 20 this was in an intersection?

A Yes it was.

Q What sort of an intersection was it - anything that you remember about it?

A Just that it was a four-way intersection and that there was snow like made up into a boulevard kind of.

THE COURT:

Q Just a minute please; four-way intersection and there was what? 30

A Snow that was built up into a boulevard.

MR. CALDWELL:

Q What was it that caused you to get stuck?  
A I had summer tires on my car and they didn't catch.  
Q Now, Ron, I ask you just to speak up good and loud please because everyone has to hear you. You had summer tires on and what?  
A They didn't grab.  
Q And did you try to get the car unstuck just by driving it at that point?  
A Yes I did. 10  
Q And what happened?  
A I didn't succeed.  
Q And what happened then?  
A Dave and I got out of the car and tried to push it.  
Q And as I understand you this would be in the intersection? — NOT IN AN ALLEY!  
A Yes.  
Q How far had you gotten through your U-turn when the car stopped? 20  
A Pretty well all the way through.  
Q I see; and you and Dave got out and tried to push it?  
A Yes.  
Q In which direction - like forward or backward or what?  
A Well, we tried both ways. I had no reverse gear so it was mostly forward.  
Q And was Nichol driving or anything during this . . . ? 30  
A . . . no, she wasn't.  
Q Did she get out?

A No.

Q And when you and Dave tried to push the car and couldn't as I understand you, you couldn't get it unstuck or moving . . . ?

A No, we couldn't.

Q . . . what did you do then?

A Well, we decided to go look for some help.

Q And when you say "we decided" was something said or not?

A Yes.

10

Q Between who?

A Between Dave and myself.

Q And to what general effect was it?

A That we needed some help to get unstuck so we would go and look for some.

Q And what happened then?

A Well, we departed company and went in different directions to look for help.

Q Now, first of all, Wilson, as of then - like did you know which was north, south, east or west at that time? 20

A No I didn't.

Q And I think you said earlier that the car was most of the way through the U-turn when it stopped?

A Yes it was.

Q Now, can you tell the Court which direction in terms of say the car or the streets you headed in?

A The car was facing east so I must have went east also. 30

Q You think you went east?



A East or west, I'm not sure.

MR. TALLIS:

Q The car was facing east, was it?

A Yes.

MR. CALDWELL:

Q Would you say that louder please?

A The car was facing east so I'm not sure if I went east or west.

THE COURT: Just a minute, I'm not clear on that; what time are you talking about now - after the . . . ? 10

MR. CALDWELL: When he went for help - which direction.

THE COURT: Oh, I see.

MR. CALDWELL:

Q You understood that that's what I was asking you?

A Yes.

THE COURT:

Q You don't know whether you went east or west? 20

A No, I don't.

MR. TALLIS: Just so that I understand here, My Lord, as I understand it first of all he said the car was facing east and then with reference to himself when he went for help he can't say whether he went east or west and by that I understood to be on foot.

THE COURT: Well I wasn't clear on it and I don't know whether the jury was or not -

Q The car became stalled in the intersection? 30

A Yes.

Q And you said you almost made your U-turn?

A Yes.

Q That is almost made a turn so that you would be going back in the direction you would come from?

A Yes.

Q Do you know what way the car was facing then?

A When I got stuck?

Q Yes.

A It was facing east.

Q So it was on the way back; you had been going west and were turned around and were going back east? 10

A Yes.

Q Alright; and then you got out of the car and you don't know whether you walked east or west?

A Now I believe I went east.

Q You believe you went east?

A Yes.

Q In other words, you would be going in the same direction that the car was facing pretty well? 20

A Yes.

THE COURT: Before you go on, Mr.

Caldwell, just so we can follow this -

Q Going back to this woman whom you stopped and asked for directions, you may have said this but I didn't catch it if you did - was she going in the same direction that you were going at that time?

A Yes, she was.

THE COURT: Thank you. 30

MR. CALDWELL: If I can just try and follow up on that, My Lord -

Q Now, Wilson, do you know - like was the street or the way you headed, if I can put it that way, say, towards where you had stopped the woman or away or what from where you had seen her?

A Making the U-turn or before the U-turn?

Q No, where you had set out on foot for help?

A It was away from her.

Q I see; and can you tell the Court - like away straight ahead or away at ninety degrees or anything?

A Away at ninety degrees approximately.

*"GMP" 10 in Plin RE 397*

Q I see; and I understood - was it on foot that you and David set out for help?

A Yes it was.

THE COURT:

Q And excuse me, was this correct then that when you started to walk you were walking away from the direction she was coming from?

A Yes.

THE COURT: Alright, go ahead. 20

MR. CALDWELL: I think, My Lord, I understood the witness to say he thought at ninety degrees.

THE COURT: That's right, yes.

MR. CALDWELL:

Q Now, how far did you go when you went away on foot?

*"couple" blocks at Plin*

A I didn't go any more than five blocks.

Q And did you find anything in the way of help of some sort?

A No, I didn't. 30

Q Did you find any open service stations or tow trucks or anything?

A No.

Q And what did you do then?

THE COURT: Excuse me just a minute,  
I hope you don't mind my intervening, Mr.  
Caldwell . .

MR. CALDWELL: . . no, not at all.

THE COURT:

Q You went off in this direction you referred to -  
did you see where the accused David went? Did  
you see which direction he went in? 10

A No, I didn't.

THE COURT:

Alright, thank you. *PL. - toward lady, 'at it & come'*

MR. CALDWELL:

Q Well, maybe I can ask you following that up -  
did he go with you?

A No, he didn't.

Q I see; and during your trip up that street and  
I take it back did David show up at all?

A No, he didn't.

Q Did you run into any people at all, Ron? 20

A No.

Q And when you had gone - what sort of a street  
did this appear to be to you or did you notice,  
that is in terms of residence or business or  
what-have-you? ~~\_\_\_\_\_~~

A It was mainly a residence street.

Q And when you had gone up the street what did  
you do?

A I turned around and came back.

Q Now, did you make any side trips, like up a 30  
side street or anything?

A No.