

Q And as I understand it you went over there with police officers - they took you over?

A Yes.

Q And as I understand it that morning in Saskatoon your car was only stuck on two occasions?

A Yes it was.

Q That is the one you told us about - this U-turn where it was facing approximately east?

A Yes.

Q And the other one where it was stuck back of Danchuk's place? 10

A Yes.

Q And just so that there is no misunderstanding Nichol John did not at any time drive your car that morning?

A No, she didn't.

Q Even when you and David were out pushing to get it unstuck?

A No, she didn't.

MR. TALLIS: My Lord, I realize it's not quite five o'clock yet; I would like the opportunity of checking my material a little further and if it suits Your Lordship's convenience to rise at this point; it would certainly be of assistance to me - and perhaps the witness could be instructed, My Lord. 20

THE COURT:

Q Yes, you remember the instructions I gave you at noon?

A Yes I do. 30

Q I don't need to repeat them?

A No.

302 X-exam of R.D.Wilson

THE COURT: Thank you.

Adjourn until ten o'clock tomorrow morning.

4:40 P. M. JANUARY 20TH, 1970 - COURT ADJOURNED.

211158

10:00 A. M. JANUARY 21ST, 1970 - COURT RESUMED.

JURY OUT

THE WITNESS RONALD DALE WILSON NOT IN THE WITNESS
BOX.

THE COURT: There are two matters which I
would like to mention to you, gentlemen, in the
absence of the jury.

First of all with relation to the evidence
which it is anticipated you will be endeavoring
to adduce through the witness Nichol John, Mr. 10
Caldwell; I think I should hear argument at this
time with relation to the matter that came up
yesterday relating to what was said by her in
the car on the way to Edmonton if you intend to
endeavor to bring it out, because my feeling now
is after giving it some consideration that I
should not allow anything to go in by way of
evidence as to what was said by a party other
than the accused on that particular occasion.

MR. CALDWELL: Your Lordship is referring 20
to that incident about the compact, I presume.

THE COURT: Oh no, not that; that was
directly related to the accused. I mean anything
that might have been said by her - yelling or
screaming or having hysterics in the car. My
present feeling is that I shouldn't allow it
unless it relates to something that was done by
the accused which is in issue in this case.

MR. CALDWELL: Well, I don't think, My
Lord, with respect, when we get to that stage I 30
doubt that we'll be on any different footing
than we were yesterday with Wilson at that stage.

THE COURT: Well then, under those
circumstances I wouldn't allow the questions to
be asked.

MR. CALDWELL: Fine, My Lord. You appreciate
I can't absolutely guarantee what the evidence
will be but that will be my feeling and I'll be
quite happy . . .

THE COURT: . . . I was of the opinion that
probably Mr. Tallis would raise the point in due
course and I thought it might as well be dealt 10
with now.

MR. CALDWELL: That's fine, My Lord. We'll
stay out of - with that witness - the matter of
any screaming if there was, of course.

MR. TALLIS: . . . on that point if I may
say so, My Lord, my learned friend says he
can't ensure what the evidence will be but I
think that it's only proper that he instruct
the witness not to go into this because the
witness can work things out and unless counsel 20
has given those instructions in the light of
Your Lordship's direction, irreparable harm can
be done.

THE COURT: Well, you understand the
position, I take it, Mr. Caldwell?

MR. CALDWELL: I do, My Lord. You see,
there is only one caveat on that situation and
that is I simply cannot guarantee ahead of that
point what that witness's evidence will be; I
think I know it but the only difference would be 30
if there was something in her evidence prior to
that point which would then possibly lay the

foundation to that but my feeling would be . . .

THE COURT: . . . well that may be so and then you can argue that in the absence of the jury at the time but in the meantime please instruct her to say nothing.

MR. CALDWELL: I certainly will, My Lord, and I just want it to be clear that that would be the only circumstance under which I might ask you.

THE COURT: I understand. 10

MR. CALDWELL: Thank you.

THE COURT: Well now, gentlemen, I have been asked by members of the jury to put certain questions to the witness on the stand; that's why I arranged to have him absent and I thought I had better mention them to you at this time because it seems to me in the interests of your client, Mr. Tallis, it might be better that I put them before you complete your cross-examination. 20

And those questions are:

(1) Is there any evidence that any^{of the}/three of the parties in the car on the trip from Regina to Saskatoon was under the influence of alcohol or drugs?

Now, of course, this witness can only be asked as to what he saw and what he did and what others did in his presence of course.

Another question is - there was evidence that the dash light was not operating and the question is: 30

(2) Was the interior light working in the car?

The next question - and I am just paraphrasing these, I'm not necessarily going to put them in this exact language:

(3) What were the light conditions which would enable the witness to have seen the knife which he said was in the possession of the accused - or on the accused I think was the word he used?

Another question is:

(4) How much time did the witness spend in trying to move the car when the car was stuck at that U-turn incident? 10

(5) And how much time did the witness and the accused together spend in trying to free the car?

Now, gentlemen, those are the questions; I draw them to your attention now and my present intention is to put them to the jury subject to anything that you might say.

Have you anything to say, Mr. Tallis? 20

MR. TALLIS: Well, first of all with reference to the first question I think it has to be put pretty directly and carefully by Your Lordship, if I may say so, because I wouldn't want the witness wandering off into other occasions, if you know what I mean.

THE COURT: Well, I think I would put the question starting with immediately prior to leaving Regina and from the time immediately prior to leaving Regina up to the time of arrival in Saskatoon. As a matter of fact I was tempted to put the question myself yesterday and 30

I decided I would wait to see what transpired.
As I told you I haven't read the preliminary
inquiry evidence.

MR. TALLIS: I think it would be
preferable to put the question - well, I would
see no objection, My Lord, if the question was
put in this form - Was there any use of liquor
or drugs on the trip from Regina to Saskatoon
on the early morning of January the 31st?

THE COURT: Well then, the question is 10
were any of the three under the influence of
alcohol or drugs. I think that I should ask
the question of the witness - Was there
anything that he saw that indicated that either
the accused or Nichol John were under the
influence of alcohol or drugs?

MR. TALLIS: Well, as I say the question
which I posed in that particular form -
naturally I can't direct Your Lordship how to
ask the question. That's my submission on that 20
particular point.

THE COURT: Yes - what about the others?

MR. TALLIS: The others I suppose are
unobjectionable for Your Lordship to put, I mean
I can't say that there is anything wrong with
the questions.

Now frankly, My Lord, since you have raised
this point I would prefer if Your Lordship would
put the questions when the witness comes back
in before I conclude my cross-examination so 30
that if I want to ask any questions arising out
of that then I am in a position to do so.

THE COURT: Yes; as you gentlemen quite well know that is one of the difficulties which arise when a judge is asking questions. I have always frowned more or less on a judge continually intervening but nevertheless it seems to me that questions should be put and that the counsel for the accused particularly should be given an opportunity to cross-examine so that if any questions arise in my mind I think they should be put at the time which would be 10 appropriate as far as that is concerned.

MR. TALLIS: I may say that with respect to some of the others I had anticipated touching certain aspects of them in my cross-examination and that's one of the reasons why I would prefer Your Lordship to ask the questions now.

THE COURT: Do you have anything to say, Mr. Caldwell?

MR. CALDWELL: Only this, My Lord, but it would seem to me with respect to the first 20 question the preferable wording would be whether they were under the influence; in other words, it's not a matter of whether there was any ingested on that trip.

THE COURT: Yes but I don't think I could put it that way - was there anything about their conduct to indicate?

MR. CALDWELL: No but all I'm saying - and I agree with that, My Lord - but the original question I think you related - is there any 30 evidence that any of the three of the parties in the car on the trip from Regina to Saskatoon

was under the influence of alcohol or drugs - I'm only trying to say that I think the part that matters is - in other words, should be taken into account anything that may have been taken before they left. The other form my learned friend suggests - was there any use . .

THE COURT: . . yes, I understand that.

MR. CALDWELL: And I understood you to say, My Lord, it would apply to any of the three of them.

10

THE COURT: That's right.

MR. CALDWELL: That would be my only suggestion then and I of course have no objection to the other questions.

MR. TALLIS: I think also, My Lord, in light of the questions that the jury has asked Your Lordship to pose to the witness - I think probably it would be an appropriate time for Your Lordship to direct the jury - I don't think it was said in so many words at the opening that they are not to pay any attention to things they may have heard about this case through various sources. This case has attracted a great deal of attention.

20

THE COURT: Did I not say that in my opening remarks?

MR. TALLIS: No, you didn't.

THE COURT: I certainly will do so in my address.

MR. TALLIS: Well, I think it should be said now, secondly this preliminary hearing was not in camera and the new legislation did not

30

310 JURY OUT - WITNESS OUT

apply to it and I can tell you frankly certain evidence was admitted which I objected to and which Your Lordship has now ruled to be inadmissible; and certain other evidence went in which I objected to but which my learned friend I think quite soundly did not pursue because I think it is inadmissible and not relevant to the issue here.

THE COURT: Very well.

MR. TALLIS: And I think it's important 10
for Your Lordship to emphasize this to the jury.

THE COURT: Very well.

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30

211166

THE WITNESS RONALD DALE WILSON RETURNS.

JURY RETURNS.

THE COURT: Members of the jury, at
the conclusion of the addresses by counsel I
intend as I always do to instruct you in
connection with the matter of evidence, that
is as to the evidence which you will
consider in coming to your conclusions; but
in view of the importance of this case, the
great deal of interest that has been shown in 10
it and the fact that there has been quite a
bit of publicity over it, I am going to give
you this warning at this time and I will
repeat it when I do give you my instructions;
and that is that your decision must be based
on the evidence that is adduced in this Court
in the witness box by the witnesses under oath,
and through the exhibits which I allow to be
admitted in evidence; and nothing else is to be
taken into consideration by you - nothing you 20
have read in the newspapers, nothing that you
have heard over the radio, nothing that you
have heard from other persons as to what may
have taken place; and I particularly draw to
your attention the fact that there was
publication of some of the preliminary inquiry
evidence; you are to entirely disregard all of
that and base your decisions only on what you
hear in the witness box and from what you may
determine from your consideration of the 30
exhibits which are admitted in evidence.

Now, there have been certain questions

which have been suggested to me some members of the jury would like to have put to this witness and I am going to do so now before asking Mr. Tallis to resume his cross-examination and I do that particularly because he should be given the opportunity of exploring on behalf of his client the accused matters which may arise out of the putting of those questions -

Q Witness, you understand that you are still 10
under oath?

A Yes.

Q You related yesterday that you left Regina with the accused Milgaard and the woman Nichol John at between I think you said twelve and twelve-thirty in the morning of January the 31st?

A Yes.

Q Can you tell me approximately how long it took you from the time you left Regina until the 20
time you arrived in Saskatoon?

A It would be around seven hours.

Q Around seven hours?

A Yes.

Q During the course of that trip did you consume any alcohol?

A No.

Q To your knowledge did the accused consume any alcohol?

A No. 30

Q Did Nichol John to your knowledge consume any alcohol?

211168

A No.

Q During the course of that trip did you take any type of drugs?

A Between Regina and Saskatoon?

Q Yes.

A No.

Q To your knowledge did the accused?

A No.

Q To your knowledge did Nichol John?

A No. 10

Q During the course of that trip was there anything to indicate to you that the accused was under the influence of either alcohol or drugs?

A No, there wasn't.

Q Was there anything to indicate to you that the girl Nichol John was under the influence of alcohol or drugs?

A No, there wasn't.

Q Were you yourself under the influence of alcohol or drugs? 20

A No, I wasn't.

Q Now, I want to make certain you understand that - I am talking about from the time you left Regina until the time you got to Saskatoon?

A Yes.

Q You understand that?

A Yes I do.

Q There was no indication that any one of you was under the influence of drugs or alcohol? 30

A No, there wasn't.

Q Now, you gave in evidence yesterday the fact

that the dashboard light was not working in your car?

A That's right.

Q Was it working when you left Regina?

A Yes it was.

Q When did it cease to work?

A When my fuse blew.

Q And where was that?

A Sometime in Saskatoon I believe before we got to the motel.

10

Q So the dashboard light was working until you - just before you went to the motel, is that right?

A Yes.

Q Where was it again that the fuse blew - where were you when the fuse blew?

A In Saskatoon.

Q Yes but where - do you remember?

A I believe it was just after we were stuck the first time.

20

Q Did you have an interior light?

A No, I didn't.

Q No interior light?

A No.

Q Now, yesterday you said that on the way from Regina that you were driving - at least at one juncture during the trip you were driving, Michol John was in the centre and the accused was on the passenger side?

A Yes and he was in the back at certain times too. 30

Q I am referring particularly to the evidence you gave as to seeing a knife on him - those were

211170

the words you used?

A Yes.

Q Where was he sitting when you say that you saw
the knife on him?

A In the front seat.

Q And Nichol John was between you?

A Yes.

Q And on what side of him did you see the knife -
on his left or his right side?

A I believe it was his right side. 10

Q Well, if his right side was against the door of
the car how could you see any object he might
have?

A Well, he wasn't necessarily sitting up straight,
like he was kind of slouched.

Q And where on his person did you see the knife?

A That I'm not sure of.

Q I think you said yesterday you didn't know
whether it was in his hand or where it was?

A That's right. 20

Q Well, in view of the lighting conditions and the
fact that it was dark outside, how were you able
to see the knife?

A Well, once your eyes get adjusted to the light
you can see in the car pretty well.

Q From what?

A Pardon?

Q What gives you the necessary illumination to
see?

A Well, your eyes get adjusted to the dark. 30

Q Well, if you go out - if you wake up in the
middle of the night and it's just pitch black,

no matter how you adjust your eyes you can't see, can you?

A Certain things you can.

Q Now, you recall giving evidence with respect to the fact that you became stuck - that your car was stuck in trying to make the U-turn?

A Yes.

Q How much time did you spend at the car prior to going to look for help in trying to move the car?

' 10

A I believe it wasn't any more than half a minute. We gave it a few shoves and that was about it.

Q Half a minute?

A Yes.

Q A few shoves?

A Yes.

Q I am talking about you now, how long were you there?

A About half a minute.

20

Q And how long was the accused there?

A About the same length of time.

Q And did you leave together?

A Yes we did.

Q At the same time I should say?

A Yes.

THE COURT: I forgot to have you poll the jury, Mr. Hibbert, but I don't think it's necessary; I see they're all here.

MR. TALLIS: There are no vacant seats, 30
My Lord.

THE COURT: Thank you.

You may proceed with your cross-examination,
Mr. Tallis.

MR. TALLIS, continuing:

Q You told My Lord the Chief Justice a moment ago
in response to a question about how long were
you stuck - how long were you there trying to
get the car unstuck as I understood it?

A No, I understood it to be how long we were
trying to get the car unstuck before we
departed.

10

THE COURT: That's right.

MR. TALLIS:

Q Yes, before you parted, well that's fine. The
two of you were there and you said half a
minute?

A Yes.

Q Well now, as I understand it the two of you
were pushing there?

A Yes.

Q Is that right?

20

A Yes it is.

Q And I suggest to you frankly, Witness - and I
don't want to be nit picking but this is a very
important matter - that it was at least a couple
of minutes that you spent there?

A No, it wasn't.

Q I see; you're quite sure it wasn't a couple of
minutes?

A Yes I am.

Q And now once again you of course were asked 30
about certain things at the preliminary hearing?

A Yes I was.

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Q And that was held some months ago here in
Saskatoon?

A Yes.

Q And you remember once again Mr. Caldwell being
there and myself being here in this very room
as I recall it?

A Yes.

Q And now I suggest to you that after you and
David - or first of all that you spent about a
couple of minutes; and I suggest to you that 10
you were asked these questions and gave these
answers - 508 volume 2 questions 771 and 772:

"Now, how long did you and David spend
trying to get the car unstuck, to use
your term?"

Answer: "Not too long."

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

A Yes I did.

Q 772 Question: 20
"Well . . . "

And before the question is completed there is
an answer:

"A couple of minutes because it was too
cold."

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

A Yes I did. That couple of minutes though was
after we came back from the car also. We came
back to the car. 30

Q Oh, you say that this couple of minutes
included after you came back to the car?

211174

A Yes, after we had both been in the car and got out again.

Q I see; well you were asked:

" . . how long did you and David spend trying to get the car unstuck, to use your term?"

Let's go back then for a moment so there's no misunderstanding as to the questions that were put at the preliminary hearing; perhaps we should go to question 769. The question starts 10 "Straight ahead" - that refers to your gear not working and then it was asked:

"And did you spin the wheels for a little while to try and get ahead?"

Answer: "Not too long."

Were you asked that question and gave that answer?

A Yes.

Q 770:

"Well, what I am getting at is, did you 20 spin them enough so they would leave clear marks in the snow?"

Answer: "Yes."

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

A Yes.

Q And then were you asked this question - 771 and it's a repetition of the question I put to you a moment ago:

"Now, how long did you and David spend 30 trying to get the car unstuck, to use your term?"

Answer: "Not too long."

You gave that answer to that question?

A Yes.

Q And then 772 - Question: "Well . . ." -

And before the question was completed -

Answer:

"A couple of minutes because it was too cold."

A That's right.

Q Now, that's the way those questions were put 10

to you at that time and that's the way you gave those answers?

A Yes.

Q And then so there is no misunderstanding - and I want to be fair with you, Witness - going back to the preliminary hearing - 787, My Lord, 509 -

Were you asked this question and did you give

this answer:

"And so that you were there several 20 minutes, I take it, perhaps a couple, three minutes, trying to get the car out, that is by pushing?"

And your answer is recorded as "Yes".

Did you give that answer to that question?

A Yes I did.

Q Yes; and then I put it to you that after you spent this time trying to get the car unstuck, you and David spent at least a few minutes in a discussion as to what you should do? 30

A We were spending this discussion while we were pushing.

Q I see; well now, were you asked this question and did you give this answer at the preliminary hearing - 510, My Lord, question 788:

"And after you couldn't get the car out, I take it that there was a discussion about how you were going to get unstuck?"

And the answer is recorded as "Yes".

Were you asked that question and did you give that answer under oath at that time?

A Yes I did. 10

Q And so that there can be no misunderstanding as to the context in which that question was put, were you also asked this question - 789:

"And I take it that David - did David say that he would go for help?"

And the answer:

"We both said we would go for help."

Were you asked that question and did you give that answer under oath?"

A Yes. 20

Q Yes; and then so that there can be no dispute about the order of events - and I covered this yesterday but I come back to it - later on at question 805 on page 511 you were asked:

"How far did you walk?"

And you said under oath: "Maybe two and a half blocks."

A That's right.

Q And you were asked:

". . . is that one way or combining it as a total?" 30

And you said: "One way."

And you were asked in effect:

". . . so you walked not more than five blocks?"

And your answer was recorded as: "No".

That's the evidence you gave in that connection?

A Yes it was.

Q At the preliminary, wasn't it?

A Yes.

Q And when you were there trying to get this car 10
unstuck and subsequently had this discussion
with David about what you were going to do to
get unstuck, you didn't see anything of any
person either male or female in that vicinity,
did you?

A No, I didn't.

Q And when you got back from this saunter out,
whether it was a walk or a trot, back whatever
distance it was, you were breathing heavily
enough that you noticed the effect of it on your 20
windows when you got in?

A Yes I did.

Q And you would agree with me that you would be
puffing to some extent?

A Yes.

Q And puffing sufficiently to notice it on the
window?

A Yes.

Q Did you fix the fuse that blew?

A Yes I did. 30

Q And where did you fix it?

A At the gas station.

211178

Q I see; and what particular gas station?
A The Texaco station.
Q And you bought a fuse there I take it?
A No I didn't.
Q You didn't buy it?
A No, I wrapped a piece of tin foil around it.
Q I see; you wrapped a piece of tin foil around it?
A Yes.
Q And now you told the jury and My Lord that -
you indicated that you saw a knife under the 10
circumstances which you outlined; and I take it
that under the circumstances that you have
outlined it wouldn't be possible for you to see
the color of a knife under those circumstances?
A Pretty closely.
Q Well now, just . . . ?
A . . . not too vivid.
Q No; you're not suggesting that you can say that
you saw the color of a knife under those
circumstances, are you? 20
A No, not the exact color.
Q No; and your only suggestion at best is that
you saw one knife?
A Between Regina and Saskatoon?
Q That's right.
A Yes.
Q Yes; and this knife that you referred to in
talking to my learned friend you mentioned as
a paring knife?
A Yes I did. 30
Q Yes; and reddish handle?
A Yes.

Q I see; and it would not be possible for you to see the type of material that this handle was made of, would it, under those circumstances that you have outlined to this Court and My Lord the Chief Justice?

A I believe I could.

Q You believe you could; well now, yesterday you told us you were released from jail I think on about May the 9th?

A Yes. 10

Q And I take it that while you were in jail there was a discussion with at least some of the officers as to what sentence you were serving?

A Yes.

Q And there was also a discussion about you wanting to get certain other charges waived in?

A This was on my last charge.

Q I see; was there a discussion about . . . ?

THE COURT:

Q Excuse me, let's get that clear; the last charge was when? 20

A In August.

MR. TALLEY:

Q I see, well there was a discussion about getting things waived in?

A With people up in Edmonton.

Q That's right; and the discussion about you possibly getting a concurrent sentence on that if you could get them in?

A Yes. 30

Q And as I understand it from what you told us after you spoke to Inspector Huddell you were

visited by quite a number of police officers?

A Yes.

Q And right up until about May the 22nd or May the 23rd you had always insisted that nobody in your car including David had anything to do with this incident?

A That's right.

Q And you had insisted that you had nothing to hide?

A That's right.

10

Q And then not too long before you were released from jail though, some blood samples were taken from you?

A Yes.

Q And hair samples?

A No hair samples.

Q No hair samples; some blood samples and things like that?

A Yes - blood and saliva.

Q Blood and saliva; and I think you told me yesterday even when you were up in Saskatoon you realized you were still a suspect?

20

A Not as much.

Q Not as much; was that because you were told that someone else was in custody at the time?

A No.

Q I see; well now, in any event you realized you were still a suspect at least to some extent?

A Yes.

Q And now you were up here and as I understand it Nicky was here too?

30

A Yes she was.

211181

Q And you and Nicky were together on certain occasions with the police?

A Yes we were, yes.

Q And I believe you were together up at a room in the Cavalier Hotel, was it, with certain police officers?

A Yes.

Q Yes; and how many - these were fairly lengthy sessions, weren't they, some of them?

A Yes they were.

10

Q Maybe six hours?

A Yes.

Q At a stretch?

A Not with Nichol - just myself.

Q I see; but then the two of you were together on at least one occasion when there was a fairly long session?

A Not too long; couple of hours.

Q A couple of hours - well, that's a long session to me. And in any event I take it that when you were up here - and I think we perhaps covered this yesterday - you drove over to this area where Gail Miller's body was apparently found?

20

A Yes.

Q And as I understand it either at the police station or in the hotel room you were shown clothes?

A Yes.

Q You were shown clothes which allegedly belonged to this deceased girl?

30

A Yes.

Q That would include a coat and other clothes

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which we won't bother naming?

A Yes.

Q Boots?

A I'm not sure about the boots.

Q Purse?

A Yes.

Q Yes; contents of purse?

A Yes.

Q Cosmetic bag?

A I can't remember. 10

Q You can't remember whether you saw the cosmetic bag?

A No.

Q It may have been there?

A Yes.

Q But in any event there were quite a lot of items there?

A Yes, there were.

Q And I suppose there were a batch of knives there? 20

A Yes there were.

Q And none of them broken?

A No.

Q But basically maroon handled knives?

A No, they were different colors.

Q I see; but there were quite a number of maroon handled knives?

A No, there wasn't.

Q There weren't, I see; there were some?

A There was one. 30

Q There was one; and I take it that prior to seeing all these things laid out you had been

informed that a broken knife had been found?

A Yes.

Q And you knew that the color of it was maroon?

A No, I didn't.

Q You didn't know that it was maroon?

A No, I didn't.

Q You say you didn't know?

A No,

THE COURT:

Q Just a minute please; you were told that a broken knife had been found, is that right? 10

A Yes.

MR. TALLIS:

Q Well, were you shown the broken knife?

A No, I wasn't.

Q You weren't; so it wasn't there?

A No.

Q In the batch of knives?

A No it wasn't.

Q Now, you were shown the purse? 20

A Yes I was.

Q And then as I understand it when you were out in this alley you were with police officers?

A Yes I was.

Q And I believe you said you walked up - you may have walked up a portion of the alley?

A Yes we did.

Q And you were shown where the body had been found?

A Yes. 30

Q And was Micky with you?

A No, she wasn't.

211184

Q She wasn't; you were shown where the body had been found and you were shown where the purse had been found?

A Yes.

Q You were shown a trash can where the purse had been found?

A Yes.

Q Yes; it was back of one of those houses there?

A Yes it was.

Q And were you shown where other items had been found, such as keys and odds and bods? 10

A A shoe or a boot I believe.

Q A shoe or boot; what about keys - combs - things like that?

A No.

Q You weren't shown - the only items you can remember finding out where they had been located were the body, the shoe, the purse - any other items?

A Some under garments - I'm not sure. 20

Q Some under garments that were with the body?

A Yes.

Q But you don't recall being informed of where any other items were located?

A No, I don't.

Q And you don't recall whether you were shown - you don't recall for example being shown the contents of the purse?

A I believe I was.

Q I see; but you're not sure? 30

A No.

Q You don't recall being shown a plastic bag?

211185

A No, I don't.

Q Containing lipstick and things like that?

A No.

THE COURT: After you have completed that phase of it I'd like to ask some questions, Mr. Tallis, if you will let me know when you have completed it.

MR. TALLIS: I think now would be an appropriate time then, My Lord.

THE COURT: It's just the fact that I'm 10 not quite clear on the sequence -

Q As I understand it you were in jail in Regina in February of 1969?

A Yes.

Q And you were in jail until sometime in May of 1969?

A May the 9th.

Q May 9th?

A Yes.

Q And during the course of that time, you were 20 interviewed by these officers and you've given evidence in answer to Mr. Tallis's questions with respect to that?

A Yes.

Q This time when you were taken to the alley with the police officers was that when you were still in custody?

A No, it wasn't.

Q This was after May 9th?

A Yes. 30

Q And during the course of the time that you were in custody when officers interviewed you, were

211186

you told that a purse had been found?

A No I wasn't.

Q Well when were you first told that a purse
was found?

A When I came up to Saskatoon.

THE COURT: Now what I was going to ask
now may be something that you were going to cover,
Mr. Tallis.

MR. TALLIS: Well, I won't interfere with
Your Lordship's questions unless I have an 10
objection, which I think I am obliged to take
with deference if the need arises.

THE COURT:

Q Well, you have told counsel that you've denied
to the police officers that any one of the
party had any implication insofar as this
crime was concerned?

A What do you mean by that?

Q You denied that there was any blame on your
part or on the part of the accused or on the 20
part of Michol John with relation to this
woman who was found dead in the alley?

A That's right.

Q And you continued to deny that?

A Not always - well, up until I came up to
Saskatoon.

Q Well that's what I'm getting at?

A Yes.

Q All the time that you were in jail you
continued to deny it, is that right? 30

A Yes.

Q And then when did you first tell the police

the story that you have told in this court room
. . . ?

A I told . .

Q . . just a minute please - which tended to
implicate - now, implicate means to bring the
accused into the thing as a possible culprit -
when did you first tell that to the police?

A In Regina on approximately May 22nd just ↑↑
before I came up here I told part of it and
then I told the rest of it up here. 10

Q And was it after you saw the purse that you
told them this story of the statement that the
accused is supposed to have made to you in the
washroom in Alberta?

A I'm not sure about that.

Q It may have been that you told them that after
you learned that a purse was found, is that
right?

A Yes, it may have been.

Q When you came to the preliminary inquiry in 20
August of 1969 - I think it commenced on August
the 18th - were you in custody then?

A Yes I was.

Q And you had been in custody for how long?

A About two weeks before I came.

Q And did the charges that you were in custody
on - were they related to offences which took
place after you were released in May of 1969?

A Yes, it was.

THE COURT: Thank you. 30

MR. TALLIS: Has Your Lordship finished?

THE COURT: Yes.

MR. TALLIS, continuing:

Q Witness, as a matter of fact I put it to you that you know that the first mention you made of the purse in a statement to the police here in Saskatoon was after you had been up here, after you had been at the Cavalier and had seen this row of exhibits including the purse?

A I put it in after - well, when I put it in the statement.

Q Yes. 10

A The first time I put it in the statement.

Q Yes, that's right . . ?

THE COURT:

Q When was that?

A Up here.

MR. TALLIS:

Q Up here in Saskatoon?

A Yes.

Q And it was after you had been at the Cavalier Hotel and seen all of these items laid out? 20

A Yes it was.

Q Yes; so that it would be after you knew that this purse had allegedly been found in that trash can?

A I don't believe so.

Q You don't believe so?

A No.

Q But you can't swear positively, can you?

A No I can't.

Q No; now, just coming back for a moment to the 30 trousers that you borrowed from David on the morning of January the 31st?

A Yes.

Q These were burgundy trousers?

A Yes they were.

Q And were they a little too big for you?

A Yes they were.

Q And I take it that they were brought back - in other words, you turned them back to David?

A Yes I did.

Q Yes; and do you recall where it was you returned them to David? 10

A In Banff.

Q In Banff; and as far as you know he brought them back with him in his suitcase to Regina?

A Yes.

Q And do you recall him putting them in his suitcase?

A No I don't.

Q But in any event you remember him bringing his suitcase home to Regina to your mum's place?

A Yes. 20

Q And did you have any of your clothes in his suitcase, since you didn't have a suitcase along?

A I believe there was my dad's sweater when neither of us were wearing it.

A I see; and were any of your other clothes - any other clothes or anything like that that belonged to you that went in there on your way back?

A A shirt.

Q A shirt; and these are the ones - the shirt and 30 underclothes are the ones that would be turned over to your mother for washing?

A Yes.

Q Both yours and David's?

A Yes.

Q And on the morning in question the trousers that David was wearing - those with the torn crotch - would be a green stripe type of trouser?

A Yes.

Q In other words, they definitely weren't burgundy?

A No, they weren't. 10

Q Because you had the burgundy ones on?

A That's right.

Q And from your knowledge of the contents of the suitcase of the clothes he had did he just have one pair of burgundy trousers?

A Yes he did.

Q I see; now, when you were in Saskatoon here you told my learned friend that at one point you went looking for Shorty's girl friend?

A Yes. 20

Q And I take it that later on Nicky became Shorty's girl?

A Yes.

Q Not too long after you left Saskatoon?

A That's right.

Q And now you were driving I take it around town looking for Shorty's girl friend?

A Yes.

Q And I take it Shorty was giving you the directions? 30

A Yes he was.

Q And did you drive around for quite a little

211191

while trying to locate his girl friend?

A We went to a couple of places uptown.

Q You went to a couple of places uptown; and then after you couldn't find his girl friend did you spend some time trying to locate a boy friend of his?

A We went to his boy friend's house.

Q You went to his boy friend's house; and did you spend much time there?

A No, we didn't. 10

Q I see; and then it was after that that you carried on with the trip by driving out of town?

A Yes.

Q And you were driving?

A Yes, up to a point.

Q Yes; now as I understand it you didn't - from what you said you didn't get out of town until about four or four thirty in the afternoon?

A That's right.

Q In that neighborhood? 20

A Yes.

Q And when you were at Danchuk's place I take it any conversation that took place was just ordinary chitchat with Mr. Danchuk?

A Yes it was.

Q And I think it's fair to say that he got chatting to David asking him what type of work he did and so on?

A Yes.

Q And there was a discussion about him going to be selling for Maclean-Hunter or words to this effect? 30

211192

A Yes there was.

Q Yes; so it was quite an ordinary type of discussion that took place?

A Yes.

Q And then I take it that as between Mr. Danchuk and the lady that was there, Mr. Danchuk would spend much more time with you?

A Yes, I believe he did.

Q Well, the reason I suggest that is that I understand that she went to work? 10

A Yes.

Q And her husband remained there?

A Yes.

Q And you remember the lady going?

A Yes I do.

Q But the husband - the man remained?

A Yes.

Q And when you encountered this vehicle which you now know to be Walter Danchuk's stuck in the alley, I suggest to you that you noticed that he was having a little difficulty? 20

A Yes.

Q And I suggest to you that David suggested that you stop and give the gentleman a hand?

A Yes.

Q Yes; and as a result of him suggesting this you did in fact stop?

A Yes I did.

Q And at that time the three of you were seated in the front seat of the car? 30

A Yes.

Q And the easiest thing in the world would have

been for you to back out of there?

A Yes.

Q But you didn't have a reverse?

A That's right.

Q But could you have driven right through?

A Around Danchuk's car?

No, I couldn't.

Q You couldn't have; but in any event David was the one who said - let's give him a hand - or words to that effect?

10

A Yes because I put up a protest because I thought my car would stall, which it did.

Q I see; you didn't want to stop?

A Well, I couldn't back up so I pretty well had to stop.

Q No but what I say, you protested to him?

A Yes.

Q Because you didn't want your car to stop?

A To stall.

Q To stall; how long would you estimate that you were in Mr. Danchuk's company altogether?

20

A A number of hours.

Q A number of hours; and I take it that it's common ground between us that you had never met this man and lady in your life?

A That's right.

Q And it's quite obvious to you that David and Nicky didn't know either of them?

A That's right.

Q And I take it it's also common ground between us that you didn't know Gail Miller, the deceased?

30

A No I didn't.

211194

Q And as far as you know neither of the other occupants of your car knew Gail Miller?

A No, they didn't.

Q Now, Witness, when you were serving your sentence from February to May the 9th in the Correctional Centre in Regina - that's where you were, wasn't it?

A Yes.

Q I take it that you were not using LSD or any similar type of thing while you were in jail? 10

A No, I wasn't.

Q I take it that nothing like that was smuggled in to you?

A Not to me.

Q When you say "not to me" do you mean some of the other fellows managed to get it?

A Yes.

Q On pieces of paper that came in the mail and so on?

A Yes. 20

Q And then they chew it and so on like that. Now, after you were released from jail I put it to you that you started hitting LSD pretty heavy?

A After a couple of weeks I did.

Q Well, I suggest to you that you were on it a couple of times a week or so?

A Yes I was.

Q And not too long after you were released?

A Two weeks at the most.

Q Two weeks at the most; and I suggest to you 30 that the effect that you received from this substance after you were released and took it

was quite difficult for you to describe?

A Yes.

Q I see you smiling; is that a fair way to put it?

A Yes.

Q And I take it that you in fact started using it about twice a week when you got out of jail?

A Yes.

Q That is - when you got out of jail was on May the 9th 1969?

A Yes.

Q Yes, we're not talking about the August bit; and when we say you were taking it a couple times a week it's fair to say you were taking it on your own without assistance from any medical practitioner as such?

A That's right.

Q In other words, it was without any supervision?

A No, it wasn't.

Q And after you started hitting it heavy in May of 1969 did you have what you people call hallucinations?

A Yes.

Q And without you giving us a short course on it here I take it that it hallucinates things and there are more colors . . . ?

A Yes.

Q . . . in your mind's eyes?

A Yes.

Q In other words, when you took it on these occasions you would be going on trips?

A Yes.

LSD
10
20
30

211196

Q And how long did you continue taking it about
a couple of times a week or so?

A Right up until I got picked up on August the 8th.

Q Right up until the time you got picked up on
August the 8th?

A Yes.

Q And in these hallucinations - what do you see in
these hallucinations?

A Disfigurements.

Q Disfigurements - well, to what extent? 10

A Well, all I can say is they're far out.

Q Well what do you mean by "far out"? I've never
been on one of these trips.
You haven't either, have you, Mr. Caldwell?

A Well, some of them are pleasant and some of them
are not.

Q I see; and well, you see things that aren't real,
don't you?

A That's right.

Q You see things that aren't there? . 20

A Yes.

Q You see colors that you've never seen before?

A That's right.

Q You see pictures that you've never seen before?

A Yes.

Q And are the trips you take ever the same?

A No.

Q There are variations in them?

A Yes.

Q And does this depend on the amount that you 30
take or can you help me in that connection?

A Well, the more you take at one time the longer

211197

you are, like stoned.

Q I see; the longer you are stoned. Well now, after you got out of jail on May the 9th I take it you were sort of pretty frustrated at having to sit in the cells there?

A Yes.

Q And you certainly don't like jail?

A No, I don't.

Q No; and that's why you were trying to get these other things waived in possibly to get a concurrent sentence? 10

A That wasn't on that time.

Q I see, not on that time - that was later on in August?

A Yes.

Q That you were working on that. And now I take it that after getting out of jail on May the 9th you have told us you started hitting the LSD pretty heavy?

A Yes. 20

Q And did you also start hitting the booze to some extent?

A Yes I did.

Q And when you mix LSD with booze does it have a more dramatic effect?

A Not actually.

Q Not actually; you don't see any more things than you do just with LSD?

A No, because it gets so bad you don't know if you're drunk or stoned. 30

Q I see; and depending I suppose do you get bad stuff? I'm not talking about bad brew, I'm

talking about bad LSD.

A Every once in a while.

Q And I take it then the reaction or the hallucinations, are they worse or does that have any effect on the things you see?

A Ch, sometimes.

Q Pardon?

A Sometimes.

Q Sometimes; you can't really pin it down?

A No I can't.

10

Q Well now, after you got out on May the 9th what form were you taking this LSD in?

A In a pill form.

Q In a pill form; and this is an accepted technique, is it?

A Yes.

Q And were you taking it in any other form at that time?

A Not at that time.

Q Not at that time; well later on, that is later on into May were you taking it in different forms than pills?

20

A No I wasn't, not in May.

Q I see; so from May the 9th until you were picked up in August were you taking LSD in any form other than pills?

A Yes.

Q What other form were you taking it in?

A I was taking it on blotters and I was cranking it up.

30

Q What do you mean by "cranking it up"?

A Using a syringe.

Q Using a syringe; well then, after you got out on
May the 9th were you using other drugs besides
LSD?

A Yes I was.

Q You were; and what other drugs were you using?

A Marihuana - hashish - mescaline - heroin.

THE COURT:

Q Just a minute please - marihuana - hashish -
and what's the other one?

A Heroin.

10

Q You were taking heroin?

A Yes.

MR. TALLIS:

Q And were you using a syringe on some of this
other stuff too?

A Yes, I was.

THE COURT:

Q You would take the heroin by syringe, wouldn't
you?

A Yes.

20

MR. TALLIS:

Q And you went to jail in August, was it, for
possession of LSD?

A Yes I did.

Q Have you ever been charged in connection with
the use of heroin and things like that?

A No I haven't.

Q You haven't; as far as you're aware no such
charges are pending against you?

A No.

30

THE COURT:

Q Excuse me a minute; I just want to clear

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something up here. You left jail on May 9th?

A Yes.

Q And I think you said that after a couple of weeks you started on LSD and then you said in answer to Mr. Tallis not more than two weeks?

A Yes.

Q Did you start taking the drugs before you came to Saskatoon on May 22nd?

A No, I didn't; I was drinking up till then.

Q Drinking?

10

A Yes.

MR. TALLIS:

Q You can't say precisely when you started hitting the LSD?

A Not precisely but I know it was after I had been back from Saskatoon.

Q You know that it was after you had been back from Saskatoon?

A Yes.

Q And as a matter of fact you were you say drinking heavily?

20

A Yes I was.

Q And you took liquor when you were taking LSD?

A Yes.

Q And that as I understand it is the drug that gives you these hallucinations?

A Yes, it is.

Q And I take it that it was around in the jail when you were there?

A Pardon?

30

Q LSD was around in the jail being used when you were there?

211201

A Yes it was.

Q Certainly; and a fair amount of it?

A Not at that time there wasn't a fair amount of it.

Q I see; well, everyone knew it was around?

A Everybody except the guards.

Q That's what I mean. You don't call them guards, do you?

A No.

Q What do you call them?

10

A Bulls.

THE COURT:

Q Are you in custody now?

A No I'm not.

Q When did you get out of jail?

A October 17th.

Q October 17th?

A Yes.

MR. TALLIS:

Q But I take it that there are some charges still pending against you? 20

A Yes there are.

Q But they have nothing to do with narcotics or anything like that?

A No, they're not.

THE COURT:

Q Just a minute please; are these charges relating to offences which are alleged to have taken place before August of 1969 or after you left jail in October? 30

A No, they were in July of '69.

MR. TALLIS:

211202

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Q In July of 1969; and you expect to be coming up
on them?

A Yes - next month.

Q Pardon?

A Next month.

MR. TALLIS: Next month.

I have no further questions.

THE COURT: We'll have a ten minute
adjournment.

RECESS

211203

JURY OUT

THE WITNESS RONALD DALE WILSON NOT IN THE WITNESS
BOX.

THE COURT: The witness is out of the
court room, is he not, Mr. Caldwell?

MR. CALDWELL: Yes, My Lord.

THE COURT: I have been asked to put
another series of questions, gentlemen. I don't
think we'll have too much difficulty over the
first one; that relates to a clarification of 10
this estimated time which expired between the
time that they left Regina and the time that
they arrived in Saskatoon.

And also these questions:

What was the purpose of the stop in Craik?

How long were they in Craik?

Question - Was the knife seen during this stop?

I don't see any particular objection to those.

MR. TALLIS: Well, My Lord, those
questions frankly are in my view objectionable 20
because they may elicit evidence which is
inadmissible and which my learned friend told
me he did not propose to adduce because I
think I fairly told him that I would be objecting
to it.

THE COURT: Well surely there couldn't
be any objection to how long they were in Craik.

MR. TALLIS: How long, that's fine, but
the purpose of the stop and so forth is a
different matter. 30

THE COURT: Surely there can be no
objection to the question as to whether the

211204

knife was seen at this stop.

MR. TALLIS: Well, that's alright - how long in Craik and was the knife seen during this stop.

THE COURT: Now there's another question here that I think is more important. The question is put in this way but I think it should be put somewhat differently if it is going to be put:

Was this witness under the influence of drugs 10 during the period of statement given to the police in the station?

Now, my understanding of it was that this witness had a number of discussions with the police. There is no evidence so far as to any specific statement as I recollect it. It seems to me that if anything was to be put along those lines it could be:

On any of these occasions when you were interviewed by the police and gave them 20 statements either verbal or written, were you under the influence of drugs?

What do you say about that, gentlemen?

MR. CALDWELL: My Lord, perhaps I could speak on that. I proposed before the jury came back to put a question that I propose to ask in re-examination to Your Lordship, which is in a similar area and perhaps I could propose it now.

THE COURT: Very well. 30

MR. CALDWELL: The matter of LSD and these other drugs mentioned having arisen after examination-in-chief, that is mention of heroin

211205

etc.

THE COURT: That's right.

MR. CALDWELL: I propose to ask the witness -
were you on LSD or any of the other drugs now
mentioned - marihuana, hashish, mescaline, heroin -
at any time from leaving Regina the a.m. of
January the 31st up to and including the
conversation with Milgaard in the Calgary Bus
Depot?

Now, that's talking about the original . . . 10

THE COURT: . . . I don't think you should
ask what happened after he left Saskatoon.

MR. TALLIS: I certainly would be
objecting to that, My Lord.

THE COURT: I don't think you should ask
any questions about that. The witness has
already covered the time from leaving Regina
until the time of arriving in Saskatoon; I put
those questions specifically to him and he
answered in the negative. Now, it may be that 20
it would be proper to ask him if during the
course of the time they were in Saskatoon.

MR. CALDWELL: The only thing I'm thinking -
you remember that at the moment there is evidence
of a statement made in the Bus Depot in Calgary
by the accused to this witness - you recall
that. And I would submit that it would be proper
to ask him whether he Wilson in effect at the
time of hearing that was under any of these;
now I do believe, My Lord, that . . . 30

THE COURT: But only that.

MR. CALDWELL: Would Your Lordship then

211206

feel from Regina to Saskatoon and then . .

THE COURT: . . that's already been covered.

MR. CALDWELL: . . and a separate question - were you under the influence etc. at the time Hilgaard talked to you in the Bus Depot in Calgary?

THE COURT: Yes.

MR. CALDWELL: Well can I make a note of that then, My Lord?

10

THE COURT: I think so - subject to what Mr. Tallis has to say on it.

MR. TALLIS: The only thing my learned friend adduced that in evidence and I did not cross-examine at all on the use of drugs at that time; anything I asked about was after May the 9th and accordingly my learned friend is really examining in chief.

THE COURT: Well, I think you would have probably taken quite proper objection to it if it had been asked in chief.

MR. TALLIS: But the point is there is nothing that has been raised in cross-examination or by Your Lordship to open it up.

THE COURT: Except this that you raised the whole atmosphere, if I may say so, Mr. Tallis - or produced an atmosphere which indicates that this man is a drug user.

MR. TALLIS: After May the 9th - after he got out of prison May the 9th we dealt with.

30

MR. CALDWELL: My Lord, with respect I would still feel that the topic of Wilson as a

211207

user of drugs came up in cross-examination and Your Lordship has covered one period of time as I understand it, from leaving Regina until the Saskatoon phase. I propose now to ask Wilson whether he was under the influence of LSD or any drug at the time of Milgaard's statement to him at the Bus Depot in Calgary.

THE COURT: Yes.

MR. CALDWELL: Now, I have some other re-examination, I don't think it's in that category of contentious but I raise this because of the last matter put evidently by the jury which deals with again a later time and it deals with the time I think that my learned friend has raised to wit, drugs - Wilson using drugs at a later time, as I understand the evidence now possibly a matter of a couple of weeks give or take after May the 9th when he was released from jail is the way I understand it.

THE COURT: According to his testimony it must have been a little more than two weeks if he was released on the - well, let's put it this way; if it was less than two weeks it could only be one day less according to his present evidence.

MR. CALDWELL: His final evidence as Your Lordship knows is that he started LSD after he was back from Saskatoon and I think it was clear that the context there was that it was after the May 22nd voyage to Saskatoon; that's the way I took it.

THE COURT: Yes.

211208

MR. CALDWELL: Now, that's the only question I wanted to raise with Your Lordship and of course with respect to the third question during the period of any statement given to the police I would have no objection. Now, I wonder if I could just have one moment with my learned friend?

THE COURT: Yes - excuse me before you do that, though - it would probably be advisable under the circumstances for me not even to mention the matter of the purpose of the stop in 10 Craik. Mind you, it's in the minds of the jury now.

MR. TALLIS: Well, obviously because they read the newspaper on the preliminary hearing.

THE COURT: Oh no, I didn't read the newspapers and it came to my mind immediately I heard the evidence.

MR. TALLIS: Well I mean, I'm saying everybody that lives here would know exactly what was adduced at the preliminary hearing. 20

THE COURT: The thing that occurred to me was why did they leave the highway - that's why I asked . . .

MR. TALLIS: . . . in any event I think it should only be restricted and the witness should be instructed - how long were you in Craik? No mention to be made of the purpose. And - was the knife seen? If Your Lordship is going to put that question.

THE COURT: Well, I'll put the questions 30 to him.

MR. TALLIS: Those questions.

354 JURY OUT - WITNESS OUT

MR. CALDWELL: Could I just have one moment
then, My Lord?

THE COURT: Yes.

MR. CALDWELL: Thanks very much.

THE COURT: Would you bring the witness
back please and the jury?

MR. CALDWELL: I understand, My Lord, that
one question of mine will be . . . ?

THE COURT: Yes, you may ask it.

211210

WITNESS RONALD DALE WILSON RETURNS TO THE WITNESS
BOX.

JURY RETURNS.

THE COURT:

Q There are one or two points I want to clear up,
Witness, before Mr. Caldwell proceeds to
re-examine you on certain matters he has in
mind.

First of all there's this question of the time
which elapsed from leaving Regina until 10
arriving in Saskatoon. At some point in your
testimony you said you estimated the time you
left Regina was twelve to twelve-thirty and you
also stated the estimated time of arrival in
Saskatoon six to six-thirty. Now, taking the
extremes of those two times - from twelve to
six thirty - would be six and a half hours?

A Yes.

Q Whereas in answer to a question that I put to
you this morning you estimated the time to be 20
seven hours?

A Yes.

Q Have you any explanation for that?

A I didn't figure it out - I just estimated it.

Q You were just really guessing, weren't you?

A Yes.

Q Do you remember you stated that your car was
stuck in Craik?

A Yes.

Q How long were you in Craik? 30

A Over an hour.

Q Did you see any knife during that stop?

211211

A No, I didn't.

Q Now, I will again remind you of the fact that you have given evidence respecting various conversations you had with different police officers?

A Yes.

Q Those conversations took place when you were in jail in Regina and they also took place when you came to Saskatoon?

A Yes. 10

Q On I think you said May 22nd?

A Yes.

Q Between May 22nd and giving evidence at the preliminary inquiry on August the 18th - I think the preliminary inquiry commenced on August the 18th - in any event, when you gave evidence at the preliminary inquiry - between May 22nd and that time did you have any further discussions with the police?

A No, I didn't. 20

Q You didn't?

A No.

Q And on May 22nd was that the date on which you gave a statement to them?

A No, it wasn't; it was the 23rd.

Q On the 23rd?

A Yes.

Q But you had no further discussions with the police from that time until you gave your evidence at the preliminary inquiry? 30

A No, I didn't.

Q Is that right?

211212

A Yes.

Q Alright; and on May the 23rd were you under the influence of drugs?

A No, I wasn't.

Q On May the 22nd were you?

A No, I wasn't.

THE COURT: Thank you.

MR. TALLIS: I just have one question I'd like to ask arising out of that if I may, My Lord -

Q When you were brought up for the preliminary hearing here in Saskatoon who brought you up? 10

A Mr. Karst.

Q Mr. Karst; of the Saskatoon City Police Force?

A Yes.

Q And who else accompanied you up?

A That was all.

Q Just you and Mr. Karst?

A Yes.

Q In other words, there was not an R. C. M. P. officer along? 20

A He just drove us to the airport.

Q I see; and then Mr. Karst brought ^{you} up to Saskatoon?

A Yes he did.

Q And he brought you to the station?

A Yes.

Q Did you see any other police officers there that were involved in this investigation?

A At the police station?

Q Yes. 30

A Yes I did.

Q Who did you see there to talk to?

211213

A I saw Mr. Short.

Q He was involved extensively in this investigation, wasn't he?

A Yes he was.

Q And where did you talk to Mr. Short in the police station before you came down here to the preliminary?

A Well, we had conversations up in my cells.

Q He came to visit you in the cells?

A Yes and I went up to his office a few times. 10

Q You went up to his office; how long did you spend in his office?

A Every once in a while I'd make a phone call home and then we would talk for a while, so it wouldn't be too long.

Q Well, you say every once in a while you would make a phone call home?

A Yes.

Q And how long did he spend with you in the cells?

A Not too long. 20

Q Well, how many times did he visit you in the cells before you came down here to give evidence after Mr. Karst brought you back?

A About four times he would come to see if I needed anything.

Q He came to see if you needed anything?

A Yes.

Q About four times?

A Yes.

Q You're not talking about the ordinary jail guard, you're talking about Lieut. Short? 30

A Yes.

211214

THE COURT: Well, were the facts of the case discussed . .

MR. TALLIS: . . I'll just come to that, My Lord, if I may.

THE COURT: I thought you were through.

MR. TALLIS: No, no -

Q Now, I put it to you that when you were in Short's office these discussions that took place involved this case?

A No, they didn't. 10

Q And the phone calls involved the case?

A No, they didn't.

Q In no way at all?

A Well, I just told my mum I was appearing, that's all.

Q I see; but you didn't have any discussion about the case whatsoever?

A No.

Q And you had no discussion with Earst about it?

A No, I didn't. 20

Q Did you look over any statements at that time?

A No, not before I came to the Court House.

Q I see; but you saw statements after you came to the Court House?

A Yes.

Q Did one of the officers bring you over?

A Yes, they did.

Q I see; and who was that?

A I'm not positive who it was; there was a different officer every day. 30

Q A different one every day. How many phone calls did you make home?

A About three I think.

Q And over what period of time?

A Two weeks.

Q I see; this was during the two week period?

A Yes.

Q Well, how many times were you up in Lieut.
Short's office talking to him?

A Ch, maybe about four times.

Q About four times?

A Yes.

10

Q And how many times were you talking to him
before you were brought over here as a witness?

A What do you mean by that?

Q Well, you were brought over to the Court House
here as a witness and you were broughtⁱⁿ/by Karst
a day or two before the preliminary started?

A Ch, about twice.

Q You were up in his office about twice?

A Yes.

Q And he was down to see you about four times in
your cell? 20

A Yes.

CROSS-EXAMINATION CONCLUDED.

THE COURT: Re-examination?

MR. CALDWELL, re-examining:

Q First, Ronald, I want to go back to the evidence
you gave yesterday of a conversation in the
Calgary Bus Depot with the accused Milgaard and
ask you were you under the influence of LSD or
any drug at the time of Milgaard's statement to
you at the Bus Depot in Calgary? 30

A No, I wasn't.

211216

Q And you told my learned friend and you told the Court yesterday in answer to a question by my learned friend that after the whole trip was over and you got back to Regina as I recall it that the accused brought his clothes and suitcase in for your mother to wash and she washed them?

A Yes.

Q Now, did you see exactly what of his clothes were in the suitcase then or not? 10

A No, I didn't.

Q So, do you know whether or not the pants which you say he took off at Cadrain's were in the suitcase then or not?

A No, I don't.

Q And you told the Court in answer to a question by my learned friend that a pair of the accused's trousers were left in your car after this voyage?

A Yes.

Q And I understood you to say that that pair were not the ones he had been wearing when you all left Regina originally? 20

A No, they weren't.

Q And that's correct?

A Yes.

Q Now, my learned friend asked you and you have told the Court about as I understand it being taken by policemen in Saskatoon up to the T-shaped alley behind the funeral home and driving part of it and walking another part of it? 30

A Yes.

Q And I would ask you, Wilson, whether as a result

of that trip up there with the police did you recognize the intersection where you had been stuck on January the 31st or not?

A Yes I did.

Q And did you come to know - like at the time you went there with the police did you come to know a street or a number of streets or avenues or description of them, in other words, where it is in terms of names?

A Yes I did but I can't remember them right now. 10

Q I see; and how far was the intersection from the T-shaped alley?

A Not too far, like - have you got that picture handy? I could show you on that.

THE COURT: This is getting a little bit in the realm of evidence-in-chief, is it not, Mr. Caldwell?

MR. CALDWELL: The only thing, My Lord, is that the witness did say in chief about being stuck and not knowing where it was. 20

THE COURT: Just a minute. I can't find it offhand but I have a recollection - I may be wrong - that he previously answered a similar question to the one that you put - "Not too far".

MR. CALDWELL: Oh well now, My Lord, I haven't that and I stand corrected if you say so.

THE COURT: Well, I was just looking for it.

MR. CALDWELL: If Your Lordship pleases, you see in chief he definitely said he was stuck 30 at an intersection and as I understood him to say he didn't know where.

THE COURT: Yes, that's right.

MR. CALDWELL: And then I believe my learned friend asked him about being up at the T-shaped alley with the police.

THE COURT: And I thought he said he wasn't too far from where he was stuck.

MR. CALDWELL: Well now, that may be, My Lord; I stand to be corrected if I have that wrong.

THE COURT: 10

Q Did you say that before, do you recollect?

A No, I don't.

THE COURT: I see, alright. I'll let you ask it anyway.

MR. CALDWELL: Very well -

Q Now, I think where we were is that you said of course you had been up to the T-shaped alley with the police and that on that occasion as opposed to January the 31st that you recognized the intersection where you had been stuck? 20

A Yes.

Q But you now do not know it by name so to speak?

A No I don't.

Q I see. Can I show you then P.1 and there has been evidence that P.1 is a sketch of the T-shaped alley and that the thing shown here as "1402" is a or the funeral home. Now, does P.1 assist you - or is the intersection that you remember included in this sketch? 30

A Yes it is.

Q Would you point it out please?

A It's right here (indicating).

Q Would you just point it out again please?

THE WITNESS AGAIN POINTS OUT.

THE COURT:

Q Let me see? Where is that again?

A Right there (indicating).

Q What is it again - it's the place what?

A The intersection where I was stuck.

MR. CALDWELL: I think the record shows,
My Lord, that it's Avenue "N" at 20th Street 10
and if Your Lordship pleases I would have the
witness just mark something there.

THE COURT: Are there any S's on
that plan now?

MR. CALDWELL: I don't believe so, My Lord.

THE COURT: You could put an "S" to
indicate it.

MR. CALDWELL: The witness has marked the
letter "S" in that intersection, My Lord -

Q And just so that I'm clear on this, Wilson, I 20
believe you told His Lordship that you started
LSD "after I was back from Saskatoon", as you
put it?

A Yes.

Q And I take it that that refers to the May 22nd
trip to Saskatoon?

A Yes.

MR. CALDWELL: That's all the re-examination
I have, My Lord.

THE COURT: Thank you - you may go. 30
Do you want to commence with another witness
before lunch?

MR. CALDWELL: If Your Lordship please
Nichol John will be the next witness; I can
start her now if Your Lordship wishes.

ATTORNEY GENERAL'S
DEPARTMENT
MAY 19 1970

THE COURT: Very well; by the way you
indicated when you were addressing the jury
that there are a number of witnesses who were
children; they won't be called for several days,
I take it?

MR. CALDWELL: No, My Lord, I would
suggest that . . . 10

THE COURT: . . maybe not until next
week?

MR. CALDWELL: We could get to the
beginning of them, this being Wednesday, on . .

THE COURT: Well, you let me know
ahead of time, will you please?

MR. CALDWELL: Very well - possibly
Friday, My Lord.

THE COURT: . . so that I can be
prepared to make the necessary inquiries with 20
respect to taking oaths and so on.

MR. CALDWELL: I would suggest that
possibly after the next two witnesses will be
the first child and I would estimate that ought
to be Friday.

THE COURT: Thank you - call the next
witness then.

MR. CALDWELL: I call Nichol John.

NICHOL JOHN, sworn, states:

MR. CALDWELL, examining:

Q Now, I believe your full name is Nichol John
and that that is N-i-c-h-o-l?

A Yes.

Q And you are a single woman living in Regina,
are you?

A Yes I am.

Q And I'll ask you, Miss John, to speak up good
and loud please.

10

What is your age now?

A Seventeen.

Q And is your parental home in Regina?

A Yes it is.

Q Are you living there?

A Yes.

Q And who else lives there?

A My parents and my brothers and sisters.

Q And what schooling do you have?

A Grade ten.

20

Q And when did you finish that?

A 1968.

Q And what have you done in a general way since
1968 in terms of employment and so forth?

A Yes I have.

Q As what?

A I've been working as a waitress and baby-sitting
and now I work in a meat market.

Q Did you say now you do?

A Yes.

30

Q And what's your address in Regina?

A 82 Waldron Crescent.

211222

Q And have you moved recently?
A No.
Q Your home used to be on Victoria though, I believe?
A I was just staying there.
Q Oh I see but the 82 Waldron Crescent is your parental home?
A Yes it is.
Q In January of 1969 were you staying at that address on Victoria Avenue? 10
A No, I wasn't.
Q Now, I believe that you know David Milgaard, do you?
A Yes I do.
Q And is he here in court today?
A Yes he is.
Q Which person is he please?
A The gentleman sitting in the box there.
Q In the box to my left?
A Mhm. 20
Q How long have you known him?
A About a year.
Q And do you mean a year before now?
A Yes - before.
Q And when would you estimate then that you met him?
A In the spring sometime a couple years ago - it's about two years now.
Q Oh I see; you're talking about two years ago now approximately? 30
A Yes - right.
Q And was it in Regina you met Milgaard?

A Yes.

Q And do you know Ronald Dale Wilson?

A Yes I do.

Q And have you seen him here today?

A No.

Q And how long have you known Wilson?

A Approximately three years.

Q And are you speaking of some three years ago now?

A Yes. 10

Q And again was that in Regina that you met Wilson?

A Yes.

Q Now, in the late part of January of 1969 were you working at that time?

A Yes I was.

Q As what?

A As a waitress.

Q And where was that?

A In the Champ's Cafe. 20

Q Champ's Cafe?

A Yes.

Q That's in Regina, is it?

A Mhm.

Q And I believe that you went on a journey out of Regina with some people late in January of 1969?

A Yes I did.

Q Who was it who so to speak invited you to come on that trip? 30

A No one in particular.

Q Alright; was it more than one person?

A Yes.

Q Who were they?

A David and Ron.

Q Now, to get all this clear, I take it when you talk of David at any time you're speaking of the accused David Milgaard?

A Yes I am.

Q And when you talk of Ron you're speaking of Ron Wilson?

A Yes. 10

Q And do you know Ron by some nickname by the way?

A No.

Q Did you know David by a nickname?

A Yes I did.

Q What was that?

A Hoppy.

Q And do you have a nickname that people call you?

A Yes.

Q What is that?

A Nicky. 20

Q Nicky; alright, and when was it that you left on this trip?

A January the 31st of '69.

Q Of '69; and what time of day was it?

A It was approximately one a.m. in the morning.

Q I see; now what means of transportation did you have?

A A car.

Q Whose car was it?

A Ron's. 30

Q And had you seen the car before?

A No, I hadn't.

- Q And who went on this journey from Regina?
- A David, Ron and I.
- Q And where were you heading for to your knowledge when you left Regina?
- A Vancouver.
- Q And where did you go from Regina?
- A To Saskatoon.
- Q Now, had you yourself ever been to Saskatoon before?
- A No. 10
- Q Before that time at all?
- A No.
- Q Alright; and who did the driving from Regina to Saskatoon?
- A Ron did.
- Q And was this one unbroken trip or did you stop at all along the way?
- A We did stop.
- Q Once or more than once?
- A A couple of times. 20
- Q Alright; and did you eventually get to Saskatoon?
- A Yes, we did.
- Q And what time would you estimate that would be?
- A About six thirty.
- Q Now, perhaps I should ask you were you paying particular attention - did you have a watch or something?
- A I believe one of the boys had a watch.
- Q I see; your estimate would be six thirty I presume the same morning you left Regina? 30
- A Yes.
- Q Now, during the course of the trip from Regina

211226

to Saskatoon I take it that it remained the three of you that you have mentioned in the car and no one else?

A Yes.

Q And that no one left it, that is to say you all ended up at Saskatoon?

A Yes we did.

Q And during the course of that trip did you see anything of any item that might be used as a weapon in the car?

10

A Yes I did.

Q What did you see?

A A knife.

Q Now, how many did you see?

A Two.

Q Right; would you tell the Court then if you can get these in some sort of order, was there a first and a second one you saw?

A I can't recall which was first.

Q Alright; what was one of them then - what can you recall about one of them?

20

A One was a maroon handled paring knife.

Q A maroon handled paring knife did you say?

A Yes.

Q Now, that knife when you saw it, where was it?

A I can't recall exactly.

Q I take it though that certainly within the car to start with?

A Yes it was.

Q And beyond being in the car can you say where it was?

30

A No.

Q Alright; and can you remember, Nichol, how you particularly came to notice it or anything like that?

A No.

Q Alright; and did you see that one knife just on the one occasion during the trip?

A Yes.

THE COURT:

Q Just a minute please; who was driving at the time you saw it? 10

A Ronald.

THE COURT: Go ahead.

MR. CALDWELL:

Q And did you see anything of another knife?

A Yes I did.

Q And how would you describe the second one?

A It was a hunting knife with a bone handle, I think it was brown.

Q You're referring to the handle, I take it?

A Yes. 20

Q And now where - I don't want to go into anything that happened other than in the car - where did you see the knife within the car?

A It was on - Dave had it.

Q And do you remember say on what part of him or how he had it - just talking about in the car now?

A He had it in his hand.

Q And did you see any more of that what I'll call the second knife? 30

A No.

THE COURT:

Q Did it have a sheath on it?

A No, I don't think so.

MR. CALDWELL:

Q And as I understood you, Nichol, you can't assign an order to those, like one was first and one was second?

A No.

Q Now, having arrived at Saskatoon what can you say about what part of the city you got to first or the road or anything like that? 10

A I don't know.

Q Alright; what's the first recognizable say landmark that you can tell the Court about?

A Well, there was a church and what I know now to be a funeral home, but that's all.

Q Alright; what sort of a district, like were you in when you first got into the city - business or residential or what?

A I can't recall what it was.

Q You can't recall which? 20

A What kind of area it was.

Q Now, when you got to Saskatoon what were the light conditions like in the sky?

A It was still quite dark.

Q And who was so to speak navigating through Saskatoon?

A David.

Q And as far as you were aware like what were you looking for in Saskatoon?

A Shorty's place. 30

Q Shorty's place; did you know a Shorty at that time?

- A No, I didn't.
- Q And you came to know him later, did you?
- A Yes I did.
- Q And what's his name?
- A Shorty or Albert.
- Q Shorty or Albert - did you get his second name?
- A Cadrain.
- Q And as I understand you though when you came to Saskatoon at that time you didn't know him?
- A No, I didn't. 10
- Q And in the course of looking for Shorty did you drive around to any extent?
- A Not really.
- Q Well, what's then the first thing you remember as say a landmark or something that happened when you got into Saskatoon?
- A The church.
- Q Okay; you remember a church, do you?
- A Mhm.
- Q Do you remember - may I put it this way - at 20 that time did you know the name or say the location of that church?
- A No, I didn't.
- Q Alright; did you see anything of any people in Saskatoon?
- A Yes I did.
- Q And at what stage was that in relation to seeing the church?
- A It was before I saw the church.
- Q Before you saw the church? 30
- A Yes.
- Q Right; and what sort of person or persons was

it you saw?

A It was a woman.

Q A woman; and where was the woman?

A She was walking down the street.

Q And when you say the street which part of the width of the street would she be using?

A The sidewalk.

Q Sidewalk; and what did you see first of all how this woman was dressed - that you saw?

A Well, she had a dark coat on and to me it looked 10 like a cape from the A-line shape.

THE COURT:

Q Looked like a what?

A A cape.

Q A cape - in what shape?

A Resembling an A-line shape.

Q What does that mean?

A Triangular.

Q Close at the top and flaring out towards the bottom? 20

A Yes.

MR. CALDWELL:

Q Did you notice anything else about her dress - the way she was dressed?

A No.

Q And did you have an impression or opinion say as to approximately her age group from what you saw of her?

A She was approximately in her twenties I figured. 30

Q And you said that this lady was walking on the sidewalk as I understand you?

A Yes.

Q And were you three in the car - you, David and Ron?

A Yes.

Q Who was driving?

A Ron was.

Q And where were you?

A I was sitting in the middle.

Q In the middle?

A Mhm. 10

Q And David?

A On the right side of me.

Q So you were all in the front seat in that order?

A Yes.

Q And which way was your car going in relation to the way the lady was walking?

A We were going the same direction.

Q The same direction; and would you then say overtake her?

A Yes. 20

Q And what happened when you overtook the lady?

A Well, we stopped and we asked her for directions.

Q Alright; and the car stopped?

A Yes.

Q And did this involve anyone getting out at this point or not?

A No.

Q And what was done by ~~the~~ way of asking her for directions? 30

A David opened the door and then he asked her if she knew where Pleasant Hill was.

THE COURT:

Q Just a minute please; he opened the door and asked where Pleasant Hill was?

A Yes.

THE COURT: Yes.

MR. CALDWELL:

Q And when you say David opened the door did he get out?

A No, he didn't.

Q Alright; and what was the reply or did you hear one? 10

A She said she didn't know.

Q She didn't know and I take it both those would be words to that effect?

A Yes.

Q Was there any more to that conversation?

A No, I don't think so.

Q And did anyone else from the car other than David take part in the conversation with the girl? 20

A No.

THE COURT:

Q Did she turn and face your car when she was spoken to?

A She was still coming towards us.

Q From behind you?

A Yes.

Q And the door was opened?

A Mhm.

Q Did she come up alongside of the car? 30

A Yes.

Q Did she turn and face you?

211233

A I can't recall.

Q What I want to find out was could you see her face?

A No.

Q You didn't see her face at any time then?

A No.

THE COURT: Yes.

MR. CALDWELL:

Q Did she as part of this process leave the sidewalk at all? 10

A No.

Q And did your car go over say to the curb for this purpose?

A Yes.

Q I see; and I take it that put you within talking distance of her?

A Yes.

Q Alright, now when that was ended then, that conversation - what happened?

THE COURT: Just a minute please; I 20
think this would probably be an appropriate
time to adjourn. We'll adjourn until two
o'clock.

MR. TALLIS: I wonder, My Lord, if you
could caution the witness.

THE COURT:

Q Witness, you are not to discuss this matter
with anybody until your evidence has been
completed and you're told that you're
discharged as a witness - you understand? 30

A Sure.

THE COURT: Thank you.
12:20 P. M. JANUARY 21ST, 1970 - COURT ADJOURNED.

2:00 JANUARY 21ST, 1970 - COURT RESUMED.

ALL JURORS PRESENT

THE WITNESS NICHOL JOHN BEING EXAMINED IN CHIEF.

THE COURT: Yes, Mr. Caldwell.

MR. CALDWELL, continuing:

Q I think, Miss John, before lunch that you had just described the episode of stopping to ask the young girl for directions?

A Yes.

Q And I believe you said that you then started again - like the car started up? 10

A Yes.

Q Now, which direction did the car go?

A In the same direction as she was walking.

Q And did you see the - like did you look at her again at this particular point or not?

A No.

Q Alright; and I take it the three of you were in the same arrangement within the car when you left? 20

A Yes we were.

Q Now, how far ahead did you go in the same direction?

A About half a block.

Q About half a block; ^{did} and this involve to your memory say pass any intersection or are you talking about half of the same block?

A We went half a block to another intersection.

Q And a matter of the last half of the block so to speak? 30

A Yes.

Q And what happened at the intersection?

A Well, we were just about to go around the
boulevard and we got stuck on some ice.

Q And you do recall it being a boulevard, do you?

A Yes.

Q And when you say to go around it did you know the
intention like of where the driver was heading?

A No.

Q Alright; did you start to make a turn?

A Yes we did.

Q And how far did you get through this turn? 10

A Oh, about a quarter of the ways.

Q And are we thinking in terms of roughly ninety
degrees then?

A Yes - approximately, yes.

Q And you say you got stuck on some ice there?

A Yes.

Q Now, what happened at that point?

A Well, Dave got out of the car to see if we
could get out.

Q Yes? 20

A And then he got back into the car and he said
we couldn't.

Q Alright; that was Dave?

A Yes.

Q And how long would he be out for that incident?

A Oh, just to go to the back of the car and then
to come back in.

Q Very shortly?

A Yes.

Q And I think you said he got back into the car 30
and he said - we couldn't?

A Yes, something to that effect.

Q I see; did Ron get out at the time Dave did or not?

A I believe he did a few minutes later; I think it was after Dave got back in.

Q Alright; so Dave got back in and said - we couldn't - meaning we couldn't get unstuck I suppose?

A Yes.

Q Now, what happened after that?

A Well, somehow we got off the ice and then I remember pulling over to the other side of the street, like after we got out, and then Dave got back in a few minutes later. 10

Q Okay; now, if you can do your best to just tell us the order in which things happened; we can start at the point where Dave got out and went around to the back of the car and then got back in and said - we can't get out of the ice - and I take it the three of you were in the car?

A Yes. 20

Q And was Ron driving?

A Yes.

Q And was it at this particular point you say you got unstuck from there?

A You mean after Ron got back into the car?

Q After Dave got back in?

A I don't know how we got out or when we got out, I can't recall that.

Q Okay; at any rate Dave got back in and said - we can't get unstuck - this is where we are now, eh? 30

A Right.

Q Now, what was the next thing that happened,
like after that?

A Well, the next thing I can remember was
pulling over to the curb and waiting a few
seconds before Dave got back into the car.

Q Now, I take it very obviously you must have
become unstuck before you pulled over?

A Yes.

Q How did you become unstuck?

A I don't know. 10

Q Can you say who took part in getting you
unstuck?

A No, I can't recall what happened.

Q And can you recall if you had any so to speak
outside help in that?

A No.

Q You can't recall?

A Not that I know of.

Q Not that you know of?

A Not that I can remember. 20

Q Okay; I take it at any rate that the car became
unstuck?

A Yes.

Q Now, how long would you say elapsed after you
got stuck on a bit of ice until you got unstuck
then?

A I don't know.

Q What's the best you can say?

A Oh, five - six - seven minutes maybe.

THE COURT: 30

Q We don't want you to guess - you give your best
recollection and if you can't recollect you say so.

A Well, approximately five minutes.

MR. CALDWELL:

Q Are you sure of this, Miss John? If you don't know something will you tell the Court. So at any rate after that approximate time you say you did become unstuck?

A Yes.

Q And that as I understand you the car was then driven to a curb, was it?

A Yes.

10

Q Now, which direction - first of all did you know at that time like which was north, south, east and west?

A No, I didn't.

Q Alright; and a moment ago I think you said you made roughly a quarter of a turn and you agreed with me roughly ninety degrees?

A Yes.

Q When the car went to the curb did this involve any changing of direction or did you go straight 20 in that direction?

A No, we changed our direction to the opposite way the girl was going.

Q Alright; now, I don't know if I asked you this but originally going back a few minutes I believe you said that your car was going in the same direction as the girl - originally?

A Mhm - right.

Q And are we now to understand that the business of pulling over to the curb brought you to 30 going back in that direction?

A In the direction where she was?

Q Yes.

A Oh yes.

Q Now, Miss John, are we to understand then that that would put you going like completely opposite to what you had been when you talked to her?

A Right.

Q You were heading back, is that right?

A Like she was going this way and we would be going that way.

10

Q By the time you finished?

A Yes.

THE COURT:

Q Now, you have described when you passed her you were both going in the same direction?

A Right.

Q That is the car and this woman?

A Right.

Q And when you got to the point where the car became unstuck and you got to the curb you were facing in the opposite direction from whence you came, is that right?

20

A Right.

MR. CALDWELL:

Q Alright; and going in that last direction you were in the opposite direction from whence you came when you drove to the curb?

A Yes.

Q Now, which curb, like in terms of right or left?

30

A Well, it was on the right side - we were going this way.

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- Q That is to your right as you sit in the car?
- A Right.
- Q And what happened when you got there to the curb?
- A I remember waiting a few minutes before Dave got back into the car.
- Q Now, Miss John, I understood - and not to belabor this - that David had gotten out briefly at the place where you stopped and got back in and said - we can't get unstuck - or words to that effect? 10
- A Well, like I can't recall what his reason was for leaving but the next thing I remember is going to that curb and waiting for Dave to get in.
- Q And as I understand you while you were stuck there was a very brief trip out of the car on the part of Dave and back in?
- A Yes.
- Q And this was simply going to the back of the car and getting back in? 20
- A Right.
- Q But I'm sorry, I don't follow you - are you saying he got out again after that?
- A Okay; we got unstuck.
- THE COURT: No, no - do you mind, Mr. Caldwell . . .
- MR. CALDWELL: . . . no, My Lord.
- THE COURT:
- Q You have already told us the accused got out of the car to see if you could get unstuck and he came back in and said you couldn't? 30

A Right.

Q At that time was Wilson in the car?

A Yes he was.

Q So that put the three of you back into the car?

A Right.

Q Alright now, who is the next person who left the car?

A I can't recall that.

Q Did anybody leave the car before you became unstuck?

10

A I don't remember that either.

Q Well, did anybody after the accused came back in the car - did anybody get out of the car at any time?

A No, I don't think so; I'm not sure though.

Q Well, how can you say as you said a minute ago that after waiting a few minutes Dave got back in?

A Well, that's the next thing I recall when we pulled over to the curb.

20

Q Therefore he couldn't be in the car?

A Like, I don't know - this is what I don't remember. Well, he couldn't be in the car if he got back in but I don't know when he left, that's what I'm trying to say.

Q Tell Mr. Caldwell just exactly what happened with respect to either getting in or out of the car; if you can't give times and only guess say so but tell the Court as well as you can recollect it the actions of the other two people - you didn't get out at all, did you?

30

A No.

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Q Well, you tell Mr. Caldwell and the jury and counsel for the accused what you know about the other two men getting in or out of the car - that is the accused and Wilson?

A Yes.

MR. CALDWELL:

Q So you have told us of the one very short occasion - Dave getting out and coming back in and saying he couldn't get unstuck?

A Right. 10

Q And as I understand you the next thing is that as far as Dave goes, his actions, that you recall his once again getting in?

A Right.

Q Now, do you recall him getting out prior to the second time he got in?

A No, I don't.

Q Now, did Ron Wilson get out at all up to the point where you got over to the curb there?

A He left the car once; that was to see if we could get out; but that's the only time I can recall. 20

Q Alright; now, when did Ron Wilson leave the car to see if you could get out in relation to the time that Dave went out briefly to see if you could get out?

A Just a few minutes later - a short period of time.

Q How long was Wilson out?

A Only a few minutes. 30

Q Did you see where he went?

A No.

Q And I take it he got back in then?

A Yes.

Q Now, was it then that you drove over to the curb?

A As far as I can remember, yes.

Q And once you got to the curb then we have the three of you back in and I presume Ron is still driving?

A Yes.

Q And the same arrangement of seating, was it? 10

A Yes.

Q Okay; what happened when you got to the curb?

A Well, we got to the curb and then I remember waiting a few minutes and then Dave got back into the car.

Q And that is the occasion you described all along?

A Yes.

Q Okay; now up to this point and after stopping to ask for directions, like from stopping to ask the lady for directions and up to the point where you say Dave for the second time got back in the car, had you yourself seen any more of the lady? 20

A No.

Q Okay; and had you seen anything during that same period of any other persons whatsoever other than your party of three - you and Dave and Ron?

A Yes. 30

Q Alright; who was that?

A There was a guy in a car when we were stuck at

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the intersection making a U-turn - a guy was coming this way towards us; that's the only person I saw.

Q And did you have something to do with that man in that car?

A No.

Q Did he help you or anything like this?

A I remember when he was getting out of the car and I remember just at that point I don't know somehow we got unstuck and we came to the curb, 10 and that's all.

THE COURT:

Q Who was getting out of the car?

A This gentleman - this guy that was driving the car coming towards us.

Q Well, he did get out of his car then?

A Yes he did.

MR. CALDWELL:

Q And did he do anything else other than get out of his car? 20

A No.

Q And is the Court to understand that's the only other person you saw in this period other than the two boys that were with you?

A Yes.

Q So then when Dave got back in the car on what we have been calling the second time at the curb as you say, what happened then?

A Then we drove away.

Q Which way did you drive? 30

A The opposite direction to which the girl was walking.

- Q And that as I understand you would be the same direction you parked at the curb?
- A Yes.
- Q What is the next place you got to that you can assign a name to or a description?
- A Well, I remember getting stuck in another alley which I now know to be behind a funeral home.
- Q Okay; you remember getting stuck in another alley which you now know to be behind a funeral home? 10
- A Yes.
- Q And from saying now you know that I take it you have been back on another occasion?
- A Yes I have.
- Q With the police, I presume?
- A Yes.
- Q Okay; and you say that you got stuck in an alley behind a funeral home?
- A On the incline actually.
- Q On the incline? 20
- A Yes, into the alley.
- Q Now, where in the block was this funeral home?
- A It was right at the corner.
- Q Right; at the corner and like on that morning when you got stuck on the incline in the alley behind the funeral home did you at any time know say the name of the avenue or street or whatever?
- A No, I didn't.
- Q Okay; if I can just go ahead briefly and say 30
though that you have been back since?
- A Yes I have.

- Q And I take it driven by members of our Police Department?
- A Yes.
- Q And did you see that same location?
- A Yes I did.
- Q And by the way, was it still winter then or not?
- A No, it wasn't.
- Q Did you recognize the funeral home?
- A Yes I did.
- Q I see; and on your trip back there, Miss John, 10
you say you now know it by name as a result of going back?
- A Yes - you mean the name of that . . . ?
No, I don't; I know it's a funeral home though.
- Q Do you know now as a result of going back behind the funeral home the name of any street or avenue in connection with that?
- A No, I still don't know.
- Q Okay; now would you tell the Court then - as I understand it the getting stuck on the inoline 20
to the alley which led to behind the funeral home was the next step after being parked at the curb?
- A Yes.
- Q And driving off it; and what happened when you got stuck at that juncture?
- A Well, Dave got out of the car to see if we could get unstuck. He came back into the car and then he told Ron that we couldn't. So then I remember both of them getting out and looking. 30
Other than that I think they tried to push the car; I'm not too sure though.

Q Okay; and just so we're clear, as I understand it it's on the incline leading into the alley behind the funeral home?

A Yes.

Q And what kind of trouble briefly were you in?

A Well, we were stuck in some snow.

Q I see; so that after - now if we can go very slowly on this - you say Dave was out at that point for a brief look again?

A Yes.

10

Q And was Ron out at that point too?

A They both went out together.

Q Well, can we go then from getting stuck step by step on the incline; who was the first one out?

A Dave.

Q And for how long?

A Only a few minutes - just to go to the back of the car and to come back in.

Q Alright; and he did go out and he did come back in?

20

A Yes.

Q And what is the best you can say about how long Dave was out on that occasion?

A Only a few minutes.

Q Okay; and did Ron get out on that occasion?

A Do you mean when Dave got out the first time?

Q Maybe you could - I had better put it after Dave got out and back briefly, what happened then?

30

A They both went out.

Q They both got out; okay; are we to understand

that on this occasion on the incline where you were stuck that that would be the first time Ron was out, that is when they both went out together?

A Yes.

Q I see; okay; and before Ron and Dave got out together there was there anything said about what they would do or about, you know, getting help or whatever?

A Not that I can recall.

10

Q At any rate they both got out together?

A Yes.

Q And did you get out?

A No.

Q Alright; what happened when the two of them got out?

A Then they both came back into the car.

Q And how much time elapsed between the two of them getting out and the two of them coming back?

20

A Only a few minutes.

Q What is the best you can say as to - let me ask you - did they get back the same time as one another?

A I can't recall that.

Q Well, you simply cannot recall that?

A Right.

Q And what is your best estimate then of how long they were out on that occasion when they left together?

30

A Only a few minutes. Just from the time that would be to go to the back of the car and to

come back into the car.

Q Alright; now, once they got out together on this occasion did you pay attention to where they went?

A No.

Q And did you sit in your same place in the car?

A Yes I did.

Q And this was in the entrance to the alley?

A Yes.

Q And did you look at all to see which way either 10
one of them set off?

A No.

Q And did you see from which direction either one
of them arrived back?

A No, I didn't.

Q And what happened when they arrived back?

A You mean from going to/^{the}back of the car and
coming back, is that what you mean?

THE COURT:

Q That's what you are asked. 20

A Okay. Could you repeat that please?

MR. CALDWELL:

Q I understand you to say you don't know whether
they arrived back at once?

A Right.

Q But what happened when/^{they}did arrive back?

A Well, they came back and they decided to go
for help.

Q Okay; and then what happened?

A Well, Ron went one way and Dave went the other 30
way.

Q I see; okay; so that this incident we have been

talking about up to now was simply a go to the back of the car and look sort of thing, was it?

A Yes.

Q Okay; then having come back they both set off again?

A Yes.

Q Was that at the same time or at a different time as one another?

A I don't remember.

THE COURT:

10

Q Did they both get out of the car together?

A No, I don't - I can't remember that either, if they did or not.

Q Did one remain in the car for any length of time afterwards?

A No.

MR. CALDWELL:

Q Did you pay any attention to which way either one of them went on that occasion?

A Ron went to the left and David went to the right 20 as the car was facing. Say this was north, Ron went this way and Dave went that way.

Q Did you know the directions at that time?

A No, I didn't.

Q I take it you would be facing what you call the nose or the front of the car?

A Yes.

Q And when you're talking about Ron went left are you talking to your right or left?

A Right.

30

Q And which one went . . . ?

A . . . Ron went to the left; David went to the

right.

Q Did you watch the progress as far as you could
or at all?

A No.

Q Alright; and they just left heading in the
directions you have mentioned?

A Yes.

Q Now, what is the next thing that happened?

A Well, I remember Dave getting back into the
car, that's about all.

10

Q And who got back first of the two?

A Well, Ron must have because when Dave got back
into the car I moved over to Ron so --

Q You say Ron must have been back before Dave?

A Right.

Q How much before Dave?

A I don't know.

Q How long would you estimate Ron was out of the
car on this occasion?

A I don't know.

20

Q And how long do you estimate Dave was out on
this occasion?

A I don't know that either.

Q I take it all you can say is longer at any rate?

A Yes.

THE COURT: Longer than what?

MR. CALDWELL: I said longer at any rate -

Q But longer than Ron?

A Right.

Q And so when Dave got back in you say you moved
toward Ron?

30

A Yes.

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Q And which parts of the car did the two of them occupy?

A Ron was behind the driver's and Dave was on the passenger's side.

Q Ron would be in the driver's position?

A Right.

Q All three in the front again?

A Right.

Q Now, up till the point when Dave got back in on this occasion had you up till this point seen 10 anything of any other person than the two of them and yourself since you got unstuck at the intersection?

A Not that I can recall.

THE COURT:

Q And when you were stuck there on this incline I take it from what you said there wasn't any car in front of you there?

A No.

MR. CADLWELL: 20

Q This was just a matter of difficulty with the road surface?

A Yes.

Q Alright; now, when the two of them were back in did you notice anything about say the condition or appearance of either of them?

A Well, Dave looked cold, that's about all.

Q And what happened when they were both back in?

A Then we started driving again.

Q Alright; now, when you first started driving - 30 and I'm talking from being on this incline - which direction did you go?

A To the same way as we were facing.

Q Okay; maybe we can just go over that slowly.
The incline was leading into an alley which was
behind the funeral home?

A Right.

Q And that's where you got stuck on this
occasion?

A Right.

Q And when you did get started again you went
straight ahead? 10

A Right.

Q And I take it of course this would take you up
or down the alley as the case may be?

A Right.

Q And would take you into the alley - like you were
at the entrance?

A Yes.

Q Alright now; how did you get unstuck for that
purpose?

A I don't know. 20

Q From being stuck on the incline you went
straight ahead?

A Yes.

Q And I'd like you to think carefully how did
you get your car going or the boys - or how did
you get unstuck?

A I can't recall that.

Q And how long would you estimate you were stuck
there?

A I don't know. 30

Q When you did get mobile again you went straight
ahead?

A Yes.

Q And as I understand it the three of you were back in and Ron driving again?

A Yes.

Q How far ahead did you go?

A Well, till we got out of the alley.

Q I see; so this would be presumably a block of some description?

A Yes.

THE COURT:

10

Q Surely you must have known whether somebody was pushing you. You were sitting in the car in the front seat - you must have known whether someone was pushing you to get you out of there, don't you?

A I don't remember.

Q Well, I take it you were a bit perturbed about being stuck in the snow - concerned about it?

A Yes.

Q And you must have felt the motion of your car being moved? 20

A I don't remember that, no.

Q So you in fact don't remember at all what was done to extricate you out of this position - to get you out of this position?

A No.

Q You can't remember it?

A No.

MR. CALDWELL:

Q So when you did eventually get going - however you got going - you went straight ahead to the end of the alley? 30

- A Right.
- Q Now, was it by the way an alley you could drive down say straight?
- A Yes.
- Q And that I take it had to bring you to another street or avenue?
- A Right.
- Q What happened there?
- A Well, somehow we decided to go and get a map or something anyway, so we got to the motel and we 10 got a map.
- Q Would this be the next order of business after being stuck in the alley?
- A Yes.
- Q And I gather from what you say that there was some discussion about getting a map?
- A Yes.
- Q And you got to a motel?
- A Yes.
- Q How did you get there? 20
- A We drove.
- Q I'm sorry; but I think you said that you yourself had never been to Saskatoon?
- A No.
- Q You said that this morning?
- A Right.
- Q Alright; and what motel was it?
- A I don't know.
- Q And where was it in relation to the city?
- A Well, it was on the outskirts somewhere. 30
- Q Can you say in terms as to where on the outskirts - did you know like north, south, east, west?
- A No, I didn't.