

a sweater within it - is that one of the items that you received from Kleiv?

A Yes it is.

Q How do you identify it?

A It bears my signature, the time and date received and the fact that it was received from Identification Officer Kleiv.

Q And I show you P.25 for identification; is that the other of the two items you received from Kleiv?

10

A Yes it is.

Q And how do you identify it?

A The envelope bears my signature, the time and date received and that it had been received from Identification Officer Kleiv.

Q And what did you do with the second collection of those last two mentioned items?

A They were turned over to Sgt. Paynter at the Crime Laboratory in Regina at the same time as the previous mentioned exhibits.

20

Q As the five other ones?

A Yes.

Q Aside from marking those last two for your identification purposes did you alter them at all in your custody?

A No, I did not.

Q Did they remain under lock and key while they were in your custody?

A Yes.

MR. CALDWELL: Thank you; your witness.

30

MR. TALLIS, cross-examining:

Q Mr. Grant, I understand that you attended with

211663

Lieut. Penkala on one occasion subsequent to
January the 31st - that is at the scene?

A Yes I did.

Q And could you tell me the approximate date
when that was?

A No, I don't recall the date in particular.

Q In any event on that occasion when you were out
there did you observe him locating an item?

A Yes I did.

Q And where was this item located that he 10
retrieved?

A It was in the snow at the east side of the
alley which runs north and south at the rear
of Westwood Funeral Parlor.

THE COURT:

Q Who was it located it?

A Lieut. Penkala, My Lord.

MR. TALLIS:

Q Well now, what was it that he retrieved at that
point? 20

A It was a frozen lump of some substance.

Q And sort of a yellowy looking color?

A Yes it was.

Q Frozen snow; and where was it that he located
it if we look at P.1?

A It was in this area - the line which runs
between the numbers 221 and 227 - in this area.

THE COURT: Excuse me a minute, what
area is that with reference to - is that where
the A, B, C and D is? 30

MR. TALLIS: Yes, he has pointed to a
spot, My Lord, just east of A, B, C and D and

211664

I'll use the photo here in a moment -

Q Looking at the set photo #2 of P.4 I guess it is, where was it located if we were to look at photo #4 - and perhaps you can hold it up so the jury can see?

A I am unable to say whether it is shown in this photograph or not; I'm not that familiar with the scene.

Q Well, just so that - it was pointed out to you the spot where the body had been found? 10

A Yes.

Q Now, where was this item found in relation to the place where the body had apparently been?

A It was in the same general area.

Q I see; well was the snow piled up or how would you describe it in the spot where this item was retrieved - what was the condition of the snow?

A The snow was packed hard.

Q It was packed hard?

A Yes. 20

Q And is that where this item was retrieved - this piece was retrieved from?

A Yes, it was in this packed snow.

Q And I take it, it was not from snow that was piled up as such?

A No.

Q And that had been shovelled or spaded up?

A No.

Q And was this put into a plastic bag when you were there? 30

A I don't recall what was done with it.

Q You don't recall what was done with it but it

was retrieved for identification purposes?

A Yes, Lieut. Penkala retained it.

Q And at the time he got it of course it was frozen?

A Yes.

MR. TALLIS: No further questions.

THE COURT: That's all.

MR. CALDWELL: No re-examination, My Lord.

I call Vicki Lynn Steadman. The name on the indictment is Vicki Lynn Fontaine and I 10 believe she has been married since. It's the same person.

VICKI LYNN STEADMAN, sworn, states:

MR. CALDWELL, examining:

Q Mrs. Steadman, I believe that your maiden name was Vicki Lynn Fontaine, was it?

A Yes.

Q And I believe that you are a Certified Nursing Assistant in this province?

A Yes I am.

Q And that you are now married and living at Swift Current, are you? 10

A Yes.

Q And I believe that you knew Gail Olena Miller?

A Yes I did.

Q Now, approximately when did you meet her?

A About September 1967.

Q Of '67; and during the course of what was that?

A Well, we were starting our training as nursing assistants in Saskatoon.

Q And where was that?

A At the Technical Institute. 20

Q Whereabouts?

A On Idylwyld in Saskatoon.

Q I see; and you met her through taking the same training as she did, did you?

A Yes.

Q And did you work with her after that at one place or another?

A Yes, I worked with her at City Hospital on Children's Ward.

Q And I believe that work at Saskatoon City Hospital went on in her case up until the end of January of 1969? 30

211667

A Yes.

Q How many months did you work with her there?

A About six months.

Q And was she during that period working in the same ward as you were?

A Yes.

Q Children's ward all the time, is that correct?

A Yes, she was.

Q And did you have different shifts from time to time?

10

A Yes.

Q And was Gail Miller on some of the same ones you were from time to time?

A Yes, she was.

Q And I take it some different ones also, is that correct?

A Yes.

Q And were you familiar with her means of getting to work in the mornings?

A She usually took the bus to work.

20

Q And did you know - had you ever been to her house so to speak or where she lived in Saskatoon?

A Well, I drove her home from work one day.

Q And where do you recall this being?

A I think it was Avenue "O".

Q I see; and what time of the morning were you required to report when you were working the day shift?

A Seven thirty in the morning.

30

Q Seven thirty a. m.?

A Yes.

211668

- Q And that would apply to Miss Miller too, I presume?
- A Yes.
- Q And when did you actually commence work on the day shift?
- A We had to be there at seven thirty but we started work at eight.
- Q Now, during the week which ended Friday January the 31st 1969 were you and was she working the day shift in Children's Ward? 10
- A Yes, we were.
- Q And was she there at work for the rest of that week other than Friday the 31st?
- A Yes, she was.
- Q And I take it absent on the 31st?
- A Yes.
- Q On the 31st did you accompany some police officers to St. Paul's Hospital?
- A Yes I did.
- Q Did you get the name of either of the policemen that you recall? 20
- A Detective Parker was one.
- Q And when you got to St. Paul's what time of the day was it you got over there?
- A About eleven in the morning.
- Q And did you see a body when you were at St. Paul's?
- A Yes I did.
- Q Whose body was it?
- A Gail Miller.
- Q And was there anyone with the body when you arrived with the policemen? 30
- A Yes, there was a man with the body.

Q I see; and I take it you did not obtain his
name or . . . ?

A . . . no.

Q And in what part of the hospital was it?

A It was in a room at the Emergency.

Q And this was done in the morning of the Friday
January the 31st, was it?

A Yes.

MR. CALDWELL: Thank you; your witness.

MR. TALLIS, cross-examining: 10

Q Mrs. Steadman, I gather from what you told my
learned friend that Gail usually took the bus
to work?

A Yes she did.

Q And is it fair to say that she occasionally
took a taxi?

A Occasionally, yes.

Q And occasionally her boy friend would drive her
to work?

A I know she took a taxi, but - he might have. 20

Q I see; you don't know about the other?

A No.

MR. TALLIS: Fine.

THE COURT: Thank you; that's all,
thank you.

MR. CALDWELL: I call Peter Shawchuk, My
Lord.

PETER SHAWCHUK, sworn, states:

MR. CALDWELL, examining:

Q Mr. Shawchuk, I believe that in January of 1969
and in February you lived at 1412 20th Street
West in the city of Saskatoon, Saskatchewan?

A Yes.

Q Do you still live there, sir?

A Yes.

Q And this address is located between Avenues "N"
and "O" and on the north side of 20th Street? 10

A Yes.

Q And are you familiar with a neighbor of yours
by the name of Mr. Pyra?

A Yes.

Q Do you know where he lives?

A Yes.

Q Where is his place from yours?

A Just to the north of our place and his address
is 226 Avenue "O" South.

Q And is there anything in between the two of you? 20

A There's an alley there.

Q I'd like to show you P.1; there's been evidence
that this is a sketch, sir, of the whole block.
Would you have a look at it and I take it that
1412 here on 20th Street you would recognize as
being your address?

A Yes.

Q And point out where Mr. Pyra's yard is please?

A Right here (indicating).

MR. CALDWELL: The witness indicating 226 30
on "O" South, My Lord -

Q And this is the alley which runs between that

you have mentioned?

A That's right.

Q And I believe that on a date in 1969 you observed something in Mr. Pyra's yard?

A Yes.

Q Do you recall what date that was?

A That was February the 1st.

Q And was that 1969?

A 1969.

Q And what was it that you saw at first glance 10
so to speak?

A Two breaks in the snow.

THE COURT:

Q Two what?

A Two breaks in the snow - indentations or
whatever you call it.

MR. CALDWELL:

Q And how did these appear in terms of freshness
to you?

A They were quite clear. 20

Q And did you go into the yard and approach them
to see what you could see?

A Yes.

Q And did you walk right up to where the breaks
were?

A To the first one, yes.

Q And could you see anything?

A No.

Q Alright; and how far was the second break from
the first one? 30

A Oh, about fifteen feet.

Q I see; and you could see both of these I take it

211672

from the alley?

A From the alley, yes.

Q And when you had a look that close what did you do?

A I brushed the snow aside.

Q And what did you see?

A And about four inches below there was a set of keys.

Q Did you retrieve the keys?

A No, I just left them there. 10

Q And did you go and investigate what if anything was in the second break?

A No.

Q What did you do then?

A I phoned the police.

Q And did a policeman arrive?

A A plain clothes man, yes.

Q And was that the same date or . . . ?

A . . . that was the same day, yes.

Q Did you take him and show him these two breaks? 20

A Yes I did.

Q And what did he do that you saw?

A Well, he went back and phoned the Police Station I guess and they instructed him to go ahead and take those things.

Q And did you go back there with him to the breaks?

A Yes.

Q And what did he do there?

A He picked up the keys and made a note and then we went over to the other break and he reached in 30 and got a comb out of there.

Q I see; and you saw that happen?

A Yes.

Q So that as I understand you, you did not yourself have the handling of any of those items?

A No; I didn't touch them at all.

Q And if I may again show you P.1 and Mr. Pyra's yard 226 - is there anything in there which would approximate the place where you say you saw the breaks?

A Right there - those two marks (indicating). 10

THE COURT:

Q Those two little dots there?

A Those two little dots. The keys would be the first one and the comb would be the second one.

MR. CALDWELL:

Q Alright; and you feel those would represent approximately where they were?

A Approximately, yes.

MR. CALDWELL: Could I have the witness,
My Lord, mark them with a C and a K? 20

THE COURT: Alright - C above one dot
and K above the other dot.

MR. CALDWELL: K for the keys and C for the
comb.

THE WITNESS SO MARKED ON EXHIBIT P.1.

MR. CALDWELL: Thank you; your witness.

MR. TALLIS, cross-examining:

Q Mr. Shawohuk, you were living at 1412 20th
Street West on January the 31st 1969?

A Yes. 30

Q And are your sleeping quarters in the rear
portion of the building?

211674

A In the rear portion, yes.

Q In the northerly part of the building would be the sleeping quarters?

A Yes.

Q And now, I presume you have been asked this question before but I'll ask it again. Did you hear anything unusual that morning that attracted your attention?

A No.

CROSS-EXAMINATION CONCLUDED 10

THE COURT:

Q What time did you get up that morning?

A About eight o'clock.

THE COURT: Thank you; that's all, thank you.

MR. CALDWELL: I call Richard Hounjet, My Lord.

This is a young person, My Lord.

THE COURT: How old is he, do you know?

MR. CALDWELL: He's approximately eight, 20 My Lord.

THE COURT: What is his evidence?

MR. CALDWELL: It's simply a matter of finding an item in the yard, My Lord.

RICHARD HOUNJET, in the witness box:

THE COURT:

Q Sit down a minute, will you, Richard?

What do they call you - Dick or Richard?

A Richard.

Q Will you sit down a minute, son?

Do you go to school, Richard?

A Yes.

Q What grade are you in?

A Three. 10

Q How old are you?

A Eight.

Q When were you eight - when is your birthday?

A September the 2nd.

Q And where do you live?

A 227 Avenue "N" South, Saskatoon, Saskatchewan.

Q 227 Avenue . . ?

A "N".

Q How do you get along in school?

A Fine. 20

Q You pass your year every time, do you?

A Yes.

Q What kind of grades do you get?

A Pardon?

Q Does the teacher mark your papers and give you
grades on your report card with like A's and
B's and C's?

A No, not that much.

Q Not that much; well, how do you know whether
you're doing well or you're not doing well in 30
school? How do you find that out?

A By report card.

211676

Q Report card, I see; and what does the teacher put on your report card? What did she put on your report card at Christmas time for example?

A Sometimes N's and sometimes things like that.

Q Sometimes N's and sometimes what other things?

A D's.

Q I see; do you go to Sunday School?

A Yes I did.

Q You used to go, did you? When did you stop?

A I don't know. 10

Q I see; you haven't been to Sunday School for a long time then I suppose?

A No.

Q Maybe some of the rest of us haven't either. Do you know whether you should tell the truth when you're asked questions or not?

A Yes.

Q And if you don't tell the truth what do they call that?

A Lying. 20

Q I see; and what do you think about lying - do you think that's bad or good?

A Bad.

Q Why is it bad, do you know?

A Because you don't tell the truth.

Q And what happens to you if you don't tell the truth at home?

A Get a licking.

Q Do you understand, Richard, that you're going to be asked some questions here? 30

A Yes.

Q And do you understand also that you must tell

the truth?

A Yes.

Q And will you answer the questions truthfully?

A Yes.

THE COURT: Thank you.

I don't think I should have this witness sworn
but I think I'll allow the questions to be
asked on the basis that the child is
intelligent enough to know the meaning of the
word truth and the word lie; the child knows 10
that he should tell the truth.

MR. CALDWELL: Thank you, My Lord.

RICHARD HOUNJET, not sworn, states:

MR. CALDWELL, examining:

Q Now, Richard, you told His Lordship that you
live at 227 Avenue "N" South?

A Yes.

Q And your parents live there too?

A Yes.

Q And I believe you have a back yard at that 20
address and that there is a lane runs along by
your back yard?

A Yes.

Q Both beside it and another one behind it, is
that right?

A Yes.

Q I believe you located an item - found an item
in your back yard once in 1969?

A Yes.

Q And do you remember the exact date of that or 30
not?

A Yes.

211678

Q What date was it?

A March the 2nd.

Q And at that time was there still snow in your back yard, Richard?

A Yes.

Q And whereabouts did you find the item - what part of your yard?

A Well, it was near the back, like the very back.

Q Near the back; and what were you doing when you found the item?

10

A I was just walking along and I kicked it in the air.

Q And what was it that you kicked in the air?

A The handle of a knife.

Q What's that?

A The handle of a knife.

Q And had you ever seen that one before?

A Yes.

Q That particular knife handle - had you ever seen it before?

20

A Yes.

Q When did you see it before?

A When I found it and when the police came to my house and the last time I was here.

Q I see; but when you kicked it out of the snow would be the first time you saw it?

A Yes.

Q And when you found the knife handle what did you do with it?

A I gave it to my Mum.

30

Q And did someone call the police?

A Yes.

21i679

Q Did they come up there?

A Yes.

Q Was it the same day, Richard, or another day?

A The same day.

Q And did you give the police the knife handle
you had found?

A Yes.

Q And did you mark it while the policeman was
there and before he left with it?

A I marked it.

10

Q By what means? What did you put on it?

A An X.

Q I show you P.19 for identification. First of
all how does that look compared to the one you
found?

A It looks the same.

Q And can you find the X you put on there,
Richard?

A Yes.

Q Where is it?

20

A There. (indicating)

Q Alright, could you hold that up in the air with
your thumb on the spot to show the jury and His
Lordship where the X is please? Hold it up.

THE WITNESS SO INDICATES TO THE JURORS AND HIS
LORDSHIP.

Q And that's on one of the sides of the handle,
is it?

A Yes.

Q And that's the mark you put on it, is it?

30

A Yes.

THE COURT:

Let me see it please -

211680

Q You just step down out of that witness box and take it over to the jury and show it to them, will you, son? Just take it right over to that lady and those gentlemen over there - go right down, that's the boy - just go right over close to the front of them; that's it; now show them where that X is, will you?

A Okay.

THE WITNESS SO INDICATES TO THE JURORS.

THE COURT: You can come back now, 10
Richard, if you like and Mr. Caldwell will get the handle.

MR. CALDWELL:

Q Now, just one more thing, Richard. I show you P.1 and there has been evidence that this is a sketch of the whole block in which your house as I understand it is located at 227 "N" South. Now, is there anything there that would indicate approximately where in your yard you found the knife handle? 20

A It would be about there.

Q Speak up now please good and loud?

A It would be about right where that dot is.

Q About right where that dot is?

A Yes.

MR. CALDWELL: My Lord, could I have the witness mark an H for handle at that point?

THE COURT: Very well.

MR. CALDWELL:

Q Would you mark that please, Richard - put an H 30
on there for handle?

THE WITNESS SO MARKS ON EXHIBIT P.1.

820

MR. CALDWELL: Alright, thank you; your
 witness.

MR. TALLIS: No questions.

THE COURT: Thank you, Richard; you may
 go now.

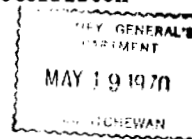
MR. CALDWELL: I call Gerald Roland
 McCorriston, My Lord.

THE COURT: I think we'll adjourn for
 ten minutes.

RECESS

10

211682



GERALD ROLAND MCCORRISTON, sworn, states:

MR. CALDWELL, examining:

Q Now, your full name is Gerald Roland McCorrison and I believe you are a member of the Saskatoon Police Department with the rank of Detective?

A I am, sir.

Q And I believe you took part in some aspects of an investigation concerning the death of Gail Miller in January 1969 and in subsequent times to that?

10

A I did, sir.

Q And I believe that you were on February the 1st 1969 sent or called to see a man by the name of Peter Shawchuk in this city?

A That is right, sir.

Q Did you go and see him that same day?

A I did.

Q Where was he?

A At 1412 20th Street West.

Q And did he take you to another location in due course?

20

A Yes he did.

Q Where was that?

A To the back yard of 226 Avenue "O" South.

Q And what time of day was it you and he were there?

A I arrived there approximately three thirty in the afternoon.

Q I'm showing you P.1; there has been evidence that this is a sketch of the whole block including the address 1412 20th Street and the address 226 "O" South; and do those two addresses

30

211683

appear to correspond to what you know them as being?

A That is right.

Q And when Shawchuk took you to the latter address which part of the lot did he take you to?

A To the back yard.

Q And in a general way what was the situation in the back yard as to snow?

A The snow was quite deep - approximately twenty inches at the place - the point where a set of 10 keys were found.

Q And was this a point which Shawchuk pointed out to you?

A That is right.

Q Were there any tracks I take it leading up to it at that time on his part?

A Yes, there were.

Q And you went up to this place he pointed out to you?

A That is right. 20

Q And what was it that was right there where you found keys - what was the appearance of the surface of the snow there?

A There was just a mark in the surface of the snow.

Q And did you excavate that and find the keys?

A That is right.

Q And was there any other mark in the surface of the snow in the vicinity?

A Yes; there was one other mark also found in the 30 snow in the back yard at that address and a comb was found there.

211684

Q And where was it in relation to the first mark -
the keys' mark?

A It was closer to the back of the lot.

Q I see; and you excavated that second mark and
found a comb, did you?

A Yes I did.

Q And you retained both those items?

A I did.

Q Now, just from what you saw of the snow and the
appearance of the two holes, could you come to 10
an opinion from that as to how the items may
have gotten where you found them?

A They would have to have been tossed or thrown
there.

Q And did you come to an opinion as to how fresh
or otherwise the holes of the items seemed to
be there?

A There had been no snow fall after they had been
placed there. The marks appeared fresh on the
surface of the snow. 20

Q And you also retrieved that comb, I take it?

A I did.

Q I show you a set of two keys on a metal ring
and a leather tag; are those the ones you
retrieved?

A They are, sir.

Q How do you identify them?

A I have marked them: 3:50 p. m.; 1 Feb. '69;
G.M.; and Detective abbreviated.

Q And that was on the leather tag, was it? 30

A It was on the leather tab, yes.

Q I see; and what did you do with the keys when

211685

you had marked them?

A I turned them over to Detective Sgt. Mackie the same afternoon.

Q I see; and that would be Raymond Mackie?

A That is right.

Q And once you had turned them over to him did you have any further custody of them at all other than seeing them in connection with the preliminary inquiry in this case?

A No, I did not. 10

MR. CALDWELL: Alright; I would tender those I suppose as an exhibit, My Lord.

THE COURT: Yes - P.36.

(Set of keys
made EXHIBIT P.36

THE COURT: Just a minute before you go on, will you please?

MR. CALDWELL: Yes.

THE COURT: Are you purporting to identify these in any particular way, Mr. Caldwell? 20

MR. CALDWELL: There will be some further evidence, My Lord.

THE COURT: You might just show them to the jury then, and then you can proceed.

MR. CALDWELL:

Q Your mark is on the leather tag of these items?

A Yes it is, sir.

Q And excuse me - before I proceed though - did you also write up the description on the envelope and supply the envelope? 30

A Yes I did.

Q And that would be with them when you gave them to Raymond Mackie?

A Yes, that is right.

THE COURT: You can go on with the comb while the jury has a look at the keys.

MR. CALDWELL:

Q I show you a comb; is that the one that you retrieved from the other puncture in the snow?

A Yes it is, sir.

Q How do you identify it? 10

A I marked this comb on the handle: 1-2-69; initials G.M.

Q And what did you do with the comb?

A I took it into my possession, placed it in an envelope and kept it in my possession.

Q And did you keep it in your possession right up to and tender it in the preliminary inquiry in this matter?

A Yes I did, sir.

Q It was never out in the meantime? 20

A No.

Q And did you alter it in any manner?

A No, I didn't.

Q And you again supplied this envelope and wrote on it as well as scratching the actual comb?

A That is right.

THE COURT:

Q Just show it generally to the jury.

Let me have a look at it - it looks like a lady's comb to me. 30

A Yes, it is, My Lord.

MR. CALDWELL: I would tender the comb.

211687

My Lord, also.

THE COURT: Yes, that will be P.37.
(Comb
made EXHIBIT P.37

THE COURT: You can take them now, Mr.
Caldwell.

MR. CALDWELL: Thank you, My Lord -

Q Now, I believe that on February the 3rd of 1969
you and another officer followed a City of
Saskatoon garbage truck through an area 10
including the area as shown in P.1 there?

A That is right, sir.

Q And I believe that you were present when a
particular item was dumped from a garbage can
and that you retrieved the item?

A That is right.

Q Now, whereabouts was this in the first place?

A At the back lane of 1414 20th Street West.

Q And is that address shown in P.1?

A Yes it is, sir. 20

Q I see; and what was the situation as to garbage
or trash cans at the back there?

A There were two garbage cans, regulation type
garbage cans on a stand near the back lane.

Q And I take it there was a city crew working on
this truck?

A Yes, there was.

Q And yourself following what - on foot?

A Yes, I was.

Q And when the cans were emptied what was it that 30
you observed?

A A purse came out of one of the cans.

Q Now, initially I take it that the cans are emptied on to a sort of platform where you can see what's there?

A That is right.

Q Before it's compacted, is that right?

A That is right.

Q Is that when you saw the purse?

A Yes.

Q At that stage I mean of the proceedings?

A Yes. 10

Q And did you retrieve it?

A Yes I did.

Q I show you P.16 for identification and ask you - is that the purse?

A Yes it is, sir.

Q And how do you identify it?

A I have it marked: 10:30 a.m.; 3rd of February '69; found rear of 1414 20th Street West; G.M.; and Detective abbreviated.

THE COURT: It becomes P.16 now. 20

MR. CALDWELL: Thank you, My Lord.

(Exhibit P.16 for identification made EXHIBIT P.16)

Q And you marked that on there, did you, after you retrieved it?

A I did, sir.

Q Now, could I show you again P.1 briefly and that same address you mentioned, is there anything there that would indicate the location 30 of the garbage can in question?

A Yes, there is a dot, which is the approximate

location of the garbage can in which the purse was contained.

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

THE COURT: You can go right down and show them.

A Thank you, My Lord.

WITNESS INDICATES TO THE JURY AS REQUESTED ON P.1.

THE COURT: 10

Q Show me please, will you?

THE WITNESS INDICATES TO THE COURT AS REQUESTED.

THE COURT: Yes, thank you.

MR. CALDWELL: Now, I would ask the witness, My Lord, if he might mark this with LP - there's another letter P alone on here, which might be confusing - for lady's purse - mark that dot.

THE COURT: Alright; I was going to say you might mark it just "G" - garbage can. 20

MR. CALDWELL: Oh, I'm sorry, representing the can rather than the purse -

Q You have marked that with the letter G, have you?

A Yes I have.

Q Alright, thanks; and was that the only item you retrieved from that address so to speak - from the garbage cans that were emptied right at that point?

A There was contents in the purse.

Q Yes, but were there any other separate items as such? 30

A No sir.

211690

Q When did you examine the interior of the purse?

A Immediately on retrieving the purse.

Q And right then and there at that point?

A I believe it was taken into our police car and examined.

Q I see; and were there a number of contents to the purse?

A Yes, there was.

Q And did you at any time compile an item by item list of that in your notes, or not? 10

A Yes I did.

Q And was there anything in the purse bearing any identification of any person in the purse?

A Yes, there was a Bank of Montreal folder with contents and one of the documents in the contents bore the name Gail Miller.

Q I see; and was that the extent of any names in the purse contents?

A As far as I recall, yes.

Q Alright; now, did you leave the contents for the 20 moment in the purse, having examined it?

A Yes.

Q And what did you do with the purse and its contents eventually?

A They were brought to the Police Station and further examination made and an itemized account made in my notes of the contents.

Q Now, what did you do with the purse and its contents eventually?

THE COURT: Excuse me just a minute 30
please - are you going to go into the matter of contents? I think the jury might like to hear

what those contents were.

MR. CALDWELL:

Q Do you have the list with you?

A I do, sir.

Q And I take it this would be notes that you compiled when you went through the contents?

A That is right, sir.

Q And what did you find in there?

A The contents consisted of one multi-color oval design pouch with tab fastener and zipper 10 fastener, containing one "Dream Glow" brush-on eye shadow; one black "Emily Rodgers" make-up pencil with blue plastic tip; one "Hazel Bishop Pale Pale Pearl" belived lipstick; one tube "DuBarry Golden Glace Lip Overglace"; one white tube of orange caramel substance; one "Max Factor Hollywood" gold tube, contents eye shadow; one clear plastic folder containing approximately nine photos, several names, telephone numbers and addresses; one blue plastic Bank of Montreal 20 folder containing material including an account book bearing the name "Gail Miller" for the Bank of Montreal, Saskatoon; one clear plastic folder with multi-colored front, tab fastener, containing one tube of make-up; one package 25 Rothman's King size filter tip cigarettes containing eleven cigarettes; and package of safety matches containing four matches; one lady's glove for the right hand, black cloth; one "Bic" ballpoint pen, white color; two green 30 and one orange Kleenex tissues; and one bobby pin.

211692

Q Those are the entire contents of the purse?
A Yes.
Q And did you having made an inventory of the contents leave them in the purse?
A I believe they were placed in the purse after I made the inventory.
Q What did you do with the purse itself?
A It was turned over to Identification Officer Kleiv on the evening of February the 8th.
Q And aside from marking it and making that inventory I take it in the same form in which you received it? 10
A That is right.
Q And the contents, were they turned over to Kleiv at the same time?
A Yes they were, sir.
THE COURT: - Just before you go on -
Q This multi-colored - what was it you called it again - something design pouch - is that what it was? The first one you mentioned with the tab fastener and the zipper fastener? 20
A Multi-colored oval design.
Q Well, did you open it?
A Yes I did, My Lord.
Q Was there anything in it?
A Yes; this contained one "Dream Glow" brush-on eye shadow . .
MR. TALLIS: . . My Lord, if it would assist I would have no objection to my learned friend taking that exhibit P.26 for identification which is already in for that limited purpose of showing it to the witness 30

to be lipstick - was that in the pouch?

A My notes don't indicate that but I believe this is separate from the pouch, My Lord.

Q Was there any evidence of any face powder in any of the contents?

A No, My Lord.

THE COURT: I think Mr. Tallis has suggested it might expedite matters if you took P.26 and tied it up with the evidence this witness has given. 10

MR. CALDWELL: Yes, My Lord -

Q I am showing you P.26 for identification . .

THE COURT:

Q . . I take it from what you said - before you go on, Mr. Caldwell - that there was no money and no bus tickets or bus pass or anything like that?

A No, My Lord.

MR. CALDWELL:

Q Would you check the contents of this P.26 for identification against your notes that you have 20 given and tell the Court whether it's the same collection and specifically noting that in one of these pouches there seems to be contents?

A This is the pouch that I described as the multi-colored oval design pouch with the tab fastener and zipper fastener and the contents as described: the "Dream Glow" brush-on eye shadow, one black "Emily Rodgers" make-up pencil with a blue plastic tip, one "Hazel Bishop Pale Pale Pearl" believed lipstick; one tube "DuBarry 30 Golden Glace Lip Overglace", one white tube orange caramel substance; one "Max Factor . ."

".. Hollywood" gold tube, contents eye shadow.

Q Now, those items you have checked now from the contents of the pouch with the oval design, do they correspond with what you have noted?

A Yes they do, sir.

Q And you have replaced them in that and snapped it shut, have you?

A I have, sir.

Q Would you just check the other items and see if they are the ones? 10

A One clear plastic folder containing approximately nine photos - there are probably more than nine here, I didn't take these out to count them - and several names, addresses and telephone numbers; one blue plastic Bank of Montreal folder - it doesn't appear to be here.

THE COURT: That was dealt with separately.

MR. CALDWELL: Yes, My Lord; it was left in the purse by Ident. Officer Kleiv I believe. 20

A (Cont.) And Bank of Montreal account book has the name "Gail Miller" printed on the outside cover and the name "Gail Miller" written on the first inside page - Bank of Montreal, Saskatoon, Sask.; and some other miscellaneous receipts from the Bank of Montreal - deposit records I believe; one clear plastic folder with multi-colored front tab fastener containing one tube of make-up - that is this, My Lord; one package of Rothman's cigarettes Kingsize filter tip 30 containing eleven cigarettes - one, two, three, four, five, six, seven, eight, nine, ten, eleven

835 Exam of Det. McCorriston

cigarettes - and a package of safety matches containing four matches; one lady's glove for the right hand - black cloth glove; one "Pio" ballpoint pen white in color; two green and one orange Kleenex tissues.

It looks like the bobby pin is not here.

Q With that exception do those appear to be the contents you found, Detective McCorriston?

A It does, sir.

Q And remain in that way? 10

A That is right.

MR. CALDWELL: My Lord, I would tender that collection as an exhibit at this time.

THE COURT: Exhibit merely as to contents of a purse that was found in that locality. There has been no further identification of that purse, has there?

MR. CALDWELL: I beg your pardon?

THE COURT: There has been no further identification of the purse, has there, other 20 than that it was just found in the locality?

MR. CALDWELL: Well, and other than the evidence about the names that were in it, that's all.

THE COURT: Oh yes - that will be P.26 then.

(Exhibit P.26 for
identification
made EXHIBIT P.26)

MR. CALDWELL: 30

Q I believe on March the 2nd of 1969 you attended a residence and saw a lad by the name of Richard

211697

Hounjet?

A That is right, sir.

Q Whereabouts was that?

A 227 Avenue "N" South.

Q And I believe you obtained an item from him?

A Yes.

Q What was the item?

A It was a knife handle.

Q I show you P.19 for identification; is that the
knife handle which you obtained from him? 10

A Yes it is.

Q How do you identify it?

A My initials appear here on it - G.M.

Q Just point out where they are, Detective
McCorrison?

A They're close to the end where the blade
appears broken off.

Q And did you scratch them in there?

A Yes I did.

Q Did you have that lad scratch something in
there also? 20

A Yes; he scratched an X on the handle with a
needle.

Q And have you found that?

A Yes; it appears close to my initials. It's
quite vague but --

Q Right; on the side of the handle, isn't it?

A That is right.

Q And did you mark that envelope also?

A Yes I did. 30

Q With some reference to this knife handle and the
time and date?

211698

A Yes.

Q And what did you do with the item when you finished marking it and so on?

A I turned it over to Identification Officer Kleiv in the afternoon.

THE COURT: Let me see it please.

MR. CALDWELL: Yes, My Lord.

THE COURT: Give me P.12, will you please, Mr. Hibbert? Thank you -

Q Have you seen P.12? 10

A No I haven't, My Lord.

THE COURT: Alright, thank you.

MR. CALDWELL:

Q Now, just very briefly would you mind stepping down and just show the jury where you scratched your initials on the handle please? Just step down.

WITNESS STEPS DOWN TO IN FRONT OF THE JURY AND INDICATES AS REQUESTED, RETURNING TO THE WITNESS BOX. 20

Q And what did you do with that when you were through marking it and packing it up in due course?

A I turned it over to Identification Officer Kleiv.

Q When was that?

A Approximately 4:45 p.m. March the 2nd 1969.

Q The same day you received it?

A That is right.

Q And I take it that's all you had to do with it?

A That is right. 30

Q And aside from marking it in the manner you have shown you did not alter it in any other manner?

A No, I didn't.

MR. CALDWELL: Thank you. My Lord, might I tender that as an exhibit - the knife handle which is now I believe P.19 for identification?

THE COURT: Very well - P.19.
(Exhibit P.19 for identification made EXHIBIT P.19)

MR. CALDWELL: Thank you; your witness.

MR. TALLIS, cross-examining: 10

Q Mr. McCorrison, I believe that you were with Mr. Parker when you found the lady's purse - that is the two of you were together?

A We were not together when the purse was found; we were working together.

Q I see . . . ?

A . . . he was in the car.

Q And then was he there when you took it over to the car?

A Yes he was. 20

Q And now, had you been with Mr. Parker going down the lane at all on any other occasion or was this the only time you were checking over that lane when the purse was found?

A We had been through those lanes checking.

Q On quite a number of occasions prior to that?

A On various occasions prior, yes.

Q Well, were you there on January the 31st?

A No, I wasn't.

Q Were you there February the 1st? 30

A Yes I was.

Q And did you check the north-south lane in that

211700

block?

A Yes.

Q And also the east-west lane that's shown in P.1 here?

A Yes sir.

Q And who was with you at the time you were checking those two lanes?

A I do not recall.

Q I see; but it was a member of the City Police Force that was with you? 10

A Yes.

Q And I take it that you didn't notice any tracks or anything like that which were of any significance to you at that time?

A No, I didn't.

Q And I take it that when you located these articles that you have told my learned friend about you preserved them as carefully as you could in case fingerprints would be available?

A Yes I did. 20

Q And having worked - you worked in Identification for a while, didn't you?

A Just trained for two months.

Q Just trained; so that you knew the precautions that had to be taken in this connection?

A Yes.

Q And now, I believe that among other things you at one time received into your possession what could commonly be called a bone handled hunting knife?

A Yes I did. 30

Q And as I understand it you did not personally find that bone handled hunting knife?

840 X-exam of Det. McCarriston

- A No, I did not.
- Q But you in fact received it from one of your superior officers?
- A Yes.
- Q Who was it that you received it from?
- A To the best of my recollection it was Superintendent Wood.
- Q I see; and in any event after you received that particular bone-handled hunting knife did you go to various residences in the area with a view to 10
ascertaining the owner of it?
- A Yes I did.
- Q And with reference to the sketch P.1 did you check the people living in the houses in that block both on the Avenue "O" side and on the Avenue "N" side?
- A I believe I did, yes.
- Q Yes; and what about the people on 20th Street?
- A Yes.
- Q I see; and I take it that it's common ground 20
between us that you did not - you were not able to locate the owner of that particular knife?
- A That is right.
- Q And you spent quite a bit of time going around the neighborhood with this knife?
- A Just the one evening I believe.
- Q One evening?
- A Yes.
- Q And then who did you turn it over to after that?
- A I don't recall. 30
- Q I see; well, in any event I take it that relevant to this matter you only had one bone

211702

handled hunting knife in your possession?

A That is right.

Q And did you turn it over to an Identification officer?

A I can't be positive about that.

Q I see; and in any event when the knife was turned over to you would you agree with me that it had a blade that would be something about three-quarters of an inch wide or so on it?

A Yes. 10

Q And the blade would be three inches or more in length?

A Approximately, yes.

Q I see; you didn't take the actual measurements?

A No, I didn't.

Q But in any event you didn't see any trace or residue of what appeared to be blood on this particular knife?

A No, I didn't.

Q And as I understand it you were not present when 20 that particular knife was found?

A No, I wasn't.

Q I see; and would you have anything in your notes from which you could check to see who you turned it over to?

A I have checked my notes, sir, and I don't have anything to indicate . .

Q . . it does not refresh your memory as to who you turned it over to?

A No, it doesn't. 30

Q But at any rate it's common ground between us that you only had one such type of knife in your

211703

842 X-exam of Det. McCarriston

possession relevant to this matter?

A That is right.

Q That is a hunting knife?

A That is right.

Q As I understand it - and so that there is no confusion here - you did receive another knife from your superior officer?

A I did.

Q And this can commonly be called a jackknife with a pearl handle on one side of it? 10

A Yes, that is right.

Q And a fish type blade on it?

A Yes.

Q And as I understand it you took this particular knife around the area and you were able to ascertain its owner?

A That is right.

Q And it turned out to be one of the Hounjet boys?

A That is right.

Q So that there is no misunderstanding, you understood my questions to refer to this other hunting knife as distinct from the jackknife? 20

A That's correct.

Q And I think that as you said you checked every note that you could to determine the name of the man to whom you turned it over?

A Yes.

Q And you can't come up with any answer to that specific question?

A That is right. 30

THE COURT: I want to intervene with a question here -

211704

843 X-exam of Det. McCorriston

Q What date was this that you followed the
Cleaning Department truck containing the contents
of the garbage cans?

A The morning of February the 3rd, My Lord.

Q And you as I understood it walked behind the
truck, is that right?

A That's right.

Q And what would you do - watch them pick up the
can and then dump it into their truck?

A That is right, My Lord. 10

Q And these two cans that you have referred to
behind this residence at 1414 20th Street West -
there were two cans, were there not - garbage
cans?

A That is right, My Lord.

Q And did you see them both picked up?

A Yes I did.

Q Can you tell us whether or not the lid was on
each can, that is properly on it or partially
off or partially ajar? You know what I mean by 20
that - they fasten around the rim of the can,
don't they - the lids? They sit over it?

A I believe both lids were on the cans properly.

THE COURT: Thank you.

MR. TALLIS, continuing:

Q With reference to the - you were there when the
keys were located, weren't you?

A Yes I was.

Q And were there footmarks leading up to the keys?

A Yes, there were. 30

Q I see; but now would this be just what appeared
to be one set up to them and another set back

211705

from them?

A Yes sir.

Q So that in this particular instance you were satisfied from what you could see and knowing what you did about who had been up to the keys, that the keys must have also been thrown?

A Yes.

Q Similar to the other objects that you mentioned?

A The comb.

Q The comb? 10

A Yes.

Q And as I understand it you spent considerable time in that area on February the 1st 1969 looking for tracks and any other marks of significance?

A I believe I did, yes.

Q And by that I am including car tracks, foot tracks and so forth; and did you range pretty well around the area?

A Yes, I believe so. 20

Q And do you recall who was with you at that time? Or were you paired with anyone?

A I can't recall at the moment.

Q I see; in other words you don't have any recollection of being paired with some other officer?

A I probably was.

Q I see; and as I understand it you examined the area north of where the body was apparently found? 30

A Yes.

Q And also the area south of where the body was

211706

845 X-exam of Det. McCarriston

found?

A Yes.

Q And the east-west lane there?

A Yes.

Q And did you also examine the area north of 20th Street along Avenue "O"?

A Yes.

Q And also the area north of 20th Street along Avenue "N"?

A Yes sir.

10

Q Now, did 20th Street in that vicinity have any boulevard?

A I don't believe so.

Q Or Avenue "N" at that point?

A I don't believe so.

Q Or Avenue "O"?

A No, I don't think so.

Q And in particular was there any if I may use this term boulevard of snow when you were out there checking any of these streets?

20

A I don't recall, sir.

Q And in your examination of the area in the vicinity of this incident and Avenue "O", Avenue "N" and 20th Street that we have talked about - did you find anything which would indicate that an automobile had been stuck there?

A No I didn't, sir.

Q And naturally you would be looking for marks of this kind which might be of possible significance?

30

A Yes.

211707

846

MR. TALLIS: That's all, thank you.
MR. CALDWELL: No re-examination, My Lord.
THE COURT: Thank you; you may go.
MR. CALDWELL: I call Giles Beauchamp;
 this is another lad of eight or nine years of
 age.
THE COURT: I've forgotten where he
 came into the picture.
MR. CALDWELL: He located the wallet, My
 Lord.

10

211708

GILES BEAUCHAMP, in the witness box:

THE COURT:

- Q Giles, sit down for a minute please, will you?
That's what they call you, is it - Giles?
- A Yes.
- Q How old are you, Giles?
- A Nine years old.
- Q When was your birthday?
- A May the 24th.
- Q What grade are you in in school? 10
- A Grade four.
- Q What school do you go to?
- A St. Mary's.
- Q How do you get along at school?
- A Fine.
- Q Do you pass all your grades?
- A Yes.
- Q Did you get your report card at Christmas time?
- A Yes.
- Q What kind of a report card did you get - was it 20
good, bad or just fair?
- A Pretty good.
- Q Pardon?
- A Pretty good.
- Q How did your teacher mark you for grades - does
she mark you with A's and B's and C's?
- A I don't know.
- Q Well, you know how your report card - you have
different subjects, don't you - do you take
arithmetic, and spelling and writing and reading? 30
And how does your teacher mark you on your
report card say with respect to your reading?

How would she mark you - with an A or a B or with a 50% or 75% or anything like that? Or can you tell me?

A A or B.

Q Pardon?

A A or B.

Q I see; how did you get along in reading, do you remember? You don't remember, eh?

Do you remember how you got along in any of the others? You don't. Any A's at all? 10

A Not very many.

Q Not very many, eh - that would be like most of us. How about B's - any B's?

A Some.

Q Some; do you go to Sunday School?

A I go to church.

Q You go to church - what church is that?

A St. Mary's.

Q Is that the Roman Catholic church? Do you know what your religion is, son? What is it? Are 20 you Protestant or Roman Catholic, or do you know?

A Catholic.

Q You're Catholic; maybe I misled you by the use of the word "Roman" - you're Catholic, are you?
WITNESS NODS HEAD.

Q I see; how often do you go to church - every Sunday?

A Yes.

Q Do you know what it means to swear to tell the 30 truth on a bible?

A Yes.

211710

- Q You do; what does that mean?
- A It means say the truth and nothing but the truth.
- Q I see; and that's on the bible? I see.
How many brothers and sisters have you got?
- A Seven brothers - counting me it's seven - and one
sister.
- Q Seven boys and one sister; the boys have a
majority in your family then, haven't they?
- A Mhm.
- Q Do your mother and your father discuss religion 10
at home with you at all?
- A Yes.
- Q Matters about the bible and Jesus Christ?
- A Yes.
- Q Is that right - do they tell you about Jesus
Christ?
- A Yes.
- Q And do you say prayers every day? Not every day,
eh? You're not too unusual.
When you swear to tell the truth on the bible 20
and you don't tell the truth do you know what
might happen to you?
- A Yes.
- Q What?
- A You get punished.
- Q I see; and who punishes you? Who might punish
you then, put it that way?
- A My Mum.
- Q Your Mum, eh; and you understand if you tell
lies you can be punished, don't you? 30
- A Yes.
- Q Will you answer truthfully what you are going

211711

to be asked today in Court?

A Yes.

Q You'll be truthful, will you? That's a good boy.

THE COURT: I don't really think I should swear this witness; however, I think he has enough intelligence that he can give evidence without being sworn; the usual rules apply, of course.

MR. CALDWELL: Thank you, My Lord.

GILES BEAUCHAMP, not sworn, states:

MR. CALDWELL, examining: 10

Q Now, Giles, would you speak up good and loudly so everyone can hear; I believe you live at 1505 20th Street West, do you?

A Yes.

Q And I believe that your house is at the end of the same block that has St. Mary's School in the block?

A Yes.

Q And now, do you know the house of some people whose name is Cadrain around that neighborhood? 20

A Yes.

Q Do they have any little children around your age?

A Yes, one.

Q Alright; and where is Cadrain's house from St. Mary's School?

A Right across the road.

Q Across the road; and now, Giles, I believe that last year one day that you found a wallet, is that correct?

A Yes. 30

Q And how did this happen - what was going on when you found the wallet?

211712

A I was walking home and I was kicking the snow
and the wallet flew up in the air.

Q And were you on the sidewalk when you were
walking along?

A Yes.

Q Now, was this - where was this wallet in
relation to either St. Mary's School or to
Cadrain's house?

A It was on the Cadrain side.

Q And inside of the street I presume? 10

A Yes.

Q Alright; where was it from Cadrain's actual
house?

A Three houses up.

Q Three houses up, is that right?

A I think so - three houses up.

Q Alright; and was anyone with you when you
kicked it and it showed up?

A No.

Q Did you pick it up then? 20

A Yes.

Q Now, did anything come out of the wallet?

THE COURT: Just a minute please; three
houses up doesn't mean too much.

MR. CALDWELL: Maybe I can follow that
point up -

Q Your house is on 20th Street, isn't it?

A Yes.

Q And when you say three houses up can you tell
the Court which way, like toward what street? 30

THE COURT: Maybe if you ask him what
street he was walking on or which side of the

street he was walking on.

MR. CALDWELL:

Q Do you know the name of the street that runs down between Cadrain's house and St. Mary's School, like do you know it by name, Giles?

A Avenue "O".

Q Avenue "O"; alright and was it Avenue "O" you were walking along on the sidewalk?

A Yes.

Q And now, is Cadrain's house at a corner? 10

A Yes.

Q And do you know the name of the street that is at that corner, like that runs by Cadrain's?

THE COURT:

Q You say it's on the corner, son; is that the intersection of two streets?

A Yes.

Q What are the two streets? If you don't know you can say so but if you do know . . . ?

A I don't know. 20

MR. CALDWELL:

Q Okay. Well, Giles, would you be walking toward your house or away from your house?

A Toward our house.

Q Toward your house? Is that yes?

A Yes.

Q And when you say three houses up are you talking about three houses toward your house or three houses away from your house?

A Three houses toward our house. 30

Q Three houses toward your house? Alright now, did anything come out of the wallet?

211714

THE COURT:

Q Excuse me just a minute -

Were you walking on 20th Street?

A No, on Avenue "O".

Q You were walking on Avenue "O" and you were going where?

A Home.

Q And you were coming from where?

A From the Cadrain's house.

THE COURT: Oh I see, thank you. 10

MR. CALDWELL:

Q You had been at Cadrain's, had you? Had you been there or had you just gone by their house, Giles?

A Well, I went to see if he was home but he was at Jim's and then I started walking home.

Q Oh I see, alright and you already said that it was along the sidewalk, is that right?

A Yes.

Q And when you kicked the wallet up did anything 20 come out of it?

A Two pieces of paper.

Q Now, did you pick the wallet up?

A Yes.

Q Did you pick the pieces of paper up?

A No.

Q And when you picked the wallet up where did you take it?

A I put it under the cabin across from our alley.

Q And is this cabin something to do with St. 30 Mary's School?

A Yes.

211715

- Q And what was it used for, Giles?
- A For putting on your skates in the wintertime.
- Q Putting on your skates in the winter, eh?
- A Yes.
- Q And you put the wallet under that cabin, did you?
- A Yes.
- Q Now, is the cabin then - was it on the St. Mary's School side of Avenue "O"?
- A No, it was on the Cadrain side. 10
- Q The cabin?
- A Oh; it was on the side that St. Mary's School is on.
- Q Okay; and you said across the alley from your house?
- A Yes.
- Q How long did you leave the wallet under the cabin?
- A Not very long.
- Q And did you meet one of your friends after that? 20
- A Yes.
- Q And what was his name?
- A Norman Remenda.
- Q Norman Remenda; and after you met Norman did you go and get that wallet again?
- A Yes.
- Q And did you show it to Norman?
- A Yes.
- Q And how long would you think, Giles, that you left it there from when you put it under until 30 you got it out to show Norman?
- A Around five minutes.

211716

Q And did you get it back and show it to Norman?
A Yes.
Q And I believe you then went to Norman's house,
did you?
A Yes.
Q Do you know his address or not?
A No.
Q And when you got to Norman's house was Norman
with you?
A Yes. 10
Q Did you take the wallet there?
A Yes.
Q And did you show it to someone there?
A Yes.
Q Who first?
A Norman; then Norman went and showed it to his
Mum.
Q Yes; and did somebody else show up at Norman's
house after that?
A One police. 20
Q Pardon?
A A policeman.
Q A policeman showed up?
A Yes.
Q And was that while you were still at Norman's?
A Yes.
Q And did you give the wallet to the policeman?
A Yes.
Q And did you take the policeman somewhere, Giles?
A Yes. 30
Q And where did you take him to?
A I took him to where I found the wallet.

211717

- Q Did you take him to the same place you found the wallet?
- A Yes.
- Q And did he find anything or pick up anything that you saw at the place where you found the wallet?
- A Yes.
- Q What was that?
- A It was a piece of paper.
- Q And was it one of the ones that had fallen out when you kicked it the first time? 10
- A Yes.
- Q I see; and did the policeman keep the wallet?
- A Yes.
- Q Did he keep the paper?
- A Yes.
- Q Now, was there anything in the wallet when you found it, Giles?
- A No.
- Q Did you take anything out of it yourself and keep it or get rid of it? 20
- A No.
- Q Now, do you yourself know the date that happened or not?
- A Yes.
- Q When was that?
- A April the 4th.
- Q And that would be in 1969, would it?
- A Yes.
- Q And as I understand you, it would be the same day that the policeman came to Remenda's that you took him back there? 30
- A Yes.

Q I show you P.21 for identification. Would you look at this wallet, Giles. Do you want to stand up and have a good look at that? Now, aside from all those tags on there, how does that wallet look compared to the one you kicked up out of the snow?

A About the same.

Q And did you put your name or anything in the one you kicked out of the snow?

A No. 10

THE COURT: Let me see that before you fold it up, will you please?

MR. CALDWELL: Yes, My Lord.

Thank you; your witness.

THE COURT: Cross-examination?

MR. TALLIS, cross-examining:

Q Giles, I gather that you looked in the wallet as soon as you found it, did you?

A Yes.

Q And then after you had looked in it you took it over to this little cabin where you put your skates on in the wintertime? 20

A Yes.

Q And you sort of tucked it underneath?

A Yes.

Q And your friend Norman came along and looked at it, did he?

A Yes.

Q And did you show it to him over there by the cabin? 30

A Yes.

Q I see; and it was after the two of you had

looked at it that you showed it to Norman's
mother, was it?

A Yes.

Q And I take it that the snow was fairly soft
that day, was it?

A Yes.

Q Good enough for snowballs?

A Yes.

MR. TALLIS: That's all.

THE COURT: That's all, thank you; you 10
can go now.

MR. CALDWELL: I call Victor Pyra, My Lord.

VICTOR PYRA, sworn, states:

MR. CALDWELL, examining:

Q Mr. Pyra, you live I believe at 226 Avenue "O"
South in Saskatoon?

A That's right.

Q And you lived there last January and February
and generally last year, did you?

A Yes.

Q And I believe that one day last year you found
an item in your back yard, did you? 10

A Yes, that's right.

Q And do you know the day that was, sir?

A No, I can't remember exactly.

Q Alright; and whereabouts in your yard did you
find the item?

A I found this about 25 feet away from the back
lane between 20th Street and my driveway; and
about 25 feet to the other lane.

Q About 25 feet from each lane?

A Yes, that's right. 20

Q And your lot has a lane both on the side and
the back?

A That's right; my lot is 50 feet, see.

Q And what was the item you found?

A I found a scissors.

Q And was there any name on the scissors?

A Yes.

Q And what was that?

A I forgot her name.

Q Alright; now I show you P.29 for identification? 30

A That's the same.

Q Alright; now, can you read what's on one side of

211721

that adhesive tape tag there?

A Miss Miller - yes, that's the one that I remember.

Q Was that on there when you found the scissors?

A Yes, not exactly because I had to wipe it but I notice these scissors, I didn't see the kind of scissors yet - and brought them in the house and showed my wife.

Q Okay; as I understand you that name "Miss G. Miller" was on the tag and the tag was on the scissors? 10

A Yes, that's right.

Q When you found them?

A That's right.

Q And that that was in the place you told us about in your back yard?

A Yes, my lot.

Q And did you pick them up and bring them in?

A Bring them into the house.

Q And was that the first time you had ever seen them? 20

A Yes, the first time; I never seen them before, that kind of scissors.

Q What did you do when you found them?

A I phoned the police.

Q And did the police arrive the same day?

A Yes, they arrived the same day, oh about an hour or so.

Q And was it a policeman in uniform or in a suit?

A The one was in uniform and the other common suit. 30

Q And what did you do with the scissors you found?

A Well, I give it to them.

211722

Q You gave it to one of the policemen?

A Yes.

Q And would that be the last you had to do with
the scissors then?

A That's right.

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

THE COURT: P.29.

(Exhibit P.29 for
identification 10
made EXHIBIT P.29)

MR. CALDWELL: Thank you; your witness.

MR. TALLIS: No questions.

THE COURT: Thank you, Mr. Pyra, you
may go.

MR. CALDWELL: I call Roy Eldon Fleming,
My Lord.

THE COURT: How long will he take?

MR. CALDWELL: Very brief; he's the
policeman who collected the scissors from this 20
gentleman.

THE COURT: Well, how is he going to
help us?

MR. CALDWELL: Well, I think he will be able
to testify as to the date for one thing, My Lord.

ROY ELDON FLEMING, sworn, states:

MR. CALDWELL, examining:

Q Now, you are a member of the Saskatoon Police Department with the rank of Constable and I believe that in 1969 you attended at 226 Avenue "O" South, Saskatoon, and saw a man by the name of Victor Pyra and obtained a pair of scissors from him?

A That's right.

Q What date was it, Cst. Fleming? 10

A April the 12th.

Q And I show you P.29 - are those the ones?

A Yes; they have my name and initials and number on the back of the tape.

Q And what did you do with them eventually?

A They were taken to the station and stored in my locker for some time, later were turned over to the Identification Section.

Q And to what member of the section did you turn them? 20

A Ident. Officer Kleiv.

Q And when was that?

A On May the first approximately 12:10 p.m.

Q And that would be the last you had to do with them, I take it?

A That's right.

MR. CALDWELL: Thank you; your witness.

MR. TALLIS: No questions.

THE COURT: Thank you; you may go.

MR. CALDWELL: I have more witnesses - 30
whatever suits Your Lordship.

THE COURT: Well, it's four minutes to

211724

863

five now; how long would your next witness be?

MR. CALDWELL: I could call one who will
be extremely short, roughly on the order of
this one.

THE COURT: Alright.

MR. CALDWELL: I call Keith Scott Mackie.

211725

KEITH SCOTT MACKIE, sworn, states:

MR. CALDWELL, examining:

Q Now, your name is Keith Scott Mackie and I believe you are a member of the Saskatoon Police Department with the rank of Detective and were such during 1969?

A That is correct.

Q And I show you P.36 - a set of keys on a metal ring and a leather tag - and I believe that you obtained those from another police officer 10 and took them and tried them on a particular door?

A Yes.

Q Who did you obtain them from?

A Detective Sgt. R. W. Mackie.

Q When was that?

A February the 1st 1969.

Q And where did you take them?

A To 130 Avenue "O" South.

Q And did you try those keys or one of them at any 20 rate in a door to an individual room there in the lock?

A Yes I did.

Q And where was the room - do you recall which floor it was?

A It was on the second floor at the top of the stairs.

Q Did you find that one of the keys unlocked the door?

A I did. 30

Q And I believe you were in the room?

A I was.

211726

Q And from the belongings in the room did you satisfy yourself as to whose room it was?

A Yes I did.

Q Whose was that?

A Gail Miller's.

Q And when you had tried the key - I take it one of them fitted that door?

A That is correct.

Q Did you return them or turn them over to someone else? 10

A That is correct.

Q Who was that?

A Detective Sgt. R. W. Mackie the same day later that evening.

Q All your dealings with them were on the one day then?

A That is correct.

Q And have you marked them in some manner?

A No, I did not mark them.

MR. CALDWELL: Thank you; your witness. 20

MR. TALLIS, cross-examining:

Q I take it you just visually scanned the contents of the room?

A That's right.

Q And you didn't make the customary search of correspondence and things like that?

A No.

Q Who did make the detailed search of the room?

A I have no idea.

MR. TALLIS: Fine. 30

THE COURT: That's all, thank you.
We'll adjourn until ten o'clock tomorrow morning.
5:00 P.M. JANUARY 26TH, 1970 - COURT ADJOURNED.

10:00 A. M. JANUARY 27TH, 1970 - COURT RESUMED.

ALL JURORS PRESENT.

THE COURT: Yes, Mr. Caldwell - your
next witness?

MR. CALDWELL: Yes, My Lord; I call Helen
Gerse.

HELEN GERSE, sworn, states:

MR. CALDWELL, examining:

Q I believe your name is Helen Gerse and that you
are a married woman and that your home is 330 10
Avenue "O" South in Saskatoon?

A Yes.

Q And was that last year also?

A Yes.

Q And do you know the house of some people named
Cadrain near your house?

A Yes.

Q Now, where is it from yours, Mrs. Gerse?

A They live right beside us.

Q And is it immediately next door? 20

A Yes.

Q I see; and you are on the east side of Avenue
"O" then, are you?

A Yes.

Q And what is generally across the road from
your house and Cadrain's?

A A school - St. Mary's School.

Q St. Mary's School?

A Yes.

Q And if you are facing out of your front door 30
so to speak which side is Cadrain's?

A The right.

Q Facing out of your front door or towards your front door?

A When you face the door it's to the right.

Q Alright; when you face your front door it's to the right?

A Yes.

Q I see; now, I believe that early in 1969 that you noticed an item out in front of your house that you picked up?

A Yes. 10

Q Now, do you know the exact date that was or not?

A Well, I don't know the exact date but it was end of January or the first day of February sometime.

THE COURT:

Q January the 31st or February the 1st?

A I don't know if it was that day but it would have to be on the week-end; I remember that.

MR. CALDWELL:

Q How do you particularly know it was a weekend? 20

A Because usually we do shopping on the weekend - the grocery shopping and we park in the front of the house because we just come home from town and leaving again; so that's how I . .

Q . . I'll ask you just to speak up a little please; had you done grocery shopping that day?

A Yes I did.

Q And was it after grocery shopping that you noticed this object?

A No, that was before, like I said we were just 30 coming home from some place else and we going to leave to go shopping; that's how come we

park in the front of the house; we usually park at the back.

Q And that's what made you think it was a Saturday?

A Yes.

Q What was the thing you noticed?

A Well, it was a blue hat - toque or whatever you call it.

Q A what?

A A blue hat or wool hat or toque or whatever you call it. 10

Q Alright, what was it made of, Mrs. Gerse?

A Well, it was nylon or wool, I don't know exactly.

Q And where was the toque?

A It was between the sidewalk and the street.

Q That would be on the boulevard, would it?

A Yes.

Q And where was it from your house?

A It was right in front of our house.

THE COURT:

20

Q It was what?

A Right in front of the house.

Q Right in front of your house?

A Yes.

MR. CALDWELL:

Q And that would be between the city sidewalk and the street then?

A That's right.

Q And did you pick it up?

A Yes.

30

Q And what did you notice about it when you picked it up?

A Well, I piked it up because I thought it belonged to the kids, I figured maybe it belonged to the Cadrain's kids. So then when I piked it up I saw the blood on it so I didn't know what to do but I didn't want to leave it in front of the house because it looked dirty, you know; didn't have time to take it to the garbage can so I just threw it at the back of my yard.

THE COURT: 10

Q Just a minute, you're going a little too quickly for me and I think for the jury too; would you go back over that a little more slowly please - what did you do with it when you piked it up?

A I piked it up and I was going to pick him up because give it to the neighbor's kids, you know . .

Q . . you thought it belonged to the neighbor's kids? 20

A That's right. So then when I piked him up I saw the blood on it so then I didn't know what to do so I just piked him up and threw him into our back yard.

Q You threw it into your back yard?

A Yes, but I didn't want to take it into the house and I didn't have time to throw it in the garbage can because it's no good for my kids.

Q You say you didn't have time to throw it in the garbage can so you had to heave it in your back yard? 30

A That's right because I was in a hurry to leave again to go shopping.

MR. CALDWELL:

Q And I take it it didn't belong to your house in any way?

A No.

Q And when you threw it into the back yard did you move it again in the next few days?

A No, I didn't.

Q Did it stay there for some time?

A Yes - the first week of April.

Q What happened then? 10

A Well, that's when one of detectives come around and ask if I find a shirt or slacks or something so I told him not that but I found a hat. So he picked him up and he took it, that's all.

Q You told the detective you found a hat?

A Yes.

Q Did you show him where it was?

A Yes.

Q And did he pick it up?

A Yes he did. 20

Q And take it with him?

A Yes.

Q Was it the same one you had thrown out there?

A Well, it looked the same except lost color because, you know, all the blood that time had melted; it was warm days anyway.

THE COURT:

Q When did the detective come around?

A First week of April.

MR. CALDWELL: 30

Q And it had melted somewhat . . . ?

A . . . yes, so the clothes lost some color.

Q The clothes lost some color?

A Yes but I recognized it because on one side it was frozen, you know, the blood on it and I guess it was cut too because it looked like (next few words inaudible).

THE COURT:

Q It looked as if it was cut?

A Yes. You see on one side it was - well, when you wipe knife for instance.

Q When you wipe a knife?

A Yes or dishes or something and you know the way you handle it and I guess it was between the blood it was frozen. That's how I recognized it. 10

Q Anyway, it was the same hat that you had thrown in there?

A Yes it was, yes.

MR. CALDWELL:

Q And was it the same place where you had thrown it where the detective got it from?

A No.

Q No, I'm asking you though, when you put it in the back yard . . . ? 20

A Yes.

Q . . . and then later you took the detective out?

A Yes.

Q When you showed him the hat in the back yard was it still where you had put it?

A That's right, yes.

Q I see; and when you first found it out front, Mrs. Gerse, where was it in relation to the snow on the ground? 30

A It was right on top of the snow and usually in front of the house the sidewalk, you know, walk

between the sidewalk and the street and it was to the left - the Cadrain side actually.

Q But you said it was on top of the snow?

A Yes; right on top.

THE COURT:

Q There had been no snow on top of it - it hadn't been snowed on?

A No, there was nothing.

MR. CALDWELL:

Q I show you P.35 for identification . . ? 10

A Yes, that's the hat.

THE COURT:

Q You say that's the one?

A Yes, that's the one.

MR. CALDWELL:

Q How do you recognize it?

A Well, it was kind of like I said, it looked like red over here.

Q You'll have to speak so everyone there can hear you, not just me please? 20

A Yes, that's the hat. I recognize this out and still red - the color.

Q Now, are you saying that some out was in it when you found it?

A Yes; yes it was.

Q Can you tell the Court which out was in it when you found it if any?

A Well, it would have to be on that side because it was frozen like that, you see, and it was still fresh . . 30

THE COURT:

Q . . you said it was folded together like you have

indicated?

A That's right; that's how it was frozen.

Q You've taken the bottom part and your hand inside and you've brought the bottom part up towards that hole in the top?

A Yes, that's how it was frozen.

Q That's the way it was frozen; but could you see that hole that is there now?

A Yes, it looked like that one over here, but there is more, I don't know. 10

Q You don't know where the other one came from?

A I don't know that.

MR. CALDWELL:

Q Can you still see any of what you called the blood on it?

A Well, those red stripes whatever you call it, that's the same thing - but there was lots of blood on it.

THE COURT:

Q You say there was lots of blood on it? 20

A Yes, it was lots.

Q Well, it was more apparent then than it is now?

A Like I said it was frozen like that and how much blood was right here was all frozen.

MR. CALDWELL:

Q And were those red pencil or crayon marks on it then or not?

A No, it can't be.

Q They were not then, eh?

A No, because that one side it was all clean. 30

Q I see; and did you mark your name on it or anything?

A No, I didn't.

MR. CALDWELL: My Lord, I tender that item.

THE COURT: P.35.

(Exhibit P.35 for
identification

made EXHIBIT P.35

MR. CALDWELL: Thank you; your witness.

MR. TALLIS, cross-examining:

Q I just have a few questions to ask you, Mrs.
Gerse, so we won't keep you very long. 10
First of all, as I understand it from what you
told Mr. Caldwell this toque was right on top of
the snow?

A Yes.

Q And there was no sign of the snow having been
scooped up around it or anything like that?

A No, it was fresh.

Q It was sitting right on top?

A Yes.

Q But the snow wasn't disturbed in any place 20
around the toque?

A No; no, it wasn't.

Q Now, I think you told my learned friend that you
had just come home . . . ?

A Yes.

Q . . . and you were in a hurry . . . ?

A To leave.

Q . . . to leave to go shopping. Now, did you
notice the toque when you came home?

A Well, that's when I noticed it. 30

Q I see; is that when you picked it up?

A Yes.

Q And then you went into the house, did you?
A Yes.
Q And then you went out shopping?
A Yes.
Q Now, you had gone out earlier that day?
A Yes.
Q And where had you gone earlier that day?
A Well you see, like from the back yard because
the car was in the garage.
Q Yes; and you took your car out? 10
A Yes.
Q And you hadn't been down there that morning -
you hadn't walked north on Avenue "O" that
morning?
A No, I wasn't.
Q Or at any time until you went out to go
shopping?
A No, I didn't.
Q And you didn't see any sign of any other papers
or anything like that around there? 20
A Well, sometime I do but . .
Q . . no but at this time when you saw this . . ?
A . . no; no.
Q And no sign of any indentations in the snow or
anything like that either way from it?
A No.
Q Now, I just want to be quite sure. Just looking
at this particular toque you said there was one
out mark or something in it when you found it?
A Yes. 30
Q Well now, which is the out mark that was in it
when you found it?

A Well, it has to be that one.

Q Just so you can show the jury it's this large one here?

A Yes, that's the one has to be.

Q I see; well, don't guess at it; you say that would have to be; which one to your recollection is the cut mark that was there?

A Well, I couldn't say exactly, like I said it was frozen (next few words inaudible).

Q Well, in any event was the cut mark that you have told us about one in the upper portion of the toque? You see, suppose we had an imaginary line around here - was the mark that you saw - the cut mark in the upper part of the toque? 10

A Have to be lower one if I fold it.

Q Well, you just . . ?

A . . well, that's what I did - that's the lowest one and if it was frozen like that it has to be that one. 20

THE COURT:

Q Just a minute, speak a little more slowly please - you're saying it was the lower one?

A Yes, have to be the lower one because it was like that and it was right at the edge of the frozen . .

MR. TALLIS:

Q . . I see; now when you say the lower one which one are you referring to?

A Well I guess over here - that one. 30

Q The large one here?

A Yes.

Q I see; rather than this one up at the top here?

A Yes. Could be that out too but I didn't notice it anyway.

Q But you think it's the larger one?

A Yes.

Q But you definitely remember the toque that you picked up as having a mark - a cut in it?

A Yes.

Q And how large was the out that you remember being in it or the hole - maybe I should say 10 hole rather than out?

A Well, it wasn't half an inch - maybe something like that.

Q I see; about the size of this one that you pointed out here?

A Yes.

Q Well, when dealing with the hole or the out mark, was some of the cloth apparently right out of it at that time?

A No. 20

Q I see; well, just so I understand it did it look the way this one now looks that you pointed out to me?

A Well, it was - I just noticed the material was out.

Q I see; and did the hole look about the size of this one?

A I suppose a little bit stretched but not much anyway.

Q A little bit stretched? 30

A Yes.

Q By stretched you mean a little bit bigger or . . . ?

A . . yes, that's right.

Q I see; I take it that the detective that picked
this up was a gentleman by the name of Mr. Karst,
was it?

A I don't know by name.

Q Do you remember how he looked?

A Yes - blond - big tall fellow.

Q Big man?

A Yes.

Q Sort of blondish red hair? 10

A Yes.

CROSS-EXAMINATION CONCLUDED.

THE COURT: You may go now.

MR. CALDWELL: I call Eddie Alexander Karst.

EDDIE ALEXANDER KARST, sworn, states:

MR. CALDWELL, examining:

Q I believe you are a member of the Saskatoon Police Department with the rank of Detective and that you had a good deal to do at various times with the investigation of the murder of Gail Miller in January of 1969?

A That's right.

Q And that your part in it of course covered times since then off and on? 10

A That's right.

Q And I believe that one thing you did, Detective Karst, was to check in the general neighborhood including the 300 block of Avenue "O" South - a door to door check for possible items?

A Yes I did.

Q And that one of the places you went was 330 Avenue "O" South?

A Yes, I called there.

Q And when was that? 20

A It was on April the 5th 1969.

Q And who did you see there?

A The lady of the house Mrs. Gerse.

Q And as a result of talking to her did she point something out to you?

A Yes; there was a toque in the rear of the yard which I took possession of; and on April the 7th turned this toque over to Lieut. Penkala.

Q And did the lady take you to where this toque was? 30

A Yes.

Q And when you got there where was it?

211741

A In the rear yard just a little to the east and north of the house itself.

Q And when you saw it where was it in relation to - was there still snow at that time?

A Yes there was.

Q Where was it in relation to the snow?

A It was lying in the snow.

Q And you are not an Identification officer as such, are you?

A No, I'm not. 10

Q Did you have a look at it as to its condition there and then or . . . ?

A . . . yes I did; it had some sort of a dark colored substance on it.

Q Alright; and you retrieved it from the snow in the yard?

A Yes I did.

Q And you gave it to Lieut. Penkala?

A That's correct.

Q And did you alter it in any way during that process? 20

A No, I did not.

Q And in the case of this particular item did you mark it?

A No sir, I did not.

Q Why was that?

A Due to its color it was difficult to make any marking on it.

Q I show you P.35.

A It appears to be one similar. 30

Q One similar to that, was it?

A Yes.

211742

Q And the tags of course would be new to you?
A Yes, that's right.
MR. CALDWELL: Thank you; your witness.
MR. TALLIS, cross-examining:
Q I gather that you turned over the toque to Mr. Penkala of your Identification Section?
A That's correct.
Q But before turning it over you looked at it initially yourself with the naked eye?
A Yes I did, yes. 10
Q And were there any holes or cuts in it that you observed at that time?
A No; no, there were not.
Q I take it that you specifically noted that there were no holes or cuts in it at the time?
A That's right.
Q And then you turned it over to the Identification Section so that it could be checked out?
A That's right.
Q And that is the only exhibit that you ever 20 handled relative to this particular investigation?
A That's correct.
Q Now, I believe that you met David Milgaard in Winnipeg?
A That's right.
Q And would this be around March the 3rd 1969?
A It was on March the 3rd 1969, yes.
Q And I understand that Staff Sergeant Edmondson of the General Investigation Section of the 30 R. C. M. P. was with you for at least a portion of the time?

211743

A That's correct.

Q And then I believe there were perhaps some other junior officers around?

A Cst. Kopang of the Winnipeg detachment.

Q But the most senior man would be . . . ?

A . . . Sergeant Edmondson.

Q . . . Edmondson?

A That's correct.

Q Now, I take it that when you were there you met David's boss or supervisor? 10

A Yes I did.

Q Whose name is - first name you recall to be Roger?

A Roger Renault, yes.

Q Roger Renault; and this was with Maclean-Hunter?

A That's right.

Q Now, I take it that it was on this particular day that we're talking about when you met Roger that you had also met David?

A That's right. 20

Q And you met David, did you, at the motel where they were staying?

A No; the first place I met him was at the detention home for the boys.

Q I see; the R. C. M. P. had him there?

A That's correct.

Q And then as I understand it he was in this detention room and subsequent to that he was released after you people interviewed him?

A Yes, after the interview. 30

Q After you interviewed him; so he was invited to be there to be interviewed by you?

211744

A That's correct.

Q And is it fair to say that you also did see him in his motel room?

A That's right.

Q As a matter of fact you went with him to his room after he had been down at the R. C. M. P. Detachment?

A Yes I did.

Q In the detention room; and it was then at this stage that you met Roger? 10

A That's right.

Q Now, I take it that you didn't have him under arrest or anything like that at that time?

A No, I didn't.

Q And on the afternoon of that day I take it that you made it a point to examine him physically?

A Yes I did.

Q And he co-operated fully with you in this connection? 20

A Yes.

Q And you would characterize his attitude toward you as polite and co-operative?

A Yes he was.

Q And similarly toward any of the other officers that you saw him with?

A Whenever I was present, yes.

Q And I take it that when you were examining him you were looking for possible signs or scars dealing with wounds or anything like that?

A Yes I did. 30

Q Or remnants of scratch marks or any other types of marks?

211745

A That's right.

Q Because you had a background of information concerning this killing and sexual assault and so forth?

A Right.

Q You had seen photographs and everything by that time, hadn't you?

A That's right, I had.

THE COURT: Have you established the date of this interview? 10

MR. TALLIS: March the 3rd, My Lord.

THE WITNESS: March the 3rd 1969.

MR. TALLIS:

Q And I take it that you didn't observe any marks of any kind of any significance?

A No, I found none.

Q As a matter of fact you observed no marks?

A That's correct.

Q And you've been in the City Police Force for in excess of fourteen years? 20

A That's correct.

Q And some of that time has been spent in detective work because you are now a detective?

A That's right.

Q How many years have you spent at that?

A Detective - about six years.

Q And now then, I take it that when you went back to the motel you asked if it would be alright if you searched the room?

A That's right. 30

Q And once again you got complete co-operation in this connection?

A Yes I did.

Q And did that search involve personal effects as well?

A Yes; mostly articles of clothing.

Q Yes; by personal effects I am including clothing?

A Yes.

Q And was there anyone else in the room with you?

A Roger Renault, yes.

Q Roger was there?

A Yes. 10

Q And how long did you spend with him at the motel approximately?

A The better part of an hour.

Q The better part of an hour?

A Yes.

Q And how long had you spent with him earlier when you and Staff Edmondson were with him down at the interviewing room?

A Five or six hours.

Q Five or six hours? 20

A Yes.

Q This was when he was in this detention room for boys in the B. C. M. P.?

A Yes.

Q And it was after that that he was released by you people and taken to his motel?

A That's correct.

Q And it was at the motel that you left him?

A Yes.

Q And I believe that it is also fair to say that 30 you observed David writing?

A Yes I did.

Q And you specifically recollect that he is left handed?

A That's right.

THE COURT:

Q That is he wrote left handed?

A He wrote left handed, yes.

MR. TALLIS:

Q You noted that specifically at the time?

A That's right.

Q And Staff Sergeant Edmondson was there with you 10
at that time?

A Yes.

THE COURT:

Q What occasion would he have to write in your presence, Officer?

A He had drawn various diagrams describing the areas that he thought he was at when he was in Saskatoon.

MR. TALLIS:

Q And I take it that you didn't obtain any samples 20
from him at that time of hair or anything like that?

A No, I did not.

Q And I take it - did you have anything to do with obtaining samples from him later on?

A No, I believe I was present but I had nothing personally to do with it.

Q That was here in the City Police, was it?

A At the Saskatoon station, yes.

Q And someone else was^{doing}/the actual taking of the 30
samples?

A That's right.

887 X-exam of Det.Karst

Q But you just happened to be there?

A That's right.

CROSS-EXAMINATION CONCLUDED.

MR. CALDWELL: Just one thing if I may,

My Lord -

Q As I understand from what you've told my
learned friend that the interview was March the
3rd 1969 in Winnipeg?

A That's correct.

Q And was this physical examination and the search 10
of his belongings the same date?

A That's right.

Q March the 3rd?

A That's right.

MR. CALDWELL: Thank you.

THE COURT: Thank you, that's all.

Next witness.

MR. CALDWELL: I call Raymond William Mackie,

My Lord.

20

211749

RAYMOND WILLIAM MACKIE, sworn, states:

MR. CALDWELL, examining:

Q Now, your full name is Raymond William Mackie
and I believe you are a member of the Saskatoon
Police Department with the rank of Detective
Sergeant and that that was also the case a year
ago in January 1969?

A Yes.

Q And that you had a good deal to do with the
investigation of the death of Gail Miller in 10
Saskatoon last January?

A Yes.

Q And at various times in the meantime?

A Yes.

Q And I believe that you received a set of keys
at one stage of this investigation from another
officer, did you?

A Yes I did.

Q And when and from whom?

A From Detective McCorrison on the first of 20
February 1969.

Q And did you add a mark of some sort to that,
Sergeant?

A Just the envelope the keys were in; I didn't
mark the keys themselves.

Q I see; but you received them in that envelope,
did you?

A Yes.

Q And you added what - your initials and date?

A There is just my name on the envelope. 30

Q I see; now, on that day did you turn them over
to someone else?

211750

A Yes; Detective Keith Mackie.

Q And when did you get them back from Keith Mackie?

A Later the same day.

Q And I believe you tendered them at the preliminary inquiry into this charge last year?

A Yes.

Q And after you got them back from Keith Mackie did you retain them under lock and key in your custody until the preliminary inquiry when they were tendered as evidence? 10

A Yes, I did.

Q Other than add your mark did you change them at all?

A No.

Q And I believe that you received a wallet also during the investigation, did you?

A Yes.

Q I show you P.21 I believe for identification; and is that the wallet you received?

A Yes; this is the wallet I received on April the 20 4th 1969.

Q Now, I believe you on that day were sent or called to a residence in Saskatoon, were you?

A Yes.

Q And where was that place?

A 224 Avenue "N" South.

Q And whose place was it, Sergeant?

A Remenda's.

Q And were there any adults there when you got there? 30

A Yes.

Q Who was that?

211751

A Mrs. Remenda.
Q And any children?
A Yes.
Q Who were there?
A A Remenda boy and Giles Beauchamp.
Q And was this wallet there when you got to that address?
A Yes.
Q And who was it that so to speak pointed it out to you or turned it over to you? 10
A Mrs. Remenda.
Q And did you go somewhere with this lad Giles Beauchamp?
A Yes.
Q And who did the directing as to where to go?
A Giles Beauchamp.
Q And where did he take you?
A To the 300 block Avenue "O" South.
Q And did Giles direct you to a specific location on that block? 20
A Yes he did.
Q And where was that?
A It was on the edge of the sidewalk and boulevard in front of 326 Avenue "O" South.
Q And are those dwelling houses along that side of the street?
A Yes.
Q And I take it you're referring to the city sidewalk and city boulevard?
A Yes. 30
Q Now, was there any snow in that area when you were there?

211752

A Yes there was.

Q And did you look around in the area that Giles pointed out to you?

A Yes I did.

Q And did you locate anything?

A Two hospitalization cards.

Q And where were they?

A They were on the edge of the sidewalk lying in the snow.

THE COURT: 10

Q Pardon me, what was that house again that you went to or that he took you to?

A 326 Avenue "O" South.

MR. CALDWELL:

Q Possibly ^{could} we/just pause there; I think you are familiar with some of the houses along that side of that street?

A Yes.

Q Do you know Cadrain's house?

A Yes. 20

Q Now, where is it, Sergeant?

A Cadrain's house is the corner house.

Q I see; and the one in front of which you were taken or pointed out by Giles was I think you said 326; how many doors is that from Cadrain's?

A It's the third house north of Cadrain's.

Q So that there would be I take it two other houses in between 326 and Cadrain's, would there?

A Yes.

Q And all on the same side of "O"? 30

A Yes.

Q What's on the other side?

A School.

Q And which one is that?

A St. Mary's School.

Q Now, at the time when you were there with Giles did you happen to pay any attention to the location of a skating hut or place to change skates in connection with the school, or not?

A No, I didn't.

THE COURT:

Q Just let me get this clear; he pointed out 10
where he found the wallet but did you find the hospitalization cards yourself?

A Yes.

Q Exactly where were they?

A They were lying in the snow on the edge of the sidewalk on the boulevard where the two meet.

Q In the snow on the boulevard - where with relation to the house?

A It would be directly in front of the entrance 20
to the house.

Q That is to 326 Avenue "O" South?

A Yes.

MR. CALDWELL:

Q And when you found the cards where were they in relation to the top of the snow, that is were they buried or . . . ?

A . . . they weren't buried; they were partially - a little bit of snow on top of them but very little.

Q I see; now I'm sorry but did you find some 30
marking of yours in the wallet there?

A Yes, there is.

211754

THE COURT:

Q Excuse me before you go on - what was the date?

A The 4th of April 1969.

MR. CALDWELL:

Q How do you identify the wallet?

A The card holder from inside of the wallet has
got my name on it, date April the 4th 1969
2:30 p. m.

Q And did you mark that - at which stage of the
proceedings was that? 10

A When I received it.

Q I see; still at Remenda's house, was it?

A Yes sir. Pardon me - I'm sorry - that was after
I turned it over to Lieut. Penkala.

Q Oh I beg your pardon; and that would be later
the same . . . ?

A . . . on the 7th of April.

Q That you marked it?

A Yes.

Q But you received it on the 4th and put your
endorsement on the 7th indicating that you had
received it on the 4th? 20

A Yes.

Q Alright, I see; and is that the wallet then that
you got from the Remenda boy?

A Yes it is.

Q Or excuse me, from at Remenda's house from
Beauchamp?

A Yes.

Q And once you gave the wallet to Lieut. Penkala
did you have any more interest in it? 30

A No, I didn't.

THE COURT:

Q How far were these cards from the place where the wallet was supposed to have been found?

A Just about the same place. There was snow piled on the boulevard from sidewalks being shovelled.

MR. CALDWELL:

Q I show you P.34 for identification - two hospitalization cards; are those the ones that you located?

10

A Yes, these are the two hospitalization cards I found on the boulevard in 300 "O" South. I have them marked with my name, the time 2:40 p. m.; date April 4th 1969.

Q And when you retrieved them did you look to see whether they had any particular name on them?

A Yes. The one has the names of the Miller family and the other has the name of Gail Miller.

Q I see; and those of course are still on there, are they?

20

A Yes they are.

Q As part of the typed part of it?

A The typed portion of it, yes.

Q I see; now, what did you do with these two items when you had marked them?

A They were also turned over to Lieut. Penkala on the 7th of April.

Q And again would that be the last dealing you had to do with those two items then?

A Yes.

30

THE COURT:

Q I want to make sure I'm correct in this now; you

found those directly in front of 326 Avenue "O"
South?

A Yes.

THE COURT: Alright; you're tendering
the cards now?

MR. CALDWELL: Yes, My Lord.

THE COURT: That will be P.34.

(Exhibit P.34 for
identification

made EXHIBIT P.34 10

MR. CALDWELL:

Q And which side of "O" is 326 and Cadrain's
house on?

A East side.

Q East side; where is 326 "O" South from 330
"O" South?

A It would be north.

THE COURT:

Q 330 would be north of 326?

A South of 326. 326 is north of 330. 20

MR. CALDWELL:

Q And is it immediately next door or is there a
house in between?

A There is 326, 328, 330 and 334 Avenue "O".

Q That's the order and you have personal knowledge
of that, have you?

A Yes.

Q I see; and that as I understand it is proceeding
southward on the block and ending at the corner
334 I believe? 30

A Yes.

THE COURT:

Q The numbers start at the south, they start at 22nd Street, don't they, going south?

A Yes they do.

MR. CALDWELL: Thank you; your witness.

MR. TALLIS, cross-examining:

Q Mr. Mackie, just a question or two. You told my learned friend about finding these hospitalization cards on April the 4th and as I have noted your evidence you said that there was a little snow?

10

A Yes.

Q Did I understand you correctly?

A Yes.

Q Now, when you say a little snow could you give me some idea what you mean by that - and I'm not trying to be critical of you?

A Well, it would appear that they had been buried in the snow at one time and as the snow was melting away it was just what little snow was left on top of them; they were quite visible on the top of the snow.

20

Q Oh; in other words you could see them without moving any snow?

A That's right, yes.

Q There was sufficient transparency so to speak in the snow that was on top of them?

A They weren't completely covered with snow; just a portion of them covered.

Q I see; a portion of them sticking out?

A Yes.

30

Q And did that apply to each one of them?

A Yes.

211758

897

MR. TALLIS:

No further questions.

THE COURT:

Thank you.

MR. CALDWELL:

I call John Oleksyn, My Lord.

211759

JOHN OLEKSYN, sworn, states:

MR. CALDWELL, examining:

Q I believe you are a member of the Saskatoon Police Department and that your rank at this time is Detective?

A That is correct.

Q And I believe you had occasion to be with Dr. Lewis Brand in Saskatoon on a date in 1969 when he took a blood sample from an individual?

A That is correct. 10

Q And what date was that?

A It was April the 17th 1969.

Q And where was that done?

A At St. Paul's Hospital.

Q And from whom was this sample taken?

A From David Milgaard.

Q And were you present when that was done and saw that going on?

A Just next room to it.

Q But did you actually see the sample being taken? 20

A No, I didn't.

Q Oh I beg your pardon - alright, but was David Milgaard present with Dr. Brand to your knowledge?

A That is correct.

Q And is Milgaard here in court today?

A Yes he is.

Q Which person is he?

A He's seated in the prisoner's box.

Q And on that occasion did you receive a purported blood sample from Dr. Brand? 30

A That is right.

Q Now, I show you P.23 for identification, which

211760

is a test tube or vial with some wrappings around it; is that the one you received from Dr. Brand?

A That is right.

Q How do you identify it?

A There is my name here and the date on it.

Q Did you have him sign it and date it also?

A Yes; the doctor did.

Q And does that still appear on there?

A Yes - Dr. Brand.

Q And is that the sample or the container that you received from Dr. Brand then? 10

A That is correct.

Q And did it have apparent blood in it at the time?

A That is right.

Q And was it stopped with a stopper of some sort?

A That is right.

Q And what did you do with that after you had had him sign it and you had signed it?

A I kept it till I went to the Police Station, which was just a few minutes, and I turned it over to Lieut. Penkala - Identification. 20

Q And was that done as I gather on the same date April the 17th 1969?

A That is right.

Q And I take it you did not alter the contents of it in any manner?

A No, I didn't.

MR. CALDWELL: Thank you; your witness.

MR. TALLIS, cross-examining: 30

Q Mr. Oleksyn, I believe this is the only exhibit you handled relevant to this investigation?

A That is right.

Q And I believe that the date that you told my learned friend when you obtained the blood sample was the first time you had met David?

A That is right.

Q And as I understand it it's common ground between us that he was not under arrest at that time?

A That is right.

Q And I believe that you and Lieut. Short 10 invited him to go to St. Paul's Hospital with you for this purpose?

A That is correct.

Q And you made this inquiry of him before you actually saw Dr. Brand?

A That is right.

Q Now, this request was made initially at the Police Station?

A That's right.

Q And David was down there at your invitation? 20

A That is right.

Q And I take it that it's fair to say that he was asked whether he would co-operate and make a sample of his blood available?

A That's correct.

Q And is it fair to say that without hesitation he told you that he would be quite willing to go to St. Paul's Hospital for that purpose?

A That's right.

Q And I take it that it's also common ground 30 between us that it was made quite clear to him at this time that the Gail Miller murder was