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(also member of the N.W.T. And Yukon Bars)

BRIAN E. PETERSON, O.C.*

F. KIRK MACDONALD

DINO BOTTOS*
(also of the B.C. Bar)

MARSHALL HOPKINS

M. BRAD LEEBODY

DARIN D. SPRAKE

February 24, 2005

Via Courier

Commission of Inquiry Into the Wrongful Conviction
of David Milgaard
1020 - 60 Spadina Crescent East
Saskatoon, Saskatchewan S7K 3H1

Attention: Mr. Douglas Hodson

Dear Sir:

RE: ***Milgaard Inquiry***

Direct Line: (780)409-2666
Email: apringle@pringleandassociates.com

Further to our telephone discussion this afternoon, I enclose the following:

1. Notice of Motion wherein Justice Tallis is applying for standing and funding of counsel at the Inquiry;
2. Supporting Affidavit sworn by myself.

Could you please file this documentation with the Commission. Thank you.

Yours truly,

PRINGLE & ASSOCIATES

PER: 

ALEXANDER D. PRINGLE, Q.C.

ADP/dmw

Encs.

IN THE MATTER OF
A COMMISSION OF INQUIRY INTO THE WRONGFUL CONVICTION
OF DAVID MILGAARD WHICH IS BEING PRESIDED OVER BY
THE HONOURABLE MR. JUSTICE E.P. MacCALLUM

BETWEEN:

CALVIN F. TALLIS

Applicant

- and -

HER MAJESTY THE QUEEN

Respondent

NOTICE OF MOTION

TAKE NOTICE that an application will be made by counsel on behalf of Calvin F. Tallis before the Honourable Mr. Justice E. P. MacCallum, Commissioner, on the 7th day of March, 2005, at 10:00 o'clock in the forenoon or so soon thereafter as the same may be heard, for an Order granting Calvin F. Tallis full standing to appear through counsel at all stages of the Commission of Inquiry and to be heard through counsel in this matter.

AND FURTHER TAKE NOTICE that the Applicant will apply for an Order that Alexander D. Pringle, Q.C., and his alternate, Dino Bottos, be appointed by this Commission of Inquiry to represent the interests of the Applicant through the proceedings.

AND FURTHER TAKE NOTICE that an application will also be made for funding of counsel and for the payment of any and all reasonable disbursements incurred in the representation of the Applicant before this Commission of Inquiry.

AND FURTHER TAKE NOTICE that the basis for this application will include the following:

- a) the Applicant was the defence counsel for David Milgaard at his trial and also represented him at his appeal before the Saskatchewan Court of Appeal. It is anticipated that the Applicant's representation of Mr. Milgaard may be the subject of inquiry;
- b) the Applicant has been advised that he will be called as a witness at the Inquiry;
- c) the Applicant is directly and substantially affected by the Inquiry;
- d) that no other potential party before this Commission will properly, adequately, or in any way, represent the interests of the Applicant; and
- e) such further and other grounds as may be advanced before the Commission at the hearing of the application.

THE APPLICANT THEREFORE REQUESTS:

- 1. that he be granted Standing at the Commission of Inquiry; and
- 2. that he be granted funding to retain the services of Alexander D. Pringle, Q.C., and his alternate, Dino Bottos, as his counsel in accordance with the Legal Counsel Funding Guidelines established by the Commission.

DATED at the City of Edmonton, in the Province of Alberta, this 24th day of February, 2005.



ALEXANDER D. PRINGLE, Q.C.
Counsel for Calvin F. Tallis

TO: COMMISSION OF INQUIRY

IN THE MATTER OF A COMMISSION OF
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CONVICTION OF DAVID MILGAARD WHICH
IS BEING PRESIDED OVER BY THE
HONOURABLE MR. JUSTICE E.P. MacCALLUM

BETWEEN:

CALVIN F. TALLIS

Applicant

- and -

HER MAJESTY THE QUEEN

Respondent

NOTICE OF MOTION

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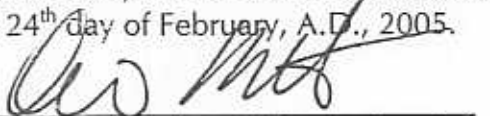
Respondent

AFFIDAVIT OF ALEXANDER DAVID PRINGLE

I, ALEXANDER DAVID PRINGLE, Barrister and Solicitor, of the City of Edmonton, in the Province of Alberta, MAKE OATH AND SAY:

1. That I have been asked by Justice Calvin F. Tallis (hereinafter referred to as the "Applicant") to represent him at the Commission of Inquiry into the Wrongful Conviction of David Milgaard and as such have personal knowledge of the matters hereinafter referred to, except where stated to be based upon information and belief and where so stated, I believe the same to be true.
2. That the Applicant is currently a Justice of the Saskatchewan Court of Appeal but will retire from that position on March 5th, 2005.
3. That the Applicant was the defence counsel who represented David Milgaard at his trial and he also represented Mr. Milgaard at his appeal before the Saskatchewan Court of Appeal.

4. That the Applicant has been informed that he will be called as a witness at this Commission of Inquiry.
5. That the Applicant's role in representing Mr. Milgaard at his trial and at his appeal before the Saskatchewan Court of Appeal may be the subject of inquiry.
6. That the Applicant would like to have counsel represent him at this Inquiry and he has asked myself to represent him in this regard. If I am unable to appear at the Inquiry due to other commitments, I would like another member of my firm, Dino Bottos, to appear as alternate counsel and this arrangement is agreeable to the Applicant.
7. That when the Applicant represented Mr. Milgaard at his trial and at his appeal before the Saskatchewan Court of Appeal, he was retained by Mr. Milgaard through Saskatchewan Legal Aid and the Applicant feels that since he represented Mr. Milgaard on a legal aid basis, he should not have to employ his own financial resources to retain counsel to represent his interests at the Inquiry.
8. That I believe that it would be contrary to the interests of justice not to allow the Applicant standing and funding in relation to the work of this Commission.
9. That I make this Affidavit in support of the Notice of Motion returnable on March 7, 2005, which will be filed with the Commission along with this Affidavit.

SWORN BEFORE ME at the City)
of Edmonton, in the Province of Alberta)
this 24th day of February, A.D., 2005.)
)
A Notary Public in and for the Province)
of Alberta)


ALEXANDER DAVID PRINGLE

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CONVICTION OF DAVID MILGAARD WHICH
IS BEING PRESIDED OVER BY THE
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