

Garrett Wilson, Q.C.

Merrilee Rasmussen, Q.C.  
BA (Hons) MA, LLB, LLM

May 18, 2004

Douglas C. Hodson, Esq.  
Commission Counsel  
Commission of Inquiry into the  
Wrongful Conviction of David Milgaard  
1020 - 606 Spadina Cresc.  
SASKATOON, SK  
S7K 3H1

Dear Mr. Hodson;

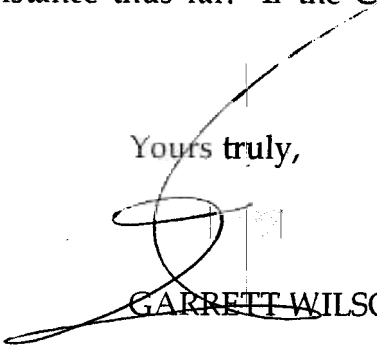
**Re: Application for Standing and Funding by Serge Kujawa**

I am enclosing Mr. Kujawa's Application for Standing and Funding before your Commission. Please place it before Mr. Justice MacCallum for decision at your early convenience.

Mr. Kujawa regrets that his application was not made prior to April 6 as directed by the Commission. Initially, it was his intention to participate in the proceedings only to the extent required by the Commission, presumably as a witness. He has since reconsidered after receiving considerable advice that he might indeed be affected by the Inquiry.

Thank you for your assistance thus far. If the Commission requires anything further, please let me know.

Yours truly,

  
GARRETT WILSON

GW/cs

Enclosure

5  
BARRISTERS & SOLICITORS

2237 SMITH STREET, REGINA, SASKATCHEWAN S4P 2P5  
TELEPHONE: (306) 352-1641 • FAX: (306) 525-8884

**COMMISSION OF INQUIRY INTO THE  
WRONGFUL CONVICTION OF DAVID MILGAARD**

**To: The Honourable Mr. Justice Edward P. MacCallum, Commissioner  
1020 - 606 Spadina Crescent East, Saskatoon, Saskatchewan.**

**APPLICATION FOR STANDING AND FUNDING**

Serge Kujawa, of Regina, Saskatchewan, hereby makes application to be granted both Standing and Funding at the above Commission of Inquiry.

As to Standing, the Applicant is directly and substantially affected by the Inquiry, and has special experience or expertise with respect to matters within the Commission's terms of reference, as follows:

1. Mr. Kujawa, a retired member of the Law Society of Saskatchewan, was a long-term employee of the Department of Justice of the Government of the Province of Saskatchewan. For many years he held the position of Director of Public Prosecutions in which capacity he represented the Crown upon the appeal of David Milgaard to the Saskatchewan Court of Appeal, and also upon the application of David Milgaard for leave to appeal to the Supreme Court of Canada.
2. Further, while serving as Director of Public Prosecutions Mr. Kujawa represented the Crown when Larry Fisher, under sentence in Manitoba for the offence of rape, arranged to appear in Saskatchewan in late 1971 to enter pleas of guilty on several like offences.

As to Funding, as demonstrated above, the Applicant is directly and substantially affected by the Inquiry, and has special experience or expertise with respect to matters within the Commission's terms of reference, and, in addition:

3. Mr. Kujawa will clearly be required as a witness at the Inquiry and his handling of both the David Milgaard and Larry Fisher files will be the subject of careful scrutiny.
4. Mr. Kujawa is now a retired pensioner living at the City of Regina, a considerable distance removed from the site of the Inquiry hearings. His financial resources are not such as to enable him to retain counsel to represent his interests at the Inquiry.
5. The Saskatchewan Department of Justice, Mr. Kujawa's former employer, has refused to retain counsel to represent him during the Inquiry, as evidenced by the letter of D. A. McKillop, Q. C., dated May 17, 2004, hereunto annexed.
6. Mr. Kujawa has requested that Garrett Wilson, Q.C., of Regina, act as his counsel to appear before such portions of the Inquiry as might affect his interests.

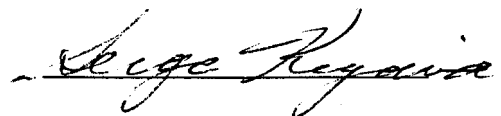
The Applicant therefore requests -

- That he be granted Standing at the Commission of Inquiry; and
2. That he be granted Funding to retain the services of Garrett Wilson, Q. C., as his counsel in accordance with the Legal Counsel Funding Guidelines established by the Commission.

DATED at the City of Regina, this 18<sup>th</sup> day of May, 2004.



Witness:



Serge Kujawa



Justice

Saskatchewan

1874 Scarth Street  
Regina, Canada  
S4P 3V7

Civil Law Division

May 17, 2004

Please Reply To:  
D. A. McKillop, Q.C.  
Phone: (306) 787-7442  
Fax: (306) 787-0581  
File No.:

Wilson Rasmussen Law Office  
Barristers and Solicitors  
2237 Smith Street  
REGINA, Saskatchewan  
S4P 2P5

VIA FACSIMILE: 525-8884

Attention: Mr. N. Garrett Wilson, Q.C.

Dear Sir:

**Re: Milgaard Inquiry - Representation of Mr. Kujawa**

You telephoned earlier today asking that I advise you whether or not the Province is prepared to retain you to represent Mr. Kujawa before the Inquiry and advised that Mr. Kujawa had recently concluded that he wishes to have counsel with standing before the Inquiry. I can now advise that the Province is not prepared to retain you for that purpose. The related issues of standing before the Inquiry and funding from the Inquiry in the event standing is granted, are of course matters for the Commissioner.

Yours truly,

D. A. McKillop  
Crown Counsel

DAM/kkl

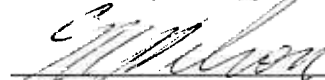
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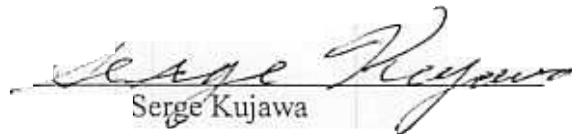
**AFFIDAVIT OF SERGE KUJAWA**

I, Serge Kujawa, of Regina, in the Province of Saskatchewan, retired, MAKE OATH  
AND SAY;

- 1 THAT am the Applicant herein and I have a personal knowledge of the facts and matters herein deposed to.
2. THAT the statements of fact set forth in the Application hereunto attached and marked as Exhibit A to this my affidavit are true and correct.

SWORN BEFORE ME at Regina, )  
in the Province of Saskatchewan, )  
this 18<sup>th</sup> day of May, 2004 )

  
A COMMISSIONER FOR OATHS )  
in and for the Province of Saskatchewan, )  
Being a Solicitor. )

  
Serge Kujawa