



Commission of Inquiry Into the
Wrongful Conviction of David Milgaard
Honourable Mr. Justice Edward P. MacCallum, Commissioner

January 17, 2005

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Chronology of Events

<u>Date</u>	<u>Title</u>
Oct-21-1968	Victim #1 is sexually assaulted near 18th St. between Ave. G and H in Saskatoon. The assault took place in the evening shortly after 10:30 p.m.
Nov-13-1968	Victim #2 is sexually assaulted near 18th Street between Avenue E and F in Saskatoon. The assault took place in the early evening.
Nov-29-1968	Victim #3 is indecently assaulted near Wiggins Avenue and Temperance Street in Saskatoon. The assault took place in the evening shortly after 9:30 p.m.
Jan-31-1969	David Milgaard, Ron Wilson and Nicole John travel from Regina to Saskatoon and arrive in the early morning. They become lost, get stuck at least once, and eventually arrive at the home of Albert Cadrain at 334 Ave. O South at approximately 9:00 or 9:30 a.m. They leave later that day for Calgary and are joined on the trip by Albert Cadrain.
Jan-31-1969	Gail Miller leaves her house at 130 Ave. O South at or shortly after 6:45 a.m. Following her departure from home, Gail Miller is sexually assaulted and murdered. Her body is discovered by Mary Marcoux at approximately 8:30 a.m. The Saskatoon City Police (SCP) is called and Detectives Parker and Reid arrive at the scene at approximately 8:40 or 8:50 a.m.
Jan-31-1969	Margaret Yanicki is indecently assaulted on Ave. H between 20th and 21st Street at 7:07 a.m.
Jan-31-1969	A broken knife blade is found at approximately 10:20 a.m. by Lt. Penkala at the location where the body was found.
Jan-31-1969	At approximately 2:30 p.m. Detective Parker (SCP) locates a red and black sweater and one boot buried in the snow a short distance from the location where the body of Gail Miller was found.

Chronology of Events

<u>Date</u>	<u>Title</u>
Feb-03-1969	Larry Fisher is questioned by Det. McCorrison (SCP) at 6:49 a.m. in the 300 block of Avenue O South. He states that on January 31, 1969, he caught the bus to work at 6:30 a.m. (at Ave. O and 20th street) and saw nothing unusual. He is reported to be working at Masonry Contractors at the U of S and to be wearing a yellow hard hat.
Feb-03-1969	A purse and contents are found in a garbage can by Det. McCorrison (SCP) in the east west portion of the T alleyway.
Feb-04-1969	Lt. Penkala (SCP) finds two yellow frozen lumps in the snow at the murder scene. They are delivered to the lab and are later determined to contain semen and hair.
Feb-04-1969	David Milgaard and his travelling companions return to Regina.
Feb-06-1969	Albert Cadrain is arrested by the Regina City Police for vagrancy.
Feb-07-1969	Albert Cadrain is sentenced to 7 days in jail for vagrancy. He serves his jail time in the Regina area.
Mar-02-1969	A knife handle is found by Richard Hounjet in his backyard at 227 Ave. N North. The Saskatoon City Police is contacted and Det. McCorrison retrieves the handle. It is later concluded that the knife handle matches the blade that was found at the location of Gail Miller's body.
Mar-02-1969	After returning to Saskatoon, Albert Cadrain contacts the Saskatoon City Police and provides a statement reporting suspicious behaviour by David Milgaard during their trip and indicating that when David Milgaard arrived at his house on the morning of January 31, 1969, he had blood on his clothing.
Mar-02-1969	David Milgaard is apprehended in Winnipeg and retained in custody.

Chronology of Events

<u>Date</u>	<u>Title</u>
Mar-03-1969	David Milgaard is interviewed in the morning by Det. Karst (SCP) and S/Sgt. Edmondson (RCMP). David Milgaard gives particulars of his activities on January 31, 1969.
Mar-03-1969	Ronald Wilson is interviewed in Regina by Inspector Riddell of the RCMP. Ron Wilson denies knowledge of the Gail Miller murder and indicates that he was not separated from David Milgaard on the morning of January 31, 1969 at any point for any more than one or two minutes.
Mar-11-1969	Nichol John is interviewed in Regina by Inspector Riddell of the RCMP. She indicates that at no point during the morning of January 31, 1969 was she separated from David Milgaard or Ron Wilson for more than one or two minutes.
Mar-18-1969	Lt. Short and Det. Karst (SCP) transport Albert Cadrain to Regina, locate Nichol John in Regina, and transport both youths to the Regina jail. It is reported (Lt. Short - March 22, 1969) that Nichol John is placed with Albert Cadrain and that following their meeting she indicates that she believes Albert Cadrain is telling the truth, that everything he says is exactly what happened on the trip and that she was of the opinion that David Milgaard was a dangerous character.
Mar-18-1969	Ron Wilson is interviewed at the Regina Correctional Centre by Lt. Short and Det. Karst (SCP). It is reported (Lt. Short - March 22, 1969) that nothing further is learned at this time.
Apr-04-1969	Gail Miller's wallet is found in the 300 block of Avenue O. South.
Apr-05-1969	Det. Karst (SCP) retrieves a stained toque from Helen Gerce in the 300 block of Ave. O South., next door to the Cadrain residence. It is reported that Ms. Gerce has indicated that she found the toque at the front of her property shortly following the murder of Gail Miller

Chronology of Events

<u>Date</u>	<u>Title</u>
Apr-14-1969	Nichol John is interviewed in Regina by Det. Karst (SCP). She denies that David Milgaard was apart from the group long enough to commit the offence. She indicates that she does not recall seeing blood on the clothes of David Milgaard. She is reported to state that David Milgaard acted queer on the day in question, and seemed to be in a hurry.
Apr-18-1969	David Milgaard is interviewed by Det. Barrett (SCP). He denies any involvement in the murder of Gail Miller.
Apr-18-1969	Blood and saliva samples are taken from David Milgaard (blood sample taken on April 17th, 1969 as well and hair samples taken from David Milgaard on April 19th and 21st).
May-00-1969	Party occurs in Regina motel room with David Milgaard, Craig Melnyk, Ute Frank, Deborah Hall, George Lapchuk, Bob Harris and perhaps others. David Milgaard is alleged by some to have re-enacted the murder of Gail Miller.
May-21-1969	Ron Wilson is interviewed in Regina by Det. Karst and Det. Sgt. Mackie (SCP) as well as Cst.'s Walter and Dike (Regina City Police). It is reported by Det. Karst (May 25, 1969) that Ron Wilson admits that David Milgaard left the vehicle when they became stuck at approximately 6:45 a.m. Ron Wilson is reported to have said that David Milgaard returned to the vehicle slightly out of breath and admits that he has since thought that this is when David Milgaard was probably involved in the murder.

Chronology of Events

Date

Title

May-21-1969

Det. Karst (SCP) reports (May 25, 1969) that he transports Ron Wilson back to Saskatoon. En route, it is reported that Wilson divulged that David Milgaard and Ron Wilson had discussed "B & E's" or rolling someone and snatching her purse as a source of money during the trip on January 31, 1969. It is reported that Ron Wilson also states that David Milgaard broke into an elevator near Aylesbury and stole a flashlight. Ron Wilson states that he could not recall a knife being in the car. Ron Wilson is then taken on a drive around the general area of the crime and is reported to recognize the Trav-a-leer Motel and the Ave. T location where they became stuck. He is also reported to have pointed out the area of 22nd St. West and Ave.'s M, N and P as an area similar to the location where the girl was asked for directions.

May-22-1969

Det. Karst, Lt. Short and M/Sgt. Oleksyn (SCP) take Ron Wilson on a further drive around the area where Gail Miller's body was found and to other parts of Saskatoon. Ron Wilson indicates that when they were stuck the initial time that they were assisted by two individuals in a cream or yellow coloured Dodge or Chrysler.

May-22-1969

Nichol John is interviewed in Regina by Det. Sgt. Raymond Mackie (SCP) and Cst. Walters (Regina City Police). She is then driven to Saskatoon. While in Saskatoon she is transported to 20th St. W. She is reported to have remembered some locations in the vicinity of the crime scene. She is driven to the entrance of the alleyway behind the funeral home and she indicates that this was approximately where they were stuck. She is reported to have forgotten much of what she witnessed.

May-22-1969

Superintendent Wood, Lt. Penkala and Det. Sgt. R. Mackie (SCP) interview Insp. Roberts of the Calgary police service so that he is prepared to interrogate Ron Wilson and Nichol John on May 23.

Chronology of Events

<u>Date</u>	<u>Title</u>
May-23-1969	Ron Wilson is interviewed by Insp. Roberts (polygraph operator) of the Calgary police service and undergoes a polygraph examination. He then provides a statement implicating David Milgaard in the murder of Gail Miller.
May-23-1969	Nichol John is interviewed by Insp. Roberts of the Calgary police service. She does not undergo a polygraph examination. In her interview, she is reported to have implicated David Milgaard in the murder of Gail Miller.
May-24-1969	Nichol John provides a written statement to Det. Sgt. Raymond Mackie implicating David Milgaard in the murder of Gail Miller.
May-24-1969	Ron Wilson makes additions to his May 23 statement and continues to implicate David Milgaard.
May-30-1969	David Milgaard is arrested in Prince George, B.C. for the murder of Gail Miller.
Jun-02-1969	David Milgaard is formally charged with non-capital murder.
Aug-18-1969	David Milgaard's preliminary hearing commences.
Sep-11-1969	David Milgaard is committed to stand trial for the murder of Gail Miller.
Jan-19-1970	David Milgaard's trial commences in Saskatoon Court of Queen's Bench before Chief Justice Bence and a jury.
Jan-29-1970	The Crown's case concludes and David Milgaard elects not to call any evidence.
Jan-31-1970	The jury hands down its verdict finding David Milgaard guilty of the murder of Gail Miller.

Chronology of Events

<u>Date</u>	<u>Title</u>
Feb-21-1970	Victim #4 is sexually assaulted in the 200 block of Avenue V South in Saskatoon. The assault takes place in the evening at approximately 9:00 p.m.
Jul-00-1970	Larry Fisher goes to work in Fort Garry, Manitoba.
Aug-02-1970	Larry Fisher sexually assaults Victim #5 in Fort Garry, Manitoba.
Sep-19-1970	Larry Fisher is arrested while sexually assaulting Victim #6 in Fort Garry, Manitoba. He confesses to the crime and also confesses to raping and robbing another girl in Fort Garry one month earlier. He is charged with sexual assault and is retained in custody.
Sep-21-1970	Larry Fisher is charged with sexually assaulting Victim #5 and remains in custody.
Oct-21-1970	Larry Fisher confesses to a rape and an attempted rape in Saskatoon and an attempted rape in Winnipeg.
Oct-22-1970	Det. Karst (SCP) travels to Winnipeg and interviews Larry Fisher. Larry Fisher admits to the rape of Victim #4 and the attempted rape of Victim #3 in Saskatoon.
Dec-30-1970	Larry Fisher is charged with the sexual assault of Victim #1, Victim #2, and Victim #4 and with the indecent assault of Victim #3.
Jan-05-1971	David Milgaard's appeal of his conviction is dismissed by the Saskatchewan Court of Appeal.
May-28-1971	Larry Fisher pleads guilty in Winnipeg Court to the sexual assaults of Victim #5 and Victim #6. He is sentenced to a total of 13 years.
Nov-15-1971	David Milgaard's application for leave to appeal is dismissed by the Supreme Court of Canada.

Chronology of Events

<u>Date</u>	<u>Title</u>
Dec-21-1971	Larry Fisher is transferred from the Prince Albert Penitentiary and appears in Regina Court of Queen's Bench. He pleads guilty to 3 charges of rape and one charge of indecent assault (Victim #1, Victim #2, Victim #4 and Victim #3). He is sentenced to 10 years to be served concurrent with his existing sentence.
Aug-31-1977	David Milgaard is formally denied day parole.
Jun-19-1979	David Milgaard's parole application is denied.
Jan-26-1980	Larry Fisher is released from prison.
Mar-31-1980	Larry Fisher sexually assaults Ethel Steele in North Battleford and is arrested shortly thereafter.
Aug-28-1980	Linda Fisher (Larry's ex-wife) attends at the Saskatoon police station and provides a statement to Inspector Wagner indicating that she has had suspicions about Larry Fisher in relation to the Gail Miller murder. She describes events that occurred at her home on the morning of January 31, 1969 respecting an argument with Larry and an accusation surrounding a lost paring knife and the murder of the nurse that morning. She recounts Larry's reaction and the description of the knife. She states that Larry was never questioned about the crime and that she has a feeling that David Milgaard is innocent.
Jun-11-1981	Larry Fisher is convicted of the attempted murder and rape of Ethel Steele in North Battleford court. He is sentenced to ten years in prison.
Mar-00-1988	At or around this time Dr. Ferris indicates that with the then current DNA science that it is unlikely that DNA testing in relation to Gail Miller's clothing could be successfully conducted.

Chronology of Events

<u>Date</u>	<u>Title</u>
Dec-28-1988	David Milgaard makes his first application to the federal justice minister to review his conviction pursuant to section 690 of the Criminal Code.
Feb-26-1990	David Milgaard's legal counsel, Hersh Wolch receives an anonymous tip that Larry Fisher committed the murder of Gail Miller.
Jun-04-1990	Ron Wilson provides a statement recanting some of his trial testimony.
Feb-27-1991	The federal minister of justice dismisses David Milgaard's application to review his conviction pursuant to section 690 of the Criminal Code.
Mar-13-1991	David Milgaard's application for parole is turned down.
Aug-06-1991	Gail Miller's family provide a statement to David Asper to be released to the public indicating that in light of the new evidence that has been provided to them that they feel there is reasonable doubt as to the guilt of David Milgaard.
Aug-14-1991	David Milgaard files a second application to review his conviction pursuant to section 690 of the Criminal Code.
Nov-28-1991	The federal Minister of Justice refers David Milgaard's case to the Supreme Court of Canada for a hearing.
Nov-29-1991	Report of the Saskatoon Police Commission is released respecting the investigation into the retention of files by the Saskatoon City Police relating to Larry Fisher.
Dec-20-1991	Larry Fisher applies for and is granted standing to participate in the Supreme Court of Canada Reference.

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<u>Date</u>	<u>Title</u>
Jan-16-1992	The Supreme Court of Canada Reference case begins.
Mar-11-1992	DNA samples obtained from Larry Fisher on March 8, 1992 are delivered to the Crime Laboratory in Ottawa.
Apr-06-1992	It is reported that attempts at DNA genetic-code testing in the U.S. have produced no conclusive results.
Apr-06-1992	The Supreme Court of Canada Reference Case concludes.
Apr-14-1992	The decision of the Supreme Court of Canada is released. The Supreme Court of Canada concludes that there has been enough new information placed before them which is reasonably capable of belief and which taken together with the evidence adduced at trial could reasonably be expected to have affected the verdict. The Supreme Court of Canada indicates that they will be directing the Minister to quash the conviction and to direct a new trial.
Apr-16-1992	A Stay of Proceedings is entered by the Crown in Her Majesty The Queen v. David Milgaard. The Government of Saskatchewan states that it will not order a new trial. David Milgaard is released from jail.
Sep-19-1992	Joyce Milgaard issues a press release alleging various wrongdoings and a cover up by police and Saskatchewan Justice officials.
Oct-09-1992	Saskatchewan Justice Deputy Minister confirms that allegations by Joyce Milgaard of wrongdoing will be dealt with and that the matter has been referred to the RCMP.
Mar-29-1993	David Milgaard files a statement of claim in Saskatoon Court of Queen's Bench against Serge Kujawa, Thomas David Roberts Caldwell, The City of Saskatoon, Eddy Alexander Karst, Raymond William Mackie, and Charles Short.

Chronology of Events

<u>Date</u>	<u>Title</u>
Jan-00-1994	The RCMP report into allegations of wrongdoing is completed and is provided to the Department of Justice. The report concludes that the available evidence does not support allegations of criminal wrongdoing by the Saskatoon City Police or other justice officials. The report also concludes that there is no new evidence which would exonerate David Milgaard, or that would inculcate any other person, including Larry Fisher.
May-26-1994	Larry Fisher is released from custody.
Aug-16-1994	The Department of Justice issues a public statement containing the summary of findings of the RCMP as extracted from the full report (which is not released at this time).
Jul-12-1995	The RCMP report is released to the public.
Jul-18-1997	Release of DNA testing report from British laboratory which confirms that the semen samples extracted from certain pieces of clothing belonging to Gail Miller did not originate from David Milgaard and, on the basis of certain stated statistics, were very likely to have originated from Larry Fisher.
Jul-25-1997	Larry Fisher is arrested and charged with the murder of Gail Miller.
Aug-02-1997	RCMP investigation into death of Gail Miller is undertaken.
Aug-19-1997	Saskatchewan Justice Minister Nilson announces that the Government of Saskatchewan will enter into negotiations with David Milgaard for compensation for wrongful conviction and that an inquiry will be held.
Jan-05-1999	The preliminary inquiry for Larry Fisher commences.

Chronology of Events

<u>Date</u>	<u>Title</u>
May-17-1999	Saskatchewan Justice Minister Nilson announces that a settlement has been reached in the David Milgaard matter and that compensation will be paid in the amount of \$10 million.
Oct-12-1999	The trial of Larry Fisher commences.
Nov-22-1999	Larry Fisher is convicted of the rape and murder of Gail Miller in 1969.
Jan-04-2000	Larry Fisher is sentenced to life in prison.
Sep-29-2003	Larry Fisher's appeal to the Saskatchewan Court of Appeal is dismissed.
Aug-26-2004	Larry Fisher's application for leave to appeal to the Supreme Court of Canada is dismissed.