

A Yes.

Q And there was a man there who you know to be Mr. Danohuk?

A Yes.

Q And a lady that you assume to be Mrs. Danohuk?

A Yes.

Q And were you downstairs in their suite when Mrs. Danohuk was still home?

A No.

Q I see; she had gone out to work by some other means? 10

A Yes.

Q But you were certainly there when Danohuk was around?

A Yes.

Q And as I understand it you went to the washroom there?

A Yes.

Q Was it Mr. Danohuk that you asked for this?

A Yes. 20

Q And then after being in the washroom you came upstairs?

A Yes.

Q By the way are you right-handed or left-handed?

A Right-handed.

Q Right-handed; and you have always written with your right hand ever since you were a youngster?

A Yes.

Q And if you were in a cafe - well, you just naturally - you're a natural right-hander? 30

A Not really - I do just about . .

Q . . but I mean - what I'm getting at, if you're

writing you write with your right hand?

A Yes.

Q Now, I think you told my learned friend Mr. Caldwell yesterday about stopping at Rosetown?

A Yes.

Q Now, as I understand it, you didn't get out at Rosetown?

A No.

Q But you told my learned friend about the boys going in for groceries?

10

A Yes.

Q Do you recall the name of the store that they went to there?

A No.

Q When I say the name of the store, was it something like IGA or Safeway . . ?

A Yes.

Q . . does that ring a bell?

A Yes, it was something similar like that - a supermarket.

20

Q Were you ever taken out there by the police?

A No.

Q You were never driven out there to Rosetown?

A No.

Q Or along the highway on that road?

A No.

Q Now, you told about a cosmetic bag?

A Yes.

Q And you said there was lipstick in it among other things?

30

A Yes.

Q Now, more than one?

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A I think there was two in there.

THE COURT:

Q Two tubes of lipstick?

A Yes.

MR. TALLIS:

Q And then there was eye shadow you mentioned?

A Yes.

Q Now, what form was that in?

A It was in a sort of a - it was in a tube; it was more or less a paste. 10

Q A paste shadow?

A Yes.

Q And the cosmetic bag you described as having sort of figures like flowers on it?

A Yes.

Q And a zipper on top?

A Yes.

Q And you remember the color yellow?

A Yes.

Q And I think yesterday you said maybe white; now 20 I want you to explain that?

A White background with yellow flowers.

Q I see; and I take it you wouldn't be specifically sure of all the colors?

A I'm sure of the yellow flowers but . .

Q . . you're sure of the yellow?

A Yes.

Q Well now, actually after January the 31st you were brought in - that was the date in question - you've told us about being in Saskatoon? 30

A Yes.

Q On this one trip where three police officers

brought you in and this incident where you were at the Cavalier and then later at the Police Station.

Now, you were brought into Saskatoon on quite a number of other occasions, weren't you?

A Yes.

Q And how many times were you brought in that you can recollect - would it be something like five or six times?

A Not that many I don't think - approximately 10 maybe four.

Q Approximately four?

A Yes.

Q And on each of those occasions were you brought in by police officers?

A Yes.

THE COURT:

Q Well you've already said your father brought you once.

A Oh, do you mean for the preliminary too? 20

MR. TALLIS:

Q No, we'll forget about the preliminary.

THE COURT: Well, she was being asked how many times she came here.

MR. TALLIS:

Q Up until the time of the preliminary?

A It was police officers, yes.

Q On about four occasions?

A Three; I was including the preliminary before.

Q I see; and on any of those occasions do you 30 remember who the police officers were or where they were from or anything like that?

A They were from Saskatoon.

Q I see; and were any of these trips before May the 23rd that you were brought up?

A I can't recall.

Q You can't recall. Do you recall if any of them were after May 24th and before the preliminary hearing?

A Once I think after that.

Q Once after?

A Yes. 10

Q And on each of these occasions when you were brought up were you driven around the city by police officers?

A Yes.

THE COURT: Excuse me just a minute, I just want to get that clear -

Q You say you can't recall if there were any before the 23rd of May?

A Right.

Q You can recall once after the 23rd of May? 20

A Yes.

Q You don't know whether the other two were before or after the 23rd of May, is that correct?

A I was including the 23rd - I said three times.

Q Oh, altogether?

A Before the preliminary.

Q Oh I see, including the 23rd?

A Yes.

Q So there would be two besides the 23rd? 30

A Yes.

Q And you recall one being after the 23rd?

A After, right.

Q Can you recall when the other one was?

A I don't know if it was before or after.

THE COURT: I see, thank you.

MR. TALLIS, continuing:

Q In any event on each of these occasions I
take it you were driven around?

A Yes.

Q Well now, after you were in the room at the
Cavalier, that is on that day which you think 10
was the 23rd, were you driven around after
that?

A Yes I was.

Q And was it at that time that someone pointed
out the funeral home to you?

A Yes.

Q And was it at that time that you were looking
for the boulevard that you couldn't find - or
do you remember?

A Yes. 20

Q Now, I think you have already - you told my
learned friend that you had spoken to
Inspector Ruddell?

A Yes.

Q Of the R. C. M. P.?

A Yes.

Q And this was in Regina?

A Yes.

Q And were you interviewed by other police
officers in Regina? 30

A Yes I was.

Q How many times were you interviewed by the police?

A Do you mean from Regina or . . ?
Q Yes.
THE COURT: Excuse me - in Regina?
MR. TALLIS: Yes, in Regina.
A In Regina? Twice I think maybe.
Q Twice; and is that in addition to the R.C.M.P.,
that is Inspector Ruddell . . ?
A Yes.
Q . . or does that include that?
A Yes. 10
THE COURT:
Q Which?
A It includes Inspector Ruddell.
MR. TALLIS:
Q I see; so there was police officers from Regina
interviewed you on one occasion?
THE COURT: Excuse me, Mr. Tallis -
you said police from Regina -
Q You said in Regina, didn't you?
MR. TALLIS: Well, I'm trying to clarify 20
it -
Q Apart from the interview with Inspector
Ruddell were you interviewed on other occasions
by police officers in Regina?
A Yes - Saskatoon police officers.
Q Saskatoon Police?
A Yes.
Q Were you ever interviewed by Regina Police
officers?
A No. 30
Q And how many times were you interviewed by
Saskatoon City Police officers in Regina?

A Approximately twice.

Q Approximately twice; and was this before or after May 24th?

A Before.

THE COURT: Well now, just a minute, I'm going to have to intervene again here -

Q You've already told me or told myself and the jury that in Regina you were interviewed twice by the police including that of the R.C.M.P., then you said the other policeman was one from 10 Saskatoon and now in answer to a question by Mr. Tallis you said twice by policemen from Saskatoon in Regina.

A Can I clarify that?

Q You certainly can.

A I've been interviewed twice by Saskatoon police officers in Regina and once by Inspector Ruddell.

Q So that's three times altogether?

A Yes. 20

Q That's fine - twice by Saskatoon City Police and once by the R. C. M. P.?

A Right.

THE COURT: Thank you.

MR. TALLIS, continuing:

Q Well now, apart from Mr. Mackie and a man in the Cavalier Hotel were you interviewed by any other police officers in Saskatoon?

A Not really.

Q But you've been talked to about it? 30

A Yes.

Q Yes; but not a formal interview in a room?

A No.

Q But they have talked to you on numerous other occasions?

A Yes.

Q Now, when you dropped off in Regina, that is when you were dropped off in Regina on your way back from Alberta, where did you and Shorty go to?

A Twenty-one block Cornwall.

Q I see; and what is the name of that particular place? 10

A There was no name for it.

Q I see, no name for it?

A No.

Q And how long did you remain there?

A About a month.

Q I see; and Shorty didn't stay there that long?

A No.

Q Well, is that a residence or what type of premises? 20

A There was just a bunch of kids staying there.

Q Just a bunch of kids staying there; now, as I understand it that's where the two of you were dropped off and you went in and you were Shorty's girl, as I understand it?

A No.

Q Or were you?

A No, I wasn't.

Q I see; you had just been with him on that occasion? 30

A Yes.

Q And dealing with after you got back from

Alberta, what date was it that you got back?

A I don't know what the date was.

Q You don't know what the date was; well now, after you got back to Regina you stayed at this particular place for a month?

A Yes.

THE COURT:

Q That would be just about to the end of February then?

A Yes.

10

MR. TALLIS:

Q And then you returned home, did you?

A No, I didn't.

Q You didn't go home; you went to live somewhere else?

A Yes.

Q And how long did you live at this other place after you left this address that you have told us about?

A About two months.

20

Q About a couple of months?

A Mhm.

Q This would take you into the end of April or something like that?

A Yes.

Q Well, when you were in Saskatoon on May the 24th where was your home then actually?

A 817 Victoria Avenue.

Q And that's your parental home, is it?

A No, it isn't.

30

Q Oh, well this was another place you had moved to?

A Yes.

Q Pardon?

A Yes it was.

Q I see; so that you weren't living at home at that particular time either?

A No.

Q And how long did you live at that particular place?

A Oh, about two months I guess.

Q I see; well now, after you got back - after you 10 and Shorty stayed at this first place in Regina, were you using LSD at all?

A Yes I was.

Q I see; and I take it that - were you using it when Shorty was there too?

A No.

Q You weren't; it was after Shorty had left?

A Yes.

Q And I'm not trying to embarrass you but how long did you continue using LSD? 20

A Up until about October.

Q October of '69?

A Yes.

Q And how frequently were you using it?

A Approximately every third day.

Q About every third day; and once again I'm not trying to embarrass you but how were you taking it? You see, Mr. Caldwell and I have never been on trips -

I think the record should show that, My Lord, 30
with deference to my learned friend . .

THE COURT: I don't think that you could

give evidence on behalf of Mr. Caldwell.

MR. TALLIS: He can have it struck from
the record if he doesn't accept it.

A Could you repeat that?

Q Yes; how were you taking it - in what form?

A I was using a hypodermic, also dropping.

Q Now, what do you mean by "dropping"?

A Just putting it in your mouth.

Q I see - not pill forms?

A Pill form, yes. 10

THE COURT: Taking it orally - by mouth.

MR. TALLIS:

Q Yes but in pill form?

A In pill form?

Q Yes.

A Well, drop it or you can shoot it.

Q I see; and I understand that this LSD can be
put on paper or blotter and then you can chew it?

A Yes.

Q You can take it that way too? 20

A Yes.

Q And you said you took it about every third day
up until October?

A Yes.

Q Well, would you carry it with you?

A No, I'd just go and get it whenever I needed it.

Q Whenever you needed it; it was readily available
there?

A Oh yes.

THE COURT: 30

Q Get it from the pushers I suppose?

A Yes.

MR. TALLIS:

Q This place that you and Shorty stopped at, a lot of pushers hang around there, don't they?

A No.

Q They don't, I see; well now, what effect does LSD have on your mind when you're taking it and what after-effects does it have?

A Which do you want me to start with?

Q Well, you tell us.

A Well, you mean how does it affect you when you're on a trip? 10

Q Well, do you see pictures or what is it . . . ?

A . . . well, most of the . . .

THE COURT:

Q What type of reaction, that's what Mr. Tallis . . . ?

A . . . well, you have hallucinations and it is color hallucinations, whichever happens. You don't have the same trip twice, mind you but --

MR. TALLIS: 20

Q You don't have the same - things weird and things wonderful sometimes appear?

A Yes.

Q Colors that you've never seen before?

A You've seen the colors before, mind you but --

Q But not the same mixture?

A No.

Q Well, can you just amplify some of the things that you might have - how the reaction comes about, I mean, do you see things that aren't real? 30

A Well, it's mostly all distortions, like it's

your mind mostly, it's what's in your mind
that you'll see; it's not just something that
just pops there all of a sudden.

Q I see; and do you sometimes get bad stuff?

A What do you mean bad stuff?

THE COURT: I don't think the witness
is that experienced, Mr. Tallis.

MR. TALLIS: Thank you, My Lord, I'm
indebted to your observations, I will explore
it a little further - 10

Q Have you ever obtained batches of the drug . . ?

A . . that are bad?

Q . . which are bad?

A Of course but --

Q Well, when you get a bad batch is the reaction
different?

A Well, could you explain what do you mean by a
bad batch?

Q Well, something that is not the normal type of
reaction that you ordinarily get from LSD? 20

A I can't follow you.

Q You don't follow that at all?

A No.

THE COURT: May I just -

Q There are different strengths, aren't there?

A Yes.

Q And if it's of considerable strength you get a
better reaction?

A Yes.

Q If it's a weaker strength you don't get such a 30
good reaction?

A Oh yes - right.

Q And I take it that when you think about bad in the sense that you're thinking about it, it means whether it's weak or strong - diluted or kept at full strength - would that be right?

A Well what I'm thinking about bad is lots of junk in it if you know what I mean . .

Q . . yes, that's right . . ?

A . . is that what he's trying to . .

Q No no, no no . .

MR. TALLIS: . . what I'm talking about 10
is the junk in it.

THE COURT: No no . .

MR. TALLIS: . . that's what I'm talking
about, My Lord.

THE COURT:

Q By junk do you mean more of the stuff?

A No, it's out with something - speed or things like that. That's what I mean.

THE COURT: That's right, now we're
getting at it. 20

MR. TALLIS: That's right.

THE COURT: Out with something.

THE WITNESS: Is that what you're
trying . . ?

MR. TALLIS:

Q That's right.

A Well, could you repeat your question now?

Q Well alright, when you get junk in it, does this affect the reaction?

A Well, of course you'll get a different reaction. 30

THE COURT:

Q You mean a weaker or a stronger one?

A Well, just depends what it's out with.

Q Might you get a different kind of reaction completely?

A Your trip isn't the same; you never have the same trip twice.

THE COURT: Alright, thank you.

MR. TALLIS:

Q Well now, you were taking stuff with a needle too?

A Yes. 10

Q And were you taking other drugs with a needle?

A No - well, not at that point.

Q Not at that point; well, did the police ever check your arm or anything when they were interviewing you at any times following . . ?

A . . not the Saskatoon police.

Q Not the Saskatoon police; so I take it they didn't know - you didn't give them any information about you taking drugs?

A Not especially, no. 20

Q No, you weren't anxious to help them out on that, were you?

A No.

Q And you've never been charged with anything in connection with drugs?

A No.

Q Possession or having it or anything like that?

A No.

Q And when you were up here in Saskatoon on these various trips you didn't tell them anything about taking LSD? 30

A Well, I told one person.

Q I see; but did you tell the man in the Cavalier about taking LSD?

A Well, he asked us questions like that, yes.

Q I see; and he's the only one that you told?

A Well, there's one more person.

Q I see; you told one other person?

A Yes.

Q And who was that?

A Raymond Mackie.

Q I see; about taking LSD? 10

A Hmm.

Q And other drugs as well?

A No, I never told him.

Q That is about taking them after you got back to Regina we're talking about?

A After and before, yes.

Q I see; and I take it that you really can't tell us any more than you have about the types of reaction that you get?

A No. 20

Q Now, you said I think you were taking LSD or something like that about every third day after you and Shorty stopped in this place in Regina?

A Yes.

Q And you were doing this right up until October of '69?

A Yes.

Q Well, did you carry it with you ordinarily?

A No.

Q I see; you just got it when you needed it? 30

A Yes.

Q And this didn't pose any problem?

- A No.
- Q Well, why was it every third day?
- A Well, approximately I said every third day.
- Q No but is there any reason . . ?
- A . . not really. It's not the fact that I needed it if you know what I mean, it was just --
- Q I see; and how long would the effects of some of these trips last?
- A Well, mine were approximately eight to ten hours.
- Q Eight to ten hours; and would the length of the 10 trip depend upon the strength of the LSD that you took?
- A Oh yes.
- Q In other words, sometimes the trip would be longer, sometimes shorter, is that correct?
- A Yes.
- Q What is the longest trip you've been on since you and Shorty stopped at that place and then came to . . ?
- A . . approximately twelve hours. 20
- Q Twelve hours . . ?
- THE COURT:
- Q I wish you would be a little more specific on a few of those things about the use of the drugs. You said you didn't start taking them until after Shorty had left - well now, how long after?
- A Well, he left about a week and a half after we got there.
- Q Yes? 30
- A I guess about two weeks - well, when we got there, two weeks after that.

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Q Two weeks after that?

A Yes.

Q So that would be approximately the middle of February?

A Yes.

Q And then you continued taking them, did you, consistently from then until the following October?

A Yes.

Q And then did you go off them? 10

A Yes.

Q Are you off them now?

A Yes.

Q I see; and you say you didn't - it wasn't because you needed them; in other words, in your vernacular you weren't hooked?

A No.

MR. TALLIS: My Lord, I think that I am finished but I would like an opportunity to check my notes over during the noon hour with my colleague. 20

THE COURT: Adjourn until two o'clock.
12:10 P.M. JANUARY 22ND, 1970 - COURT ADJOURNED.
2:00 P.M. JANUARY 22ND, 1970 - COURT RESUMED.
ALL JURORS PRESENT.
THE WITNESS NICHOL JOHN IN THE WITNESS BOX.

THE COURT: Mr. Tallis?

MR. TALLIS: Thank you, My Lord -

Q Now, on the morning of January the 31st do you recall how you were dressed? 30

A Yes I do.

Q What clothes did you have on?

A I had a pair of slacks, a blouse, a sweater
and a coat and boots.

THE COURT:

Q Just a minute please - a pair of slacks?

A Yes.

Q What's that next?

A A blouse, sweater, coat and boots.

MR. TALLIS:

Q And I take it you didn't have any scarf or
anything like that with you? 10

A No I didn't.

Q And in particular you didn't have any long
scarf or clothing around your neck the way
some of them do?

A No.

Q And I believe it's fair to say that at least
some point along the Journey Dave had what
you would describe as a long toque?

A Yes.

Q And one of the colors in this toque was green? 20

A Yes.

Q And there may have been other colors in it?

A Yes.

Q But you can't recollect specifically what other
colors were in it?

A No.

Q Now, I don't know whether - I think you told my
learned friend yesterday something about
trousers that David was wearing and also
trousers that Ron was wearing. What were the 30
color of the trousers as you recollect that Ron
had on?

A A pair of brown corduroys.

Q Brown corduroys; and do you recall the approximate color of the pair that David had on?

A Green with yellow stripes.

Q And you told my learned friend I think about them being torn or something like that?

A Yes.

Q Now, when you say torn - perhaps I used the incorrect term but you can assist me here . . . ? 10

THE COURT: . . . I thought she said ripped.

MR. TALLIS: Well, ripped -

Q Was this a seam that was ripped?

A Yes.

Q And when it was referred/as being in the crotch area, did it also . . .

THE COURT: . . . excuse me - did this witness say that?

MR. TALLIS: 20

Q Well, did you see it from the crotch area or from the rear?

A Did I say it, did you say?

Q Well no, did you see the seam gone from the rear or from the front?

A From the rear.

Q And I think someone asked you yesterday about whether or not you saw anything else on either of these trousers and you have described them to the best of your recollection? 30

A Yes.

Q Now, I want to come back for a moment and I take

it that it's fair to say that you have been asked on quite a number of occasions whether or not you saw any blood on David's trousers?

A No.

Q Well . . . ?

A . . . I didn't see any.

Q You didn't see any?

A No.

Q But you've been asked that question at the preliminary hearing I believe? 10

A Yes.

Q Under oath?

A Yes.

Q And you've been asked it quite a number of other occasions prior to that preliminary hearing when you were being interviewed by police officers?

A Yes.

Q Now, coming back for a moment to when you were in the Cavalier Hotel on May the 23rd - I think 20 you told me?

A Yes.

Q And at that particular time you were told by a police officer there - he was a man in plain clothes I believe?

A Yes.

Q And this man that you were there in the room with, you don't recall his name?

A I do.

Q You do? 30

A Yes.

Q Was it Roberts?

A Yes.

THE COURT:

Q Excuse me, I thought you told me this morning you didn't recall that?

A I didn't say that; like Mr. Tallis said that I didn't recall his name and I was going to add that but he finished the question too fast.

THE COURT: Alright.

MR. TALLIS:

Q Well now, in any event this chap was in plain clothes? 10

A Yes.

Q And you were told I believe by that man if I understood your evidence correctly this morning, about the girl Gail Miller having been stabbed?

A Yes.

Q Now, you told me this morning that you had not been shown any photographs?

A No. 20

Q But I suggest to you that you were told that she had been stabbed in the back?

A Yes.

Q The coat was held up?

A Yes.

Q And I suggest to you that reference was also made that she had been stabbed in the frontal area?

A Yes.

THE COURT: 30

Q I beg your pardon?

A Yes, I was told that.

MR. TALLIS:

Q But you were not shown any photographs?

A No.

Q And was this on the afternoon of May the 23rd
or are you able to remember when it was that
you were up there with this gentleman?

A In the late afternoon I think.

Q In the late afternoon; and I take it Mr. Mackie
or some of the City policemen also came in
during that day, did they? 10

A Yes.

Q And do you remember how many of them were at
the hotel, that is City police officers?

A Two.

Q Two; and was Mr. Mackie one of them?

A No.

Q I see; who was the other one?

A Sergeant Karst.

Q Karst?

A Yes. 20

Q Yes; and do you recall the name of the other one?

A Lieut. Short.

Q Lieut. Short; and now, later on that day then,
after you were at the hotel, were you driven out
to this area which you now have made reference
to as the funeral home area?

A No.

Q Was it the following morning that you were
driven out there?

A Yes. 30

Q And this is before you signed anything?
Well, my learned friend read to you a passage

from a statement which indicated that you had been driven out in that area. Now, I would assume you had been driven out in that area before any statement was obtained?

A Yes.

Q Is that correct?

A Yes.

Q And were there any other policemen there in the car?

A No. 10

Q I see; now, were you shown the approximate spot where it was alleged that the girl's body was found?

A Yes, I was.

Q I see; from the car or walking down the lane?

A From the car.

Q From the car; now, were you also shown - and if I may go back for a moment to the hotel - were you shown the contents out of a purse?

A No, I wasn't. 20

Q I see, you weren't; and so once again do you have any recollection of seeing a purse at the hotel?

A No.

Q I see; or a photograph of it?

A No.

Q I see; you may have been shown a dress?

A Right; I'm not just sure about that.

Q And were you driven to Shorty's place as well on the morning of May the 24th when you were in that area? 30

A We drove by it I think.

Q You drove by it; would you have recognized it yourself?

A No.

Q So that someone had to point it out to you?

A Yes.

THE COURT:

Q Just a moment please - did someone point it out to you?

A Yes.

MR. TALLIS: 10

Q And so unless it had been pointed out to you you would not have been able to recognize it?

A No.

Q And were you driven to Danchuk's place?

A Yes.

Q I see; and was it pointed out to you?

A Yes.

Q So that I take it that it's fair to say you wouldn't have been able to point Danchuk's out unless someone had given you information about it? 20

A No.

Q Now, were you shown spots in that area where other items were allegedly found?

A No.

Q Such as keys or anything like that?

A No.

Q Boots?

A No.

Q I take it you weren't shown any boots? 30

A No.

Q Or sweaters?

A No - no I wasn't.

Q So that as I understand it then the only thing that you definitely remember seeing was a coat?

A Yes.

Q And maybe the dress?

A Yes.

Q And a set of knives - a number of knives I should say?

A Yes.

Q Probably five or six in number? 10

A Yes.

Q And I take it that it's also fair to say there may have been other items there that you've forgotten?

A There could be.

Q Well now, how long did you spend driving around on the morning of May the 24th?

A I don't know.

Q I see; in any event after you had driven around were you taken to the Police Station? 20

A Yes I was.

Q And is it then that you were taken up to the little room that you described to His Lordship?

A Not right away.

Q Not right away; where were you taken first?

A To the cells.

Q Pardon?

A To the cells.

Q To the cells - well, were you under arrest?

A No, I wasn't. 30

Q I see; were you put in the cells?

A Yes.

Q But you weren't arrested for anything?
A No.
Q You know what I mean by being charged?
A Yes.
Q What cells were you put in?
A In the women's and then I didn't want to be in there so then they put me in this little room where the matron stays.
Q I see; and you were in the charge of a matron there? 10
A No, I was there by myself.
Q Oh, you were there in the room - but they put you in the cells first?
A Yes.
Q And how long were you in the cells?
A Only about two minutes.
Q I see; and you complained about that?
A Yes.
Q And then you were in the room where you understood the matron stays? 20
A Yes.
Q And is this the room just up near the women's cells?
A Yes.
Q Just opposite the women's cells?
A Yes.
Q So that when a woman prisoner is in there the matron has this room to wait in?
A Yes.
Q And you were left in there for some little time, 30 were you?
A Yes.

Q And then did someone come and take you out of there?

A Yes.

Q And who was it that came and took you out of there up to this office?

A I can't remember who it was.

Q I see; in any event it wasn't Mr. Mackie?

A I don't know; it could be.

Q It could be but you're not sure; and it was then that you were taken up to his room? 10

A Yes.

Q And now - well, where had you stayed the night before?

A In the cells.

Q Oh I see - well now, let's get this straight. You were brought in here on the 23rd?

A Yes.

Q And you were taken to a room at the Cavalier?

A Yes.

Q And it was there that you spent some time as you 20 have told us?

A Yes.

Q And then after you were through at the Cavalier that day where were you taken?

A To the cells.

Q Well now, that's the cells at the City Police Station?

A Yes.

Q And what time were you taken there approximately?

A I don't know. 30

Q Well, was it in the evening - after suppertime?

A I can't remember when it was.

Q Well, do you recall whether you ate in the jail
or before you were taken to the jail?

A Yes I did; I did eat that night.

Q In the jail?

A Yes.

Q In your cell?

A Yes.

Q Well now, were you arrested at that time?

A No, I wasn't.

Q I see; you weren't charged - you know what I 10
mean by . . . ?

A . . . yes, I know what you mean.

Q I see; well, who was it that put you in the cell
- I mean took you down to the Police Station for
that purpose?

A I don't know; I can't remember.

Q I see; well, was it a City policeman?

A It was one of the detectives I think.

Q I see; well, was there a matron there?

A No. 20

Q There wasn't a matron there when you arrived?

A No.

Q But you were taken up to the cells in the
women's section?

A Yes.

Q And you were placed in a cell, were you?

A Well, there's one big room and I wasn't put
right in a cell but it was in the cell block.

Q In the cell block?

A Yes. 30

Q Well, is that where you stayed overnight?

A Yes.

Q And was there a matron there overnight?
A Yes, part of the night.
Q Part of the night; and were there other women prisoners in there?
A No.
Q You were the only one . . . ?
A Yes.
Q . . . apart from the matron?
A Yes.
Q And was your breakfast brought to you in the morning when you were up there in the cell block? 10
A Yes it was.
Q Now, had you ever been in that cell block before, that is was this on the previous trip . . . ?
A . . . that was the first time.
Q The first time; you see, you told us this morning I think that there was one trip to Saskatoon in connection with this matter before 20 May 23rd?
A I said there might have been.
Q Might have been; in any event it's common ground that you weren't in the cell on that occasion?
A No.
Q Well, when you were brought in from Regina on the 23rd you said you were brought in by police officers?
A Yes.
Q Now, were you taken directly to the Cavalier 30 or were you taken to the City Police Station?
A To the Police Station.

Q To the Police Station; and were you taken to a room or anything in there at that time?

A I can't remember.

Q You can't remember?

A No.

Q Well, were you taken to a cell?

A No.

Q You weren't taken to a cell; but in any event later on you were taken out over to the Cavalier?

A Yes. 10

Q Now, you weren't taken with Ron?

A No.

Q In other words, you arrived at the Cavalier obviously by separate means of transportation?

A Yes.

Q Well, when you were put in the cell on the night of the 23rd did you complain?

A Not especially.

THE COURT:

Q Well, did you complain at all? 20

A Well, something happened when I was in there so they had to bring a matron that night.

Q But you didn't complain before you went there - about the cell?

A No.

THE COURT: The cell block, I should say.

MR. TALLIS: Yes -

Q But then the matron was called?

A Yes.

Q And you weren't happy about being placed in there? 30

A No.

Q You were pretty unhappy about it?
A Yes.
Q And it was as a result of something happening in there that the matron had to be called to attend to you?
A Yes.
Q And was a doctor called?
A No.
Q Just the matron?
A Yes. 10
Q And how were you able to attract the attention of people so as to get a matron there?
A I banged on the door.
Q You banged on the door?
A Mhm.
Q And was it some little time before a matron got there?
A Yes.
Q I see; and was that matron Mrs. Tetreault?
A I don't know what her name was. 20
Q You don't know her name; in any event a matron came and you then had her there for the balance of the night?
A Yes.
Q And did you stay up all night with her?
A Most of the night.
Q Most of the night; was there a bed in the cell block separate and apart from in the cells?
A Yes.
Q I see; and did she stay in the cell block part 30 with you most of the night?
A No.

Q I see; you were alone?
A I was taken out of there.
Q You were taken out of there - by the matron?
A Yes.
Q And where were you taken to?
A Into the matron's room.
Q Into the matron's room; and did she then sit
up with you most of the night in there?
A No.
Q I see; well, where were you taken from there? 10
Did you stay in the matron's room?
A At night?
Q Yes.
A During the night, yes I did.
Q Well, in the bed there?
A Well, we brought a mattress in from the cell
block.
Q You brought a mattress in from the cell block
so that you could lay down in her room?
A Right. 20
Q Did she have a cot to lay on in her room?
A Yes she did.
Q She did; so that she would be readily available
if anything happened again?
A Yes.
Q And so I take it that it's fair to say that you
were not happy about having to stay even in that
room?
A No.
Q Is that right? 30
A That's right.
Q Yes; now, you didn't learn the first name of

this lady, I take it, who was a matron?

A I can't remember it if she did tell me.

Q You can't remember her last name?

A No.

Q But you do remember that she was a matron?

A Right.

Q And did she have a sort of blue colored uniform on?

A Yes she did.

Q That is not a dark navy blue but a light blue? 10

A No, it was a dark . .

Q . . fairly dark, was it?

A Mhm.

Q And any sort of a badge?

A No.

Q I see; well now, were you hoping to get out in the morning?

A What do you mean was I hoping?

Q Well I mean, did you want to get out in the morning? 20

A Well, I wasn't locked in at that time.

Q No but I mean were you wanting to get away from the station?

A Oh yes.

Q You weren't keen on staying there?

A No.

Q And then in the morning food was brought up, I take it?

A Yes.

Q And then did the matron take you anywhere in the morning? 30

A I don't know; I can't remember.

- Q I see; you don't remember what happened at that point?
- A No.
- Q But you do know you weren't fussy on staying there any longer than you had to?
- A Right.
- Q And do you have any recollection then of the circumstances under which you got into a police car that morning to go out for a drive? If you can't remember tell me but I would like assistance . . . ? 10
- A . . . no, I can't remember what constituted. . .
- Q ..Well, do you have any recollection of actually getting into a police car in the garage portion of the building there at the back?
- A Yes.
- Q And did the matron take you down or do you remember who took you down from the cell block or the matron's room?
- A I don't know if she came with us or not. 20
- Q I see; and you do recollect driving over to this area where certain places were pointed out to you?
- A Yes.
- Q I see; and then after that you came back and a statement was obtained from you?
- A Yes.
- Q And then can you tell me whether or not - as I understand it, before you went to Mackie's room upstairs did you go back - and I want to get this clear in my own mind - you were taken back to the matron's room, were you? 30

- A Yes.
- Q In the woman's section?
- A Yes.
- Q And the matron as I understand it wasn't there at that time?
- A No, she wasn't.
- Q So you were there alone?
- A Yes.
- Q And is it fair to say that at that particular time you didn't know how long you were going to be kept at the station? 10
- A No, I didn't.
- Q You had no idea whether you would be there for another night or two?
- A No.
- Q But you hadn't been charged with anything?
- A No, I hadn't.
- Q Well now, were you getting - let's put it this way - were you still unhappy about being kept there? 20
- A Yes I was.
- Q And were you still anxious to get out of the place as quickly as you could?
- A Yes.
- Q Well now, somewhere along the line I suppose that you were told that you were going to be taken up to get a statement from you?
- A Yes.
- Q And then were you told that after that statement was obtained that consideration would be given to letting you go, or words to that effect? 30

A I can't remember.

Q You can't remember but in any event did you in your own mind figure that once this business of getting the statement and what-not was over you would probably be able to go back home?

A I don't know, I didn't have no idea.

Q You didn't have any idea; well, in any event after the statement was obtained did you go back to the cells or were you driven somewhere else?

10

A I can't remember that - what happened.

Q I see; well did you go home on the 24th - go back to Regina?

A I don't know.

THE COURT:

Q How did you get back when you finally got there?

A We were driven back.

Q By whom?

A By the police officers.

20

Q "We were driven back" - what do you mean by that?

A I made a mistake. I was. I can't remember if Ron was with us or not.

Q A little louder please?

A I can't remember if Ron was with us or not; like I was there but I made a mistake saying "we".

MR. TALLIS:

Q Well now, in any event you didn't stay in the cell on the night of the 24th?

A No.

30

THE COURT:

Q Well, where did you stay?

A I don't know. We must have went back that day, I can't remember though.

MR. TALLIS:

Q I was going to suggest to you that you were taken back to Regina?

A Yes, could be; I don't know.

Q You weren't taken to the Cavalier again?

A No.

Q You're quite sure of that?

A Positive.

10

THE COURT:

Q Possibly to clear this up - did you stay in any other place in Saskatoon on that occasion other than the police station? Did you stay at any other place in Saskatoon - motel, hotel, house or anything like that?

A No, I didn't.

MR. TALLIS:

Q Now, did you see Ron while you were around the Police Station?

20

A No.

Q You didn't; well now, when you were interviewed by Inspector Ruddell of the R. C. M. P. in Regina where were you interviewed by him?

A In the R. C. M. P. headquarters - not the barracks but --

Q And were you placed in a cell there during the course of that interview?

A No.

30

Q It was in his office?

A Yes.

Q And I take it you were driven down, were you, by someone?

A Yes.

Q Who drove you down to his office?

A Cst. Walters.

Q Cst. Walters; and after you arrived there you were taken into Mr. Ruddell's office, were you, by Mr. Walters?

A Yes.

Q And was Mr. Walters there throughout the interview? 10

A I can't remember if he was.

Q In any event you weren't placed in any cell or anything like that at that time?

A No, I wasn't.

Q I see; and then after the interview was over and so forth you were driven home, were you?

A Yes.

Q In other words, you weren't kept in a cell over night or anything like that? 20

A No.

Q I take it from what you have said that you really didn't get any sleep at all to speak of, if any, on the night of May the 23rd when the matron was called?

A No.

Q And did she give you anything - did she have anything to give you there?

A Aspirins.

Q I see; and then you wouldn't have any recollection of what time food was brought in the morning or anything like that? 30

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A No.

MR. TALLIS: No further questions.

THE COURT: Re-examination?

MR. CALDWELL: Just briefly if I might,

My Lord. I'll put this question to Your Lordship, this question I propose by way of re-examination. The witness said in chief about the first place being stuck was during the course of a U-turn at a boulevard or words to that effect. She said in cross-examination this was earth as distinct from snow boulevard. I propose to ask the witness just exactly what she could see, that is if she could see it as distinct from snow. I think the earth situation came up in cross-examination. 10

THE COURT: Alright.

MR. CALDWELL, re-examining:

Q Miss John, referring to what you say was the first time you were stuck, you remember, during the attempted U-turn? 20

A Yes.

Q And I think you will recall when I was questioning you saying that it was at a boulevard - yesterday you recall that?

A Yes.

Q And my learned friend asked you was this an earth thing as distinct from snow and I think you told him yes this morning?

A Earth? 30

Q I believe he asked you was it an earth type of structure as distinct from snow?

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A Oh you mean just snow and then there's a boulevard with earth, is that what you mean?

Q Well, I think you told my learned friend or you agreed that this was an earth type of thing as distinct from snow this morning?

A No, it wasn't. I wasn't sure what it was; all I saw was snow. Did I answer yes to that?

Q Well, I think perhaps now if you will just tell the Court what did you see which leads to the term "boulevard", then? 10

A Well, all I saw was a pile of snow, you know, and that's about all.

MR. CALDWELL: I see; that is all the re-examination I have, My Lord.

THE COURT: You may go.
Next witness?

MR. CALDWELL: I call Albert Henry Cadrain, My Lord.

20

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ALBERT HENRY CADRAIN, sworn, states:

MR. CALDWELL, examining:

- Q Now Albert, we'll ask you please to talk up good and loud because everyone here has to be able to hear you. What is your age?
- A Eighteen.
- Q And where do you live?
- A 334 Avenue "O" South.
- Q And is that your parental home - that's your family's home? 10
- A Yes.
- Q Your mother and dad live there?
- A Yes.
- Q And do you have brothers and sisters?
- A Yes.
- Q How many children altogether are there including you?
- A Seven boys, two girls.
- Q And are there I take it some older and some younger than you are? 20
- A Yes.
- Q And are some of the children still living at home, Albert?
- A Yes.
- Q How many?
- A Seven.
- Q And how far did you go in school?
- A Grade seven.
- Q And when was it that you finished your schooling? 30
- A When I was fifteen.
- Q About what - three years ago?
- A Yes.

Q Now I'd like you to give the Court just briefly some idea of generally what you have done since then - have you worked at all?

A Well, I worked for quite a few farmers and for construction companies . .

Q . . working for farmers, this involves say going and living at farms from time to time?

A Yes.

Q When was the most recent work of that sort you did?

10

A At Armand Blanchette's and for his son.

Q At Armand Blanchette's?

A Yes.

Q And where is that?

A Jackfish Lake.

Q And were you doing that work at the time of the preliminary inquiry in this matter?

A Yes.

Q At Jackfish Lake?

A Yes.

20

Q And have you worked for other farmers?

A Yes.

Q And I take it lived at farms in the course of that, eh?

A Yes.

Q You mentioned that you have done some construction work?

A Yes.

Q Where was that?

A I worked for Rans Construction and Masonry Contractors and . .

30

Q . . now, is Rans Construction one firm?

A Yes.

Q Where are they?

A I can't remember.

Q But I mean are they in the city?

A Yes.

Q And is Masonry Contractors a different thing than Rans Construction?

A Yes.

Q Did you work for them?

A Yes. 10

Q How long did you work for Rans roughly?

A I can't remember.

Q And for Masonry?

A Oh about a month.

Q And any other work you've done during that period?

A I did quite a few little jobs.

Q Alright; was this casual sort of labor?

A Yes.

Q And have there been times during the say three 20 years that you have been unemployed?

A Yes.

Q And are you working now, Albert?

A No, I'm collecting unemployment insurance.

Q I see; and you're staying at home, are you?

A Yes.

Q Now, I believe the situation is that you know a David Edgar Milgaard?

A Yes.

Q Is he here in court today? 30

A Yes.

Q Which person is he?

A The person in the box.
Q Seated in the box to my left?
A Yes.
Q Now, how long have you known him say from now going backwards?
A Oh, about three years ago.
Q And where did you meet him?
A In Calgary.
Q And did you come to know him by a nickname?
A Yes. 10
Q What was that?
A Hoppy.
Q And I believe that you have a nickname?
A Yes.
Q What's yours?
A Shorty.
Q Now, did you see - and I'd like ^{you}/to understand if I say David or Milgaard or the accused that I'm referring to the man you say is David Milgaard? 20
A Yes.
Q Did you see Milgaard in Saskatoon in 1969 - last year?
A Yes.
Q Now, Albert, do you know the date it was that you saw him?
A No.
Q Alright; what time generally of the year was it?
A January.
Q And where was it you saw him? 30
A At my house.
Q And what time of day was it?

A About nine o'clock.

Q And that would be which - a.m. or p.m.?

A A.M.

Q And were you at home that morning so to speak?

A Yes.

Q Had you been home over night?

A Yes.

Q And were you up yet?

A Yes - well, just for a second - I just went
downstairs to sleep on the couch. 10

Q And I take it your bedroom would be on the upper
floor?

A Yes.

Q And you had gone down to the main floor then?

A Yes.

Q And what was the first you saw of Milgaard on
that occasion?

A He came in the house and woke me up.

Q Alright; were you awake so to speak when he
came in? 20

A No.

Q And which way did he come in or could you tell?

A Through the front door.

Q And which room were you in then?

A In the living room.

Q Now, Albert, when you come into your house from
the front door where do you go to get in the
living room?

A Well, you open up the door and there's sort of
like a hallway going up the stairs and there's 30
a - well, just a door to the living room and
that was open.

Q Alright, now talk up good and loud please?

A Yes.

Q You come in and there's a hallway leading to the stairway up?

A Yes.

Q And I think you said you open a door off that hallway and you're in the living room?

A Yes.

Q And that's where you were?

A Yes. 10

Q Alright; and when Milgaard came in was there anyone with him right at that time and place?

A No.

Q And what happened - I don't want to go into anything said but did you say hello and so forth?

A Yes.

Q Were you expecting him?

A No.

Q And did any other people show up after you had said hello to him? 20

A Yes.

Q Now, how did that happen?

A Well, they were out in the car outside.

Q And what was done about getting these people in?

A Well, David called them in and told them to come in; asked me if they could come in and I said sure.

Q You said sure and I presume he went and waved them in or something?

A Yes. 30

Q Okay; how many other people came in?

A Two.

Q Now, did you know either of them before then?
A No.
Q And were you introduced to them?
A Yes.
Q By . . . ?
A David.
Q And by the way was there any of your family around other than you?
A Yes.
Q Which ones? 10
A There was my little brother Kenny and my big sister Selyne.
Q And approximately how old were they at that time?
A Selyne is twenty-one and Kenny is six now.
Q Six now, eh?
A Yes.
Q Alright; and were they included in the introductions or not?
A Well, my little brother Kenny, I don't know if he was old enough then to . . . 20
Q . . . but/they ^{were} around the room by the way or not?
A No.
Q Alright now, who did the introductions though?
A David.
Q And who were these two people introduced to you as being?
A Ron Wilson and Nichol John.
Q Now, I'm sorry, I think you said you did not know either of them before?
A No but he introduced me to them. 30
Q And in the course of time did you know Nichol John to have a nickname of some sort?

A No.

Q Okay. Now, was there anything said by the accused or in his presence about say going anywhere or why they were there or whatever?

A Yes.

Q Who said what was said?

A David.

Q And at what stage was this?

A After they came in.

Q After . . ? 10

A . . Ron and the girl came in.

Q After Ron and the girl came in. Alright, and what was it David said?

A He said - we want to go to Edmonton; and wanted to know if I wanted to go.

Q That he wanted to go to Edmonton or they wanted to go to Edmonton?

A Yes, they wanted to go to Edmonton.

Q Alright, now was there anything said about when this should be? 20

A Right away.

Q And who said that?

A David.

Q And what did you say when that was . . ?

A . . well, I never said nothing for a while and then they were talking about they were out of money and all this and I said . .

Q . . I don't want to go into at least for my purpose all the conversation but did you agree to go so to speak? 30

A Yes.

Q And I'm sorry but were you working then?

why would A say this if he just stole Gail Miles wallet

A No.

Q And were you living at home at that time?

A Yes.

Q Alright; what happened next then?

A Then we went to - oh yes, and then David and Ron were arguing over the keys, David wanted to go for a ride.

THE COURT:

Q Just a minute please. You say he wanted to go for a ride, that is the accused Milgaard 10 wanted to go for a ride?

A Yes.

Q And he was arguing with . . ?

A Ron.

THE COURT: Yes.

MR. CALDWELL:

Q Now, if we can just pause there. When these people were all in your house - that is when David was in and Wilson and John had come in . . ?

A Yes. 20

Q . . did you notice anything in relation to the clothing of any of them?

A Yes I did.

Q And what did you notice?

A I noticed when David took off . .

THE COURT:

Q . . a little louder please?

A Well first he had a brown coat and it was all chewed up by acid and he had a rip on the crotch of his pants and there was blood on his 30 clothes.

MR. CALDWELL:

Q Who was this?

A David.

THE COURT:

Q You say there was what - blood on his clothes?

A Yes.

MR. CALDWELL:

Q And where was that?

A On his shirt and on his pants.

Q And in what area of the clothes?

A Well, just below the belt and a little above in 10
the stomach area - a little above.

THE COURT:

Q You'll have to speak more loudly I'm afraid -
Members of the jury, can you hear him - away at
the back?

Speak up quite loudly so we make sure they can
hear you -

Just below the belt and where was the other?

A In the stomach area.

THE COURT: Thank you. 20

MR. CALDWELL:

Q Alright, now just below the belt part would be
on what garment?

A On his pants.

Q And the stomach area?

A On his shirt.

Q And you said that David's coat was sort of
chewed up by acid, eh?

A Yes.

Q And I take it you are familiar with the 30
appearance of that or are you?

A Yes.

Q And did you observe anything about any of the clothing of the other two?

A No.

Q Pardon?

A No.

Q Alright now, was anything done about clothing while they were in your house?

A Yes.

Q What was done?

A They changed clothes. 10

Q And which people changed?

A Well, I don't know - well, David changed clothes right in front of us and I don't know about Ron.

Q Just stop there - what did David change?

A Changed his pants and shirt; that's all I think.

Q And I think you said "right in front of us"?

A Yes.

Q Where was this?

A In the middle of the living room. 20

Q And did you see what he did with the pants and shirt that he took off?

A Yes, he put it back into the suitcase.

Q Alright, now, what is the first that you had seen of any suitcase?

A That suitcase?

Q Yes.

A I can't remember it being brought in the house; I can't remember who brought it in.

Q Well, I take it there was a suitcase there by this stage? 30

A Yes.

- Q And was it one that belonged at your place?
- A No.
- Q And you said though that David's pants and shirt he took off went into this suitcase, did they?
- A Yes.
- Q Who put them in?
- A I can't remember.
- Q Alright; now, did David get anything to put on - when you say changed clothes, did he get other pants and what-not? 10
- A Yes.
- Q And where did they come from?
- A The suitcase.
- Q The same one?
- A Yes.
- Q And what items did he put on now?
- A Pants and shirt.
- Q Now, what did Ron Wilson change?
- A I'm not sure if he did or not because I never seen him. 20
- Q Okay - now, you'll have to speak up - will you just say that again?
- A I'm not sure because I never seen him change if he did.
- Q Alright now, did Ron get out of your sight at some time while he was in your house?
- A Yes.
- Q And which part of the house did he go into?
- A He went into the hallway leading to the bathroom and to the bedroom and to the piano room. 30
- Q Alright now, is that hallway on the ground floor

still?

A Yes.

Q And is it the same hallway you spoke of as being just in the front door leading to the stairway?

A No.

Q A different one?

A Yes.

Q Did Wilson get out of your sight?

A Yes.

Q And appreciating that you said you didn't see him 10 change . . . ?

A No.

Q . . . but was there some change in his clothing while he was in your house?

A I can't remember.

Q Alright, that's fine; and did anyone else change that you saw?

A No.

Q Now, let me ask you - I think you said you were living at home at this time? 20

A Yes.

Q And had you been home say over the previous night, that is evening until morning?

A Yes.

Q Did you notice anything about David's emotional state, if any?

THE COURT:

Q Well, was there anything unusual about the appearance or actions of any of them?

A Well, he was excited - a little. 30

MR. CALDWELL:

Q Why do you say that?

A Well, he always acted that way so I don't think so.

THE COURT:

Q He always acted that way?

A Yes.

MR. TALLIS: And he said "I don't think so", My Lord.

THE COURT:

Q You don't think so what?

MR. TALLIS: Well, I think the answer 10
"I don't think so" was in response to my
learned friend's question or Your Lordship's
question whether there was anything unusual.

THE COURT:

Q There wasn't anything unusual?

A No.

MR. CALDWELL:

Q But the person you were talking about is who?

A David.

Q Alright; now, when David's clothes were in the 20
suitcase - the ones he took off according to
what you said - did you see anything done with
the suitcase?

A They were brought back in the car.

Q Are you talking about the suitcase now?

A Yes.

Q And I take it there was only one, was there?

A Yes.

Q But did you see something done with the suitcase?

A No. 30

Q Alright; why do you say then that "they were
brought back in the car"?

A Because I seen them again at St. Alberts - I
seen the suitcase again.

Q The suitcase?

A Yes.

Q And this is some days ahead now, I presume?

A Yes.

Q Alright; and I don't wish to go into that at
length but did you look into it at St. Alberts?

A Pardon?

Q Did you look in the suitcase at St. Alberts or 10
did you just see it?

A I just seen it.

Q Alright; what happened after the change of
clothing was completed?

A Then David got the car off Ron - got the keys
and took the car.

THE COURT:

Q Just a minute, excuse me before you go on - you
said there was an argument?

A Yes. 20

Q What was the argument about?

A Well, Ron didn't want to let David have the car
keys.

Q Yes?

A And he just took the keys and went, I guess -
argued a bit; I can't remember what they said.

Q Anyway he took the keys and left - yes?

MR. CALDWELL:

Q Albert, can I say if you're not sure of
something you tell the Court? 30

A Yes.

Q Please try and not guess at anything, we don't

want guessing. Put let me ask you when was it that this little argument over the keys was in relation to David leaving?

A Oh, a little after the change of clothes.

Q Alright; the change of clothes and then the argument?

A Yes.

Q And you say that was between David and Ron?

A Yes.

Q And then what happened? 10

A Then David took the car.

Q Alright; did David leave then - leave the house?

A Yes.

Q Did he get the keys at the end of this argument?

A Yes.

Q And did you watch where he went once he was out of the house or not?

A No.

Q Now, had you seen anything of a car up to this point? 20

A Yes, I did see it.

Q And at what stage did you see a car?

A That means where it was placed?

Q No, when was it you saw a car?

A Before.

THE COURT:

Q To put it simply this way, you said that there were two people outside?

A Yes.

Q And did you see a car outside? 30

A Yes.

MR. CALDWELL:

Q But when did you look and see it?

A When David says "I've got two friends in the car".

Q So this would be right after he came in, as I understand it?

A Yes.

Q I see; alright now, what street or avenue does the front of your house open out on to?

A Avenue "O".

Q And where are you on the block, Albert? 10

A 19th Street.

Q You're at the corner, are you?

A Yes.

Q At "O" and 19th?

A Yes.

Q Now, do you know your directions at that place or not?

A Yes.

Q Which way does Avenue "O" run?

A Well, I know where the car was. 20

Q Alright, if you don't know the directions you tell us, and if you do . .

THE COURT:

Q Which way does Avenue "O" run - north and south or east and west?

A North and south.

MR. CALDWELL:

Q And 19th?

A 19th is east and west.

Q Alright; and where was the car? 30

A It was on the west side of the house facing south.

Q West side of the house facing south; and that I

take it then would be on Avenue "O"?

A Yes.

Q Was it on the side of the street closest to or furthest away from the house?

A Furthest away.

Q And facing south. Alright now, when David left - I'm sorry but did you see anything other than him just leaving the house - just disappearing out the door?

A No. 10

Q What was the next - did the other people stay by the way?

A Yes.

Q Did any of them leave while he was gone?

A No.

Q What was the next you saw of David?

A When he came back.

Q And how much later would you suggest that was?

A Ten minutes - five or ten minutes.

Q Is that exact or what? 20

A Pardon?

Q Is that your estimate or exact time?

A Between five and ten minutes.

Q And when he came back what was the first you saw of him?

A Well, he came into the house again.

Q By which means - which door?

A Front door.

Q Now, did you see anything further of the car after David got back? 30

A Yes.

Q Alright; where was the car after David got back?

A It was on the south side of the house on 19th.
Q On 19th, eh?
A Yes.
Q Facing which way?
A Facing west.
Q And did you have to go outside to see that?
A Yes.
Q But that's where it . . . ?
A . . . I looked out the window first.
Q Alright; you looked out the window first, did you?¹⁰
A Yes.
Q And I take it later you did go outside?
A Yes.
Q And being on 19th and facing west now, where
was it in relation to the width of 19th?
A It was about in the middle I guess.
Q I see; and 19th is right next to yours, there's
no house in the way or anything?
A No.
Q And what happened when David came in after being ²⁰
out?
A He said - there's something wrong with the car,
it's broke down.
Q Yes; what happened then?
A So we all went out and looked at the car, sat
down inside and David and Ron pulled up the
hood and there was some oil or anti-freeze or
something like that was pouring out of it. So
he said it would cost a lot of money to get it
fixed so they were going to phone up a tow truck. ³⁰
Q Who was talking about that?
A David and Ron I guess.

Q Now, do you know much about cars, Albert?
A No.
Q But I take it you saw some sort of liquid . . ?
A Yes.
Q . . out of the car; was it right at the car or
where was this liquid?
A Pardon?
Q Where was the liquid?
A It was under the car - under the engine
somewheres. 10
Q I see; alright, so there was a discussion about
getting a tow truck?
A Yes.
Q And was something done about that?
A Yes. We went in the house and tried to - and
then my sister was up then I think and David
got her to phone the closest tow truck.
Q Were you in the house when that happened?
A Yes.
Q And when you say your sister was up then, had 20
she been up when the people first came in?
A No.
Q And this is still the girl Selyne, is it?
A Yes.
Q Alright; and so she phoned for a tow truck?
A Yes.
Q And did you wait for one then?
A Yes, we did.
Q About what time would you say it arrived?
A I'm not sure. 30
Q How much after the phone call?
A Oh, about - I'm not sure, I can't say - right

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away though.

Q Pardon?

A Right away - I'm not sure of the exact time.

Q Alright; but a tow truck did show up?

A Yes.

Q Now, were all of you people you mentioned still there when it came?

A Yes, we were all sitting in the car.

Q Sitting in the car?

A Yes. 10

Q And that would be who then?

A Nichol John, Ron Wilson, me and David Milgaard.

Q And how many men came with the truck?

A One man.

Q And what was done with the car when he arrived?

A I'm not sure but he towed it.

Q He towed it?

A Yes.

Q And did you people go along with it?

A Yes. 20

Q In the car or truck?

A We sat in the car.

Q And where did the man take your car or . . . ?

A . . . to this Texaco station on "P" and 22nd.

Q And all four of you along with it, eh?

A Yes.

Q And when you got there did you stop and stay there for some time?

A Yes.

Q And what was the next thing that happened? 30

A I don't know - I think we just sat down for a while.

Q Was this at the Texaco place?
A Yes.
Q And when you got to the Texaco station what part of the day was it now?
A Oh eleven o'clock maybe; I can't say, I'm not sure.
Q Alright, you're not sure but would it be morning or afternoon?
A Morning.
Q And you say that you sat or the four of you sat there for the moment anyway? 10
A Yes.
Q And did you leave there at all, Albert?
A Yes.
Q And anyone with you?
A Yes.
Q Who left?
A Nichol John and me.
Q Where did you go?
A Went to my house. 20
Q On foot?
A Yes.
Q A few blocks, was it?
A I think it was three blocks.
Q And what did you do at your house?
A Got my bank book.
Q You did?
A Yes.
Q And where did you go then?
A To the Credit Union. 30
Q Now, which is your Credit Union?
A St. Mary's.

Q And where is it?
A On 20th Street.
Q Do you remember what avenues it's between?
A "F" and "O".
Q I see; and what did you do at the Credit Union?
A I took seventeen dollars out of the bank.
Q Did you have a bank account there with some of
your money in it?
A Yes.
Q And did you say seventeen . . . ? 10
A Yes.
Q . . . or seventy. Alright, where did you go then?
A Then I went to St. Paul's Lunch.
Q Now, did you go anywhere before you went to the
Lunch?
A Oh yes, I went to Frank's Variety Store.
Q Where is that?
A Right next door to the Credit Union.
Q And did you buy something there?
A Yes. 20
Q Now, was Nichol still along on all this trip so
far?
A Yes.
Q From the Texaco to your place?
A Yes.
Q What did you buy at Frank's?
THE COURT: Mr. Caldwell, is all this
pertinent?
MR. CALDWELL: I feel that I ought to go
through it, My Lord, and it's almost ended I 30
might say.
THE COURT: Alright; I just wondered

what difference it made what he bought in the store.

MR. CALDWELL: Well, there has been I think some other evidence about some musical things being bought.

THE COURT: Yes, that's right.

MR. CALDWELL: And it's very brief, My Lord.

THE COURT: Alright.

MR. CALDWELL:

Q What did you buy there?

A A ukulele, banjo and a mouth organ and xylophone.

Q Alright; and these are sort of toys I gather?

A Yes.

Q Where did you go then?

A Went to St. Paul's Lunoh.

Q And then what?

A Straight to the Texaco station.

Q And was Nichol still with you?

A Yes.

Q Now, did you leave the Texaco again once you got back there?

A Yes.

Q And where did you go then?

A To the B.A. station across the street.

Q And who went along on that?

A All four.

Q And what did you do there?

A We got a couple of drinks and chips I think.

Q Something to eat and drink?

A Yes.

10
Nichol has supposedly just witnessed a murder, Cadrain sees blood and their reaction is to go -- and buy toys?

20

30
"casual lunch with a killer?"

Q And did you return to the Texaco after that?
A Yes.
Q Now, you had been in this car of Wilson's by this time, I take it?
A Pardon?
Q You had been in this car of Wilson's being towed over to the . . . ?
A . . . yes.
Q Did it have a radio?
A Yes. 10
Q And when you were at the Texaco was there anything said or done about the radio?
A Yes.
Q What was that?
A They wanted to get an aerial on it.
Q Who wanted that?
A David.
Q And how do you know David wanted to get an aerial on it?
A Because he was talking to the service station 20 man.
Q Did you hear that?
A Yes.
Q And was an aerial put on it while it was there?
A No.
Q Now, did there come a time that the car was fixed and ready to go?
A Yes.
Q This would be around what time?
A Twelve thirty maybe; I don't want to say because 30 I'm not sure.
Q Alright; you're not sure; and did you pay the bill?

A Yes.

Q How much was it?

A Twenty-two dollars.

Q And when the car was operating again and the bill paid did the four of you leave in the car?

A Yes.

Q And where did you go?

A I went down town to look for my girl friend.

Q And I take it that was the four of you in the car and that was the first place you went so to 10 speak?

A Yes.

Q Who was driving?

A Ron.

Q And did you find her?

A No.

Q And did you go to any other place in Saskatoon, Albert?

A Yes.

Q Where was that? 20

A Leonard Gergehuk's.

Q Is he a friend of yours also?

A Yes.

Q And did anyone go into his place?

A Yes.

Q Who?

A Me and David.

Q And did you see Leonard?

A Yes.

Q And did Leonard join your group or anything? 30

A No.

Q Did you and David return and join the others then?

A Yes.

Q Where did you go then?

A From there I think we headed for Edmonton.

Q Alright; and at any rate this would involve leaving Saskatoon and heading out somewhere?

A Yes.

Q And you understood though that it was to Edmonton, did you?

A Yes.

Q Now, when you got out of the city so to speak 10 who did the driving?

A David.

Q And anyone else?

A Well, I think Ron drove a ways out of the city and then David took over.

Q I see; was there any more changing around between them or not?

A I don't think so.

Q Alright; now, where was the first place that you stopped once you got out of Saskatoon? 20

A Well, they made a wrong turn right out of Saskatoon and ended up in Calgary.

Q That would be the first city you got to, eh?

A Yes, the first city. Is Rosetown a city?

Q No, I don't think so but did you go to Rosetown?

A Yes.

Q Now, once you got out of Saskatoon did you see anything of an item being handled in the car?

A Yes.

Q What was the item? 30

A A compact.

Q What was the first you saw of the compact?

A When - I think it was Nichol - she picked it up
and said "Whose is this?"

Q Alright now, do you remember who was sitting
where in the car at that time or not?

A Yes.

Q Who was where?

A Ron was sitting at the back, I was sitting by
the door and David was driving and she was in
the middle.

Q And were you by the right front door? 10

A Yes.

Q Three in the front and . . . ?

A . . . one in the back.

Q . . . Ron in the back?

A Yes.

Q Dave driving?

A Yes.

Q Alright; and did you see where she picked it up
from or just that she had it?

A I can't really remember. 20

Q Okay; and you said that she had it, though, and
what did she say?

A She said "Whose is this?"

Q And was there any answer from anyone?

A Yes.

Q Who said what?

A David said - no, he just grabbed it and he
opened up the window and flung it out.

Q And which window?

A I can't remember which window. 30

Q Alright; and do you know where that episode took
place in relation to Saskatoon?

A I think it was on the way to Rosetown.

Q Alright; now, you eventually - now, Albert, had you yourself seen that thing in the car - that compact?

A Yes.

Q No but I mean before this?

A No.

Q Not before that; and I take it of course you eventually arrived at Rosetown?

A Yes. 10

Q Was there a stop made there?

A Yes.

Q And did anyone leave the car there?

A Yes.

Q Who?

A David and I.

Q And what was your purpose in stopping at Rosetown?

A We were going to get some food.

Q And where did you and David go? 20

A Well, there was a sort of like Safeways store - a big store. I don't know what kind it was but it was a shopping centre sort of and we went in and bought about ten dollars' worth of food.

Q And was it just you and David took part in that?

A Yes.

Q And I take it this would be to eat on the road?

A Yes.

Q Was there anything else that you purchased there but food? 30

A Yes.

Q What was that?

A A knife.

Q And what kind of knife did you get?

A A paring knife.

Q How was that?

A Well, I was going to buy a knife to butter our food - a table knife and it cost forty-nine cents . . .

Q Yes . . . ?

A . . . and then David said - buy this one, it's cheaper - nineteen cents - a paring knife. 10

Q So did you buy that?

A Yes.

Q So you got some food and this knife and did it all go back to the car with you?

A Yes.

Q And did you people consume it on the way to Calgary one way or another?

A Pardon?

Q Did you eat it in the car . . . ?

A Yes. 20

Q Now, as I understood you, the first city you would get to out of Saskatoon would be Calgary then?

A Yes.

Q And I don't wish to go into what happened there but did you stop there?

A I'm not sure.

Q And do you remember, Albert, what time of day you got to Calgary?

A It was at night sometime. 30

Q Alright; and where did you go from there?

THE COURT: Mr. Caldwell, are you going

to go through all this trip up and back - are you going to do the whole thing, times and everything?

MR. CALDWELL: I feel obliged to, My Lord, with this witness.

THE COURT: Alright; I don't know the evidence. I thought there were some places where you might lead to expedite it but if there are not . .

MR. CALDWELL: That's fine, My Lord, I'll 10 attempt to keep things moving -

Q You left Calgary, I take it?

A Yes.

Q And do you know when?

A Right away.

Q And where was the next place you stopped?

A At Edmonton.

Q And I take it, Albert, that all four of you were still along, the same that left Saskatoon?

A Yes. 20

Q And did you stop at Edmonton or just go through it?

A Go through it.

Q And where was the next place then you got to?

A St. Albert.

Q St. Albert; had you ever been there?

A Before?

Q Yes.

A No.

Q Was it a town? 30

A Yes, I think so.

Q Right; when was it you got there in terms of the

day you left Saskatoon - in other words, was it the same day or not?

A I think it was the next morning.

Q You think it was the next morning?

A Yes.

Q And how long did you stay at St. Albert?

A Over night.

Q And did anyone join your party there?

A Yes.

Q Who was that?

10

A A Sharon something - I don't know her last name.

Q Alright, did you know her before?

A No.

Q And who seemed to know her?

A David.

Q Did Ron or Nicky?

A No.

Q And you eventually left St. Albert then?

A Yes.

Q Where did you go next?

20

A To Edmonton.

Q Did she come with you - Sharon?

A No.

Q And where did you go from Edmonton?

A Went to Calgary.

Q And where from Calgary?

A To Banff.

Q And how long did you stay in Banff?

A I think we stayed there overnight.

Q And where did you go from Banff?

30

A Straight to Regina.

Q And do you know, Albert, how long that last lap

of the journey took - Banff to Regina?

A We left Banff about five o'clock, I'd say.

Q In . . ?

A Banff.

Q In the afternoon - morning?

A Afternoon.

Q Yes?

A And we got to Regina about four thirty or five
thirty - I think it was five thirty.

Q Of what?

10

A A. M.

Q Next a. m. ?

A Yes.

MR. CALDWELL: My Lord, there is a matter
here I think should be raised in the absence of
the jury which ought to come up right now.

THE COURT: Very well; the jury may have
the ten minute adjournment now.

JURY OUT

20

MR. CALDWELL: And I don't know whether Your Lordship - it's a question I propose to put to the witness.

THE COURT:

Q Witness, would you please go out to the witness room - you know where you were before?

A Yes.

THE COURT: Will you go out there and wait until you're called back please? Officer, see that the witness gets to the witness 10 room.

WITNESS RETIRES FROM THE COURT ROOM.

THE COURT: Just a minute -

Officer, would you go out and tell that witness to talk to nobody while he's out there?

MR. CALDWELL: My Lord, this my learned friend suggested is to be raised in the absence of the jury and I intend to ask the witness about a conversation between him and the accused in Calgary on one of the occasions they were there 20 during this whole circuit.

THE COURT: What does it relate to?

MR. CALDWELL: It relates to remarks made by the accused to this witness about three or four things including Wilson and John - what should or might be done with them. I can give you the gist of it, My Lord.

THE COURT: Well, was there anything about it which related in any way to the charge in this case? 30

MR. CALDWELL: Well, in my view it may well be material, although it wasn't said in so many

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words. It was a statement which this lad did not take seriously and which I feel a jury . .

THE COURT: . . well, was it given at the preliminary inquiry?

MR. CALDWELL: Yes, it was.

THE COURT: Well, give me the reference and I'll look it up.

MR. TALLIS: It's volume two, page 622, My Lord, question 357 over to 360 on the following page. I think that's right, isn't it, 10 Mr. Caldwell?

MR. CALDWELL: Yes, that's the gist of it and possibly the next two or three questions, My Lord.

THE COURT (after reading the questions and answers indicated): No.

MR. CALDWELL: Your Lordship won't hear me on it?

THE COURT: I won't allow you to ask the questions. 20

MR. TALLIS: I guess I can't say anything, My Lord.

MR. CALDWELL: Thank you.

THE COURT: We'll adjourn for five minutes.

RECESS

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THE WITNESS ALBERT HENRY CADRAIN RETURNS TO THE WITNESS BOX.

THE JURY RETURNS.

THE COURT: Yes, Mr. Caldwell?

MR. CALDWELL, continuing:

Q Albert, just before we adjourned I think you had mentioned that you got back to Regina and when you got there?

A Yes.

Q And I'm sorry - do you know what day of the week that was or not? 10

A No.

Q And I take it that all four of you got back there in the same party that had left Saskatoon?

A Yes.

Q When you got back to Regina where did you go there?

A To a place on Cornwall Street.

Q And did anyone go with you?

A Yes. 20

Q Who was that?

A Nichol John.

Q And how did you and she get there?

A David drove us there.

Q And was David driving at that particular time?

A I can't remember.

Q But I take it though that Dave and Ron were still in the car and just dropped the two of you there?

A Yes. 30

Q And how long did you stay at that house?

A I can't really remember.

Q The best you can?

A Couple of days I guess.

THE COURT:

Q You dropped your voice - speak up a little louder?

A Couple of days - a week maybe.

Q I still can't hear you - maybe the jury can - would you please raise your voice?

MR. CALDWELL:

Q What was that answer again? 10

A A couple of days or a week, I'm not sure.

Q And was Nichol still there when you left there?

A Yes.

Q Now, did you stay in Regina for some time after you left the house on Cornwall?

A Yes.

Q Where was the next place you stayed?

A In the City Hall.

Q In the City Hall or . . . ?

A The same building as the City Hall. 20

Q The same building and was this a suite of some sort?

A Yes.

Q And what happened after that?

A I got picked up for vagrancy.

Q And were you brought up in court in Regina for that?

A Yes.

Q And did you plead guilty to that?

A Yes. 30

Q Did you serve some time in jail over that?

A One week.

Q A week; and would that be at the Regina jail?

A Regina's Boys School.

Q At the Boys School?

A Yes.

Q Now, just on that, Albert, that was a Criminal Code conviction for vagrancy and you pleaded guilty to it?

A Yes.

Q Have you any other Criminal Code convictions?

A No.

10

Q And when you got out of the Boys School where did you go?

A I went to work on this ranch ten miles east of Regina.

Q How did you get the job on the ranch?

A Well, I went over to this Marian's place where all these people go and get free meals and stuff and this guy walked in and he was asking people if they wanted work and I just threw myself in front of him.

20

Q Alright; this is something called Marian's? What is it?

A Well, it's a - it's hard to - it's a bunch of nuns - Marian nuns.

Q Marian nuns; and you got a job there to go on this fellow's ranch?

A Yes.

Q Where was that?

A White City.

Q And that's where from Regina?

30

A Ten miles east.

Q And did you go out there and start to work for

that man?

A Yes.

Q Who is he, do you remember?

A Lindsay Bower.

Q Lindsay Bower; and how long did you work there?

A Two weeks.

Q Did you stay on the ranch as well as work there?

A Yes.

Q Alright; and at the end of that job where did
you go? 10

A I came straight to Saskatoon.

Q By what means?

A Bus.

Q Now, what day of the week was it when you got
back to Saskatoon?

A It was on a Saturday.

Q And do you know the date or not?

A No.

Q And when you got back to Saskatoon what time of
the day was it on the Saturday? 20

A Oh, about - I don't really know.

Q Do you remember generally what part of the day
it was?

A Night.

Q Night-time, eh - where did you go when you got
to Saskatoon?

A Straight home.

Q And as I would understand it then, this of
course would be the first time you had been home
since you left with these people? 30

A Yes.

Q And were there any of your people at home?

A Yes.

Q Now, at some time, Albert, I presume you learned of what is known as the Gail Miller murder?

A Yes.

Q When was the first you learned of that yourself?

A When I first learned it - well, when I was in jail in Regina.

first learned of murder in Regina jail

Q That's in the Boys School?

A Not in the Boys School - when the police questioned me. 10

THE COURT:

Q In the what?

A When the police questioned me.

Q Well, was it during the same time that you were spending this week on the sentence?

A No.

MR. CALDWELL:

Q Well, what was it - at the beginning of that?

A Yes. 20

Q It was when you were picked up, I take it?

A Yes.

Q And would that be the Regina City Police?

A Yes - in the station.

Q And they questioned you?

A Yes.

Q Something about the Gail Miller murder?

A Yes.

Q And as I understand you that was the first you had heard of it? 30

A Yes.

THE COURT:

Q And that was just prior to your serving your sentence - this is this week?

A Before.

Q Yes, that's right - just before?

A Yes.

THE COURT: Thank you.

MR. CALDWELL:

Q Alright then, when you got home on the Saturday night and went home as you say some of your people were home? 10

A Yes.

Q And without going into any details did you learn something more about it?

MR. TALLIS: Well, My Lord, I'd like to make some observations at this point.

MR. CALDWELL: I may say, My Lord, I didn't intend to ask any more than that one thing.

THE COURT: Are you objecting to that question in its particular form, Mr. Tallis, or may you object to it? 20

MR. TALLIS: Well, I'd like to deal with the matter now so that we get certain rules clarified.

THE COURT: Alright - Members of the jury, would you please retire again?

JURY OUT

JURY OUT

THE COURT: Yes, Mr. Caldwell, what
was your question?

MR. CALDWELL: Oh, I just asked the witness
I think did he learn . .

THE COURT: . . did he learn anything
more about the particulars of the . .

MR. CALDWELL: . . well, of the murder in
general - simply whether - in other words . .

THE COURT: . . did he learn, that's all 10
you're asking?

MR. CALDWELL: Yes; in other words, almost
a yes or no proposition.

MR. TALLIS: Well, the only thing, My
Lord, I don't how far this is going to go. We
have it in evidence now that he learned of it
at the Regina City Police and it seems to me
that it would be improper to start rehashing it
again at this stage. I presume my learned
friend has some further questions to add to the 20
ones that he is putting . .

MR. CALDWELL: . . not on that, My Lord.

MR. TALLIS: It seems to me that perhaps
at the very best it is open to him to adduce
when he first learned of it and he said that was
in Regina; but after that it seems to me that
there is no purpose and it's not relevant to
adduce it.

MR. CALDWELL: Well, I do intend to follow
up by asking this witness about whether he went 30
and reported to the police.

THE COURT: Yes, I assumed that.

MR. CALDWELL: But I mean there will be no more questions on that as to what if anything he learned.

THE COURT: Well, I think I'll let you ask the question whether he learned something more about it than he had heard in Regina.

MR. CALDWELL: And I am asking in the context of once he got home.

THE COURT: That's right, yes. But I won't allow you to go any further than to - if 10 you're going to ask the question - did he go to the police after that and when? That's all.

MR. CALDWELL: And of course I take it it would be implicit in that, that did he go and make a statement and report what he knew type of thing - did he go to the police after that and when and . .

THE COURT: . . did he go to the police and inform them as to what he knew.

MR. TALLIS: Well, so that there is no 20 misunderstanding I am objecting to that latter questioning, My Lord.

THE COURT: On what basis?

MR. TALLIS: Well, I think that the only possible purpose that could be served by it is an attempt to bolster in the eyes of the jury the evidence of this witness and it is tantamount to in effect calling supporting evidence to show - by analogy, suppose a witness is in the box and then you call a doctor or something like that to 30 say - well, this individual isn't bright enough not to tell the truth and if he went he or she

586 JURY OUT .

would tell the truth.

THE COURT: No but I think he could say
when he first reported the information to the
Saskatoon police relating to the evidence he has
given in this court.

MR. TALLIS: Well, Your Lordship may rule
that way but I want it quite clear that I don't
think it's proper evidence.

THE COURT: Very well; you cross-examined
very extensively on the methods which were used 10
in connection with obtaining the statements from
the other witnesses, Mr. Tallis, and I think this
is proper . .

MR. TALLIS: . . that may be in that
particular case, My Lord; each witness stands on
its own footing.

THE COURT: I'll allow it in.
Call the jury.

20

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THE JURY RETURNS

MR. CALDWELL, continuing:

Q Albert, when you got home on the Saturday night you said that some of your people were there?

A Yes.

Q Did you learn something more about the Gail Miller murder than you had learned in Regina?

A Yes.

Q And did you go to the police and tell them what you knew?

10

A Yes.

Q When was that?

A About eleven o'clock Sunday morning.

THE COURT:

Q That's the next day?

A Yes.

MR. CALDWELL:

Q And I presume to the Saskatoon City Police?

A Yes.

MR. CALDWELL: Thank you, your witness.

20

THE COURT: Cross-examination?

MR. TALLIS, cross-examining:

Q Albert, you told my learned friend Mr. Caldwell about looking for your girl friend . . . ?

A Yes.

Q . . . on the date January the 31st. And were you looking for her with a view to her going on this trip with you?

A Yes.

Q And now, I take it that you had Ron drive around various places in the city looking for her?

30

A Yes.

Q And how many different places did you call at
in looking for her on that afternoon?

A Oh, I know I called at the Roxy Pool Hall . .

Q Yes?

A . . and we just drove around town.

Q Now, when you say "we drove around town", what
area of town was that?

A Down town section.

Q Second Avenue - Third Avenue - in that area?

A Yes, I guess so. 10

Q Well now, don't guess.

A Well, I can't say then.

Q Well, when you say the down town area do you
mean the same side of town so to speak that the
Court House is on?

A Yes.

Q And how long did you spend driving around town
looking for her?

A Fifteen minutes - maybe half hour - I'm not sure,
I can't say. 20

Q You're not sure on your times; and was it after
looking for your girl friend that you stopped
off at a male friend's place - Leonard's place?

A Yes - I'm not sure.

Q Pardon?

A I think Leonard's first.

Q You're not sure?

A I'm not sure.

Q Well, did you look for Leonard at any other place
before you went to his house? 30

A Pardon?

Q Well, did you go directly to Leonard's house

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knowing that he would likely be there or did you look around town for him in other places?

A No.

Q You didn't; and about what time would this be in the afternoon that you were visiting with Leonard?

A Just before we left town.

Q Approximately what time would you estimate that to be?

A I'm not sure. 10

Q Well, do you have any idea?

A No.

Q Well, was it - it was after dinner if we speak of the noon meal?

A Yes.

Q And was it before supertime if we think of supper as being around six o'clock?

A Yes.

Q So it was somewhere in between there. Now, you told my learned friend about three people coming to the house and as I understand it your older sister was not up when they first came in? 20

A Yes.

Q But she was up later on when the phone call was made for the tow truck?

A Yes.

Q Now, you mentioned that David had on a jacket?

A Yes.

Q Now, did Ron change into a different pair of trousers at the house? 30

A I'm not sure, I can't remember; I never seen

him if he did.

Q I see; well, do you have any recollection of him getting another pair of trousers from anyone there?

A Well, I'm not sure; I don't want to say.

Q I see; so you have no recollection of him getting any trousers from anyone else at that time?

A I can't say nothing.

Q You can't say nothing about it; do you have any recollection as to how Ron was dressed then when you met him? 10

A No.

Q In any event, you told my learned friend that David had on a jacket?

A Yes - a coat.

Q Or a coat; and this was one that appeared to be eaten by acid?

A Yes.

Q And then I understand that you recollect that he had on a sweater over his shirt? 20

A I think so.

Q Well, you told me under oath at the preliminary that he had a sweater on, didn't you?

A Yes.

Q And you also told me under oath at that time that there was no blood or anything similar to blood on the sweater?

A Yes.

Q And that was true? 30

A Yes.

Q And it's still true today?

A Yes.

Q And you told my learned friend about some marks on the front of his trousers?

A Yes.

Q And would I be correct in suggesting to you any marks that you saw on the front of his trousers were relatively small ones?

A Yes.

Q And as a matter of fact just as if a pen had been shaken - I'm not going into the color now 10 but just like a sprinkle effect . . . ?

A Yes.

Q . . . rather than blotches? Is that correct?

A No - blotches.

Q Well . . . ?

A . . . a big blotch.

Q . . . you told me about like a sprinkle?

A Yes - well, the same thing I guess.

Q Pardon?

A Just about the same thing. 20

Q No, no; when I speak of a blotch I mean a big area. You previously described it as sort of a sprinkle effect?

A Yes.

Q And that's your evidence here under oath today?

A Yes.

Q Now, when you saw him in his shorts . . . ?

A Yes.

Q . . . I understand there was no sign of blood on his shorts? 30

A No.

Q And there was no sign . . . ?

A . . I never noticed any.

Q Pardon?

A I never noticed any.

Q Well, you were right there looking?

A Yes.

Q And you saw no sign of seminal stains - fresh or otherwise?

A I never noticed any.

Q And even a week or two after you got back to Regina you had no recollection whatsoever of seeing any blood on any of David's clothes, did you? Isn't that correct, witness? 10

A Yes.

Q That's the truth?

A Yes.

Q And as a matter of fact you had every opportunity to recollect that for the police in Regina, didn't you?

A I never thought nothing of it.

Q No; you were trying to tell them the truth to the best of your ability at that time, weren't you? 20

A Yes.

Q And at that time you had no recollection of seeing any blood on David?

A No.

Q And that was when you were being questioned?

A Yes.

Q About the Gail Miller murder?

A Yes, but I could tell you why. 30

Q I see . . ?

A . . but it's not nice to bring up but I - it's

okay.

THE COURT: Well you go ahead.

MR. TALLIS: I'm not stopping you.

MR. CALDWELL: Could I maybe have a word
with my learned friend?

THE COURT: Alright.

COUNSEL CONFER WITH EACH OTHER.

MR. TALLIS: I think in the light of
what my learned friend has said to me that
ought not to be pursued. 10

THE COURT: Alright.

MR. TALLIS, continuing:

Q Now, just so that there is no misunderstanding,
I believe from what you have already told my
learned friend earlier today, shortly after you
returned from Alberta you were in fact picked
up by the police?

A Yes.

Q And you spent I think you said about a week in
jail? 20

A In Regina?

Q Yes.

A Yes.

Q And did the police question you in connection with
this matter before you went to jail?

A Yes.

Q And this was in Regina?

A Yes.

Q And as I understand it they were plain clothes
police officers - plain clothes people? 30

A Yes.

Q And they introduced themselves to you as

detectives?

A I can't remember that.

Q I see; well now, you understood that they were Regina City Police?

A Yes.

Q And it was at this time that you were asked whether you had any - well, you were asked whether or not you had seen any blood on David's clothes that morning . . ?

A . . they never asked me. 10

Q You say they didn't ask you?

A They asked me like there was a murder somewheres around there - around Avenue "N" or somewheres - and they said "you left about the same time" and all this; but it never rang no bell then.

Q I see; well now, as a matter of fact they had you in for questioning because you had left town in such a hurry?

A No, because they were --

Q I see; but were there about five policemen there 20 with you in a room?

A Yes.

Q And I take it that you were being questioned about the Gail Miller murder?

A Yes, I was questioned.

Q And you were endeavoring to tell them the truth to the best of your recollection at that time?

A Yes.

Q And at that time you had no recollection of this blood that we are talking about here today - 30 isn't that correct?

A I don't think so.

Q You have no recollection of it at that time?

A No.

THE COURT:

Q You agree with that?

A Yes.

MR. TALLIS:

Q And now, as I understand it, they were going
at you pretty hard there?

A Yes.

Q I mean, you weren't being worked over physically? 10

A No.

Q But you were being worked over in other ways?

A Yes.

Q Did they strip you?

A Yes.

Q And this was in a cell, was it?

A No.

Q Or in an interviewing room?

A Yes.

Q And they took off all your clothes or had you 20
take them all off and then they checked them
over?

A Yes.

Q And while they were checking these things over
there were these inquiries being made?

A Yes.

THE COURT:

Q Was this before or after you had been convicted?

A Before.

Q This was before you pleaded guilty? 30

A Yes.

MR. TALLIS: I'm on the same incident,

My Lord -

Q And how long were you in the room with these police officers?

A Oh, about a half hour I guess - half hour.

Q I see; and this examination that they went into with you involved not only looking at your clothes but looking at your body?

A Yes.

Q They had you bend over so they could look at your rectal area?

10

A Yes.

Q Is that right?

A Yes.

Q And this was with the five of them in the room?

A Yes.

Q And the clothes that you had on at that time were not the clothes that you had been wearing on the trip?

A No.

Q And I believe you told them that?

20

A Yes.

Q Because they were interested in that?

A No.

Q Well, they asked you about it?

A Well, I'm not sure of that.

Q I see; now, after you were interviewed on this occasion were you released?

A No, I was put in the cells.

Q You were put in the cells?

A Yes.

30

Q And did this have anything to do with the vagrancy charge on which you pleaded guilty?

A Yes.

Q I see; you were put in the cells on the
vagrancy charge?

A Yes and I went to court the next morning.

Q You went to court the next morning; and when you
were questioned at that time mention was made
about leaving town in such a hurry?

A Yes.

Q On the morning of the murder?

A Yes. 10

Q And inquiries were made of you as to who your
companions were?

A Yes.

Q And you mentioned Nichol John?

A Yes.

Q You mentioned Wilson - Ron Wilson?

A Yes.

Q And David Milgaard?

A Yes.

Q And do you remember the names of any of the 20
officers that were there at that time?

A No.

Q But in any event I take it that it's fair to say
that you realized at that time that you were a
suspect?

A No - well, yes.

Q Yes; you did, didn't you?

A Yes.

Q And were any blood tests or hair samples or
anything like that taken from you at that time? 30

A In Regina?

Q Yes.

A No.

Q Any taken from you after that stripping incident?

A No.

Q I see; now, was this the time when you were told you had better be careful or you might find yourself - you wouldn't find yourself but somebody might find you dead in an alley?

A Yes.

Q Was this said to you by one of the police officers during this . . . ? 10

A . . . yes.

Q And this is what you meant when you said you were given a pretty rough time?

A No.

Q That wasn't - didn't bother you?

A No.

Q It was the other part of it that was the rough time?

A Yes.

Q And as a matter of fact initially you sort of 20 laughed at them when they suggested that anyone in your group had had anything to do with this murder?

A Yes.

Q And you indicated to them that it just couldn't be as far as you were concerned?

A I can't remember, I'm not sure; I can't say.

Q Well, you said words to that effect?

A Yes.

Q And at that time you were endeavoring to tell 30 them the truth to the best of your ability and recollection?

dead in the alley

laughed off the suggestion that A was involved

A Yes; yes.

Q And it was on this time you were told that you had better not walk around the streets, otherwise you might end up dead in an alley?

A Yes.

Q Now, I take it that after you went to jail and went to work you didn't hear anything more from the police?

A No.

Q You weren't questioned any more? 10

A No.

Q As far as you were concerned . . . ?

A . . . I was only questioned once.

Q As far as you were concerned you were no longer a suspect in your mind?

A Never meant nothing to me anyway.

Q I see; it never meant anything to you anyway. Well then, when you got back to Saskatoon you in effect learned that you were still a suspect?

A No. 20

Q You didn't?

A No.

Q You had no idea that you were a suspect?

A No.

Q And this was never intimated to you?

A What does intimate mean?

Q Well, it was never suggested to you that you were a suspect?

A Yes, it was suggested on the last - on the preliminary hearing; but well, you've got me 30 mixed up.

Q Oh, I see, you said that you realized that -

600 X-exam of A.H.Cadrain

when you were asked at the preliminary hearing whether you thought you were a suspect when you got back to the city . . ?

A Yes.

Q . . you said yes to that?

A Yeah, but now I say no.

Q And now you say no to it?

A Yes.

Q Put under oath at that time you said that you learned you were a suspect when you returned to the city? 10

A Yes.

THE COURT: Excuse me just a minute; did you say learned or thought? The words have been used interchangeably.

MR. TALLIS: I'll put it to him again, My Lord -

Q At the preliminary hearing I suggest to you that you told me that after you returned to Saskatoon you found out you were still a suspect? 20

A No, you told me that.

Q No, but just a moment - just a moment - you were asked whether or not you found out you were a suspect and did you not indicate . . ?

A . . I said yes then.

Q Fine; and you were under oath at that time?

A Yes.

Q And did that worry you?

A No.

Q It didn't worry you at all? 30

A No.

Q And it didn't worry you in Regina when you were

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