

Q So do I understand you straight up the street
and would it be straight back?

A Yes.

Q And when you got back where was the car?

A It was in the same place that we had left it.

Q I see; now can you tell the Court to your
best estimate what time it would be when the
car got stuck on that occasion?

A I think approximately it would be around six
thirty.

10

Q And this is still of course the a. m. of
January the 31st?

A Yes.

Q When you came back to the car was anyone in
the car?

A Yes.

Q Who was that?

A Nichol John.

Q Now, I'd like to go back to before you got out
of the car. As you said you and David got out
and tried to push it, you remember that?

20

A Yes.

Q In what state was Nichol John when you got out
of the car?

A She was calm.

Q And when you got back to the car I understood
you to say that she was the only occupant of
the car?

A Yes she was.

Q What did you do when you got there?

30

A I went into the car.

Q And which part did you get in?

A The driver's side.

Q And I understood you to say you had been driving when it got stuck?

A Yes.

Q And when you got into the car - and I don't wish you to say anything that was said - but what did you observe about Nichol John when you got into the car?

A She was pretty well in a hysterical state.

Q And doing what? 10

A Screaming.

Q And when you got into the car with her did you stay in there?

A Yes I did.

Q And what was the next thing that happened?

A Do you mean between Nichol and myself?

Q Well no, did anyone else show up there?

A Yes, Dave came later on.

Q And which part did he come into?

A He came into the passenger's side. 20

Q Now how much time would you estimate had elapsed between you parting company with David when the both of you went for help and the time when he got back in the car?

A Around fifteen minutes. - About 10 mins. at Prelim.

THE COURT:

Q Just a minute please. You said that you didn't go any more than five blocks on your walk?

A Yes.

Q Did you go five blocks? 30

A I'm not sure if I went five blocks.

Q What's your best estimate then of how far you

went?

A Possibly four.

Q Would it be four for sure?

A For sure would be four.

Q And were they ordinary city blocks?

A Yes, they were.

Q And you turned around and you came back and walked the four blocks back?

A Yes.

Q And how long were you in the car before the accused Milgaard turned up? 10

A Five to six minutes.

THE COURT: Thank you.

MR. CALDWELL, continuing:

Q Ronald, was that period of time - that five or six minutes - included in the estimate of time you just gave me as to how long you and David were apart so to speak?

A Yes.

Q Now, I think you said he got into the passenger's side, did he? 20

A Yes he did.

Q Did anything happen when he got into the passenger's side?

A Nicky kind of came over to my side of the car.

Q And did you observe anything about David when he got back into the car?

A He was awfully cold and he was breathing heavy. *At Prelim, Ron said he, too, was puffing.*

Q So at this stage the three of you would be back in, as I understand you? 30

A Yes.

Q And was anything said when David got back in the car?

A Yes, there was.

Q By whom?

A By David.

Q And what was that?

A "I fixed her" - something to that effect.

Q "I fixed her" or something to that effect?

A Yes.

Q Did anyone - like, was that in response to some question or something? 10

A No, it wasn't.

Q And did anyone ask any question arising out of that statement?

A You mean after he had said this?

Q Yes.

A Yes.

Q Who?

A I did.

Q What did you say? 20

A I said "You what?" - that's all I said.

Q Yes; and was there any reply to that?

A No, there wasn't.

Q What happened then?

A I believe then two men came and they helped us to get our car going.

Q And what can you tell the Court about these two men?

A They were driving a cream colored car.

Q Did you notice the make or year or anything? 30

A I'm pretty sure it was either a '67 or '68 Chrysler.

*Could not remember
if Dave was back
at prelim.
memory gets
better*

*66-67 Chry or Dodge,
in Pl.*

Q And what can you tell the Court about them - I take it first of all that you didn't know them at all?

A No, I didn't.

Q What can you tell the Court about them?

A Well, I would ^{say} they would be in about their middle forties.

Q And did you see which way they arrived from so to speak?

A They were - how could I put this - well, right in the middle more or less of my car, like the direction they came from. They came from an intersection - off a side street to the intersection. 10

Q And I take it off of the four streets, so to speak, leading to where you were?

A Yes.

Q And what did they do?

A They asked if we needed help and we said we did.

Q Now I take it the three of you were still in your car? 20

A Yes.

Q And who said we do or . . . ?

A . . . all of us did, because we wanted to get out.

Q And what was done by the men then?

A They pushed us out by hand.

Q And did any of your party help with that?

A Yes.

Q Who?

A David and myself.

Q You and David?

A Yes.

Q I see; and ^{did} Nichol attempt to drive or anything

he sure couldn't remember this at PL.

or just stayed in the car?

A She just stayed in the car.

Q So there would be the four of you pushing then?

A Yes.

Q And did this get your car unstuck?

A Yes it did.

Q And what happened then?

A We thanked the men and we got back in our car
and they got back in theirs and we both left.

Q Excuse me, did you by any chance get say the 10
names of these people or anything?

A No, I didn't.

Q And have you ever seen them since?

A No I haven't.

Q Alright; what happened when your car was unstuck
then?

A We - I believe we went to a motel then to get
directions.

THE COURT: Excuse me just a minute;
this is into a new phase of it and I think that 20
I'd like to ask one or two questions here rather
than wait until the completion of the examination
in order that it may be as close to the relation
as possible, that is relating of the events and
then we can adjourn.

MR. CALDWELL: Yes, My Lord.

THE COURT:

Q When you went in search for help and you walked
this distance which you said was four blocks for
sure there and four blocks back, were you 30
walking or running?

A I was walking and I trotted on the way back

kind of.

Q You were walking there and then when you came
back you started to trot a little, is that right?

A Yes sir.

Q Did you break into a run or just trot?

A Just trot.

Q And did you see the accused Milgaard before he
actually got back to your car to open the door
and get in the passenger side?

A No, I didn't. 10

Q The first thing you knew he was at the door, is
that right?

A Yes.

Q So you're not in the position to say whether he
was running or walking back?

A No, I wasn't.

Q Was there a heater on in the car?

A Yes there was.

THE COURT: Thank you; we'll adjourn
until two o'clock. 20

MR. TALLIS: My Lord, I wonder if Your
Lordship would give this witness express
instructions that he ought not to discuss the
case with anyone?

THE COURT: Yes -

Q Witness, this is as you know a very important
matter?

A Yes.

Q And I don't want you and I'm giving you
directions not to discuss the evidence of this 30
case with anyone until you have completed your
evidence and you're finally through with the

case - do you understand that?

A Yes.

THE COURT: Thank you.

12:20 P. M. JANUARY 20TH, 1970 - COURT ADJOURNED.

2:00 P. M. JANUARY 20TH, 1970 - COURT RESUMED.

JURY PRESENT

THE COURT: There is one further question

I wanted to ask, Mr. Caldwell, which I meant to
do this morning in connection with the sequence up
to the present time - 10

Q As I understood you this morning, when you met
this lady on the street who was walking in the
same direction that your car was going . . . ?

A Yes.

Q . . . you stopped and the lady stopped?

A Yes.

Q And the accused Milgaard turned down the window
of the car on the passenger's side?

A Yes he did.

Q And you said this woman had a black coat? 20

A Yes.

Q Were you able to see her face?

A No, I wasn't.

Q You're not able to say then - there is nothing
that you saw which would indicate to you in
any way how old a woman she was?

A No.

Q I see; was there anything to indicate how tall
she was?

A No. 30

THE COURT: Thank you.

MR. CALDWELL, continuing:

Q Ron, there is just one thing that occurred to me also that you may be able to answer; this is still about the location where your car was stuck. I think you told the Court before noon that you were of the opinion that you ended up facing east - the car - after it got stuck during the U-turn?

A Yes.

Q Now, could you from that - can you tell the Court or not the direction in which the lady was walking from the place where you ended up? 10

A She was walking north.

Q You would say she was walking north?

A Yes. No - excuse me - she was walking south.

Q Okay now, if you want time to think about that you take it - which is your . . . ?

A South.

THE COURT:

Q Just a minute now; I thought you told us this morning that when you made the U-turn your car was facing in an easterly direction? 20

A Yes.

Q Going in the direction from which you had come?

A No.

Q That's not correct?

A No.

Q Oh I see; you had come from what direction then?

A North.

Q You had come from the north and she was walking south? 30

A Yes.

Q And you were going south?

A Yes.

Q Well then, when you say your car was facing east that would indicate that you had not made a complete U-turn?

A No.

Q That's right?

A Yes.

THE COURT: Thank you; go ahead.

MR. CALDWELL:

Q I think, Ron, where we ended this morning you had just begun to speak of leaving after the men helped you get unstuck, is that right? 10

A Yes.

Q And I take it still the three of you and still in your car?

A Yes.

Q Were you driving?

A Yes I was.

Q Now, where did you go from getting unstuck so to speak? 20

A We went to a motel to ask directions.

Q You went to a motel to ask directions?

A Yes.

Q And when you got to the motel, like did you see or do you remember a name on it or anything of this . . . ?

A . . . no I don't.

Q And do you know where it was in the city?

A On the outskirts near the roads to Edmonton and Calgary. 30

Q And I'll ask you again, Ron, please speak out good and loud. And when you got to this motel

were there any stops along the way between getting unstuck and getting to the motel?

A No, there wasn't.

Q And do you know the exact route you followed to get there or not?

A No, I don't.

Q And when you got there what happened?

A Dave went in to get a map of approximately where we were and where we were going.

Q Now, when Dave went into the motel what did he have in the way of footwear? 10

A He had none at all.

Q Did he have socks?

A Yes.

Q Anything in the way of shoes or overshoes?

A No, they were in the car.

Q Alright; and did either you or Nicky go in with him?

A No, we didn't.

Q And how soon did he re-appear? 20

A Couple of minutes.

Q And did he bring anything out with him?

A Yes he did.

Q What was that?

A A map that the manager I guess had made out for him.

Q But at any rate he did come out with a map?

A Yes he did.

Q And did you people use the map then to find your way or not? 30

A I believe we did.

Q And did you have a look at the map?

- A Yes I did.
- Q What was it of - a map of what?
- A Some streets.
- Q But of the city of Saskatoon?
- A More or less a section of it.
- Q I see; alright and so when Dave rejoined you after those minutes what did you do then?
- A We left the motel and started following the directions.
- Q And were you still driving? 10
- A Yes I was.
- Q And who was navigating at this stage?
- A Dave was.
- Q And where is the next place you got to?
- A We got stuck in an alley. *The Danchevskis.*
- Q And do you know like in streets or avenues or what-have-you to where that was now?
- A No I don't.
- Q And you left the motel and went to wherever that was and got stuck there at any rate? 20
- A Yes.
- Q And you say it was in an alley?
- A Yes it was.
- Q Now, what sort of a block was it in terms of the kind of buildings there? *could it*
- A It was houses.
- Q And was there anything else in the alley?
- A Yes there was.
- Q What was that?
- A There was also another car that was stuck. 30
- Q And how did it come that you got stuck?
- A I tried to push him and my car stalled on me

and I couldn't get it started again.

Q And I take it still you, Dave and Nichol in your car and you driving?

A Yes.

Q And were there any people in connection with this other car?

A Yes, there was.

Q Now, what kind of a car do you remember it as being?

A It was a red convertible. 10

Q And do you remember anything more about it in the way of make or year?

A I'm pretty sure it was an Impala.

Q And that is a what?

A Chev.

Q And the year, did you notice or not?

A No.

Q And were there any people apparently belonging to or with that car?

A Yes there was. 20

Q How many?

A There was the owner of the car and then there was this old man that was shovelling some snow for him.

Q What sort of person was the owner of the car?

A He was fairly young.

Q A young male person?

A Yes.

Q And did you obtain his name or anything like this? 30

A Not at that time.

Q Alright; and I take it he would be a stranger

to you?

A Yes.

Q And what was done then after you tried to push him and stalled your car?

A Kept on trying to get his car out but we never succeeded.

Q You did not succeed?

A No.

Q And what kind of efforts were these now?

A By hand. 10

Q By hand - and who took part in it?

A Dave, myself and as I know him now Mr. Danchuk.

Q Oh I see; but at the time you didn't know this man's name?

A No, I didn't.

Q And you said this was not successful?

A No, it wasn't.

Q Pardon?

A No, it wasn't.

Q And what happened then? 20

A He invited us into his house to get warm.

Q And where was his house from the car or vice versa, where was the car from his place?

A The car was right behind the house.

Q And did you go on in?

A Yes I did.

Q And what about your two companions?

A Yes, they did also.

Q Which part did you go into?

A Just the porch. 30

Q And did you yourself stay there?

A Yes I did.

Q And did David and Nicky stay there?
A Yes.
Q And what happened then?
A Well, every once in a while we would go out and see if we could get my car started and we couldn't.
Q And what eventually happened?
A Mr. Danchuk phoned a tow truck.
Q And did a tow truck show up?
A Yes. 10
Q What happened when the first tow truck showed?
A He pulled Danchuk's car out of where it was stuck.
Q Yes; and what happened then?
A And the tow truck left and he brought his car around to see if he could push mine to get it started.
Q That's the man you now know as Danchuk?
A Yes.
Q And was that successful? 20
A No, it wasn't.
Q What happened then?
A He took us back to the service station to get the tow truck again.
Q And would that be all three of you?
A Yes.
Q And I take it in Danchuk's car and he drove?
A Yes it was.
Q And when you got - I take it you got to a service station? 30
A Yes.
Q Do you remember the name of it?

A It was a Texaco I believe.

Q I see; and do you remember where it was, Ron?

A It was a couple blocks from Danchuk's.

Q And did anyone go in there?

A Yes.

Q Who was that?

A Dave did.

Q And did you or Nichol?

A No.

Q And did Dave come back in due course? 10

A Yes he did.

Q What happened then?

A Well, we got some gas to prime the carburetor and the tow truck driver followed us back to Danchuk's.

Q Now, was Danchuk still giving you people a lift at this stage?

A Yes he was.

Q And I take it drove the three of you back to his place? 20

A Yes he did.

Q And the tow truck man followed him, did he?

A Yes he did.

Q And when you got back there what was the situation?

A Well, the tow truck had to give us a battery boost and then we got the car started.

Q And he did that, did he?

A Yes he did.

Q And then you got your engine started? 30

A Yes.

Q And what happened then?

A Then we were supposed to pay him and he didn't have change for a twenty so we said we would go to the service station and pay him later.

Q Right; now what happened after that - you got your car running?

A Mhm.

Q And what else happened?

A Well, we never went back to the gas station to pay him.

Q Well, we're not worried about that but did you 10 get moving from that spot as well as getting your car running?

A Yes.

Q And did that require any help?

A No, it didn't.

Q Now, did Dave and you and Micky get back in the car when you left there?

A Not right away when we got it running.

Q But when you left the three of you were in it?

A Yes. 20

Q And you driving?

A Yes I was.

Q Where did you go?

A Oh, I can't recall where we went from there.

Q You left the place where the car had been stuck though and went somewhere, I take it?

A Yes.

Q Where did you end up next?

A Well, next we ended up at Shorty's place.

Q I see; now when you got to this place I take it 30 you had never been there before?

A No.

Q And was the place where you were stuck that you now know to be where Danchuk lives, was that far from Shorty's?

A No, it wasn't.

Q And when you got to Shorty's where was Shorty's place located on this block?

A On the corner.

Q And I presume a private house?

A Yes.

Q Now, where did you park your car? 10

A Across the street from his place.

Q Across the street; and would it be on the say street on which the house fronted or on the side?

A On which his house fronted.

Q On which his house fronted; and across the street, eh?

A Yes.

Q And what did you do when you got there?

A David went in to see if he was home.

Q And did David come back out again? 20

A No he didn't; he waved us to come in.

Q He waved you to come in?

A Yes.

Q And did you and Nicky go in then?

A Yes we did.

Q Now, who was in that house?

A There was Shorty, his brother and his sister.

Q And I take it you met all them, did you?

A Yes I did.

Q And what did you find Shorty's name to be 30 eventually?

A Albert.

Q And his last name?
A Cadrain.
Q And a brother and sister of his?
A Yes.
Q Any adults around the place at that time?
A No.
Q And I take it the three of you then were in Shorty's house at this stage, were you?
A Yes.
Q Now, were there introductions performed between 10 the various people?
A Just between Shorty and the three of us.
Q And who did that?
A Dave did.
Q I see; and what happened then at Cadrain's house?
A Well, we changed clothes there.
Q Now, why did you yourself change?
A Because my pants had - the battery acid had eaten right through them.
Q And when you say "right through them" . . . ? 20
A . . . right through the material.
Q And did anyone else change any clothes?
A Yes.
Q Who was that?
A Dave.
Q Now, prior to Dave changing did you notice or observe anything about his clothing?
A Yes I did.
Q And whereabouts like first of all where was it that you noticed whatever it was? 30
A On his pants.
Q But at what location, like is this after you got

to Cadrain's or before or . . . ?

A . . . after we got to Cadrain's.

Q Alright; and what did you notice on his pants?

A I noticed blood.

Q And in what area?

A The front section of his pants.

Q And as best you can say how large or small an area or how would you describe the area?

A Not too large.

THE COURT: 10

Q Well you can say in inches, can't you, or half inches or quarter inches?

A I couldn't say how many inches.

Q Well, would it be more than one?

A Oh yes.

Q More than one inch in diameter, is that right?
Diameter is across from side to side if it was a circle.

A Yes.

Q How far would you say then? 20

A I imagine it wouldn't be any more than an inch and a half or two.

RE 410

MR. CALDWELL:

Q And in which part of the front area was it?

A Above his pockets, like the bottom of your pocket I guess you would class it as.

Q We can't hear you, Ron.

THE COURT:

Q Above the bottom part of his pocket - is that what you said? 30

A Yes.

MR. CALDWELL:

Q And did you notice anything else about Dave's pants before he changed?

A I believe they were ripped then, I'm not sure if I saw it then or at my place.

Q I see; did you see a rip though at some stage?

A Yes I did.

Q And in Dave's pants?

A Yes.

Q And where was that?

A At the crotch. 10

Q And - I'm still asking you of course before he changed at Cadrain's, you understand?

A Yes.

Q Alright; what did you do with the pants that you took off?

A I left them at Cadrain's.

Q And where did you get replacement for them?

A Out of Dave's suitcase.

Q Now, is this the suitcase that you mentioned earlier as having gone on the trip with you? 20

A Yes.

Q And how did it get into Cadrain's?

A Dave went outside and brought it in.

Q So you got a pair of pants from his suitcase and put them on?

A Yes I did.

Q And did you see - or first of all, what was it that Dave changed at Cadrain's?

A He changed all of his clothing.

Q That being what? 30

A Shirt and sweater and pants.

THE COURT:

Q Just a minute please; shirt, sweater and pants -
is that all?

A Yes.

MR. CALDWELL:

Q Did you see what Dave did with the items he
took off?

A He put them in his suitcase.

Q And was anyone else changing clothes over there?

A No.

Q That you saw? 10

A No.

Q And what happened after that?

A Well, I gave him the keys for the car and he
went and took the suitcase back out to the car.

THE COURT:

Q Did you say suitcase?

A Yes.

MR. CALDWELL:

Q Now, did you watch him go out to the car or
simply that he left the house? 20

A He just left the house.

Q Alright; and did anyone leave with him?

A No.

Q And then when did you next see Dave?

A On the side of the house with the car.

Q And how much later though?

A About five minutes I'd say.

Q And where were you when you saw him on the side
of the house with the car?

A I was in the house. 30

Q Now where was the car as compared to where it
had been where you parked it in the first place?

A It was around the corner on the opposite side of the street.

Q Now, opposite from the house or opposite from . . ?

A . . where it was parked.

Q From where it was parked; alright, so as I understand you on a side street now?

A Yes.

Q And on which side in terms of near the house or across from the house? 10

A Near the house.

Q I see; and what did you see go on if anything then?

A He was revving the motor and I saw some red stuff - a trail of it going around the car.

Q Alright; and did you go out there?

A Yes I did.

Q Did anyone go with you?

A No.

Q And when you got out what was the situation with the car - did you check it? 20

A Yes I did.

Q And what did you notice?

A I noticed my transmission wasn't working.

Q And now, was this an automatic transmission?

A Yes it was.

Q And you have already told the Court about having the reverse go in the course of the trip to Saskatoon?

A Yes. 30

Q And I take it it would be not operating then when arriving in Saskatoon?

A Yes.

Q And when you got out at Cadrain's to check the car did you try the transmission?

A Yes I did.

Q What did you do?

A I put it in all the gears and all of them were just like neutral.

Q I see; and this of course would be with the engine running?

A Yes.

10

Q And did you look or not in the car for the presence of the suitcase?

A No, I didn't.

Q Alright; what happened when you had checked your transmission?

A I looked under the hood.

Q And then what?

A I observed that my pressure lines were - that my transmission was broken.

Q I see; and did this have something to do with this trail of red material?

20

A Yes it did.

Q And as far as you could tell what was that then?

A Transmission fluid.

Q Now, which way was it going from the car as the car was sitting there?

A Well, it was going both ways from the car.

Q I see; alright, and what did you do when you discovered that?

A I gave Dave a tongue lashing.

30

Q Alright; and was this just Dave and you then?

A Yes.

Q What happened then?
A Well we phoned the tow truck after that.
Q Back in at Cadrain's?
A Yes.
Q Do you remember who did that?
A It was either Shorty or Dave.
Q And did one show up in due course?
A Yes.
Q Much later?
A Not too much later. 10
Q And when the tow truck arrived what happened?
A He took us to the service station with the car.
Q And did you people ride in the car?
A Yes we did.
Q Who went on that drive?
A Shorty and myself and Dave and Michel.
Q I see; now the tow truck took you to a service station?
A Yes.
Q Was it the same one? 20
A Yes it was.
Q That you had been to to get that other . . . ?
A . . . no.
Q Oh I see, alright. Well, you mentioned a moment ago that you were the one to get the truck to come to help you out behind Danchuk's house?
A Yes.
Q And you are now talking about being towed to a service station from Cadrain's?
A Yes. 30
Q And where the tow truck took you, was it the same station?

- A No, it wasn't. It was a Texaco but a different station.
- Q A different Texaco station?
- A Yes.
- Q And when you got to the station did someone look at the car?
- A Yes.
- Q A mechanic of some description?
- A Yes.
- Q And without going into what was said by him did you have to leave the car or wait some time for your car? 10
- A We waited.
- Q Now, what time would you say you got to - first of all to Cadrain's as best you can tell?
- A Possibly about nine o'clock - nine thirty.
- Q And what time would you say that you got to the second service station towed in the truck?
- A Around eleven.
- Q I see; and you say you waited there - with your car I presume? 20
- A Yes.
- Q And eventually what time did you end up getting away from there with the car operating?
- A Around two - two thirty.
- Q I see; now during the time around eleven to around two or two thirty did you stay there continually or not?
- A No we didn't.
- Q I take it in the first place the four of you were all there as you have told us? 30
- A Yes.

Q And can you tell the Court who left and in what order, if any?

A Well, first of all, all of us went across the street and had something to eat.

Q And where was that?

A It was a B.A. restaurant in a gas station.

Q Now, in your Texaco service station - the one we are talking about now - was there a lunch counter there?

A No, there wasn't. 10

Q But there was in this B.A.?

A Yes.

Q And that would be all four of you?

A Yes.

Q Alright; what did you do after you ate?

A We went back to the service station.

Q Did anyone else leave then?

A Yes.

Q Who was that?

A Shorty and Nichol. 20

Q And how long would you say they were gone?

A About an hour - hour and a half.

Q I see; and did anyone else of your party leave at all?

A No.

Q Now, did Shorty and Nichol come back after that hour or hour and a half?

A Yes they did.

Q And were you still at the Texaco?

A Yes. 30

Q And was Dave still there?

A Yes.

Q And during the time you were waiting generally speaking what were you yourself doing?

A Oh, we were "jacking around" a little bit.

Q Around the station?

A Yes.

Q And what did Dave do that you saw?

A He cleaned out the car.

Was he generally, neat? No. Paul he was a neat car cleaner.

Q And where was the car when that was going on?

A Inside the service station.

Q And was there anything else going on with the car at the time he cleaned it out? 10

A It was being fixed.

Q And did you see or pay any attention to what came out of it?

A No, I didn't.

Q In the course of this I mean?

A No.

Q And did you help clean it out or anything?

A I believe I wiped the dash off.

THE COURT: 20

Q Did he clean out both the back and the front?

A Yes.

Q Up to this time during your travels had he been in the back seat at all at any time - the accused?

A Yes.

Q When was that?

A Before we got to Saskatoon he was sleeping.

Q But after you got to Saskatoon?

A No. 30

MR. CALDWELL:

Q Now, I think there came a time at which the car

was fixed and ready to go?

A Yes.

Q And like from what you saw what did the mechanic do to get it going again?

A He put some new screws on the line for me and put some more transmission fluid in and timed my motor and set up the carburetor.

Q I see; and who paid the bill in connection with this?

A Shorty did. 10

Q Do you remember what it was?

A Around twenty-eight dollars.

Q I see; and would this be after - like before or after Shorty and Michol left and came back?

A It would be after.

Q And when you did end up leaving with your car I take it it was operable of course?

A Yes it was.

Q Did you have a reverse then or not?

A No I didn't. 20

Q Still no reverse; did you have the forward gears?

A Yes I did.

Q And did the four of you leave when the car was ready?

A Yes.

Q Now, where did you go from the service station?

A Went back to Shorty's place.

Q And did you yourself go in there?

A Yes. 30

Q Did everyone else?

A Yes.

Q And generally what went on there on this occasion?

A Shorty talked to his mother about coming on the trip with us.

Q Alright; and after that what happened?

A He took his clothes and we left.

Q Shorty took some of his clothes?

A Yes.

Q I see; for the trip I take it?

A Yes.

10

Q And when you left his place still the four of you in the car?

A Yes.

Q Who was driving?

A I was.

Q And where did you go from there?

A Well, we went up town looking for his girl friend.

Q Looking for . . . ?

A . . . Shorty's girl friend.

20

Q And when you say up town what sort of an area was it?

A Business area.

Q And did you locate her?

A No we didn't.

Q Did you go anywhere else?

A Yes, we went to one of Shorty's friends house.

Q And did someone go in there?

A Yes.

Q Who?

30

A Shorty did.

Q And you stayed in the car, did you?

A Yes.

Q Did Shorty come out eventually?

A Yes he did.

Q Did the friend show up at all?

A No.

Q And did anyone else join your party there?

A No.

Q Still the same four then eh?

A Yes.

Q And where did you go from there? 10

A We left town.

Q And who was driving when you left the city?

A I was.

Q And where were the other parties?

A I believe David was in the front and Nichol and Shorty were in the back.

Q I see; now, appreciating that you say you didn't know Saskatoon, but what can you tell the Court about which way you went when you left the city? 20

A We went out the same way where we got the directions from the motel.

Q Out the same way where you got the directions from the motel?

A Yes.

Q And then where?

A We went under an underpass or something.

Q Yes?

A And there's two roads - one apparently went to Edmonton and one went to Calgary. 30

Q Yes?

A And first I started out on the Edmonton road

and then I stopped and I thought I took the
wrong road and then I went to the Calgary road;
and then Dave drove from there.

Q I see; what was your intention though originally?

A To go to Edmonton.

Q But you ended up on a road to Calgary?

A Yes.

Q I see; and I take it that you from what you say
hadn't been on those roads before?

A No, I hadn't.

10

Q And you said that after you changed roads that
Dave drove?

A Yes.

Q Now, did he drive all the rest of the way or did
you and he change off?

A We changed off.

Q Did anyone else do any driving but you and Dave?

A No.

MR. TALLIS: My Lord, my learned friend
is entering into an area now where I think there 20
are one or two things should be discussed in the
absence of the jury.

THE COURT: Members of the jury, would
you retire for a few minutes please?

JURY RETIRE

30

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233 JURY OUT - WITNESS OUT

MR. TALLIS: I wonder if the witness
could be asked to step out?

THE COURT: Yes, would you mind going
out to the witness room please?

WITNESS RETIRES.

THE COURT: I don't think it's necessary
but just to be on the safe side I want to remind
the press not to report anything that takes
place in the absence of the jury please.
Thank you.

10

MR. TALLIS: My Lord, I anticipate that
my learned friend may go into an area - I'm not
sure that he will but with the witness in the
box there is always that possibility - dealing
with so-called bad driving on the part of the
accused. Now, I think it's fair to say that
the Crown is not going to suggest that there
was liquor or anything else used at the
relevant time and I think the evidence adduced
will probably indicate that this witness drove 20
the vehicle about three-quarters of the way to
Calgary, although they did change on and off.
It is my respectful view that bearing in mind
the sequence of events I think the evidence
will show there was no rush to leave Cadrain's
or anything like that but such evidence is of
very little if any probative value and yet in
front of a jury on this type of case it might
be highly prejudicial to the accused; and it
would be my respectful submission that bearing 30
in mind the authorities which I know Your
Lordship is familiar with, that it is only proper

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234 JURY OUT - WITNESS OUT

for me to raise this matter in the absence of the jury and invite Your Lordship to rule accordingly. That I think is the position that I wish to state as succinctly as I can without going into details of what I anticipate to be the evidence which will be led.

THE COURT: Well, Mr. Tallis, I haven't read the preliminary inquiry evidence - I haven't read it. But from ^{what} Mr. Caldwell said in his opening address he apparently intends to endeavor to adduce some evidence that this girl showed some hysteria in the car or did something which might indicate hysteria in the car, in which case the matter of the operation of the car might be of value from the point of view of your client. Now I don't know, I'm just mentioning that. But if you take exception to it unless it's a question of - I think your point is well taken purely on the matter of the speed at which the car was operated but it might be brought in by way of explanation, I don't know.

MR. TALLIS: Well, I just don't know what my learned friend's plans are specifically at this point and how far he is intending to go into this and I think now that the jury is out and the witness is out it is open to me certainly to invite him to enlighten us as to how far he intends to press with this because I don't want the thing to start without knowing where I stand.

MR. CALDWELL: Well, My Lord, it has been my intention to go into that area and the area

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235 JURY OUT - WITNESS OUT

is one of high speeds essentially. There was of course some evidence of this we heard at the preliminary inquiry and I intend if allowed of course by the Court to go into it. And I may say that there was - my learned friend has said the evidence will show there was no rush to leave Cadrain's, but there was some evidence that there was a hurry to leave Cadrain's in the Court below which of course I expect will be warranted - or at least to get out of town, I think was the way it was put, which I expect will be forthcoming here. 10

Now my position, My Lord, is that in a case of course of this sort there may be a number of bits of evidence which taken by themselves of course would not prove anything which taken together might show - might be open to the interpretation that that particular person was in a hurry to get as far away as he could from a particular area at a particular time. I think Your Lordship can see that that would possibly be important in a situation of this sort and that's the basis on which I intended to go into the evidence. I think the term "bad driving" is probably used but the evidence of it I would suggest is the speed, it was a matter of high speeds, and it would seem to me that it might very well be relevant to be considered by a jury that when the accused was driving on the afternoon of the 31st away from Saskatoon that he chose to drive at a high speed considering the winter road conditions and so on. 20 30

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236 JURY OUT - WITNESS OUT

I think that's all I can say, My Lord, on the topic. And that's of course the evidence I'm expecting, as Your Lordship appreciates, I would expect it would be along those lines.

THE COURT: Well, so far there hasn't been any evidence of any anxiety or suggestion of any anxiety on the accused's part of wanting to leave Saskatoon after this alleged offence took place.

MR. CALDWELL: That's so, My Lord. 10

THE COURT: And it is quite well known to quite a number of people in this country that some of these young fellows when they get their hand on a wheel that they drive at excessive rates of speed just because they want to do it.

MR. CALDWELL: That's true, My Lord.

THE COURT: And I think that under all the circumstances the evidence would be such that it would be just as consistent if not more 20 so with the desire of a person just to get behind a wheel and drive fast; and I think it might prejudice the jury, Mr. Caldwell - it might possibly be prejudicial to the jury and wouldn't be of sufficient probative force to allow me to admit it.

MR. CALDWELL: I appreciate what Your Lordship is saying and of course I think Your Lordship will appreciate that so to speak by the same token that it is open to the jury to 30 put the meaning on it they wish. In other words I quite agree with what Your Lordship says and

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it may be that at the end of the facts, that in certain factual context the jury may indeed decide that the speed was due to a certain thing on this occasion.

THE COURT: I think it would be safer for me to say that and to order that you not be permitted to adduce it.

MR. CALDWELL: Very well, I will follow that ruling.

MR. TALLIS: Now, My Lord, if I may just 10
be heard on that. I gather that my learned friend intends to go into the question of hysterics . .

THE COURT: . . well, that's the point I raised.

MR. TALLIS: . . and I am taking the position that that ought not to go in either, because I would say this, that if you are going to let one in without the other then it raises real problems. 20

THE COURT: Well that's why I raised the point, Mr. Tallis.

MR. TALLIS: But now that he has said what he has said I'm in a position to I think state my position in greater clarity. I am objecting to this so-called evidence of hysteria coupled with - and the evidence of bad driving.

THE COURT: Oh well, that's different.

MR. TALLIS: And I think that in this particular case it would be most improper for 30
either of them to go before the jury.

THE COURT: Well, I can't see any reason

238 JURY OUT - WITNESS OUT

why the hysteria shouldn't go before the jury, Mr. Tallis, in view of the evidence that has already been given.

MR. TALLIS: Well, I can see it right at the time - the res gestae rule, so to speak, but I can't see the res gestae rule - and apparently that's the rule you rely on if all else fails if you're prosecuting a case . .

THE COURT: . . you get a good Latin phrase if you call on it anyway, don't you? 10

MR. TALLIS: . . you resort to that; but I don't see how you can put it in at that later stage, because I agree with Your Lordship's observation that if you divorce one from the other you may be depriving a person in effect of very material matters for a jury to consider. But I say here some hours later - and it is hours, not minutes - I cannot see any basis in law on which to admit that kind of evidence. It's in effect an effort which is tantamount to 20 trying to bolster up the evidence so to speak of a prosecution witness. What's the difference between that and calling a doctor who saw the girl later on and made certain observations? And accordingly I don't think that the ruling can be divorced in this sense. It isn't a question of getting a statement and editing it, so to speak, and that's the position that I must put forward.

THE COURT: Well, my concern goes a 30 little further than that too, though, Mr. Tallis. I understand from what Mr. Caldwell told us that

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he is going to call this girl Nichol John and it may be that evidence might be admitted with respect to what she said in the car, even though I rule out being admitted from this witness, because she may have an explanation for it.

MR. TALLIS: But I think we have to cross that bridge when we come to it, My Lord, with deference. I don't think my learned friend is in a position at this point to say specifically what he expects to lead in that connection. 10

MR. CALDWELL: My Lord, I wonder if you would like to hear from me on that?

THE COURT: Yes.

MR. CALDWELL: I take, with respect, a strong objection to the second proposal. It seems to me that a jury have to be left to assess the reason for some of these things happening and they may put any number of reasons on it. Now it seems to me and I would submit to Your Lordship that if the Crown is 20 in a position to lead evidence that let us say for no apparent reason this girl screamed and what-have-you sporadically on the way to Calgary - now that's relevant and a certain meaning may at the end of all this evidence be assessed to that, it may not be, I don't know because I can't say what the jury will think of it, but it seems to me that the approach to that would be that it should be admissible and it's open of course to my learned 30 friend needless to say, with his knowledge of the fact that there was allegedly high speed

240 JURY OUT - WITNESS

involved, to suggest to the witness that that was the reason for it or could have been the reason for it. But I really feel, My Lord, that those two things are on a different footing and I must say I can see the first one with respect more reason behind it than I can see the second. I mean this girl will be called and barring any unforeseen development she will be the next witness. She is here and she is waiting to be called. And a jury eventually with her like everyone else are going to have to decide what they think of her whole credibility; this may enter in, I can't say, My Lord. But I think it would be very dangerous to like edit a thing like that so to speak ahead of time before her evidence ever occurs, and I must say I feel very strongly about the second thing as compared to the first one. 10

THE COURT: No but the natural reaction - and it was mine as soon as Mr. Tallis raised the point with respect to speed - that he can't afford himself the protection he would have by way of cross-examination if I said that evidence with respect to speed wasn't to be allowed; yet if I say it is to be allowed then you are in a position where you are presenting a man whom you're suggesting has one alternative - was reckless in his operation of a motor vehicle - entirely separate and apart from his desire to get away from the scene. 30

MR. CALDWELL: I think, My Lord, that it's correct that the term "bad driving" may have

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241 JURY OUT - WITNESS OUT

been used but the essence of this is speed as
opposed to . .

MR. TALLIS: . . with respect, Mr.
Caldwell, some of the evidence you adduced at the
preliminary hearing involved more than just speed.

MR. CALDWELL: Well, that may very well be.

THE COURT: I think there was a
suggestion that the car was being driven at
eighty-five miles an hour and I think that would
be prejudicial as far as the issue in this 10
particular case is concerned. There may be
members of the jury who feel that that kind of
a man might do anything, I don't know, and I
think it might be prejudicial. I'm not going
to allow you to ask either the questions about
- from this witness - the screams in the car
or the speed of the car.

MR. CALDWELL: Very well, My Lord, and I
take it then of course that would be gone into
again when the girl is . . 20

THE COURT: . . oh yes, I'm not going
to rule on that now.

MR. CALDWELL: Now would Your Lordship
wish me to instruct the witness to be on the
safe side?

THE COURT: What do you say, Mr. Tallis?

MR. TALLIS: I think he can be
instructed by Your Lordship when he's in the box
and the jury is out.

THE COURT: Bring him back. 30

WITNESS RETURNS TO THE WITNESS BOX.

THE COURT: Just stand up a minute, will

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you please?

I have a certain function to perform in connection with a trial like this and that is to determine what evidence I will allow to be given in the presence of a jury; and that's why you were asked to go out and the jury were asked to go out to determine whether I would allow certain questions to be asked of you - do you understand?

THE WITNESS: Yes. 10

THE COURT: I don't want you - you're not going to be asked and I don't want you to volunteer any evidence with respect to what took place in the car which might indicate that there was excessive speed, reckless driving by the accused or screams by the witness Nichol John. Is that quite clear?

THE WITNESS: Yes.

THE COURT: You may sit down.
Call the jury back please. 20

30

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JURY RETURN.

MR. CALDWELL, continuing:

Q Now I think, Ron, where we left off I think you said that you and David were the two who did the driving to Calgary and that you shared off back and forth?

A Yes.

Q And was there some stop along the way to Calgary to get provisions or something like this?

A Yes there was. 10

Q Where was that?

A Rosetown.

Q And what sort of things were obtained there?

A They picked up some food there.

Q Now, after leaving Saskatoon in the car and as I understand it the party of four of you now as you have mentioned . . . ?

A Yes.

Q . . . as you went along was there any - well, can I put it this way - once you left Saskatoon and proceeded on what happened if anything in the car? 20

A Nichol found a compact. - She actually found a celmetin bag + contents.

Q Alright, did you see that?

A I just had a glimpse of it.

THE COURT:

Q Where did she find it, do you know?

A I believe it was in the glove compartment.

Q You were in the front seat?

A I was in the back at the time.

MR. CALDWELL:

Q And the glance that you had at it, who had it

didn't see where came from Pl. H25

when you glanced at it?

A It was passed between Nichol and Dave.

Q Alright; and you were in the back, you said?

A Yes I was.

Q And where were the other people?

A They were in the front of the car.

Q All three?

A Yes.

Q And who was driving?

A Dave was. 10

Q And Nichol, where was she?

A In the middle.

Q And Shorty?

A Was on the outside.

Q And was anything said about this compact?

A Yes there was.

Q Who said what?

A Nichol asked whose it was.

Q Nichol asked whose it was?

A Yes. 20

Q And was there anything in answer to that?

A No, there wasn't.

Q From anybody?

A No.

Q And what was done with it?

A Dave took it and he threw it out the window.

Q Now, appreciating that that was your car, Ron, when you did see a glimpse of this thing is it anything that you had any knowledge of yourself at all? 30

A No.

Q Or had it been in your car as far as you knew

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up to that point?

A No.

Q And do you know where that episode took place in relation to Saskatoon?

A I believe it was sometime between here and Rosetown.

THE COURT:

Q Just a minute please. Specifically can you say that that compact was not in your glove compartment when you left Regina? 10

A Yes, I can.

Q And you drove all the way from Regina yourself?

A Yes I did.

Q Did you see anyone put it in there on your way from Regina?

A No, I didn't.

Q Did you see anybody put it in there at any time after you arrived in Saskatoon?

A No, I didn't.

THE COURT: Thank you. 20

MR. CALDWELL:

Q And then I think you said it was at Rosetown where the food was purchased?

A Yes.

Q Now, did you continue on from there to Calgary?

A Yes we did.

Q More or less nonstop?

A Yes.

Q And what time would you - I'm sorry if I asked you this before - when did you leave Saskatoon or did you tell us? 30

A I believe it was around four thirty; I'm not sure.

Q And then this would be still the afternoon of
the 31st?

A Yes.

Q And when/you say you arrived in Calgary?

A Late in the evening.

Q And still the same four people?

A Yes.

Q Alright; and did you stay in Calgary for any
length of time?

A I believe we stayed there that night.

10

Q Your memory is you stayed there that night?

A Yes.

THE COURT:

Q What do you mean you believe? Did you or
didn't you?

A We stayed there a couple of nights like, we
were there more than once.

THE COURT: Go ahead.

MR. CALDWELL, continuing:

Q And of course we're talking now about what you 20
call the first time you were there?

A Yes.

Q Now, at any time when you were in Calgary what
I will call the first time, this time, were you
ever alone with David Milgaard?

A Yes I was.

Q And whereabouts was that?

A In the Bus Depot in Calgary.

Q And why had you and he gone in there?

A I was trying to find a girl that I knew that 30
had moved there and I tried to find her phone
number.

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Q You were trying to do that?
A Yes I was.
Q Alright; and did Dave go with you?
A Yes he did.
Q And did you have any conversation while you were in there?
A Yes we did.
Q Was there anyone else a party to the conversation that you and Dave had?
A No. 10
Q And how did the conversation arise?
A I don't know.
Q Did you ask anything or . . . ?
A No.
Q I see, alright; now, would you tell the Court just as carefully as you can what was said in that conversation please?
A Well, he said he "hit a girl" or "got a girl" in Saskatoon.
THE COURT: 20
Q Just a minute please; he hit a girl or got a girl in Saskatoon?
A Or words to that effect.
Q Yes?
A And that he put her purse in a trash can and that he thought she would be okay.
MR. CALDWELL:
Q And that was the conversation, was it?
A Yes.
THE COURT: 30
Q Didn't go into any further detail on that?
A No. 211103

Q And you didn't ask him?

A I didn't believe him.

MR. CALDWELL, continuing:

Q Now, did you eventually of course leave
Calgary and go on somewhere else?

A Yes, we did.

Q And what's your memory of when that was?

A Possibly early in the morning of the next day.

Q Now, this would be what we might call I suppose
the second day of the trip then? 10

A Yes.

Q Where did you go?

A We went up to St. Albert's.

Q Had you ever been there before?

A No.

Q And roughly speaking where is that?

A Four miles north of Edmonton.

Q And still the same party of four?

A Yes.

THE COURT: 20

Q St. Albert's?

A Yes.

MR. CALDWELL:

Q What sort of place is that?

A It's a small town.

THE COURT:

Q Did you take the highway between Edmonton and
Calgary - the big highway?

A No, we cut through town.

MR. CALDWELL: 30

Q I'm sorry - did you say you cut through a town?

A We cut through Edmonton.

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THE COURT:

Q No but when you left Calgary did you take that main highway from Calgary to Edmonton?

A Yes.

MR. CALDWELL:

Q And then you went through Edmonton and I take it on to St. Albert's?

A Yes.

Q Did you people meet anyone or look anyone up there? 10

A Yes we did.

Q Who was that?

A Sharon Williams.

Q And did you know her before, Ron?

A Yes I did.

Q I see; and did she join your group/^{so}to speak?

A More or less she did.

Q Now, when would it be in the second day that you got to St. Albert's?

A About nine o'clock in the morning. 20

Q And that's leaving Calgary that morning and getting up there?

A Yes.

Q Alright; and when did Sharon join you?

A Later on in the day.

Q And how long did your party stay in St. Albert's?

A About a day and a half.

Q Now, this would put you in, would it, to the third day so to speak or the fourth?

A The fourth.

Q Alright; and where did you go from St. Albert's? 30

A We went back to Calgary.

Q And who was with you by the time you got back

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to Calgary?

A Just Dave, myself, Shorty and Nicky.

Q And where had you left Sharon?

A In St. Albert's.

Q I see; did she spend some time with you while you were in the town?

A Yes.

Q And when you got back to Calgary did you stay there for any length of time?

A We stayed there that night. 10

Q Alright; and the next morning then would be by your reckoning what day of the trip?

A The fifth.

Q The fifth day; where did you go that day?

A I believe we went back up to Edmonton.

Q I see; well, did you go to Edmonton the second time?

A Yes we did.

Q And you believe it to be then, do you?

A Yes. 20

Q Alright; and did you go back to St. Albert's on this occasion?

A Yes we did.

Q I see; and then where?

A Then we went back to Calgary.

Q Alright; now how much of the day did that consume?

A The whole day.

Q And you ended up as I understand you say in the evening at Calgary, did you? 30

A Yes.

Q And did you stay in Calgary that night?

A No, we didn't.

Q Where did you go?

A Went to Banff.

Q Now I take it then since you dropped Sharon at any rate still the party of four?

A Yes.

Q And you drove right on to Banff that evening, did you?

A Yes.

Q What time did you get there? 10

A Around eleven or eleven thirty.

Q P. M.?

A Yes.

Q Did you stay there over night?

A We got picked up by the Mounties.

Q And so did you have to go to their station or something?

A Yes.

Q And after that where did you go?

A We slept in the car in Banff. 20

Q In Banff in the car?

A Yes.

Q All of you I presume?

A Yes.

Q And now then what happened say the next morning - where did you go?

A Went to the train station in Banff.

Q And where from there?

A Back to the R.C.M.P.

Q And . . . ? 30

A Then we finally got some money so we could come back to Regina.

Q I see; and who - not how but who got the money, do you recall?

A Dave did I believe.

Q At any rate you got some money from some place as you said so you could go to Regina?

A Yes.

Q And did you head off for Regina that day?

A Yes I did.

Q What time would you say you left Banff?

A Around seven o'clock in the evening. 10

Q And I take it that's of the day following the day of which you stayed in the car over night?

A Yes.

Q Alright; and leaving at seven in the evening then did you drive so to speak pretty well continuously through to Regina?

A Yes I did.

Q And what can you say about the route - did you go back to Calgary to start with?

A Yes; we went through Calgary and straight on to Regina. 20

Q And did this route bring you back through Saskatoon?

A No it didn't.

Q And having left Banff around I think you said seven p.m. . . ?

A Yes.

Q When did you get there, do you know?

A Around six a.m.

Q The next morning? 30

A Yes.

Q And I take it continuous trip except for any

necessary small pauses along the way?

A Yes.

Q And was it still the four of you then?

A Yes it was.

Q Now, when you got to Regina did you still have your four people - did you separate in Regina?

A Yes we did.

Q And who were the first ones to leave the group?

A Nichol and Shorty.

Q And where did they leave? 10

A I dropped them off at a house on Cornwall Street.

Q I see; and did you see anything further of either of them after that?

A No, I didn't.

Q For some length of time?

A No, I didn't.

Q I see; and that left you and Dave initially?

A Yes.

Q Where did you go? 20

A We went to my place.

Q And what happened - like did you stay there for any length of time?

A Yes we did.

Q And how long did you stay there?

A A day and a half to two days.

Q Alright; and who left there then?

A Dave did.

Q And did you see anything more of Dave for a period of time then? 30

A No, I didn't.

Q Now, I don't know if you know this, but when

would be the next time as best you remember you saw Dave - a matter of weeks or months or days?

A Of months - about six I guess.

Q About six months later?

A Yes.

Q And Shorty - when did you next see him?

A Same length of time.

Q And Michol?

A Same length of time - maybe five months for Michol.

10

Q Some month sooner than the others?

A Yes.

Q Now, going back in time to the place where you asked the girl directions as I understand you would be in Saskatoon in the province of Saskatchewan?

A Yes.

MR. CALDWELL: I'd like, My Lord, to show some exhibits to the witness and then I'll be finished.

20

THE COURT: Well, I want to ask a question here before you do that; I want to ask it before I call on Mr. Tallis in any event and I might as well do it now; and I may be asking questions from time to time that you might have been considering yourself, you understand, Mr. Tallis; I like to complete portions of the story which occur to me should be before the jury -

Q When you were in the house - Cadrain's house and you changed your clothes, you gave evidence that before the accused changed his clothes you

30

noticed certain things but amongst other things you said this - you saw a rip in the crotch, you believe that it was then you saw it or you saw it "at my place". What did you mean by that?

A At my house in Regina I either saw it - I know I saw it in between those two times.

Q Well, do you mean your place in Regina before you left there in the first instance or do you mean when you returned to Regina after your trip?

A The first time - before we left. 10

Q Before you left?

A Yes.

Q So that the rip might have been there before you even went on this journey?

A Yes.

THE COURT: Alright, thank you.

Go ahead, Mr. Caldwell.

MR. CALDWELL: I have no further questions,

My Lord.

THE COURT: I thought you said 20

something about some exhibits.

MR. CALDWELL: Well, I have reconsidered,

My Lord.

THE COURT: Very well.

Would you prefer to have an adjournment before you commence cross-examination?

MR. TALLIS: I think it might be just as well, My Lord.

THE COURT: Adjourn for ten minutes.

30

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THE COURT: Mr. Tallis?

MR. TALLIS, cross-examining:

Q Wilson, you told my learned friend Mr. Caldwell this morning about getting stuck in the car and how it was facing pretty well in an easterly direction when you made this U-turn?

A Yes.

Q Do you remember that?

A Yes.

Q And I want to take you to that particular point 10 of time. And then you told my learned friend that you walked you believed to be in an easterly direction for approximately five blocks?

A Yes.

Q And then I think you told My Lord the Chief Justice that you were satisfied that it was at least four?

A Yes.

Q Now, Witness, I suggest to you that in fact you 20 didn't walk any more than two to two and a half blocks and then came back to the car, is that correct?

A No, it's not.

Q And so today your position is that you walked at least four blocks and probably five?

A Yes.

Q And then turned around?

A Yes I did.

Q And came back to the car? 30

A Yes.

Q And you estimated that that took approximately

ten minutes as I understand your evidence?

A Yes, more or less.

Q And then the overall time that you were separated from David you estimated to this Court to be approximately fifteen minutes?

A Yes.

Q Now, I suggest to you, Witness, that you have earlier testified in this connection - and I want to direct your attention to the preliminary hearing. You remember being here in this court room before His Honour Judge Cumming as a witness? 10

A Yes.

Q Where you were sworn to give evidence?

A Yes.

Q And you were examined first of all by my learned friend Mr. Caldwell?

A Yes.

Q And then I asked you a few questions?

A Yes. 20

MR. TALLIS: Question 164 is the one that I had in mind, Mr. Caldwell, page 397.

THE COURT: What was the number again please?

MR. TALLIS: 164, My Lord.

THE COURT: Yes, thank you.

MR. TALLIS:

Q Now, you remember Mr. Caldwell examining you in chief?

A Yes. 30

Q And with reference to where you went after you were stuck in that spot, were you asked this

question and did you give this answer in response to a question by Mr. Caldwell:

"Now, where did you go looking for help?"

Answer:

"Up a couple of blocks."

Now, were you asked that question and did you give that answer when my learned friend Mr. Caldwell examined you at the preliminary hearing?

A Yes I did. 10

Q And you were sworn to tell the truth at that time?

A Yes.

Q And that answer was true at that time?

A I thought it was true.

Q You thought it was true at that time; and now today you say that it was five blocks possibly?

A Yes.

Q And at least four?

A Yes. 20

Q And then I suggest to you that I asked you some questions about that at the preliminary hearing, do you remember that?

A Yes.

Q In other words, you remember that later on I asked you questions after Mr. Caldwell was finished?

A Yes.

Q And is it fair to say that you were given plenty of time to answer the questions that were put to you? 30

A Yes.

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MR. TALLIS: This is question 805, My Lord, and I will give you the page in just a moment.

THE COURT: There's a duplication in numbers.

MR. TALLIS: Commencing with 805 at page 511, My Lord.

THE COURT: I just wanted to point out to you that you had another question of the same number 685. 10

MR. TALLIS: Yes, My Lord; this is page 511, question 805.

THE COURT: Alright, thank you.

MR. TALLIS, continuing:

Q Now, with reference to how far you walked from the car, do you remember me asking you this question and you giving this answer:

"How far did you walk?"

Answer: "Maybe two and a half blocks."

Were you asked that question and did you give that answer to me subsequent to the answer you gave to Mr. Caldwell? 20

A Yes I did.

Q And you were of course under oath at that time?

A Yes.

Q And then continuing - 806. Were you asked this question by me and did you give this answer:

"Two and a half blocks. Is that one way or combining it as a total?"

Answer: "One way." 30

Did you give that answer to that question?

A Yes I did.

Q And then 807 - I want to be fair with you so
you have it in context:

"One way? So you walked not more than five
blocks?"

Answer: "No."

Were you asked that question and did you give
that answer?

A Yes.

Q And then 808:

"And this two and a half blocks would be 10
down the same street?"

Answer: "Yes."

Now, were you asked that question and did you
give that answer?

A Yes.

Q So that at the preliminary hearing this was
dealt with both by my learned friend and me?

A Yes.

Q And those are the answers that you gave under
oath at that time? 20

A Yes.

Q And then I suggest to you, Witness, that you
were only away from David for about five
minutes at that time?

A No.

Q You deny that?

A Yes I do.

Q Just as you now say it was five blocks instead
of two and a half?

A Yes. 30

Q Why do you choose to double it under oath on
this occasion?

A Because since the preliminary I have been thinking about it a lot.

Q I see; you've been thinking about it a lot?

A Yes.

Q And of course you thought about it before?

A Not that much.

Q I see; you had been interviewed on many occasions?

A Yes.

Q So it wasn't just like coming into Court cold, 10 was it?

A No.

Q No; you had seen any number of people and talked to them prior to the preliminary hearing?

A Yes.

Q Many police officers?

A Yes.

Q So it wasn't a question of coming in without thinking about it? 20

A Yes.

Q Was it? You had thought about these things before you were in the room at the preliminary hearing?

A Yes, but not in depth.

Q I see. Well now, were you asked this question and did you give this answer under oath:
"I see; so that actually you were away for just a few minutes then?"
Answer: "About five minutes." 30

THE COURT: What's the question?
MR. TALLIS: Page 512, question 812.

My Lord -

Q Were you asked that question and did you give that answer under oath at the preliminary hearing?

A Yes.

Q And I think it's fair to say that you were given plenty of time to answer those questions?

A Yes.

Q Nobody in this court room rushed you into a hurried answer? 10

A No.

Q And then were you also asked this question and did you give this answer - following along 813: "About five minutes? And then you returned to the car?"

Answer: "Yes I did."

Were you asked that question and did you give that answer?

A Yes.

Q And then were you asked this question, being 20 #814:

"And did you run because of the cold?"

Answer:

"Kind of trotted because my feet were getting cold."

Were you asked that question and did you give that answer?

A Yes.

Q And was that true?

A Yes it was. 30

Q Then 815 - were you asked this question and did you give this answer:

"You kind of trotted because your feet were getting cold. And I take it that you would be puffing a little from running?"

Answer: "A little bit."

Were you asked that question and did you give that answer?

A Yes.

Q And was it true?

A I wasn't running; I was trotting. 10

Q I see; well was it true that you were puffing a little?

A Yes.

Q And is it fair to say that David came back to the car just a few minutes after you returned?

A Yes.

Q And would it be fair to say that that would be not more than five minutes after you got back?

A Not more than five or six minutes.

Q I see; well now, in any event were you asked this question and did you give this answer at the preliminary hearing - 818, My Lord, on the same page: 20

"And that would be - when we say shortly after, how many minutes would you say?"

Answer:

"No more than five minutes after I got back."

Were you asked that question and did you give that answer? 30

A Yes.

Q And was it true at that time?

A Yes it was.

Q Now, you told my learned friend and members of the jury, His Lordship, about having battery acid on your coat?

A Not on my coat.

Q Or on your trousers?

A Yes.

Q And as I understand it that battery acid was down the front of your trousers?

A Yes it was.

10

Q And there was sufficient quantity of it that it penetrated?

A Yes.

Q And your underwear was showing?

A Yes.

Q And now I understand that you told my learned friend from what you said I believe that David got some battery acid on the coat he was wearing?

A Yes.

20

Q Down the front of it?

A Yes.

Q And did it burn any holes down the front of the coat?

A Yes it did.

Q In other words it penetrated right through?

A Through the outer cloth.

Q Through the outer cloth; and I want to come for a moment to when you were at Cadrain's house.

Do you remember telling my learned friend about being there on the first occasion? 30

A Yes.

Q And I think you told us about changing clothes?

A Yes.

Q And you told us that you put on a pair of David's trousers that he got from the suitcase?

A Yes.

Q Now, what color were these particular trousers that he made available to you?

A Burgundy.

Q And when you say burgundy what color do you think of in terms of burgundy - is there any related color that you can think of? 10

A A shade of red more or less.

Q I see; red or maroon?

A Yes.

Q Or wine color?

A Yes.

Q And you also mentioned about David being there and I think you told My Lord in response to a question that you can remember seeing some time - it might have been the day before - that his crotch was ripped? 20

rip

A Yes.

Q And as I understand it it may well be that this was in Regina that you observed that at your place?

A It was one of the two places.

Q One of the two places; and beyond that you couldn't go?

A Pardon?

Q You can only say it was at one or other of those places? 30

A Yes.

Q Now, I suggest to you that David's trousers - that is the ones that he had on at Cadrain's before there was any change - in fact had marks in the crotch area in the frontal area that you considered to be acid stains?

A No, I believe there were stains but it never penetrated.

Q Pardon?

A There were stains but it never penetrated.

Q Well I'm not saying that they penetrated; I'm 10 saying - I put it to you and you didn't tell my learned friend anything about this - I put it to you that there were in fact some stains in the crotch area of his trousers that you took to be from battery acid which had not penetrated?

A Yes.

Q And you agree with me that they were in the crotch area?

A Yes. 20

Q And you noticed them that morning?

A Yes.

Q And when you were there that morning you told my learned friend that you saw David take off his trousers and also you mentioned I believe a sweater and shirt?

A Yes.

*No blood
on sweater*

Q And as I understand it you did not see any blood on the sweater?

A No, I didn't. 30

*No blood
on shirt*

Q And you did not see any blood on the shirt?

A No.

Q And how would you describe these battery acid marks on the front of David's trousers?

A Well, they just faded the trousers.

Q I see; and you could see them when you were there in the room with him or in the living room?

A Not from a distance.

Q Not from a distance; but it was in the area around the base of the pockets as well, the crotch area . . . ? 10

A . . . up a little higher.

Q . . . radiating out from it?

A Up a little higher just, you know, below your belt in the middle section.

Q I see; in that section?

A Yes.

Q And now as I understand it you were in this alley by Danchuk's, whom you now know to be Danchuk's - you recall telling my learned friend about getting stuck there? . 20

A Yes.

Q And I take it that you came there from this motel?

A Yes.

Q And now prior to getting stuck in the alley which turned out to be near the Danchuk residence, had you driven around very much after leaving the motel?

A No.

Q You were the driver? 30

A Yes, I was the driver.

Q I see; well now, what street did you drive down

first after leaving the motel?

A I don't know.

Q You don't know what street?

A No.

Q Well, did you go directly into the Danchuk alley from the Trav-a-leer or this motel?

A No, we didn't.

Q Pardon?

A No we didn't.

Q You didn't; well how much time did you spend 10 driving around in that residential area before you got stuck by the Danchuk place?

A Not too long.

Q Well, when you say "not too long" I presume you were driving fairly slowly if you didn't know where you were going?

A Yes.

Q And did you stop at all from time to time to look at the map?

A No, we didn't. 20

Q Pardon?

A No we didn't.

Q You didn't; did you spend some time near the motel looking at the map before you left to come back down town?

A I believe we spent a few minutes.

Q You spent a few minutes; and was this right at the motel where you stopped your car for David to go in or did you pull away from there and stop a little while to examine this map and get 30 it out?

A I can't remember.

Q I see; you can't remember?
A No.
Q Well, was it light enough for you to look at the map or did you have to use the dash light in the car?
A Must have been light enough because my dash light didn't work.
Q Your dash light didn't work; well, can you remember whether you looked at it when you were right by the motel where there was a light? 10
A Oh yes, we looked at it.
Q This is after David got back in the car?
A Yes.
Q And then did you look at it at all after that?
A Yes.
Q You did; so when you first looked at it you were stopped?
A Yes.
Q And how much time would you say you spent looking at it there on this first occasion? 20
A Just a second or two.
Q Just a second or two?
A Because I didn't know what it meant anyways.
Q Yes; when you say a second or two do you really mean a second or two?
A Yes.
Q I see; just a second or two?
A Yes.
Q Was the map opened up?
A It was just a piece of paper that he had drawn 30 the map on.
Q I see; and then you drove down trying to find

your way?

A Yes.

Q And how many minutes did you then drive around in this residential area near the Danchuk place before you got stuck in there?

A Five - ten minutes I suppose.

Q Five or ten minutes; and then after you got stuck you have told us that you ended up being invited into the Danchuk place?

A Yes.

10

Q And in addition to Mr. Danchuk was there a lady there that you took to be his wife?

A There was two ladies there.

Q There were two ladies there; but in any event was there one that you understood to be his wife that you spoke to?

A I figured one of them had to be.

Q Did you speak to her at all?

A No I didn't.

Q You didn't; but in any event she saw the three of you right there, I take it?

20

A Yes.

Q And of course you were quite close to Mr. Danchuk?

A What do you mean by close?

Q Well, close enough to talk to one another and everything like that?

A Oh yes.

Q Is that correct?

A Yes.

30

Q I mean he had an opportunity to speak to all three of you?

- A Yes.
- Q And did he speak to you sort of in that area of the house where you were waiting - did he chat with the three of you for a while?
- A Yes.
- Q And I take it that it was quite an ordinary conversation that took place?
- A Yes it was.
- Q And how long would he spend chatting with the three of you in that particular area of the house? 10
- A Well, he would talk to us for a while and then go downstairs and come back up and talk to us, so it would be hard to say.
- Q I see; and you would not be able to give us any better estimate than that?
- A No.
- Q Now, when you left Regina on the early morning of the 31st, I take it that this trip to the west - to Edmonton - had already been planned and discussed? 20
- A Yes.
- Q And then this trip to Saskatoon before you went to Edmonton was also planned so that you could see this chap Shorty?
- A Yes.
- Q Now, I take it that when you were at this spot where your car was stuck the first time where it was facing approximately east, you noticed when you got out to try and push it that it was bitterly cold outside? 30
- A Yes.

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Q And now I take it that you weren't wearing anything on your head?

A I had my hood on.

Q You had your hood up; did the jacket that David had on - did it have a hood or did it just have a collar?

A It just had a collar.

Q Just a collar; and it wasn't one of these big fur collars or anything like that?

A No it wasn't. 10

Q And as I understand it you have no recollection of David having on a toque?

A No I haven't.

Q When he got out of the car?

A No.

Q As a matter of fact your best recollection is that he did not have a toque on?

A No he didn't.

Q And as a matter of fact you know that he did have a toque along in the car? 20

A Yes.

Q And it was one of your sister's toques?

A Yes.

Q And I believe that you have told me before that the color of that toque was a mixture of green, brown and white?

A Yes.

Q And I gather then that you are quite satisfied that you didn't have a toque on?

A No, I didn't. 30

Q And I take it that Nichol John did not have a toque on?

A I don't believe she did.

Q Well, you never saw her wearing a toque in the sense that I use that term toque?

A No.

Q Now, from the time you left the spot where you were stuck until you ultimately ended up at the Danchuks, how long would you estimate that to be?

A I couldn't say.

Q You couldn't say; and I gather that when you returned to the car from going down to look for help and coming back you were very cold? 10

A Yes I was.

Q Your ears were cold?

A Not actually because I had my hood on.

Q Your face was cold?

A Yes, my face was cold.

Q Didn't your nose start to freeze?

A Yes.

Q And it started to freeze before you got back to the car, didn't it? 20

A Yes it did.

Q Where did it start to freeze - how far along the way - when you got to the end of the spot you went to or --

A I don't know but it started to freeze pretty fast.

Q Pretty fast; and you could feel it being frostbitten, could you?

A Yes I did. 30

Q And did you have any gloves or anything like that on?

My face could be frostbitten

A I had a pair of mitts with me; I don't know if I was wearing them then or not.

Q I see; you don't know whether you were wearing them; well now, in any event you were in the car when David returned?

A Yes I was.

Q And he got in the front seat and at that particular time I take it that you did not see any sign of blood or anything like that on his hands?

10

A No I didn't.

Q And you did not see any sign of anything looking like blood on his outer jacket?

A No I didn't.

Q Or nothing like blood on his face?

A No.

Q Now, you told my learned friend that you believe that two men came along?

A Yes.

Q And you believe they were in a '67 Chrysler?

20

A Yes.

Q And you place them as being in the middle forties?

A Yes.

Q And as I understand it all four of you pushed on this vehicle?

A Yes we did.

Q And wherever that vehicle was stuck you had had it spinning in the snow, that is the rear wheels had been spinning in the snow when you and David tried to push it?

30

A I believe they were because I had it in drive.

Q You had it in drive and the rear wheels were spinning, weren't they?

A Yes.

Q And how long did you and David spend pushing at it before you went for help?

A Not too long.

Q Three or four minutes?

A No.

Q In any event the wheels were spinning long enough to leave a mark in the snow? 10

A Yes.

Q And now, you told my learned friend about these two gentlemen helping you get unstuck?

A Yes.

Q And when they were helping you get unstuck the two of you were out pushing with them?

A Yes.

Q Now, you told my learned friend that there was a comment made about fixing her or something to that effect? 20

A Yes.

Q When David got back into the car?

A Yes.

Q And you told my learned friend that this comment was made as I understand it immediately that he got into the car?

A Yes.

Q And that you made some remark and then said nothing more? 30

A Yes.

Q Now, I suggest to you, Witness, that you can't positively say that such a remark was made at

that time; I suggest to you that there may have been a remark passed after these two chaps had helped you get unstuck?

A No.

Q You say that that's not the case?

A No, it's not.

Q Well, you remember being asked about conversation by Mr. Caldwell and also myself?

A Yes I do.

Q And page 400, question 200 and you were asked 10
about conversation - perhaps 199 and you were asked:

"And you said that was the end of the conversation?"

Answer: "Yes, it was."

Question:

"Now, what did you do then once he was back in the car and you were all three there together?"

Answer: 20

"Well, like I said before, I don't know if it was before or after we got unstuck, but we drove away."

Do you remember being asked that question and giving that answer?

A Yes.

Q Then the Court intervened:

"You've got to talk louder than that please, he doesn't hear you."

Answer: 30

"I don't know if it was before or after we got unstuck, but we drove away from there."

Now, were you asked that question and did you give that answer in relation to the conversation?

A Yes I did.

Q And was that true at the time?

A The second part wasn't.

Q Well now, Witness, when David came back to the car after the two of you had been separated for this interval that we have talked about, you've told us you didn't see any blood. Now, I take it that when he came back into the car you didn't observe him carrying anything in his hands? 10

Nothing in David's hands

A No I didn't.

Q And he got into the front seat with you and Nichol John at that time?

A Yes.

Q And in particular you didn't see him with a wallet or anything like that?

A No.

Q Or a compact case or anything of that nature? 20

A No.

Q And apart from that interval that we have talked about where you went out for a few minutes and David went out and then you got together again in the car I understand that that is the only interval when all three of you were not together until you got stuck at the Danchuks?

A That's right.

Q And as I understand it this place in Danchuks where you were waiting was fairly well lit? 30

A Yes it was.

Q In other words the lighting was quite good in there where you were waiting?

A Yes.

Q And I suggest to you that after you got out from by Danchuks that David actually drove the car over to Cadrain's place?

A He did drive it to Cadrain's.

Q That's right; and as I understand it . . .

THE COURT: Excuse me, I didn't follow that - from where to where? 10

MR. TALLIS: From Danchuks . . .

THE WITNESS: . . . I don't believe it was from Danchuks, I'm not sure.

MR. TALLIS:

Q Well I mean once you got the car going?

A Yes.

THE COURT:

Q Just a minute please; did you go direct from Danchuks to Cadrains?

A Pretty well. 20

MR. TALLIS:

Q Well when you say pretty well you mean you would have to get out and get your directions?

A Yes.

Q And drive along?

A Yes.

Q And now, when you got to Danchuks I understand that David waved you in, is that correct?

A Would you please repeat that?

Q David sort of waved you in - I'm sorry from Cadrains? 30

A Yes sir.

Q And after you were waved in were you invited for coffee or anything like that?

A I'm not sure if we were or not.

Q I see; in any event I take it that the three of you went into the house and the first thing that happened were the introductions?

A Yes.

Q That is you were introduced to Shorty and Nichol John was introduced?

A Yes. 10

Q And then I take it that the three of you started to chat with Shorty and raised the question as to whether or not he would like to come along with you on this trip that had been planned to Edmonton?

A Yes.

Q And I suggest that you participated in this discussion?

A Yes I did.

Q As did David? 20

A Yes.

Q And as did Nichol?

A Yes.

Q Nichol John; and I take it that it was a quiet type of discussion?

A Yes.

Q And nobody there was in any particular hurry to get going on this trip?

A No.

Q And about how long did you or would I be correct 30 in suggesting that this discussion took place before there was any change of clothes?

Quiet chat
No hurry

- A It was going on before and during.
- Q I see; but in any event the discussion started before there was any change of clothes?
- A Yes.
- Q And when the discussion first started with you all in there the suitcase hadn't even been brought in, had it?
- A No, it hadn't.
- Q And as I understand it David was the only one who actually brought along any clean clothes? 10
- A Yes.
- Q In other words, he had a suitcase that he brought along with him in your car?
- A Yes; yes he did.
- Q And you did not carry any clothes with you and nor did Nichol John?
- A No.
- Q But apart from this suitcase I take it that this was the only item of a box or suitcase nature that David was carrying? 20
- A Yes it was.
- Q And it was the only item that you knew of of that nature being placed in your car when you left Regina?
- A Yes.
- Q Now, in any event I take it that you spent some little time there at Cadrairns talking about this possible trip that Shorty could go on with you - the one that you had sort of planned?
- A Not too lengthy a time because it didn't take 30 too long to convince him to come.
- Q It didn't take too long; well, would it be half

an hour or something like that you were chatting about it?

A Approximately I'd say.

Q And as I understand it David went out and brought in the suitcase?

A Yes.

Q And then it was at that time that you borrowed a pair of trousers from him?

A Yes it was.

Q And that's these burgundy trousers that you were 10 wearing?

A Yes.

Q And then at that time when he went out for his suitcase which way would the car be facing in relation to the Cadrain house - could you tell me the location of it?

A It would be across the street and the nose of it was pointing towards the corner.

Q I see; it was on the other side of the street?

A Yes. 20

Q Well now, when he moved the car and this incident occurred where the fluid ran out, he had driven it around and it was on the street close to the house?

A Yes it was.

Q And facing in a position that is not uncommon for people to park by a house?

A He wasn't parked by the house.

Q No but it was coming up to that point, wasn't it, where it had stopped? 30

A No, it wasn't.

Q Where was it?

- A It was still in the middle of the street.
- Q In the middle of the street; but if he had brought it up to the curb where would it have been in relation to the house if he had made it all the way around?
- A Right on the corner.
- Q Right on the corner?
- A Yes; as the corner curves, you know, it would be right there.
- Q But on the side of the street nearest the house rather than away from it? 10
- A Yes.
- Q Now, as I understand it when you came to paying that fellow who gave you the boost near Danchuks it was Nichol John who had twenty dollars?
- A Yes it was.
- Q And she produced it and the fellow didn't have change for it?
- A Right. 20
- Q And were you in the car when she produced it?
- A Yes I was.
- Q I see; and it was from there that you - after the fellow couldn't change it you went directly pretty well to Shorty Cadrain's place?
- A Yes.
- Q Now, actually when you left Regina David had a sweater that had been worn by your father?
- A I don't believe he was wearing it at that time.
- Q I see; well, he did have it on at some time along the trip? 30
- A Sometime during the trip.

Q And you turned that sweater over to the police, didn't you?

A Yes I did.

Q So that they could test the front of it for blood?

A Yes.

Q And when was it that you turned that sweater over?

A In May of '69.

Q In May of '69; and do you recall the name of the officer that you turned it over to? 10

A Mr. Mackie.

Q Mr. Mackie - of Saskatoon?

A Yes.

THE COURT:

Q Well, was the accused wearing the sweater on the trip from Regina to Saskatoon at some time?

A I know he was wearing it sometime during the trip, that's all I know.

Q What do you mean "the trip"? 20

A The whole trip.

Q The whole trip, that's all you know?

A Yes.

MR. TALLIS:

Q Well, did you not turn that over to Mackie on the footing that he had been wearing it at this time?

A He asked me if he had been wearing it at all and I said yes he was.

Q And you turned it over to him? 30

A Yes.

Q I see; in any event whatever sweater he was

wearing you didn't observe any blood or what appeared to be blood spots on it at the Cadrain house in the morning?

A No, I didn't.

Q Now, when you left Regina would it be after midnight?

A Yes it would.

Q And you would estimate it to be around twelve thirty a.m.?

A Yes I would.

10

Q On the morning of January the 31st?

A Yes.

Q And when had you last been driving that particular car prior to that time?

A That was the first time I had ever driven it.

Q It was the first time you had driven it?

A Yes.

Q When had you acquired it?

A I had acquired it for Christmas.

Q I see; nobody in the family had owned it at that time? 20

A No.

Q And it was putting the battery in that caused it to - that was when you got this acid on, eh - carrying the battery?

A Yes it was.

Q Now, after you returned to Regina you have told us that David stayed at your place for what was it - a day and a half or so?

A Day and a half to two.

30

Q Something like that; and I take it that he brought his clothes there with him?

A Yes he did.

Q In the suitcase?

A Yes.

Q And I take it that your mother actually did his washing just as she did yours?

A Yes she did.

Q And I take it that by the time you got back from this trip the clothes that you had were pretty dirty?

A Yes they were. 10

Q And as you told us you didn't keep the trousers you had on because they were of no value, they had been eaten up by acid?

A Yes.

Q And I believe that a pair of David's old trousers were actually left in your car?

A Yes they were.

Q And then I believe that the old brown jacket that he had been wearing was left at your place?

A Yes it was. 20

THE COURT:

Q Just a minute please; the jacket that he had been wearing up to the time he changed in Cadrain's place, is that what you're talking about?

A He had been wearing it all the time during the trip; he left it at my place after the trip.

Q Is that the one with the acid holes in it?

A Yes, it is.

THE COURT: Well, what about the pants - 30
let's straighten that out.

MR. FALLIS: I was going to come to that,

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My Lord.

THE COURT: Oh, I'm sorry; go ahead.

MR. TALLIS: Go ahead . .

THE COURT: No it's alright, I
thought you were going on to something else.

MR. TALLIS:

Q And this pair of trousers that were left there
as I understand it were a pair of old trousers
that he had been wearing on the trip?

A Yes they were. 10

Q But as I understand it they weren't necessarily
the pair he had been wearing when he left
Regina?

A No, they weren't.

Q They weren't the ones with the torn crotch?

A No, they weren't.

Q And as I understand it when you returned to
Regina you dropped Shorty and Michol John off
at the Head House?

A It's called the A Head House. 20

Q A Head House; and then you didn't go in there,
though?

A No I didn't.

Q You and Dave went to your place?

A Yes.

Q And then after about a day and a half or so
David left to go to work?

A Yes he did.

Q As a matter of fact you went down to a place
where he obtained employment - Maclean-Hunter - 30
didn't you?

A Yes I did.

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Q And his papers and everything came through to license him to go to work then?

A Yes.

Q And you were going to make an application for work there yourself and found out that there was no point signing because you couldn't be bonded?

A Right.

THE COURT:

Q This is Cadrain you're talking about went down for the job? 10

A No, myself.

MR. TALLIS: David.

THE COURT: Oh, the accused, I'm sorry -

Q That's in Regina?

A Yes it is.

MR. TALLIS:

Q At the office of Maclean-Hunter?

A Yes.

Q And I suppose you saw Mr. Roger Reynaud there, did you, when you went in? 20

A I don't recall the name.

Q You don't recall the name; but did you meet the fellow that was David's boss?

A Yes I did.

Q You did; and you don't remember whether his name was Roger or not?

A I believe it was Roger but I don't remember his last name.

Q You probably met him as Mr. So-and-so?

A Yes. 30

Q And did you meet the gentleman's wife as well?

A No, I didn't.

THE COURT:

Q Was this a job in connection with selling magazines?

A Yes, it was.

MR. TALLIS:

Q Well now, as I understand it, you told my learned friend a little while ago that off and on you've done some time?

A Yes.

THE COURT: He didn't say off and on; he 10
just said he did some time in Edmonton.

MR. TALLIS:

Q Well, I wanted to get the term "time" as you meant it. By the term "time" you meant spending some time in jail?

A Yes.

Q And this was at Fort Saskatchewan?

A Yes it was.

Q And as I understand it you were in custody serving sentence from sometime in early February 20
of 1969 to May 9th, 1969?

A That was in Regina.

Q That was in Regina?

A Yes.

Q Oh; you were in custody at the Provincial Centre
in Regina, Saskatchewan? //

A Yes I was.

Q And this other incident is a prior one?

A Which incident?

Q In Edmonton. 30

A It's a later one.

Q A later one; well now, in any event as I

understand it you were convicted and served a sentence for conspiracy to defraud?

A Which time are you talking about?

Q Well, were you convicted of that offence?

A Yes I was.

Q And when was that?

A August the 15th of '69.

Q August 15th 1969; and where did you serve that particular sentence?

A In Fort Saskatchewan, Alberta. 10

Q And were you convicted of any other offence at the same time?

A Yes I was.

Q And what was that?

A Possession of LSD.

Q Possession of LSD; now, did you serve time on that as well?

A I got a concurrent sentence on that.

Q You got a concurrent sentence - well, everybody tries for that, don't they? 20

THE COURT: Quite frequently they're successful.

MR. TALLIS: That's a sort of fringe benefit, My Lord, for the first one -

Q And who were your co-conspirators on that first charge?

A My co-conspirators?

Q Well, the other people that were involved?

THE COURT:

Q Was there somebody else convicted of conspiracy along with yourself? 30

A Yes there were.

MR. TALLIS:

Q In any event David was not one of the other two, was he?

A No, he wasn't.

Q And then in addition to that you have a number of other convictions, I understand?

A Yes I do.

Q What other convictions are there?

A Possession of stolen goods, joy-riding, theft over . . .

10

THE COURT:

Q . . . just a minute please - what was that third one?

A Theft over fifty - car theft, breaking and entering, breach of probation.

Q Just a minute please - yes?

A And then I've got the two that he mentioned - conspiracy to commit fraud and possession of LSD.

Q What was the one that you served in February?

A Theft over fifty.

20

Q That was in Regina?

A Yes it was.

MR. TALLIS:

Q February to March - or to May?

A February to May.

Q And do you recall what date you were placed in custody - February the 25th?

A Yes it was.

Q And you were released on May 9th?

A Yes.

30

THE COURT:

Q What was that - a three month sentence?

A Yes it was.

Q And that was for breaking and entering, did you say?

A Theft over.

MR. TALLIS:

Q While you were in custody in Regina you had quite a number of visits from police officers, didn't you?

A Yes I did.

✓ Q And I take it that a number of people from the Regina Police Department visited you? 10

A Yes.

✓ Q A number of people from the Saskatoon Police Department visited you?

A Yes.

✓ Q And members of the R. C. M. P. paid you a visit?

A Yes.

Q And this started I take it part way through your sentence, say around the end of February or early March? 20

✓ A (March)

Q And I take it - was it somebody from the Regina Police Force that came to see you first?

A First it was Ken Walters and Mr. Ruddell.

THE COURT:

Q Are they police officers?

A Yes they are.

MR. TALLIS: Yes they are, My Lord -

Q And when we are talking about Mr. Ruddell we are referring to Inspector Ruddell of the B. C. M. P.? 30

A Yes.

Q And at the time Mr. Ruddell was there - Inspector Ruddell was there, there was no suggestion to you that you were a suspect in connection with this Gail Miller murder?

A I don't believe so. There might have been - I'm not sure if it was that time I gave the statement to him or . .

Q . . pardon?

A I'm not sure if it was that time I gave the statement to him or he came again, I'm not sure. 10

Q Well, in any event before you said anything to Inspector Ruddell about it there was no suggestion that you were a suspect?

A No.

Q And Inspector Ruddell did not suggest to you that you were a suspect at the time he first talked to you about it?

A No, he didn't.

Q No; and accordingly you spent some time talking to him about Saskatoon? 20

A About an hour.

Q Yes; on the morning in question?

A Yes I did.

Q And when Mr. Ruddell was there the discussion was on a friendly basis?

A Yes it was.

Q But he's quite a firm type of officer, if I may use that term?

A Yes, I guess so.

Q Yes; and before Inspector Ruddell had spoken to you, you had also spoken to Mr. Walters? 30

A I believe so.

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Q Yes; and you told me that you spent I believe approximately an hour with Inspector Ruddell?

A Yes.

Q And as I understand it this discussion took place approximately March the 3rd 1969?

A Yes.

Q And you were in jail at that time?

A Yes I was.

Q So he visited you at the Provincial Jail?

A Yes. 10

Q And I take it that it's fair to say that you were asked whether you knew anything about this matter?

A Yes.

Q And you told Mr. Ruddell that you certainly had nothing to hide?

A That's right.

Q And that you were quite prepared to be straight forward with him?

A Yes. 20

Q And I think it's fair to say that you mentioned that David had left the coat that he had been wearing at your mother's place?

A Yes.

Q You told him where he could get the coat?

A Yes.

Q And did you mention to him about the sweater of your dad's that he may have been wearing?

A No, I didn't.

Q You didn't; you mentioned that later on? 30

A Yes I did.

Q But you also mentioned to him about an old pair

of David's trousers being located in your car?

A Yes, I did.

Q And you told him where your car was located?

A Yes I did.

Q As far as you knew?

A Yes.

Q So that he could go and look at it if he wanted to?

A Yes.

Q You realized he might be interested in seeing the interior of it? 10

A Yes.

Q And I believe that you also told him that your mother had had some of David's clothes to wash? }

A Yes.

Q So that you had a fairly lengthy discussion at that time?

A Yes.

THE COURT:

Q Where was your car at that time? 20

A It was in the police compound.

MR. TALLIS:

Q That's the City police compound?

A Yes.

Q And it's fair to say that - going back if I may for a moment - that when you were in the car with David helping clean it out at the garage you mentioned you may have wiped off the dash?

A Yes.

Q And there was no sign of any blood or anything around like that? 30

A No - no, there wasn't.

Q And I suppose that it's fair to say that when you were talking to Inspector Ruddell on this occasion you told him that nobody in your car had anything to do with this terrible thing that happened in Saskatoon?

A That's right.

Q And in particular you said that you hadn't had anything to do with it?

A Yes.

Q And that David hadn't had anything to do with it? 10

A Yes.

Q And as I understand it, you gave him as best as you could recollect particulars of the various spots that you had been in Saskatoon even though you couldn't designate the name of the motel and so forth?

A I didn't give him everything.

Q No, but you gave him spots such as the Danchuk place - you didn't know their name?

A That's right. 20

Q But you knew the description of Danchuk's car?

A Yes.

Q And you gave him particulars of that nature?

A Yes I did.

Q And so after Mr. Ruddell left you were told I take it by someone that you were now a suspect?

A Yes. 25

Q And I take it that in a jail the mocassin line gets the word pretty quickly?

A Yes it does. 30

Q And you began to hear about this?

A Yes.

Q From some of your fellow inmates?

A Yes.

Q And that didn't really bother you too much at that time, did it?

A No it didn't.

Q No; because they josh around a fair amount?

A Yes.

Q Twig one another and so on?

A Yes.

Q But then there came a time when the police officers put the finger on you as a suspect? 10

A Yes.

Q And you had quite a number of visits?

A Yes I did.

Q You had visits from police officers in Regina?

A Yes I did.

Q And how many police officers from Regina visited you in this connection?

A I'd say two police officers from Regina - three counting Mr. Ruddell. 20

Q Pardon?

A Three counting Mr. Ruddell.

Q Well, Mr. Ruddell is R. C. M. P. so we'll leave him out at this stage . . .

THE COURT:

Q That's two from Regina City Police, is that right?

A Yes.

MR. TALLIS:

Q And then you had a number of visits from members of the Saskatoon City Police Force? 30

A Yes I did.

Q And I take it that there were some three - was it two or three different members of the Saskatoon City Police Force that came to see you?

A Three on various occasions.

Q Three on various occasions. Well, how frequently did they come to see you after you talked to Inspector Ruddell?

A During my three months I believe I saw them twice. 10

Q You saw them twice - is that all?

A Yes.

Q I see; well now, you saw Lieut. Short?

A Yes.

Q And how many times did you see him in Regina?

A In Regina?

Q Yes - I know you have seen him a number of times here, haven't you?

A Yes.

Q How many times did you see him in Regina? 20

A Three times I believe.

Q Three times; how many times did you see Detective Harst of the Saskatoon City Police Force in Regina?

A Three times.

Q And did you see any other member of the Saskatoon City Police Force in Regina?

A Yes I did.

Q How many other members?

A Two members. 30

Q Two other members?

A At one time or another.

Q Do you recall their names?

A One was Mr. Mackie and I can't recall the other one's.

Q You can't recall the other one's name; and as a matter of fact I believe that shortly before you were released from jail - shortly before May the 9th you were asked I believe it was by Mr. Karst during a discussion for centering around about an hour, about this matter and once again you said that there was no involvement on your part? 10

A That's right.

Q No involvement on Shorty's part?

A That's right.

Q No involvement on David's part?

A No.

Q And not on Nicky's part?

A No.

Q And you told him you were quite satisfied of that?

A Yes I was. 20

Q Even though you had been in Saskatoon as you have said on the morning in question?

A Yes.

Q Now, there came a time when you were brought up to Saskatoon after your release?

A Yes.

Q And this was sometime toward the latter part of May?

A Yes it was.

Q And I take it that Nichol John was here with you? 30

A Not with me; she was up here but . .

Q . . I see; but you saw her up here?

A Yes I did.

Q And you were together with her at various times?

A Yes.

Q In a room at the invitation of certain police officers?

A Yes.

Q And you were still being fingered if I may use that term as a suspect?

A Not - how can I put this - not as much. 10

Q Not as much; but you were still being characterized as such?

A Yes.

Q Now, when you were in Saskatoon I take it that some police officers took you up and pointed out the lane or alley in which Gail Miller's body apparently was found?

A Yes.

Q And as a matter of fact you drove through this east-west alley and the north-south alley. . ? 20

A Yes.

Q . . of this T-intersection. I think you're familiar with the - you've seen this sketch showing 20th Street . . ?

A No, I haven't.

Q You didn't see this at the preliminary?

A No, I didn't.

Q Well in any event I think you can recall being driven or driving at least a couple of occasions down the east-west alley? 30

A Yes.

Q Past the funeral home?

A Yes.

Q And then you also drove north and south with the police along the other part of the T comprising that alley?

A I believe we walked up the alley.

Q Well anyway, you were up there?

A Yes.

Q And I take it that you are satisfied that on the morning in question you were the only one that drove the car in Saskatoon until after leaving 10 Danchuks?

A Yes.

Q And you are also satisfied - and I believe have so stated - that you never at any time drove your car down this east-west lane back of the funeral home at 1402 on 20th Street?

A No, I never did.

Q And in particular you never drove your car up the other portion of the alley - the other portion of the T where Gail Miller's body was 20 apparently found, as the police officers pointed out to you?

A No, I didn't.

THE COURT:

Q Excuse me; that means that you did not drive the car on either the north-south or the east-west alleys prior to leaving Danchuks, is that right?

MR. TALLIS: Didn't drive there at any time that morning.

A Didn't drive there at any time. 30

THE COURT: At any time, alright.

MR. TALLIS: That morning -