

Commission of Inquiry
Into the Wrongful
Conviction of David Milgaard
before
THE HONOURABLE MR. JUSTICE
EDWARD P. MacCALLUM

Transcript of Proceedings
and
Testimony before the Commission
sitting at the
Sheraton Cavalier Hotel at
Saskatoon, Saskatchewan

On Wednesday, February 23rd, 2005

Volume 21

Inquiry Proceedings



Commission Staff:

| | |
|--------------------------------|------------------------------|
| <i>Mr. Douglas C. Hodson,</i> | Commission Counsel |
| <i>Jordan Hardy, Esq.,</i> | Assistant Commission Counsel |
| <i>Ms. Candace D. Congram,</i> | Executive Director |
| <i>Ms. Sandra Boswell,</i> | Document Manager |
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| <i>Mr. Jerry Wilde,</i> | Security Officer |
| <i>Mr. Larry Prehodchenko,</i> | Inland Audio Technicians |
| <i>and Mr. Aaron Ladd,</i> | |



Appearances:

Mr. Hersh Wolch, Q.C., **for** Mr. David Milgaard
Ms. Joyce Milgaard, appearing without counsel
Ms. Lana Krogan, **for** Government of Saskatchewan
Ms. Catherine Knox, **for** Mr. T.D.R. (Bobs) Caldwell
 and Mr. Robert Kennedy, Esq.,
Mr. Jay Watson, Esq., **for** Mr. Serge Kujawa
Mr. Rick Elson, Esq., **for** the Saskatoon Police Service
Mr. Aaron Fox, Q.C., **for** Mr. Eddie Karst
Mr. Bruce Gibson, **for** the RCMP
Mr. Brian A. Beresh, Esq., **for** Mr. Larry Fisher



INDEX OF PROCEEDINGS

DESCRIPTION:

PAGE:

SHARON ANN DANIELS, CONTINUED

| | |
|------------------------------------|------|
| - CONTINUED EXAMINATION BY MR. FOX | 3858 |
| - BY MR. WOLCH | 3883 |

LEONARD JAMES GORGCHUCK, RECALLED:

| | |
|--------------------------------------|------|
| - CONTINUED EXAMINATION BY MR. HARDY | 3894 |
| - CLIP LG5 PLAYED | 3894 |
| - CLIP LG6 PLAYED | 3895 |
| - CLIP LG7 PLAYED | 3896 |
| - CLIP LG1 PLAYED | 3910 |
| - CLIP LG2 PLAYED | 3920 |
| - CLIP LG3 PLAYED | 3922 |
| - CLIP LG4 PLAYED | 3923 |
| - BY MR. FOX | 3931 |
| - BY MR. WOLCH | 3936 |

GEORGE LAPCHUK (DECEASED)

| | |
|--|------|
| - TAPE OF A CONVERSATION BETWEEN MRS. JOYCE MILGAARD AND GEORGE LAPCHUK | 3953 |
| - END OF TAPE RECORDING | 3966 |
| - TAPE OF RCMP INTERVIEW OF GEORGE LAPCHUK | 3967 |
| - TAPE RECORDING ENDS | 4011 |



Transcript of Proceedings

(Reconvened at 10:56 a.m.)

COMMISSIONER MacCALLUM: Good morning.

ALL COUNSEL: Good morning.

COMMISSIONER MacCALLUM: What follows are my reasons in the matter of the ruling on the scope of cross-examination of this witness.

The issue here is to what extent may a witness be cross-examined on a written statement, which she admits having signed, but of whose contents she has no present memory.

The background is that the witness Daniels/Williams gave a statement to police on the 20th of March, 1969 marked as 006500. She has been shown this statement and acknowledges her signature, but does not recall making the statement. She admits some of the contents, but not all. Commission Counsel put some of the statements to her, but not all.

Mr. Fox, for Karst, attempted to put to her parts of the statement not covered by Commission Counsel not, as he said, in an effort to refresh her memory, but to demonstrate that the police had information about Milgaard



1 which made him a legitimate person of interest.
2 The Milgaard counsel objected that the material
3 gratuitously maligned David Milgaard.

4 The arguments made, briefly,
10:57 5 were as follows. Counsel for the police and the
6 prosecutor argued that reading of the statement
7 should be allowed as demonstrating the type of
8 information which was available to the police and
9 the prosecution at the time, information which
10:57 10 justified their interest in Milgaard as a suspect
11 in the Gail Miller murder.

12 In brief analysis, the
13 arguments for both reading in and declining to do
14 so are soundly based. Gratuitous publication,
10:58 15 through a public hearing, of character-damaging
16 references should not be allowed. Relevance is
17 the key. But some of the references relating to
18 legitimate police interest are relevant and,
19 here, the question is simply one of reliable
10:58 20 verification.

21 Turning to the principles and
22 authority, not surprisingly no authorities were
23 cited by counsel, the discretion to refer to
24 documentary evidence in a public inquiry being
10:58 25 practically unfettered. *The Saskatchewan*



1 Evidence Act does not assist. The rules of
2 evidence from trial practice offer some guidance
3 but do not apply as strictly. Admissibility is
4 much more relaxed here, which accounts for the
10:59 5 fact that a Commission of Inquiry makes no
6 findings of civil or criminal liability, because
7 such findings are made without the safeguards of
8 the rules of evidence, that is the findings of a
9 public inquiry are made without the safeguards of
10:59 10 the rules of evidence, and lack the reliability
11 needed for rights-based adjudication.

12 In this Inquiry, witnesses are
13 being called at large, and not necessarily for
14 discrete issues. Therefore, a witness' testimony
10:59 15 may have relevance over a broad range. Because
16 the rule against hearsay does not apply, written
17 material of all kinds is before the Commission,
18 only its weight being in issue. As a general
19 rule, however, probative value must exceed
11:00 20 prejudicial effect.

21 In his introductory remarks,
22 Commission Counsel addressed matters of procedure
23 and practice, and it is worthwhile returning
24 briefly to that subject at this time. Commission
11:00 25 Counsel has the responsibility to present the



1 evidence as completely and impartially as he can.
2 He has the discretion to present the evidence in
3 the order he chooses and, save in exceptional
4 circumstances, I will not interfere in his plan
11:00 5 of presentation.

6 For example, he is free to read
7 in as much or as little of a witness' statement
8 or prior testimony as he deems advisable. Thus
9 far, he has asked witnesses for their present
11:01 10 recollection of events, and then refers them to
11 statements given by them previously, as well as
12 testimony of theirs in earlier proceedings. The
13 witness is given the chance to explain
14 inconsistencies, but is not challenged on them.
11:01 15 That is left to counsel for the parties with
16 standing, who are expected to confine their
17 cross-examination to matters which engage their
18 own clients' interest.

19 That is the procedure adopted
11:01 20 thus far but, in the exercise of my discretion to
21 consider documentary evidence, I should emphasize
22 that, although wide scope is permitted in
23 cross-examination, relevance must be
24 demonstrated. Where character and reputation are
11:02 25 at stake, a higher standard of relevancy is



1 required.

2 Commission Counsel will use his
3 best judgement to read in or refer witnesses to
4 material which he considers relevant to the Terms
11:02 5 of Reference and which he perceives engage the
6 interest of parties with standing. Potential
7 embarrassment alone will not justify refusal to
8 read in, but where the prejudicial effect exceeds
9 probative value, the Commissioner, in his
11:02 10 unfettered discretion, may exclude the evidence.

11 The best evidence available
12 will be adduced unless it is undisputed. Thus,
13 where documentary evidence is available from more
14 than one witness, it will be led through the
11:03 15 witness most conversant with the document.

16 The cases dealing with the
17 admission of past recollection recorded are not
18 easily applied in a public inquiry setting, which
19 permits the use of hearsay evidence, the main
11:03 20 question being the weight to be given to it. The
21 factors which determine the result of the current
22 application to read in are authenticity and
23 relevance.

24 The first step in determining
11:03 25 authenticity is an acknowledgment by the witness



1 of her signature on the document and that it is
2 in her own writing, if such be the case. If the
3 document is not in her own writing, and she
4 professes to have no memory of it, then the
11:03 5 danger arises that the recording is inaccurate,
6 in which case the best person to establish
7 authenticity would be the recorder, in this case
8 the police officer who copied out the answers to
9 questions he put to her.

11:04 10 The following is a quote:

11 "All the factors relevant to trustworthiness
12 should be weighed including whether the
13 witness might, when making the record, have
14 had a motive to lie or been under some
11:04 15 pressure internally or externally that might
16 have put a blush upon the honest truth."

17 End of quote, which comes from the R v Campbell,
18 the Nova Scotia Court of Appeal, 2002, N.S.J.
19 120, page 14 of 18.

11:04 20 It is important to remember
21 that the document in question is already part of
22 the record, because all evidence not subject to
23 publication ban and bearing a document ID is
24 accessible through the electronic record. Thus,
11:05 25 the public will have a form of access,



1 notwithstanding that in a given case the material
2 in question has not been read in during the
3 public hearings.

4 A further factor of practical
11:05 5 importance is that almost all of the material
6 comprising the documentary record has been
7 provided to the Commission by parties with
8 standing, and that most of that is in the public
9 domain already, through media publication or
11:05 10 court record.

11 Nevertheless, we, the
12 Commission, should not be seen to facilitate
13 media publication, in the course of a public
14 hearing, of inflammatory or prejudicial material
11:06 15 of little or no relevance or probative value.

16 Commission Counsel, in offering
17 documentary evidence as past recollection
18 recorded, will consider, although not be strictly
19 bound by, the usual factors that the witness must
11:06 20 have had first-hand knowledge of the event, the
21 document must have been made at or near the time
22 of the event, the witness must lack present
23 memory of the event, and the witness must vouch
24 for the accuracy of the document. Authorities in
11:06 25 which these principles are elaborated include R v



1 Williamson, from the Ontario Court of Justice,
2 1992, OJ 2416, page 13 of 16.

3 Thus, for example, if the
4 present disputed document were offered through
5 the police officer who took the statement and
6 wrote it out, those factors would be important.

7 And see as well in R v Meddoui,
8 Alberta Court of Appeal, 61 Canadian Criminal
9 Cases, 3rd, 375, pages 7, 8, and 9 of 24; and
10 R v D.G., 2004, B.C.J. 1290, pages 5 and 6 of 10;
11 and a work entitled Witnesses in looseleaf
12 authored by Allan W. Mewett and Peter J. Sankoff,
13 pages 1309 to 1311, inclusive; and Billy Kinsey v
14 The State of Arizona, Supreme Court of Arizona,
15 ARIZ 201, pages 9 to 11, inclusive, of 16.

16 To turn now to the matter at
17 hand, we have a written statement signed by the
18 witness but written out, presumably by a police
19 officer. The witness has no present memory of
20 the events recorded and efforts to revive her
21 memory by showing her the document have been
22 unsuccessful. Counsel seeking to read in parts
23 of a document which demonstrate bad character or
24 harm reputation must identify to me the claimed
25 point of relevancy before putting the question.



1 The statement in writing shall then be shown to
2 the witness in a manner which avoids public
3 scrutiny.

4 Where a witness, for lack of
11:09 5 memory, cannot confirm having made a statement,
6 it speaks for itself, and it shall not be read
7 aloud through the witness, although application
8 may later be made to read the document aloud
9 through a witness who can vouch for its
11:09 10 authenticity. The mischief to be avoided here is
11 the publication, beyond the official record, of
12 evidence of bad character given in an earlier
13 statement which the witness cannot adopt as hers.

14 It is recognized that the
11:09 15 public record contains some character references
16 and accusations of wrongdoing which are thought
17 to be irrelevant, or false, or of little weight.
18 In the interest of thoroughness and fairness,
19 however, such material has not been discarded
11:10 20 because relevancy cannot always be predicted.
21 Therefore, the material is available for
22 legitimate use by the parties, even though it has
23 not been led in evidence by Commission Counsel in
24 whole or in part.

11:10 25 The reach of such material cuts



1 across the known interests of parties with
2 standing, so these parties arguing for exclusion
3 from reading aloud in a particular case are
4 inviting similar treatment when seeking the
11:10 5 benefit of evidence which they may want to lead
6 in this manner.

7 This Inquiry is public by
8 definition. It seeks to find answers which could
9 not be revealed through the process of litigation
11:11 10 and to expose error, if any occurred, in the
11 process of litigation.

12 In the matter of admissibility
13 and relevancy, inclusion is favoured, subject to
14 the exceptional treatment of evidence affecting
11:11 15 character or reputation where a higher standard
16 of relevancy is required. We can do no more than
17 to seek to strike a reasonable balance between
18 the public's right to know and the individual's
19 expectation of privacy.

11:11 20 These guidelines are offered
21 this morning, in draft form, as a quick solution
22 to an immediate problem. They will be published
23 in final form as soon as time permits. They
24 might need change and improvement as time goes
11:12 25 on. They are not immutable.



1 But for now, applying these
2 considerations to the statement in question,
3 006500 -- and counsel anticipating
4 cross-examination should make note, please, of
5 the following numbers -- there are statements
6 implicating Milgaard in criminal offences which I
7 cannot particularize without rendering nugatory
8 any exclusionary order I might make. The numbers
9 are 006501, 502, 503, 505, 506, 507, 508, 509,
10 512, and 513. These statements are relevant as
11 supporting legitimate police interest, but
12 because the witness disclaims any memory of
13 making them, she is not the best source to verify
14 the statements and they may not be read in
15 through her.

16 There is, as well, some
17 reference to consensual sex, 006502, 504 and 511,
18 which is irrelevant and may not be read in.

19 There is some evidence of
20 non-consensual sex, which supports legitimate
21 police interest, and which the witness has
22 acknowledged independently of the statement and
23 by reference to the March 22nd, '69 police
24 report, 009245. These references in her own
25 statement are practically inseparable from the



1 irrelevant material and, in view of her direct
2 evidence, of slight probative value. They may
3 not be read in.

4 Consensual sex is described at
11:14 5 006504, and is irrelevant, and not to be read in.

6 The non-consensual sex
7 described at 006506 is relevant to police
8 interest, but may not be read in through this
9 witness, who disclaims memory.

11:15 10 References to consensual sex
11 are irrelevant and not to be read in.

12 Mr. Fox, I believe you were in
13 the course of cross-examination. If you need a
14 minute to digest what I have just said by
11:15 15 reference to your own copy of the statement, you
16 may have it, otherwise, you are free to continue.

17 **SHARON ANN DANIELS, continued:**

18 **CONTINUED EXAMINATION BY MR. FOX:**

19 MR. FOX: Mr. Commissioner, I think
11:15 20 probably what I need more than anything is some
21 direction from you in terms of where I was hoping
22 to go, and whether or not that's on side with
23 your ruling or not.

24 COMMISSIONER MacCALLUM: Okay.

11:16 25 MR. FOX: I think I appreciate what you



1 have indicated.

2 What I was hoping to do this
3 morning, there were -- there are a few subject
4 areas I wanted to raise with the witness, and to
11:16 5 see if she did have some independent recollection
6 of those subject areas, and I was proposing to
7 raise those in a general way with her as opposed
8 to, say, highlighting a particular paragraph in a
9 statement. And I think you have indicated that
11:16 10 if her answer is she doesn't have any independent
11 recollection of it now, and obviously she has had
12 a chance to review her statement previously,
13 that's as far as I can go with it?

14 COMMISSIONER MacCALLUM: Yes.

11:16 15 MR. FOX: But I did want to direct her to
16 those areas. So, umm --

17 COMMISSIONER MacCALLUM: Yes. And my
18 statement of, as you will see when you get a
19 chance to look it over, does not speak to
11:17 20 cross-examination at large. You can ask her
21 anything you want which is -- has an element of
22 relevance to it --

23 MR. FOX: Right.

24 COMMISSIONER MacCALLUM: -- provided you
11:17 25 don't seek to confirm it by reading aloud the



1 statements made --

2 MR. FOX: Right.

3 COMMISSIONER MacCALLUM: -- and which I
4 have noted. Okay?

11:17 5 MR. FOX: Okay. Now I can tell you -- and
6 I'll raise this with you before I start,
7 Mr. Commissioner -- the question was put to the
8 witness by Commission Counsel about the comment
9 that appeared in Detective Malanowich's report
11:17 10 about violence and abnormal behaviour.

11 COMMISSIONER MacCALLUM: Uh-huh.

12 MR. FOX: And I was going to put the
13 somewhat general question to the witness in terms
14 of the basis in which she would have acknowledged
11:17 15 that.

16 COMMISSIONER MacCALLUM: If I can just find
17 my note of that, please.

18 MR. FOX: I think that was fairly close to
19 the end, I think, of Commission Counsel's
11:18 20 questioning.

21 MR. BERESH: My Lord, if I might be of
22 assistance, electronic fashion has it at page
23 3769.

24 MR. FOX: I appreciate that, because my
11:19 25 electronics aren't working very well this



1 morning, and I haven't been able to get it up.

2 COMMISSIONER MacCALLUM: Thanks,
3 Mr. Beresh. I just wanted to find my own note
4 and I can't understand where it's gone.

11:19 5 MR. BERESH: The answer appears there
6 following a long question.

7 MR. HODSON: We may be able to put it up on
8 the screen, Mr. Commissioner.

9 COMMISSIONER MacCALLUM: Okay.

11:20 10 MR. BERESH: It starts at 3767.

11 COMMISSIONER MacCALLUM: Is this from the
12 police report as opposed to the statement?

13 MR. FOX: Yeah. It looks like the police
14 report, Mr. Commissioner, was put to the witness,
11:20 15 and that's where the question came out of, and
16 that was March 22nd, '69.

17 COMMISSIONER MacCALLUM: Yes. Oh, I see
18 what's the problem here, just a 'sec. Just leave
19 that for a moment.

11:21 20 I have the following note to
21 March 22nd, '69, the police report, in which she
22 first said she can't remember the events
23 described there but she never told anybody she
24 thought Milgaard was capable of murder, she
11:21 25 didn't think so, and asked about the sexual



1 relations described I have her saying "I think it
2 kind of states how it was"; is that what you were
3 interested in, Mr. Fox?

4 MR. FOX: I think the --

11:21 5 Mr. Commissioner --

6 COMMISSIONER MacCALLUM: I guess I better
7 start over again, I don't think you heard me?

8 MR. FOX: No, I -- I'm great at
9 multi-tasking, I think I did hear you,

11:22 10 Mr. Commissioner.

11 COMMISSIONER MacCALLUM: The reference to
12 which I believe you are interested, in which I
13 believe you are interested, is March 22nd, '69
14 police report which was shown to her by
11:22 15 Commission Counsel, or parts of it. She couldn't
16 remember the events described and never told
17 anybody she thought Milgaard was capable of
18 murder, and then asked about the description of
19 the sexual relations, and she said, in my
11:22 20 recording, "I think it kind of states how it
21 was". Is that the point you want to address?

22 MR. FOX: Yes. I think it actually is the
23 page that's up on the screen now, page 3771, it
24 starts where, again, she -- the police report is
11:22 25 being put to the witness and, obviously, that's



1 Detective Malanowich's conclusions.

2 COMMISSIONER MacCALLUM: Give me the line
3 numbers, please?

4 MR. FOX: I think if you start, you have to
11:22 5 start about line 7, that was the portion of the
6 report that was put to her.

7 COMMISSIONER MacCALLUM: Yes.

8 MR. FOX: Okay.

9 COMMISSIONER MacCALLUM: All right. All
11:23 10 right. I'll tell you what went in and that I
11 made note of. She was asked by counsel "do you
12 think he was an abnormal and violent type of
13 person", and her answer was to the effect that "I
14 think that might be fair but I really can't
11:23 15 recall what I thought".

16 MR. FOX: Yeah, and I think that's right, I
17 think that's clear from her answer there that she
18 says --

19 COMMISSIONER MacCALLUM: So that was
11:23 20 cross-examination at large, you can go into that
21 if you want.

22 BY MR. FOX:

23 Q Ms. Williams -- or Ms. Daniels, sorry, I'm not
24 sure if you recall when you were asked that
11:23 25 question yesterday or when Mr. Hodson -- that's



1 Commission Counsel -- read that quote to you from
2 the detective's report -- and that's his report,
3 that's his comment, not your comments -- but you
4 thought that the description that -- and maybe
11:24 5 I'll start out by this. Would it be fair to say
6 that, in terms of your recollection of David
7 Milgaard, there was lots of good recollections of
8 him, in the sense of lots of times he treated you
9 well and you got along well?

11:24 10 A Yes, yes.

11 Q There were some times when it wasn't so good;
12 would that be fair to say as well?

13 A Yes.

14 Q Okay. In the questions that were put to you
11:24 15 yesterday you were asked, or read the portion of
16 the report that refers to abnormal or a violent
17 type of person, and I think in fairness it doesn't
18 suggest that that's the way he always was, but it
19 was suggested "was that -- does that apply
11:24 20 sometimes", and you seem to say in your answer
21 that "yeah, that's a fair statement". And I'm
22 just asking you; can you tell us why you would
23 have agreed that that was a fair statement?

24 A Well it just -- like what you had said, you know,
11:25 25 sometimes it was good and other times it wasn't,



1 and so I think it was just a -- depending on the
2 circumstance and situation, you know, that we
3 found ourselves in.

4 Q Okay. Do you have any -- can you relate to us
11:25 5 what circumstances would lead you to the
6 conclusion to say at times that description would
7 have been accurate?

8 A Oh, I can't really particularly think of any
9 particular one.

11:25 10 Q Do you have any recollection at all?

11 A No. Of?

12 Q Why you would say that that statement was fair?

13 A No. Actually, I'm just kind of like -- no, I
14 don't, sorry, I can't think of any, you know,
11:26 15 particular.

16 Q Okay.

17 A Yeah.

18 Q So your rec -- so would it be fair to say that
19 your general recollection would be that, at times,
11:26 20 you could describe David as being violent or
21 abnormal; that would be sort of the general
22 recollection you have looking back on 1968-1969?

23 A I guess, you know, like "violent", like fists
24 punching and things like that, what do you -- I
11:26 25 don't really know, like "violent", I really don't



1 understand what that could imply.

2 Q Sure.

3 A Yeah, okay, yeah.

4 Q Let me ask you this question then. I think there
11:27 5 was a question asked of you that was sort of along
6 the lines if you had been, and I'm not sure if the
7 word sexually assaulted by him was used, but sort
8 of along the lines of that -- and
9 Mr. Commissioner, I'm not sure if I have got that
11:27 10 right, but -- and it was, and it would have been
11 after that line of questioning that I have just
12 referred to.

13 MR. BERESH: Page 3759.

14 COMMISSIONER MacCALLUM: Thanks,
11:28 15 Mr. Beresh. I have him saying at one point, or
16 her saying, asking her "is it true that you were
17 never sexually assaulted by David Milgaard" and
18 she said that was true. Is that what you are
19 looking for?

11:28 20 MR. FOX: It's starting at the bottom of
21 page 3758, My Lord, I think, which is up on the
22 screen now.

23 COMMISSIONER MacCALLUM: Okay.

24 MR. FOX: AND the question is asked at the
11:28 25 bottom:



1 "Did he ever act inappropriately or
2 without your consent?"

3 COMMISSIONER MacCALLUM: Okay.

4 MR. FOX: Top of the page then:

11:29 5 "A I guess, yeah."

6 COMMISSIONER MacCALLUM: Oh, it's a
7 different one.

8 BY MR. FOX:

9 Q "Q And explain?

11:29 10 A Well I guess he was just, just the way
11 he was, he just always would seem to
12 at the time, you know, like forcing
13 himself, but then, you know, I was --
14 in the beginning forcing himself, but
15 then I became a willing partner, so if
16 that's the answer."

17 Can I just ask you, Ms. Williams or Mrs. Daniels,
18 what you sort of meant by that?

19 A Well I think that I can remember that there were
11:29 20 times that he would just be forcing himself on me
21 but, like I said, I then became a willing partner.
22 Like it was just a matter of almost like
23 game-playing, from what I can recall, you know.
24 Like --

11:29 25 Q Okay. So, in the end, you would agree to have --



1 A Yeah, uh-huh.

2 Q Agree to the activity and so, okay, if I agreed to
3 it, and then that's sort of the way it was?

4 A I think for the most part, yeah, that I can
11:30 5 recall.

6 Q And would it be fair to say the fact that you were
7 -- were you 16, 16-17 during --

8 A I was 17.

9 Q 17 during that time period?

11:30 10 A Uh-huh.

11 Q And that played a bit of a part of what was going
12 on; in other words you might view it differently
13 today?

14 A Oh yes, definitely, yes.

11:30 15 MR. FOX: Mr. Commissioner, there is
16 reference to a -- and, again, I'm raising with
17 you a question I want to ask the witness, and I'm
18 trusting that that's okay with the witness being
19 present, if you prefer I --

11:30 20 COMMISSIONER MacCALLUM: Uh-huh, go ahead?

21 MR. FOX: Okay. There is a reference made
22 in this statement, and then in the two subsequent
23 statements referred to, to a gun and --

24 COMMISSIONER MacCALLUM: That's amongst the
11:31 25 list of proscribed pages, I believe.



1 MR. FOX: The only reason, and the reason
2 why I wanted to ask that, was simply in relation
3 to the evidence that was heard from Shorty
4 Cadrain, if you will recall, Mr. Commissioner,
11:31 5 there was reference to that.

6 COMMISSIONER MacCALLUM: No, but you are
7 asking the wrong person, according to the reasons
8 I just gave you. It is there, for what it's
9 worth, in the statement, if the police officer
11:31 10 that took the statement can shed any more light
11 on it, fine, but it speaks for itself. And, of
12 course, you can relate it, if you think you are
13 able, to Shorty Cadrain's statement later on.

14 MR. FOX: Yeah. The only thing is, I don't
11:31 15 think this witness is -- if she has no
16 independent recollection of it, then obviously
17 that's as far as I can go, I don't think she --

18 COMMISSIONER MacCALLUM: Well I think she
19 said that, didn't she?

11:31 20 MR. FOX: I don't think she actually was
21 asked that by Commission Counsel. I could be
22 mistaken but I don't think that has been put to
23 the witness.

24 COMMISSIONER MacCALLUM: Well I -- my
11:32 25 impression was she didn't remember anything after



1 the first page or two.

2 MR. FOX: With respect, actually if you
3 will recall, I went through with her that the
4 statement actually covers a series of travels
11:32 5 that she made, which she independently related to
6 the Commission, to Commission Counsel before she
7 ever got to her statement, so there's -- that was
8 my only reason for wanting --

9 COMMISSIONER MacCALLUM: What page is it
11:32 10 on?

11 MR. FOX: Actually the reference to that is
12 found, Mr. Commissioner, in the 1969 statement --

13 COMMISSIONER MacCALLUM: Yes.

14 MR. FOX: -- at page 505. It's also
11:32 15 found -- it's actually in all three statements,
16 Mr. Commissioner, it's in the 1960 -- sorry --
17 1969 statement at page 505; it is in the 1991
18 statement, which is document 008731, at page 733;
19 and it's in the 1993 statement --

11:33 20 COMMISSIONER MacCALLUM: Well are you
21 seeking to introduce this for the purpose of
22 somehow corroborating what Shorty Cadrain's
23 statement had to say about guns?

24 MR. FOX: There is no other purpose for it
11:33 25 than that, yes.



1 COMMISSIONER MacCALLUM: Well that, no, I
2 won't allow that, because your avowed purpose for
3 going into this witness' statement was to
4 demonstrate that the police had information
11:33 5 available to them which would disclose a
6 legitimate interest as a suspect.

7 MR. FOX: No, but my -- but I also
8 indicated, and I still indicate, that much has
9 been made about whether or not the police should
11:33 10 have been relying upon Shorty Cadrain, and his
11 reliability in terms of what he said, and so on.

12 COMMISSIONER MacCALLUM: Oh yes.

13 MR. FOX: And so if this witness in 1969,
14 for example, is referring to something that would
11:33 15 seem to corroborate what Mr. Cadrain said, it's
16 another reason why.

17 COMMISSIONER MacCALLUM: Uh-huh.

18 MR. FOX: Now having said that,
19 Mr. Commissioner, I would agree this falls into a
11:33 20 little different category in the sense that it's
21 in the statement, she has referred to the gun in
22 all three statements, and as much as I can ask
23 her is if she has any recollection of it. But
24 certainly we know that was information the police
11:34 25 had in 1969, which is the significance of it, I



1 guess.

2 COMMISSIONER MacCALLUM: Yes, it is, and
3 you are going to hear more about it, I'm sure,
4 later on.

11:34 5 MR. FOX: Yeah.

6 COMMISSIONER MacCALLUM: But, for the
7 moment, that page number is one which I referred
8 to as implicating Milgaard in criminal offences,
9 and I said you can't read it in, so you can't
11:34 10 read it in.

11 MR. FOX: Okay. Mr. Commissioner, there's
12 --

13 COMMISSIONER MacCALLUM: Nor can you read
14 it in indirectly by asking her if she remembers
11:34 15 it. She has already said that she doesn't have
16 any, you know, any memory of this.

17 MR. FOX: Actually, she hasn't.

18 COMMISSIONER MacCALLUM: Well show me
19 where, then, please?

11:34 20 MR. FOX: It's never been raised with her.
21 Commission Counsel didn't ask her that.

22 COMMISSIONER MacCALLUM: No, it was my
23 impression that her answers following a certain
24 point in the statement were simply "I can't
11:35 25 remember from here on in," and that was from here



1 on in. Why don't you leave it alone, Mr. Fox,
2 it's going to come back.

3 MR. FOX: Fine. And, Mr. Commissioner,
4 just -- there was a reference in --

11:35 5 COMMISSIONER MacCALLUM: Yes?

6 MS. KNOX: Mr. Commissioner, I'm sure that
7 the point has been noted by you that, although
8 the witness said yesterday she didn't remember
9 saying it in 1969, in interviews in the '90s she
11:35 10 did remember it. So --

11 COMMISSIONER MacCALLUM: Well she
12 remembers, I think what she said about those
13 latter interviews, that they were probably -- she
14 probably said that. But I'm not going to -- I
11:35 15 don't regard that as being authentic, authentic,
16 or at least useful authentication of a document
17 which she now says, after another 15 years have
18 gone by, that she can't even remember having
19 made.

11:35 20 MS. KNOX: But, Mr. Commissioner, I'll make
21 one other point, if I may, before I sit down.

22 I think we have had clearly
23 demonstrated throughout the course of this
24 hearing with various witnesses, they have said at
11:36 25 some points in time they don't remember things,



1 at subsequent points in time they have in fact
2 remembered in great detail. By way of
3 illustration of that I point you back to the
4 evidence of Deborah Hall. She said in 1981,
11:36 5 quite emphatically, nothing had happened; in 1986
6 she said in an affidavit that some things had
7 happened; in 1989, when she was placed under
8 oath, 35 pages into an interview where she was
9 maintaining she had no memory of things happening
11:36 10 she suddenly had quite an elaborate memory of
11 things happening.

12 And I would suggest to you one
13 of the purposes for which we argued yesterday,
14 and we seek to follow the procedure that I think
11:36 15 we had started in this Commission up to the point
16 of this witness, was sometimes the fact of
17 putting the material to them under oath does
18 serve the purpose of refreshing memory. I make
19 the point only because of the difficulties I see
11:36 20 Mr. Fox having.

21 COMMISSIONER MacCALLUM: I agree with you,
22 with that statement, but this statement has been
23 put to her and she says she can't remember, that
24 is her own statement.

11:37 25 Now if you can refer me to a



1 further statement that I can look at where she
2 has said "oh yes, now I remember"?

3 MS. KNOX: In 1993, I didn't bring my
4 binder with me, I think Mr. Fox had the
11:37 5 reference, he gave the page number, if you would
6 take the time to look at that, and that's just
7 one I looked at, I didn't look at both her
8 statements. But clearly, in an interview with
9 the RCMP, she stated that had she remembered an
11:37 10 incident like that, and when they pursued
11 questions with her, she gave them some details
12 with respect of it. And I'm talking specifically
13 about the gun in that case. I can give you the
14 page number if Mr. Fox doesn't readily have it
11:37 15 available.

16 MR. FOX: And I appreciate the point that
17 you are making, Mr. Commissioner, and I probably
18 wouldn't raise it if it hadn't been covered, but
19 in 1991 -- and that was the statement that was
20 reviewed with Commission Counsel, which is
21 statement 008731, it's covered at page 733. And
22 then in the 1993 statement -- and I guess, yeah,
23 that's up there now -- and it's about half-way
24 down, Mr. Commissioner.

11:38 25 COMMISSIONER MacCALLUM: So it goes down to



1 "was the gun loaded", "I don't know"; that's the
2 end of your concern, is it?

3 MR. FOX: Yeah. And then it's actually
4 covered again in 1993, Mr. Commissioner, in
11:38 5 document --

6 COMMISSIONER MacCALLUM: Now just a minute.

7 MR. FOX: Sorry.

8 COMMISSIONER MacCALLUM: And you say
9 Mr. Hodson referred this, yesterday, to the
11:38 10 witness?

11 MR. FOX: I don't think the witness was
12 specifically asked about that portion.

13 COMMISSIONER MacCALLUM: All right, yeah,
14 go -- next, please?

11:39 15 MR. FOX: Then the other document is a
16 statement taken in 1993, Mr. Commissioner,
17 037204, and I'm -- and I think it's at pages 214
18 and 15.

19 MS. KNOX: Yeah, I just passed the pages
11:39 20 up, and I --

21 COMMISSIONER MacCALLUM: Oh yeah. Now --

22 MR. FOX: Sorry, I don't know if I touched
23 something, or --

24 COMMISSIONER MacCALLUM: Well, no, that's
11:39 25 all right. She has been shown it, or it's



1 legitimate to show her that, I don't perceive
2 that as being character-damaging or inflammatory.

3 MR. FOX: So my simple question would be,
4 at this point, if she has any recollection of
11:40 5 that.

6 COMMISSIONER MacCALLUM: Yeah. See what he
7 is looking at there, ma'am?

8 A Of that incident, yes, yes I do.

9 BY MR. FOX:

11:40 10 Q Okay. And can you tell me what you recall about
11 the incident?

12 A Just that it was, like we were just playing,
13 playing that Russian roulette, and with this gun,
14 and I don't know if it was loaded, I can't tell
11:40 15 you that, and --

16 Q Okay. I'm sorry, I might have cut you off there?

17 A Yeah, and that's about it.

18 Q Do you recall where you were when that was
19 happening, what city you were in?

11:40 20 A No, I don't.

21 Q And do you -- are you able to put a date to that?
22 I mean you have described the time period that you
23 were with David in 1968, and then saw him again in
24 early '69, are you able to put a time frame on
11:40 25 that at all?



1 A Not really. It seems to me that it could have
2 been on the way back from Toronto to Regina, in
3 that time frame, but I'm not sure I could --

4 Q Okay.

11:41 5 A Yeah.

6 MR. FOX: Now, Mr. Commissioner, if we can
7 -- if you have got the statement, the 1969
8 statement, there is a reference to some -- to an
9 incident that happened at Langenburg on page 216
11:41 10 of that statement, and I'm not -- and I'm not
11 sure if the witness was asked about that, I
12 didn't think she specifically was, and I was just
13 going to, again, ask if she has any recollection
14 of that.

11:41 15 COMMISSIONER MacCALLUM: 216?

16 MR. FOX: 216, and I think it's the last,
17 second-last paragraph.

18 COMMISSIONER MacCALLUM: I don't have. I
19 thought it only went to 2 --

11:41 20 MR. FOX: Sorry. If you have got the
21 statement, Mr. Commissioner, I'll give you the --

22 COMMISSIONER MacCALLUM: No, no.

23 MR. FOX: You don't have the statement?

24 COMMISSIONER MacCALLUM: No.

11:42 25 MR. FOX: Are we on 0065 numbers for that



1 statement?

2 UNIDENTIFIED SPEAKER: Yes.

3 MR. FOX: Then it would be on 006512.

4 COMMISSIONER MacCALLUM: Yeah, I have noted
11:42 5 that in my remarks.

6 MR. FOX: Was that -- I -- so --

7 COMMISSIONER MacCALLUM: It's a reference,
8 I noted on that page statements implicating
9 Milgaard in criminal offences which I said I
11:42 10 could not particularize without --

11 MR. FOX: Right.

12 COMMISSIONER MacCALLUM: -- rendering
13 nugatory any exclusionary order I might want to
14 make.

11:42 15 MR. FOX: So that's not something I'm to
16 pursue?

17 COMMISSIONER MacCALLUM: Right.

18 MR. FOX: The last area I wanted to ask,
19 and this was covered a bit by the witness, and
11:43 20 this is referenced on the pages that you have
21 referred to; in terms of the activities or
22 raising money to support himself, or the two of
23 them together, I wanted to ask that.

24 COMMISSIONER MacCALLUM: What page?

11:43 25 MR. FOX: Actually, it's -- I wasn't going



1 to ask, I wasn't going to identify any specific
2 page, I was going to ask the question in general
3 terms.

4 COMMISSIONER MacCALLUM: Umm, yes, I think
11:43 5 you are entitled to ask general questions, as
6 long as they don't amount to a reading-in of the
7 pages that I have noted.

8 BY MR. FOX:

9 Q Mrs. Daniels, while in Winnipeg or Ottawa or
11:43 10 Toronto or Vancouver, or on the road to some of
11 the places along the way there, can you tell me
12 how you and David supported yourselves? Where did
13 the money come from?

14 A I really don't know. I know that there were times
11:44 15 where we were, you know, panhandling, and that --
16 that's all I can really remember, recall.

17 Q No other recollection, at this time, of any other
18 source --

19 A No.

11:44 20 Q -- of income?

21 A No.

22 Q Okay. And no idea of where money came from to
23 purchase things?

24 A No.

11:44 25 MR. FOX: Umm, I must say,



1 Mr. Commissioner, I'm a little troubled with that
2 answer, leaving it lay there.

3 COMMISSIONER MacCALLUM: Go ahead.

4 MR. FOX: Thank you.

11:44 5 BY MR. FOX:

6 Q Do you have any -- and before you answer this,
7 I'll, I'm going to ask the question, and before
8 you answer it, Ms. Williams, can you just wait in
9 case, Mr. Commissioner, you have any concerns with
11:45 10 the question -- but do you have any recollection,
11 Mrs. Daniels, of Mr. Milgaard purchasing drugs and
12 selling drugs while in those cities and --

13 A No recollection.

14 COMMISSIONER MacCALLUM: That's fair. Go
11:45 15 ahead.

16 A No. Yeah, sorry, I'm sorry.

17 BY MR. FOX:

18 Q Sorry?

19 A No I don't.

11:45 20 Q Do you know where you got the drugs from that you
21 used?

22 A No I don't.

23 Q So you have no recollection of that at this time?

24 A No.

11:45 25 Q Certainly, in 1969, you would have had a pretty



1 good recollection of that at that time?

2 A Probably, yeah.

3 Q Sure.

4 A Yeah, according to that, that statement.

11:45 5 Q And I don't want you to --

6 A No.

7 Q I'm just saying would you agree with the general
8 proposition that in 1969, if you were asked
9 questions about that or to relay what you did or
11:45 10 didn't do when you were out in Vancouver or Ottawa
11 or Toronto, you would have recollection of that?

12 A Yes.

13 Q Okay.

14 A Uh-huh.

11:45 15 Q And for example I referred you, when I first began
16 questioning you yesterday, to a person called John
17 that's referenced in the statement; you had a
18 recollection of that individual, you had heard --
19 you remember hearing that name from back then?

11:46 20 A Yes.

21 Q Okay. Do you have any recollection of the name
22 Ken Pells?

23 A No.

24 Q Any recollection of the name Richard Bear?

11:46 25 A No.



1 COMMISSIONER MacCALLUM: What was the first
2 name?

3 MR. FOX: Pells, P-E-L-L-S.

4 COMMISSIONER MacCALLUM: Oh.

11:46 5 MR. FOX: And Bear, Richard Bear.

6 Thank you, ma'am, those are all
7 the questions I have.

8 COMMISSIONER MacCALLUM: I don't know who's
9 next, counsel?

11:46 10 MR. ELSON: It was going to be me next,
11 Mr. Commissioner, I have no further -- I have no
12 questions.

13 COMMISSIONER MacCALLUM: Thanks, Mr. Elson.

14 MR. GIBSON: No questions.

11:46 15 COMMISSIONER MacCALLUM: Thank you.

16 Anybody else left? Any redirect?

17 MR. HODSON: No, I think --

18 MS. KNOX: I have no questions.

19 MR. WOLCH: I have some, sir.

11:46 20 COMMISSIONER MacCALLUM: Oh, you do? Okay.

21 Before you start I want to ask the -- are you
22 okay, Mr. Reporter?

23 COURT REPORTER: Yes.

24 COMMISSIONER MacCALLUM: Okay.

11:47 25 **BY MR. WOLCH:**



1 Q I won't be that long with you. I'm Hersh Wolch,
2 I'm David Milgaard's lawyer.

3 A Uh-huh.

4 Q I wasn't quite clear, maybe you can recall this;
11:47 5 when the police first came to talk to you, did you
6 consider yourself David's ex-girlfriend at that
7 time?

8 A In '69?

9 Q Yes. I couldn't tell if you were -- thought
11:47 10 yourself to be still his girlfriend, his former
11 girlfriend, or somewhere in between? I'm not sure
12 what your status was in your own mind?

13 A Umm, ex, yeah.

14 COMMISSIONER MacCALLUM: This was in St.
11:48 15 Albert, was it, after the --

16 BY MR. WOLCH:

17 Q Yes sir.

18 A Yeah, ex-girlfriend, yeah.

19 Q Yeah. And most ex's seem to tend to not think too
11:48 20 flatteringly of the person they just split from;
21 would that perhaps have been affecting you a
22 little bit?

23 A I don't believe so.

24 Q Okay. And as you understood it from your mom, I
11:48 25 think, that David was being accused of possibly



1 being a rapist at that time? You found out it was
2 an allegation of murder, of course, but originally
3 it came to you as rape I think you said?

4 A From what I can recall, I believe that's what I
11:48 5 heard, yes.

6 Q Okay. Now I think it would be fair to say that
7 the questioning of you really touched on two
8 areas, one would be what you would know about the
9 arrival of the kids in St. Albert on the -- in
11:49 10 close proximity to when Gail Miller was murdered?

11 A Yes.

12 Q That was one area, and the other one --

13 COMMISSIONER MacCALLUM: Are you talking
14 about the questioning by police?

11:49 15 MR. WOLCH: Yes, sir, I'm sorry.

16 COMMISSIONER MacCALLUM: All right.

17 BY MR. WOLCH:

18 Q And the other would be background information
19 regarding you and David; is that fair, those are
11:49 20 really the two areas that the police appeared to
21 be concerned about?

22 A Umm, yes.

23 Q And basically, in terms of the arrival of the four
24 kids, you didn't have much to say other than the
11:49 25 fact that everything appeared normal to you?



1 A As far as I could remember, yes.

2 Q Yeah, but you didn't know of anything particular

3 --

4 A No.

11:49 5 Q -- to advance anything at all?

6 A No.

7 Q And the background was gone into at some length by
8 the officers, as you have seen from the statement?

9 A Yes.

11:50 10 Q Now I won't bring it up, but I think the first
11 statement is about 2 1/2 hours in duration, and,
12 umm, the second would have been a polygraph that
13 was taken of you?

14 COMMISSIONER MacCALLUM: Now did she
11:50 15 acknowledge that 2-1/2-hour business, I'm sorry,
16 I had my --

17 BY MR. WOLCH:

18 Q I think she doesn't disagree or agree, I think she
19 accepts it.

11:50 20 A I don't remember, yeah.

21 COMMISSIONER MacCALLUM: You don't
22 remember? Okay.

23 A Yeah, I don't remember how long.

24 BY MR. WOLCH:

11:50 25 Q If the statement says that, you are not going to



1 disagree?

2 A No.

3 Q Okay. Now, in terms of your having a polygraph, I
4 would take it that you were being questioned as to
11:51 5 your credibility; did you have that feeling at the
6 time?

7 A I don't remember.

8 Q Okay.

9 A I don't remember of what I felt.

11:51 10 Q Okay. But you would agree that the taking of a
11 polygraph suggests that somebody is questioning
12 whether you are telling the truth?

13 A Uh-huh, I would agree, yes.

14 Q Now, just before he sat down, counsel for Officer
11:51 15 Karst, Mr. Fox, asked you some questions about how
16 you kids were supporting yourself. And when I say
17 "kids", you were both about the same age, right?

18 A Uh-huh, yes.

19 Q And I wonder if I could get a document pulled up,
11:52 20 000538. This is -- you wouldn't know about this,
21 this is an affidavit that David filed in his
22 application to the Minister, and I want to refer
23 you to 000541 and see if this refreshes your
24 memory. I'll ignore paragraphs 9 and 10, they
11:52 25 talk a little background, but paragraph 11, if I



1 can get that highlighting. Can you tell me if
2 this refreshes your memory and if it helps you at
3 all:

4 "That on one trip to Regina I met a girl
11:52 5 named Sharon Williams with whom I began a
6 steady relationship. We travelled together
7 to such places as Vancouver and Ottawa. I
8 recall that every time we would arrive
9 someplace we would get arrested or stopped
11:52 10 by the police. This would result in Sharon
11 Williams being sent home. I would go back
12 to Regina to pick her up and then we would
13 hitch-hike away again. At one point I
14 recall that Sharon worked in a boutique in
11:53 15 Ottawa while I sold a Hippie newspaper
16 called "*The Free Press*" on the Spark Street
17 Mall in Ottawa."

18 Now, can you comment on that, based on your
19 memory?

11:53 20 A Umm, yes, I would agree.

21 Q Do you actually recall working in a boutique?

22 A Yes, I do, yes.

23 Q And I noted in your statement there was a
24 reference to an underground newspaper being sold,
11:53 25 and I take it this is what you were probably



1 talking about, *The Free Press* on Spark Street?

2 A I don't particularly recall the newspaper.

3 Q Okay.

4 A But, if it was in Ottawa, then --

11:53 5 Q And you do recall working at a boutique in
6 Ottawa, --

7 A Yeah, yeah.

8 Q -- and I take it that was raising money, and David
9 was making money?

11:54 10 A Yes, I guess.

11 Q Did you have knowledge of David working for
12 *Maclean's* magazine?

13 A Not that I can recall, no.

14 Q Now if I could bring up one final document, I only
11:54 15 have a couple questions for you, and I think it's
16 00 -- it's either 000302 or 009302. It's the
17 letter from the City of Calgary Police Department.
18 The last three digits are 302, that's for certain.

19 MR. BERESH: 009302.

11:55 20 MR. WOLCH: That is a 9, then, it's 009302?

21 COMMISSIONER MacCALLUM: Mr. Beresh, you
22 are making yourself indispensable.

23 MR. BERESH: Trying to retain my position.

24 MR. WOLCH: It's a great change, and a
11:55 25 welcome one.



1 MR. BERESH: I object.

2 BY MR. WOLCH:

3 Q In any event, it would appear that Inspector
4 Roberts is the person who questioned you, and in
11:55 5 this letter he says for approximately 3 1/2 hours;
6 you see that?

7 A Yes.

8 Q Now do I understand that you don't remember the
9 polygraph; is that correct?

11:55 10 A No, I don't.

11 Q Having thought of it overnight does it come back
12 to you? It's a pretty unusual thing, is what I am
13 getting at.

14 A I know that, but no, I don't recall.

11:56 15 Q You don't recall that?

16 A No.

17 Q Okay. Now I think it would be safe to conclude
18 that the two areas that you would be questioned on
19 would be the arrival of the kids and what you knew
11:56 20 about David?

21 A Yes.

22 Q There was nothing else to be questioned about?

23 A No.

24 Q Okay. Now you see the conclusion, here,
11:56 25 incorporated in the Deputy Chief of Police letter



1 to the Chief:

2 "It is the opinion of Inspector A. Roberts
3 that Miss Williams does not have any
4 information that would assist you in the
11:56 5 prosecution of David Milgaard."

6 Do you see that?

7 A Yes.

8 Q And obviously, knowing that David wasn't
9 responsible for it, that -- and what you know,
11:56 10 that's absolutely accurate; isn't it?

11 A Yes.

12 Q Those are all my questions, sir.

13 COMMISSIONER MacCALLUM: Thanks. Any
14 redirect?

11:57 15 MR. HODSON: No, Mr. Commissioner.

16 COMMISSIONER MacCALLUM: Thank you,
17 Ms. Daniels, you are excused.

18 MR. FOX: Mr. Commissioner, if I might?

19 COMMISSIONER MacCALLUM: Yes?

11:57 20 MR. FOX: In the -- here's a little, I mean
21 here is a bit of the difficulty that we have with
22 this questioning that's put to the witness about
23 --

24 COMMISSIONER MacCALLUM: What is, what's
11:57 25 the difficulty?



1 MR. FOX: Well the difficulty, he has asked
2 about the source of income in Ottawa.

3 COMMISSIONER MacCALLUM: Yes.

4 MR. FOX: She is not allowed to look at her
11:57 5 own statement to see if it refreshes her memory.

6 COMMISSIONER MacCALLUM: Those questions
7 were put by you.

8 MR. FOX: No, I wasn't allowed to put that
9 portion --

10 COMMISSIONER MacCALLUM: No, that's
11 correct, yeah. She has already been asked about
12 that.

13 MR. FOX: -- of the statement to her, but
14 yet a statement made by somebody else, Mr.
11:57 15 Milgaard, is put to her, and she is allowed to
16 refresh her memory with that, and then a
17 reference is made to an underground newspaper in
18 her statement, and it's not put to her.

19 COMMISSIONER MacCALLUM: The difference is
11:58 20 that that statement, which came from an affidavit
21 Milgaard filed for a 690 application, had nothing
22 to do with alleged criminal activity. The
23 proscribed statement does.

24 MR. FOX: Except it creates an unfairness,
11:58 25 because it's left the im --



1 COMMISSIONER MacCALLUM: No, it's not
2 unfair.

3 MR. FOX: Well I raise it, My Lord, that,
4 where that issue was specifically addressed in
11:58 5 her statement, we should have been allowed to put
6 it to her.

7 COMMISSIONER MacCALLUM: As I was saying,
8 Ms. Williams -- Ms. Daniels, you are excused.

9 MR. HARDY: Mr. Commissioner, we're ready
11:58 10 to proceed with our next witness, I'm in your
11 hands given the time?

12 COMMISSIONER MacCALLUM: Well the reporter
13 hasn't had a break, so I think perhaps we will
14 take our lunch break. 2:00, please.

11:58 15 *(Adjourned at 11:58 a.m.)*

16 *(Reconvened at 2:05 p.m.)*

17 COMMISSIONER MacCALLUM: Mr. Hardy?

18 MR. HARDY: Good afternoon,
19 Mr. Commissioner. We're ready to proceed with
02:06 20 our first witness this afternoon, Leonard
21 Gorgchuck, who will be continuing his testimony
22 from February 10th.

23 **LEONARD JAMES GORGCHUCK, recalled:**

24 COMMISSIONER MacCALLUM: Hello, Mr.
02:06 25 Gorgchuck. You acknowledge that you are still



1 under oath, sir?

2 A I do.

3 COMMISSIONER MacCALLUM: Thank you. Have a
4 chair.

02:06 5 BY MR. HARDY:

6 Q Good afternoon, Mr. Gorgchuck.

7 A Good afternoon.

8 Q I want to thank you for returning to our hearings
9 to complete your testimony this afternoon, and I'm
02:06 10 going to pick up right where we left off on
11 February 10th. You will recall that I was
12 playing, for you, an audio clip from an interview
13 between Mr. Albert Cadrain and Peter
14 Carlyle-Gordge from the, sometime in the early
02:06 15 '80s I understand. And I'm going to start that
16 clip over again, and ask you to listen to it, and
17 if we could play, please, clips LG5, LG6, and LG7?

18 (Clip LG5 played)

19 CARLYLE-GORDGE: That's not that bad.

20 RICK SHARADE: Yeah.

21 CARLYLE-GORDGE: When you got kids
22 (unintelligible).

23 ALBERT CADRAIN: Ah, anyway I went to
24 Regina. I met this Betty. She says Oh what's
25 happening? You know her friend a big fat pig,



1 you know. That was ah, with her. She says oh
2 shes living at a, what ya, head house they call
3 it now (unintelligible).

4 CARLYLE-GORDGE: Ya, right.

5 ALBERT CADRAIN: I had a friend, Leonard
6 (Worchuck...Phonetic). And I used to play chess
7 with him all night you know, when I was a kid eh.

8 **(Clip LG6 played)**

9 ALBERT CADRAIN: ... Right next door.
10 There's little, there's a little (unintelligible
11 ... chapel?), hotel next door there. And ah --
12 Because we didn't feel comfortable about ah,
13 didn't feel comfortable at all about staying in
14 that hippie house because we got real bad vibes.
15 Now these people, Leonard was, this is how the,
16 probably how the murder (unintelligible
17 ...whole?) Happened.

18 CARLYLE-GORDGE: Uhmmm.

19 ALBERT CADRAIN: You know.

20 CARLYLE-GORDGE: Uhmmm.

21 ALBERT CADRAIN: My friend had a real
22 expensive thirty-five millimeter camera and he
23 was into taking pictures and this and that. When
24 we went into that hippie house he was going
25 click, click, oh wow man, you know. Here's a



1 little straight boy going oh wow wow. Look at
2 these, I never seen this before. Click, click
3 click. And you should have seen those weirdos
4 look at us. They were sitting there and they all
5 took knives out, sat around the sofa and couch,
6 all around, they sat there with knives and they'd
7 go like this. Weird, boy I was scared. And they
8 were taking little packages of matches in the
9 middle of the room, dropping them on the floor,
10 you know shit like that. And they were ah...
11 (PHONE RINGS IN THE BACKGROUND) Ah it's my wife.
12 They were just trying to see through our minds to
13 see what we, they thought we were informers eh.
14 (Conversation on the phone).

15 **(Clip LG7 played)**

16 CARLYLE-GORDGE: Okay. So you were taking
17 pictures.

18 ALBERT CADRAIN: I wasn't, Leonard was,
19 yeah.

20 CARLYLE-GORDGE: Leonard, yeah.

21 ALBERT CADRAIN: He didn't know better and
22 I didn't know, just a bunch of kids eh.

23 CARLYLE-GORDGE: Uhmmm.

24 ALBERT CADRAIN: Passed the dope around and
25 started doing that to us eh. Then all of a



1 sudden they said you guys can't stay here.

2 CARLYLE-GORDGE: Uhmmm.

3 ALBERT CADRAIN: They said you could stay
4 in the city hall. We got a room for you in an
5 upstairs story of the city hall. Where did they
6 get connections like that? It's kind of a story.
7 I says geez, you know, I, Milgaard was around, I
8 said does anyone know David Milgaard from ahm,
9 ah, Langenburg? Everyone looked at me, that was
10 another mistake. I got Milgaard in big trouble
11 because he, he thought he was connected with some
12 informers. They thought we were informers
13 because Leonard was click, click, click, click,
14 click, click...

15 CARLYLE-GORDGE: ... Ah, okay. Yeah.

16 ALBERT CADRAIN: You see.

17 CARLYLE-GORDGE: Yeah.

18 ALBERT CADRAIN: It's real scary and I
19 asked Leonard you got them pictures, there might
20 be a story to it. Can't find them. Those
21 fuckers probably did get a hold of the film.

22 CARLYLE-GORDGE: Hmmm.

23 ALBERT CADRAIN: And here's how, that, oh
24 ya, now we ended up going, we stayed at the, they
25 wanted us to stay at the, at the city hall. We



1 says, naa well, we got money, we'll go and get a
2 hotel room and we did next to Smittys Pancake
3 House eh.

4 CARLYLE-GORDGE: Uhhmm.

5 ALBERT CADRAIN: We bought a bag there.
6 And a motorcycle gang was connected with those
7 fuckers. That night they, they said, where do
8 you guys live, we didn't know them, we told them.
9 I said we'll be staying at the hotel here. That
10 gotem more suspicious too, because you know. We
11 stayed in a hotel next door.

12 CARLYLE-GORDGE: Uhhmm.

13 ALBERT CADRAIN: Asked us our room number.
14 Anyway, I hear a knock about three o'clock in the
15 morning. I had a good feel then and Leonard did
16 too cause we were working pretty hard eh.

17 CARLYLE-GORDGE: Uhhmm.

18 ALBERT CADRAIN: And ah, all of a sudden I
19 hear a, you know, (sound of knocking) real light
20 on the door. And ah, Leonard ah, was still
21 sleeping and I heard that knock. And I says who
22 is it? He says it's me the guy that opened ah,
23 the guy that ah sold you the pot. I got no place
24 to crash tonight let me in.

25 CARLYLE-GORDGE: Uhhmm.



1 ALBERT CADRAIN: I says, just you? He says
2 ya, ya just me. I opened that door and the whole
3 room, the, the, the room was small like this.

4 CARLYLE-GORDGE: Uhmmm.

5 ALBERT CADRAIN: Honest, like this, just
6 maybe not even that big, like this here.

7 CARLYLE-GORDGE: Right.

8 ALBERT CADRAIN: And I bet you there was 14
9 or 15 motorcycle guys and they came in there.

10 CARLYLE-GORDGE: Uhmmm.

11 ALBERT CADRAIN: Apollos eh. They all
12 walked, big fuckers. I didn't show no fear
13 though. I said okay you guys, no funny stuff if
14 want to crash here, you can crash on the floor.
15 Now listen to this. Those fuckers, I, I can't, I
16 slept with one eye open all, night.

17 CARLYLE-GORDGE: Uhmmm.

18 ALBERT CADRAIN: And these guys crawled, I
19 heard this, the camera was under the bed.

20 CARLYLE-GORDGE: Uhmmm.

21 ALBERT CADRAIN: ...With a locked case, eh.

22 CARLYLE-GORDGE: Yeah.

23 ALBERT CADRAIN: Now here's this, I heard
24 these guys, all of a sudden I hear one guy,
25 (sounds like rubbing or shuffling) on the floor



1 eh? . I.

2 CARLYLE-GORDGE: Uhmmm.

3 ALBERT CADRAIN: And I heard, this guy was
4 trying to pick the lock on the, on the camera
5 case to get the film out. I'm sure of it eh. I
6 heard click, click, click. And I just, I
7 couldn't take that shit eh, I wasn't afraid to
8 die or afraid of them fuckers eh. And I went
9 flick, the light was right by me, I just, okay
10 you fuckers, get out, everyone of you. Right
11 now. They listened to me they got the fuck out.

12 CARLYLE-GORDGE: Uhmmm.

13 ALBERT CADRAIN: Everyone of them. And
14 then from that day on boy, I was being followed,
15 I was being watched. The cops are in it,
16 everybody. The Mafia and I'm not fucking crazy.
17 I'm telling you. Now listen to this. Finally
18 Leonard said oh I'm getting real weird
19 vibrations, I'm scared of this place. I'm going
20 home.

21 CARLYLE-GORDGE: Uhmmm.

22 ALBERT CADRAIN: He had enough money to
23 catch the, the bus home eh.

24 CARLYLE-GORDGE: Right.

25 ALBERT CADRAIN: He said I'm getting the



1 hell out of here. And he did. Smart. I was
2 dumb. I stayed. I stayed. Now listen to what
3 happened. Oh I went back to the hip, hippie
4 house, I wasn't afraid of nobody, I was maybe
5 stupid, if I would've known what was really going
6 on I would've got the hell out eh.

7 **(End of clips LG5, LG6, LG7)**

8 BY MR. HARDY:

9 Q That's the end of those three clips.

02:13 10 And, Mr. Gorgchuck, I want to
11 take you through some portions of that, and I'll
12 bring up on the screen the transcript. If we
13 could go to document, please, 040654 and -- sorry,
14 that's -- I was looking for, it's page 040666.

02:14 15 That's right. And first of all, Mr. Gorgchuck, I
16 wanted to ask you; does this sound like the Albert
17 Cadrain that you were friends with prior to 1969?

18 A Well, generally it's his voice, and I think he is
19 obviously concerned in this environment that he is
02:14 20 discussing this. But generally, yeah, it's him.

21 I'm not sure what you mean?

22 Q Is that how Albert used to talk to you?

23 A I think he was more relaxed, generally. I
24 don't -- there were times, perhaps, when he got
02:14 25 excited but, it's hard to remember, but I don't



1 think we even swore that much, generally.

2 Q And do you recall whether Mr. Cadrain was a bit of
3 a story-teller during your time together prior to
4 1969?

02:15 5 A I don't, I don't believe he ever really, he might
6 have slightly exaggerated, but I had never known
7 him to really make up stuff. He certainly had his
8 interpretations of what went on, but generally he
9 was a very truthful guy as far as I was concerned,
02:15 10 when I knew him.

11 Q Okay. I would like to turn, please, to page
12 040667 of that document, and if we could focus in
13 on this portion here. Do you recall Mr. Cadrain
14 speaking these words on the audio, and I just
02:15 15 wanted to ask you a few questions arising from
16 that portion, Mr. Gorgchuck. Do you remember
17 having -- we had talked, in your testimony on
18 February 10th, about the trip to Regina, and do
19 you remember having a camera with you on that
02:15 20 trip?

21 A I did. "Expensive" is relative because we were
22 both quite poor. It was a, it was an interesting
23 little camera, I bought it used. But at any rate,
24 yes, definitely.

02:16 25 Q Did you recall that?



1 A Uh-huh.

2 Q And the information, in terms of you taking
3 pictures at the hippie house, can you confirm
4 whether that had happened or not?

02:16 5 A That's possible. I would suggest it did, yeah.

6 Q Okay. And what about the bit of information about
7 the response from the people in the house insofar
8 as Albert indicating that they took knives out?

9 A I don't totally recall the situation, but I think
02:16 10 that's probably a fair rendition.

11 Q Okay. And do you know what he is referring to in
12 terms of the portion where he is talking about
13 taking little packages of matches in the middle of
14 the room and dropping them on the floor; do you
02:16 15 recall anything of that nature?

16 A Once again, I can't remember the exact details, I
17 don't think it was like a ritual thing, but I
18 think a couple of them flung their package of
19 matches. I don't know. It seems Albert seems to
02:16 20 have taken and interpreted it to be something
21 specific, and he may be right, I actually probably
22 didn't think that much of it, but I probably
23 didn't even care.

24 Q Okay. I'm going to turn you to the next page,
02:17 25 040668, please. Taking a look at this portion



1 down here, if we could zoom in on that, perhaps
2 I'll read it just briefly:

3 "ALBERT CADRAIN: Passed the dope around
4 and started doing that to us eh. Then
5 all of a sudden they said you guys can't
6 stay here.

7 CARLYLE-GORDGE: Uhmmm.

8 ALBERT CADRAIN: They said you could stay
9 in the city hall. We got a room for you
10 in an upstairs story of the city hall.
11 Where did they get connections like
12 that? It's kind of a story."

13 I'll pause there for a moment. Do you recall
14 anything of that nature happening when you were
02:17 15 at the hippie house in Regina?

16 A Not exactly. It's, it's possible that they were
17 passing some marijuana around but -- to be honest,
18 I don't have a total recollection of that, but I
19 would suggest that's probably a fair statement. I
02:18 20 just can't, exactly, recall it.

21 Q You don't have a memory of that?

22 A Not explicitly.

23 Q And what about some suggestion about staying in a
24 room upstairs in City Hall?

02:18 25 A I don't recall that at all. It might have been



1 something they said to him directly, I don't
2 recall that.

3 Q Okay. And just that next portion:

4 "I says geez, you know, I, Milgaard was
5 around, I said does anyone know David
6 Milgaard from ahm, ah, Langenburg?"

7 And I'll pause there. And correct me if I'm
8 wrong, Mr. Gorgchuck, I believe you had indicated
9 in your testimony on February 10th that, although
02:18 10 you could not recall it, Albert had told you at a
11 later point in time that you had met David
12 Milgaard in Regina?

13 A Yeah, he had mentioned that, but I certainly
14 didn't recall it, I'm -- and I'm not sure when we
02:18 15 would have met --

16 Q Okay.

17 A -- or where I would have met him.

18 Q Does this refresh your memory at all, do you
19 recall Albert asking for David Milgaard when you
02:18 20 were in Regina, specifically at the --

21 A Yeah. I don't recall.

22 Q -- hippie house?

23 A I don't recall that at all. It could have
24 happened, I just can't recall it.

02:19 25 Q Okay. I'm going to move to the next page, please,



1 040669, and starting with this portion here -- I
2 won't read it out loud again Leonard, but if you
3 can take a look at that please, in particular,
4 Albert's comments.

02:19 5 A The first paragraph I'm not sure, I don't remember
6 that part. The visit by them during the night,
7 yes, that did happen.

8 Q And by "them" who are you referring to?

9 A I believe they were members of the motorcycle
02:19 10 gang, the Apollos, but -- well they definitely
11 were, I would guess. They were definitely wearing
12 the proper attire, I think, at the time.

13 Q And do you recall whether, earlier in the day,
14 Albert had purchased drugs from one of those
02:20 15 individuals?

16 A Vaguely. I think that was one of our shopping,
17 planned shopping sprees of the trip since we were
18 going down. But Albert did the purchase himself,
19 I kind of waited off to the side, so I'm not even
02:20 20 sure who we got it from.

21 Q And in terms of Albert's account here, their
22 visiting you in the middle of the night and
23 knocking on the door, you do have a recollection
24 of that?

02:20 25 A Vague, but yes.



1 Q And was it 14 or 15 individuals, from your
2 recollection?

3 A Umm, not inside. There might have been that many
4 outside, I didn't see outside, I was -- I was
02:20 5 furthest from the door, and Albert answered the
6 door, but totally possible there may have been
7 that many, but there were only, well, possibly
8 four or five that actually came in to spend the
9 night.

02:20 10 Q And four or five did come in, then, to spend the
11 night?

12 A Yup, to crash.

13 Q And just moving on to page 040670, focusing in on
14 that portion there, please.

02:21 15 A Uh-huh.

16 Q Again, I'll get you to read that, Leonard,
17 briefly, and it moves to the next page as well.

18 A I'm sorry, you want me to read it?

19 Q You don't have to read it out loud.

02:21 20 A Oh, okay.

21 Q I just want you to take a look at that before I
22 ask my question.

23 A Uh-huh, yes, yup?

24 Q And then the top of the next page, please, as
02:21 25 well. Do you recall one of the individuals, that



1 night, trying to pick the lock on your camera case
2 or trying to steal your camera?

3 A Umm, that incident I, I do recall, yeah. I didn't
4 actually see the person doing it, the camera was
02:22 5 under my bed and I was probably asleep by then,
6 but after Albert insisted they leave he did
7 mention what they were doing, and I'm not sure,
8 but we may have checked the camera at that time
9 and, as he mentioned, we lost a roll of film,
02:22 10 so --

11 Q And --

12 A -- that's probably what happened.

13 Q Do you recall determining, at that time, that you
14 had lost a roll of film?

02:22 15 A I can't say if it was at that time or the next
16 day, but we definitely did lose a roll of film,
17 yes.

18 Q And your memory, in terms of this incident, was
19 actually waking up, then, to the ruckus of Albert
02:22 20 kicking these individuals out of the room?

21 A Correct.

22 Q And that was still in the middle of the night, was
23 it?

24 A Or very early morning, yes.

02:22 25 Q Okay. Move down the page, please, a little bit.



1 You can go to a full page view, please. I'm going
2 to get you to read this portion here, Leonard.

3 A Uh-huh.

4 Q All right, you have given it a read?

02:23 5 A Yup.

6 Q Okay. What about this information; does this
7 sound accurate, from the best of your
8 recollection?

9 A Yeah. As far as my going, as I mentioned the last
02:23 10 time I was here, umm, it's not just that I decided
11 to leave because things were getting weird, but I
12 think our original plan was just to stay the one
13 night, or whatever, with the option of staying
14 longer if we were having fun, and I just wasn't
02:23 15 having fun. And as I mentioned, the primary
16 purpose of the visit was for Albert to visit
17 Betty, and he had hooked up and all that, and so I
18 was really just a third wheel hanging around. So,
19 given everything that was going on, I didn't see
02:23 20 any reason to stay.

21 Q But what about Mr. Cadrain's suggestion that you
22 were freaked out by the activities that the two of
23 you had experienced; was that a motivating factor
24 of you leaving?

02:23 25 A Probably, yes, yeah, yeah.



1 Q Do you have a recollection of that?

2 A I don't, I don't have such a strong recollection
3 of being in danger of my life, for example. Umm,
4 it -- I was probably very passive, watching what
02:24 5 was going on, but not really maybe even aware of
6 the situation. It was definitely an uncomfortable
7 visit and I had no reason to be there, I didn't
8 know anybody except Albert, so all in -- I'm sure
9 everything contributed to the idea that there was
02:24 10 no sense my hanging around. So would I -- I don't
11 know if I would say the experiences were the
12 primary reason for my leaving, but they were
13 definitely an influence, sure.

14 Q Okay. I'm going to turn your attention, Mr.
02:24 15 Gorgchuck, to the second audio clip that we have,
16 and this is with respect to Albert Cadrain's
17 interview by RCMP officers in 1993 while they were
18 conducting their investigation, and as we learned
19 on the 10th, you were also interviewed by RCMP
02:24 20 officers in the context of that investigation?

21 A Right.

22 Q And we'll just play a short portion for you, it's
23 clips LG1, LG2, LG3, and LG4, please.

24 (Clip LG1 played)

25 "CORPORAL JIM TEMPLETON: Okay, Albert we



1 just started side two of this first
2 tape. The time right now is 1336 hours.

3 As the side one of the tape
4 ended Albert, we were talking about you
5 and Betty Weeks being at city hall.

6 ALBERT CADRAIN: Yes.

7 CORPORAL JIM TEMPLETON: And getting
8 arrested by the police.

9 ALBERT CADRAIN: Yes, but here's how it
10 happened before even. I says to my
11 friend, quite a while ago maybe a month
12 before all this shit happened, I says
13 come on down to Regina with me and I'll
14 get, I'll smoke you up on some real pot,
15 because I used to roll them up some of
16 my tea leaves and smoke 'em up on that
17 and he says "wow, this is good", you
18 know I take his money.

19 CORPORAL JIM TEMPLETON: Before, before we
20 go any further, who was your friend?

21 ALBERT CADRAIN: Leonard Woytowich.

22 CORPORAL JIM TEMPLETON: And where was
23 Leonard Woytowich from?

24 ALBERT CADRAIN: Saskatoon.

25 CORPORAL JIM TEMPLETON: Okay, you and



1 Leonard Woytowich went to Regina, about
2 when was that.

3 ALBERT CADRAIN: Oh gees, a couple of
4 months before all this shit happened.
5 And I says come on, show you the
6 hippies. So okay, lets go. So he
7 brought his camera, a nice camera, and
8 he was the head of his camera class in
9 school and he was really proud of
10 himself, you know, and he's a nerd.
11 Leonard was a nerd, but he's my best
12 friend. We used to drink tea and eat
13 peanut butter sandwiches and play chess
14 all night long. I'd never win though,
15 but, he was smart eh, but he was a nerd.
16 Anyways we went there to Regina and we
17 get into that place on Cornwall Street,
18 this hippie house, and there's people
19 everywhere. There's about 30 people in
20 the house eh. They were on all kinds of
21 drugs and everything, you name it they
22 were on it. They were screwed up in the
23 head and here's Leonard with his camera,
24 wow look at this. They had bricks, look
25 like the city of Regina built up with



1 bricks eh. And here's Leonard, click
2 wow, what a neat picture. Never saw
3 this before, taking pictures with all
4 these fucked up people eh. All of a
5 sudden they got freaked out boy. They
6 got really scared these people. They
7 were into drugs big time and finally
8 Leonard, they pulled out knives like
9 this and they go like this.

10 CORPORAL JIM TEMPLETON: Okay, they put the
11 knife to whose throat.

12 ALBERT CADRAIN: To their own and they all
13 had a knife in their hands. Leonard was
14 already, went, he went home, he got
15 scared. These people were fucked up eh.
16 And they were like this with the sharp
17 knife against their throat and looking
18 at me like this. And one guy says hey,
19 we don't want you to stay here anymore.
20 Take your girlfriend and get out of
21 here. We got a place for you, we got a
22 good place for you they said. So they
23 put me in the city hall upstairs in the
24 city hall, I think it was five stories
25 up and one guy came here and put a big



1 pile of marijuana, like this, a big bud
2 eh. There was 12 guys, I'm sure there
3 was 12 guys, I counted them, and they
4 all had nice suits on, \$500 suits on,
5 you know, real expensive suits on, the
6 young gangster punks eh. And they were
7 making a bunch of noise and I was having
8 sex with Betty in the other room. These
9 people were looking for somebody. They
10 were looking for me. They wanted to
11 kill me, thought I was an informer. My
12 friend already jumped on the train and
13 went back to Saskatoon. He was afraid
14 to stick around but me I like cunt too
15 much so I stayed. She says we better
16 see what all this noise is about. I
17 went out there and oooooooooo boy they
18 were happy to see me. He dumped that
19 big pile of drugs on the table there and
20 he started rolling joints and passing
21 them around and around, around and
22 around eh. He got me really stoned eh.
23 Then all of a sudden he says, we're
24 going to rape your girlfriend. That's
25 what they says to me eh, and Betty she



1 was smart. She knew how to talk to
2 street people eh. She says go ahead.
3 She didn't give a fuck eh. But she was
4 playing their heads eh. Now, bang, they
5 punched me. I go flying across the room
6 eh. And eh, it was like wrestling, you
7 know, they're punching me and kicking
8 me. And he says, fuck it you're dead.
9 I'm going to kill you. And he grabbed
10 me by the hair like this, pulled my head
11 back and shoved under arm deodorant down
12 my nose. And I was dying, I was dying,
13 I was dying. My heart was stopping.
14 Girls listen. And my heart was stopping
15 and I said a quick pray, Hail Mary real
16 fast and finally they just dropped the
17 subject and let me go. But they left
18 all the dope there and they thought I
19 was going to pick it up. So they phoned
20 the cops. They set me up. The cops
21 picked me up the next day. My
22 girlfriend told me not to touch the
23 shit. She says it's a trap. She was
24 right and they put me in jail for two
25 weeks for vagrancy or something like



1 that.

2 CORPORAL JIM TEMPLETON: Great, just before
3 we go any further, you know, that's when
4 you got arrested as a result of all
5 this....

6 ALBERT CADRAIN: ... No...

7 CORPORAL JIM TEMPLETON: ... Story you just
8 told us.

9 ALBERT CADRAIN: Yeah because they set me
10 up.

11 CORPORAL JIM TEMPLETON: They set you up.

12 ALBERT CADRAIN: But I didn't take the
13 bait.

14 CORPORAL JIM TEMPLETON: You mention, you
15 mention a fellow by the name of Leonard
16 Woytowich which was a friend of yours.

17 ALBERT CADRAIN: Yeah.

18 CORPORAL JIM TEMPLETON: Okay. And
19 sometime prior to the January 31st, 1969
20 you and Leonard had been in Regina.

21 ALBERT CADRAIN: Yeah.

22 CORPORAL JIM TEMPLETON: Okay. When you
23 were in Regina with Mr. Woytowich, did
24 you meet David Milgaard down there.

25 ALBERT CADRAIN: No, no but here's what



1 happened. I asked these people, these
2 hippies, because I knew Milgaard got
3 around but I didn't know he was that big
4 in the crowds and the gangs eh. And I
5 accidentally says hey does anyone ever see
6 David Milgaard around, because I knew he
7 gets around eh. Wow I should have never
8 said that name. Because Milgaard knew
9 that an informer they thought. So
10 Milgaard had to prove his innocence to
11 these fuckers or else he was dead meat.
12 That's what it's all about.

13 CORPORAL JIM TEMPLETON: When you were in
14 Regina with Leonard on that trip, did
15 you or did you not meet David Milgaard.

16 ALBERT CADRAIN: No, did not.

17 CORPORAL JIM TEMPLETON: Okay. Leonard
18 returned to Saskatoon by himself.

19 ALBERT CADRAIN: Yup.

20 CORPORAL JIM TEMPLETON: Okay, just going
21 to go back to Saskatoon for a second now
22 that you have mentioned Leonard
23 Woytowich, you say he was a very good
24 friend of yours.

25 ALBERT CADRAIN: Yup.



1 CORPORAL JIM TEMPLETON: Okay. Did you say
2 you spent a lot of time with him.

3 ALBERT CADRAIN: Uh-huh.

4 CORPORAL JIM TEMPLETON: Okay. The night
5 before the death of Gail Miller which
6 would have been the evening of the
7 thirtieth of January 1969, had you spent
8 time with Mr. Woytowich the night
9 before?

10 ALBERT CADRAIN: I don't even remember, I
11 could have.

12 CORPORAL JIM TEMPLETON: Okay.

13 ALBERT CADRAIN: He used to play chess
14 lots.

15 CORPORAL JIM TEMPLETON: Did you smoke
16 marijuana with Mr. Woytowich.

17 ALBERT CADRAIN: In Regina I did, but I
18 smoked tea with him in Saskatoon.

19 CORPORAL JIM TEMPLETON: Okay, you sold Mr.
20 Leonard Woytowich tea as marijuana.

21 ALBERT CADRAIN: Yeah.

22 CORPORAL JIM TEMPLETON: Did you yourself
23 smoke the tea or just Leonard.

24 ALBERT CADRAIN: Oh yeah I smoked it with
25 him.



1 CORPORAL JIM TEMPLETON: Before you left
2 Saskatoon to go to Calgary, Edmonton
3 with David Milgaard, Ron Wilson and
4 Nichol John, did you go to look for your
5 friend, Leonard Woytowich, before you
6 left town.

7 ALBERT CADRAIN: No.

8 CORPORAL JIM TEMPLETON: No, okay.

9 ALBERT CADRAIN: I had all kinds of
10 friends, eh.

11 CORPORAL JIM TEMPLETON: So you have
12 indicated that during your stay in
13 Regina, you're were arrested by the
14 Regina City Police I take it.

15 ALBERT CADRAIN: Yeah like after these
16 people, and I'm not finished neither,
17 these fucking guys with the suits on and
18 everything else. They, the leader of
19 the gang his name was Richard Bear
20 (phonetic). How could I forget that
21 fucking name, he's the worst fucking guy
22 in the world. He grabbed me here, and
23 here and he had me right out of the
24 window, and he says I'm going to drop
25 you right here. He was going to kill me



1 the fucker. But he figured he could get
2 me and set me up with drugs eh. And the
3 cops they picked me up the next day."

4 (Clip LG2 played)

5 "CORPORAL JIM TEMPLETON: Okay. When you
6 returned to Saskatoon, what did you do.

7 ALBERT CADRAIN: Well as soon as I walked
8 in, a lot of things have happened to me,
9 you know, and I couldn't understand the
10 whole trip or anything. The first thing
11 I did was, the door opened up and look
12 and the fucking news is on full blast,
13 \$2,000 reward consisting, hear all this
14 shit...

15 CORPORAL JIM TEMPLETON: ... Albert, what
16 time of the day did you return.

17 ALBERT CADRAIN: Night.

18 CORPORAL JIM TEMPLETON: It was at night.

19 ALBERT CADRAIN: Seven, eight o'clock at
20 night.

21 CORPORAL JIM TEMPLETON: Seven, eight
22 o'clock at night. And you went I take
23 it, directly to your parents' home.

24 ALBERT CADRAIN: Yup.

25 CORPORAL JIM TEMPLETON: Were you alone at



1 that time when you got to your parents'
2 home.

3 ALBERT CADRAIN: Yeah I was beside myself
4 but the whole family was home eh.

5 CORPORAL JIM TEMPLETON: So you walked into
6 the house and who was there? Who did
7 you speak to first, when you got into
8 the house.

9 ALBERT CADRAIN: Well as soon as I walked
10 into the house, my mom say hi how are
11 you, she says, you know the day you
12 left, there was a murder that happened
13 that day. I says, what? She says, yeah
14 there was, Mary Marcoux, a girl we went
15 to school with, she found a body of a
16 woman just up her back alley, that's not
17 far from our place eh. And I says, oh
18 is that right. And then I'd seen the
19 news bulletin on TV, 2,000 reward for
20 anyone leading to the conviction of the
21 murderer and all this. And I started
22 thinking about the way Milgaard acted on
23 the trip, leaving town, I started
24 thinking about the blood on his clothes.
25 I started thinking about him going to



1 the garbage can. You know I started
2 thinking about all this shit. About the
3 cops asking me in Regina. Everything
4 that Leonard Gorgchuck with his fucking
5 camera taking pictures and you know."

6 **(Clip LG3 played)**

7 "CORPORAL JIM TEMPLETON: Was there anybody
8 else taken to the police station.

9 ALBERT CADRAIN: No, just me. I'd rather
10 die than go through that shit again.
11 They tortured me those fuckers. I
12 forgive them, but they tortured me.
13 They played with my head for a long
14 time.

15 CORPORAL JIM TEMPLETON: Okay, Albert, just
16 as you are getting a cup of coffee
17 there, we'll talk about it when you get
18 back so the tape recorder will be able
19 to pick it up.

20 ALBERT CADRAIN: Yeah, Leonard Woytowich
21 and his camera, if he would have left
22 his camera at home when he went to
23 Regina, that murder wouldn't have
24 happened. He can't find the film
25 neither."



1 (Clip LG4 played)

2 "CORPORAL JIM TEMPLETON: Okay. So you
3 were straight when you gave those
4 statements I take it.

5 ALBERT CADRAIN: Yeah.

6 CORPORAL JIM TEMPLETON: Okay. No drugs.

7 ALBERT CADRAIN: Nothing.

8 CORPORAL JIM TEMPLETON: Nothing.

9 ALBERT CADRAIN: I never, I never ever did
10 much drugs anyways. The only drugs I
11 did was marijuana with Leonard a few
12 times and Milgaard a few times. I was
13 never into it that much."

14 (End of clips LG1, LG2, LG3, LG4)

02:36 15 BY MR. HARDY:

16 Q That was the last clip, Mr. Gorgchuck. Do you
17 recall Mr. Cadrain ever talking to you about
18 concerns he had after the fact about the pictures
19 that you had taken or the use of your camera in
02:36 20 Regina?

21 A I think he did mention that it probably brought
22 some concerns, but in our discussions not to this
23 extreme, but then of course we never dwelled on
24 it, I --

02:36 25 Q What do you recall?



1 A Well just the fact that I think he was suggesting
2 that it was probably -- well, it wasn't
3 well-received.

4 Q And do you recall what he explained to you or how
5 he explained that?

6 A Just generally, saying "given the places we were
7 at it was probably not a good idea," and I agree
8 with him, but I didn't really know we were going
9 to be going there on that level when we left and,
10 as I mentioned, I was in the camera club and I was
11 into photography and it was one of my few trips
12 out of Saskatoon in my life, so I decided to take
13 it, so yeah, looking at this it obviously wasn't a
14 good idea from that perspective, but like I said,
15 I don't think he or I planned to get as involved
16 as it turned out.

17 Q And again I asked you this question before, Mr.
18 Gorgchuck, but does this sound like the Albert
19 Cadrain that you knew prior to 1969 during your
20 friendship?

21 A Other than the stress and the story, really I
22 remember Albert as a very, very quiet, gentle
23 person. That's probably what made him more
24 outstanding than a lot of people at the time. I
25 considered him a very good friend and trusted him



1 implicitly. He would give you the shirt off his
2 back type of guy.

3 Q And you mentioned the stress and the story, what
4 did you mean by that?

02:37 5 A Very simple speech mannerisms type of thing. He
6 was a very down-to-earth person. Umm, I -- and
7 perhaps I feel at a lost and I'm not sure what you
8 are going for.

9 Q I think you had said when I asked you whether that
02:38 10 sounded like the Albert Cadrain that you
11 remembered when you were friends, you said "other
12 than the stress and the story"?

13 A Yeah, uh-huh.

14 Q And I was wondering what you meant when you said
02:38 15 that?

16 A We just spent a lot of time just relaxed. He is
17 obviously -- like, he's obviously trying to tell
18 the story and perhaps that's what I am reading the
19 stress out of too, so just generally I, you
02:38 20 know -- I'm not sure if I'm making myself clear.

21 Q No, that's fine, no, that's fine. And are you
22 finding Albert believable when you listened to
23 this knowing him from your friendship?

24 A Yes, absolutely. I think, you know, if there's
02:38 25 any benefit, if there's any doubt, it's probably a



1 slight exaggeration, but I can't even comment on
2 that because -- but it -- a lot of that might
3 simply be confusion of telling the tale over a --
4 or telling the story over and at different times,
02:39 5 but I think basically definitely the basics of
6 what he described are things that I at least
7 vaguely recall.

8 **Q** And I'm going to challenge you a little bit, Mr.
9 Gorgchuck, on this. What about comments
02:39 10 respecting the Mafia and things of that nature?

11 **A** Those were his interpretations. I can't comment
12 on that. I didn't go through the experiences he
13 did, so I really can't say anything. He -- to
14 define a Mafia you are going to find people who
02:39 15 believe in it and people who don't. I have no
16 idea. It suited, the word "suited" his intention
17 for what he was trying to describe. Whether he
18 meant organized or Mafia-like I have no idea, but
19 I didn't have those experiences with him, so
02:39 20 generally I would say that, at that time, back in
21 '69, I would definitely believe anything he had to
22 say. His, as I said, his choice of words and
23 interpretations and everything were up to him, I
24 can't comment because I wasn't there.

02:40 25 **Q** Fair enough. And what about his comments in terms



1 of your activities together playing chess, eating
2 peanut butter sandwiches, drinking tea; is that
3 something you recall?

4 A Absolutely. I was on welfare, my mother and us
02:40 5 were on welfare, that was our treat, peanut butter
6 and corn syrup actually, we couldn't afford honey.
7 Chess was something we were interested in and,
8 yeah, it was just a way to spend time.

9 Q What about smoking tea leaves?

02:40 10 A We did that a couple of times. As I mentioned, we
11 were very poor and we couldn't afford this stuff,
12 anything really I suppose, but I think he had
13 introduced that as something that came relatively
14 close. I don't ever think we enjoyed it that
02:40 15 much, probably tried it a couple of times just to
16 see, but yeah, I actually remember doing that.
17 That was wild.

18 Q And do you have a recollection of Albert staying
19 in rooms above City Hall or of Albert telling you
02:41 20 about that in and around that time period?

21 A I vaguely remember him commenting about that, but
22 no, I certainly wasn't aware, I wasn't there when
23 it was being discussed, so I have no idea.

24 Q And what about Albert's account of running into
02:41 25 some individuals in expensive suits?



1 A Yeah. I wasn't there. I have no idea. I -- I
2 would like to say I vaguely remember him
3 mentioning that, but I really can't even confirm
4 that. I didn't see him that much after he left
02:41 5 for Edmonton and we didn't have a chance, that
6 much of a time, a chance to talk about things
7 either. I think he might have mentioned stuff
8 similar to that, but I really couldn't -- couldn't
9 verify that or couldn't be sure.

02:41 10 Q Okay. Now, he indicates during one portion of the
11 interview, I think upon a direct question, that he
12 was not with you on January 30th, 1969?

13 A Right.

14 Q And I believe from your statement and your earlier
02:42 15 testimony you confirmed that the two of you were
16 together?

17 A Umm, yes. Once again, I can't, I can't recall it,
18 because I -- I don't even know if I would have
19 ever bothered to. Generally it was an uneventful
02:42 20 night other than what happened outside of that and
21 it's only because of previous testimony or
22 statements that it must have happened. I don't
23 know.

24 Q I'm correct, though, on February 10th you accepted
02:42 25 your statement as accurate? I think you had



1 clarified a couple of matters relating to the
2 amount of drugs consumed, but you had otherwise
3 accepted that statement as accurate?

4 A That's right, and the comment about the drugs, I
02:42 5 would suggest that perhaps the police officers
6 felt it was important to stress that and I think
7 they might have stretched it that much, but as I
8 mentioned on the 10th, we didn't have a lot of
9 money anyways, so -- and it really wasn't
02:42 10 something we were that excited about. We did it
11 experimentally, going to Regina was a big thing
12 and picking this up, and -- but other than that,
13 it -- we -- it just really wasn't part of our
14 lifestyle.

02:43 15 Q Okay. Thank you, Mr. Gorgchuck, those are all the
16 questions I have.

17 A You're welcome.

18 Q My friends may have some questions for you.

19 A All right.

02:43 20 COMMISSIONER MacCALLUM: Has an order been
21 established, Mr. Hardy?

22 MR. HARDY: I'm not aware of an order, no,
23 Mr. Commissioner.

24 MR. HODSON: It's scramble parking. I'm
02:43 25 not sure if counsel have decided on an order, who



1 is prepared either to go first or to address the
2 Commissioner on the order you think you should
3 be.

4 MR. GIBSON: No questions at this point. I
02:43 5 don't know if there's anybody else in that same
6 boat.

7 COMMISSIONER MacCALLUM: Anybody else
8 without questions?

9 MR. ELSON: I don't have any questions,
02:43 10 Mr. Commissioner.

11 COMMISSIONER MacCALLUM: No, no.

12 MR. KENNEDY: I have no questions.

13 COMMISSIONER MacCALLUM: No.

14 MR. WATSON: Nor do I.

02:43 15 COMMISSIONER MacCALLUM: Thank you.
16 Mr. Fox and Mr. -- I'm sorry?

17 MR. FOX: I do have some questions.

18 COMMISSIONER MacCALLUM: Go ahead then,
19 please. Would you rather go last, Mr. Wolch? I
02:44 20 think I would extend that privilege to you if you
21 wish.

22 MR. WOLCH: I would rather go last because
23 had Mr. Fox said no, I would have said no.

24 COMMISSIONER MacCALLUM: Okay.

02:44 25 MR. FOX: So do I get three minutes to



1 consider my options? I'll still take a chance,
2 Mr. Commissioner.

3 **BY MR. FOX:**

4 **Q** Mr. Gorgchuck, I'm Aaron Fox, I'm the lawyer for
02:44 5 Eddie Karst, he was one of the detectives involved
6 in the original investigation.

7 I'm not sure if that name rings
8 a bell for you at all?

9 **A** It does.

02:45 10 **Q** And do you know how you would have heard that name
11 or how you --

12 **A** I had thought that he was the original police
13 officer picking me up for questioning in '69.

14 **Q** Okay. And thinking back to -- and that, would
02:45 15 that be when you gave your statement in 1969?

16 **A** I believe so.

17 **Q** And I think that statement was referred to when we
18 were here before?

19 **A** Right.

02:45 20 **Q** Umm, do you recollect any difficulties in dealing
21 with the police you dealt with in 1969?

22 **A** None, other than the comment I made suggesting
23 they might have -- they didn't misrepresent the
24 fact that we had done marijuana, but in reading
02:45 25 the statement after the fact, I think they might



1 have put a little more emphasis on it, but I don't
2 know if that's wrongful or not, but my point is we
3 really weren't, like, stone-heads or anything like
4 that.

02:45 5 **Q** Okay. So the statement may give the impression
6 you used a lot more marijuana --

7 **A** That's right.

8 **Q** -- than what you actually did use at that time?

9 **A** Correct. But beyond that I think everything else
02:45 10 was pretty much --

11 **Q** And any recollection of them putting any pressure
12 on you, for example, to say something that you
13 didn't agree with?

14 **A** No recollection, no.

02:46 15 **Q** Okay. You had indicated in that statement that
16 you had seen what you understood to be David
17 Milgaard the afternoon of January 31st, 1969. Do
18 you recall any pressure being put on you to
19 suggest that you saw blood on his clothing or
02:46 20 anything like that?

21 **A** No. I might have been asked, but I'm sure I made
22 it clear to them that no, I didn't see anything.
23 As I mentioned, Albert was out in the car or
24 Albert was in the house and there were three
02:46 25 people, I believe. I actually didn't even see, I



1 didn't see the car or anything, and one of them
2 did come to use the bathroom and, as I mentioned,
3 I didn't know who it was, and Albert mentioned it
4 was David Milgaard, and -- but that's about it.

02:46 5 **Q** Okay. So your best recollection would be you were
6 asked if you saw any blood, you would have said
7 no, you didn't, and that was sort of the end of
8 that inquiry?

9 **A** That's correct.

02:46 10 **Q** Okay. Umm, you mentioned, you were asked some
11 questions about the Mafia and the reference to
12 that and would you know what Mr. Cadrain or Albert
13 was referring to as "the Mafia," in other words,
14 what he defined the Mafia as?

02:47 15 **A** I would have to answer that "no" but I would
16 assume it was just any type of organized activity,
17 organized illegal activity. I don't know if he
18 would have said -- meant it to suggest, you know,
19 a country-wide or a worldwide organization or if
02:47 20 he just meant that it was a group of organized
21 people.

22 **Q** Okay. And the reason -- I'm going to ask you
23 this. In the taped interview of Mr. Cadrain with
24 Mr. Carlyle-Gordge -- and I don't have the
02:47 25 document number for that, Mr. Commissioner, but it



1 was the tape that was played as part of the Albert
2 Cadrain evidence -- at about the 76 minute mark as
3 listed on the transcript he talks I think about
4 Mafia as organized crime for young kids. Do you
02:48 5 have any recollection of him sort of indicating
6 that that's what he thought the Mafia was?

7 A I honestly don't have any recollection.

8 Q Okay. So what his definition of that was or what
9 somebody might have told even him what that was,
02:48 10 that's not something you have a recollection of?

11 A Yeah. I -- if he, if we, if it ever came up in
12 discussion, I certainly didn't pursue it, I -- you
13 know, generally you have an idea of what it means
14 and whether it's true or not it doesn't matter, I
02:48 15 think it's just representing a concept if nothing
16 else.

17 Q Okay. And that concept would be, for example,
18 people involved in selling drugs, that sort of
19 thing?

02:48 20 A I'm assuming that's what it was in this case,
21 yeah.

22 Q Okay. In 19 -- going back to 1968 and 1969, did
23 you -- were you aware of Albert suffering from any
24 sort of mental illness or anything like that at
02:48 25 that time?



1 A Not at all, no.

2 Q And in terms of Albert generally being truthful,
3 and I -- can you comment on that, in 1969?

4 A I -- I -- I would not have hesitated at any moment
02:49 5 to not believe anything he said. I trusted him
6 totally. He never was the type of person, I think
7 -- like, for example, he had made the comment
8 that, in fact it seemed to be implied that he sold
9 me the tea. I don't believe that ever happened, I
02:49 10 think, I think -- well, who knows, but definitely
11 it certainly wasn't a misconception or anything,
12 because I remember we were going to try this stuff
13 out, but I don't even remember if any money, if I
14 helped pay for it, I don't have a clue what --

02:49 15 Q You knew you were drinking tea?

16 A Smoking tea, yeah.

17 Q Or smoking tea, sorry, yeah.

18 A Yeah.

19 Q Okay. And in terms -- and again only Albert I
02:49 20 guess can comment on what was in his mind, but the
21 thought that Albert, say, might falsely accuse
22 somebody of having blood on their pants --

23 A No, I can't see him doing that, to be honest.
24 Nothing that I recall from him would even suggest
02:50 25 that he would go through that trouble. Like, even



1 if he was going to go through that trouble I think
2 I might have noticed something because we saw each
3 other on a regular basis, but I honestly don't
4 know. Obviously I can't speak for him, but --

02:50 5 Q Yep.

6 A -- to answer your question, I -- I don't think he
7 would have, but I don't know.

8 Q And, again, and my question is just of a general
9 nature.

02:50 10 A Yeah.

11 Q Obviously you can't speak specifically. Those are
12 all the questions I had, Mr. Gorgchuck, thank you.

13 A You're welcome.

14 BY MR. WOLCH:

02:50 15 Q I only have a couple of questions for you. I'm
16 David Milgaard's lawyer.

17 Did you know of Albert taking
18 LSD?

19 A Umm, actually, I think I ran across one of the
02:51 20 statements where Albert mentioned that he and I
21 did, and I think we did it once.

22 Q Okay. So -- and that would change your perception
23 of things, wouldn't it?

24 A Only during the, only for the duration of the
02:51 25 effect.



1 Q No flashbacks later or anything like that?

2 A Not that I am aware of.

3 Q Okay. You used words, a couple words, and I --
4 I'm going to ask you to elaborate, if you can. I
02:51 5 thought I heard you use the word "exaggerate" or
6 "might exaggerate" and if you didn't, you don't
7 remember, that's fine, but would that be a word
8 you might use in connection with Albert?

9 A No, not generally. I was only referring to his,
02:51 10 for his statements, and even then, to be honest, I
11 can't confirm that. Like, for example, he made
12 the comment about 15 Apollo members and I think at
13 one time he said that they were in the room. I
14 think there is some confusion there. There may
02:52 15 have been 15 outside, but of course the room was
16 very small, so that's actually all I meant.
17 Probably more confused than -- exaggeration?
18 Another example might be where he is referring to
19 them as the Mafia. They -- I don't have a clue if
02:52 20 they were organized. If he had a bunch of people
21 come in in suits, that would suggest an
22 organization of some type perhaps. Umm -- but I
23 actually don't have a clue. He might have been
24 right, who knows.

02:52 25 Q So do I take it what you are saying is then that



1 he might interpret things a little bit different
2 than you might?

3 A I -- well we always interpret our experiences
4 based on our history. I don't know if he was
02:52 5 really exaggerating all that much or he was just
6 exaggerating in his choice of words to describe
7 what he was believing.

8 Q Thank you very much.

9 MR. HARDY: No questions.

02:53 10 COMMISSIONER MacCALLUM: No redirect?

11 Thanks, Mr. Gorgchuck, you are excused.

12 A You are very welcome. Thanks.

13 MR. HARDY: Mr. Commissioner, what we're
14 proposing to do next is read-ins with respect to
02:53 15 George Lapchuk.

16 COMMISSIONER MacCALLUM: Okay.

17 **GEORGE LAPCHUK (deceased)**

18 MR. HARDY: Mr. Lapchuk passed away earlier
19 this year, in April. I believe we've already
02:53 20 made reference to the first few documents, and
21 perhaps to save time I'll simply bring them up,
22 note them. The first was the investigation
23 report dated May 29th, 1969, doc ID 106676,
24 that's the first mention we see of Mr. Lapchuk,
02:54 25 and I believe we referred to these portions



1 before but I -- Sergeant Mackie and Constable
2 Walters from Regina were meeting with a Barbara
3 Berard, now Wyspianski, who we'll hear from later
4 in the hearings, and she had indicated at that
02:54 5 time in the last sentence:

6 "... that Milgaard associated very closely
7 with Bob Harris and George Lapchuk."

8 And if we turn to the next page, 106677, and we
9 see another short reference in this paragraph, I
02:54 10 think it's an indication of an intention for
11 Constable Walters to meet with Mr. Lapchuk and
12 Mr. Harris. That's the only investigation report
13 we have in that respect.

14 The next document that I would
02:54 15 move to is Mr. Lapchuk's statement and that is
16 document ID 002129 and again we have seen this
17 document, statement given to the Saskatoon City
18 Police on January 19th, 1970, and that was in
19 Regina, and I believe we've read from the
02:55 20 document and I don't propose to read anything
21 from that statement at this point in time.

22 Similarly with the testimony of
23 Mr. Lapchuk given at the trial of David Milgaard,
24 that document is document 006010, and again I
02:55 25 believe we've read from the relevant portion Mr.



1 Lapchuk's testimony with respect to his account
2 of the events in the motel room on the evening in
3 question and again I don't propose to reread
4 those portions at this point.

02:55 5 The next document that we have
6 that references Mr. Lapchuk is a transcription of
7 a telephone conversation that took place between
8 Joyce Milgaard and George Lapchuk. I'll bring up
9 that document, 054420. The date of that --
02:56 10 perhaps we will just focus on the top portion of
11 the page, please. It notes it's the January 24th
12 weekend of 1981 and it's somewhat of a disjointed
13 conversation, but I am going to read some
14 portions of the conversation. If we could move,
02:56 15 please, to page 054421 and focus in starting
16 here, please, I'll read that:

17 "J: Actually, after talking to you, I got
18 thinking: Look, am I on the wrong track;
19 what's going on? You know. I listened to
02:56 20 you, I thought this man is sincere?

21 G: Listen, Mrs. Milgaard, I got involved in
22 this whole thing without -- you know, as far
23 as I'm concerned I know less than nothing.
24 I have my own convictions, which I told you,
02:57 25 and I'm sticking by them. Until somebody



1 can prove to me irrefutably that David did
2 not kill her, I am convinced he killed her.

3 But --

4 J: If you're not, he was being railroaded.

02:57 5 G: But I don't like being lied to and
6 somebody is lying to me, Mrs. Milgaard.

7 J: I think so.

8 G: Something stinks."

9 And there are some editorial comments and I'll
02:57 10 just read those as parts of these passages.

11 "(I think, noticing his frequent use of
12 'Mrs. Milgaard', as if he's respectful of
13 Joyce, that he's trying to cover up fact
14 he's not sincere, or that he's been lying
02:57 15 all along, and is now nervous)."

16 And back to George's words:

17 "Now, maybe you can't threaten these people,
18 but I sure as hell can. I'll go on Canada
19 AM and start dragging everybody's name thru
02:57 20 the dirt, and I'm a Crown witness! Cuz I
21 don't like being lied to, and somebody is
22 lying to me! Something stinks,
23 Mrs. Milgaard."

24 If we could move to the next page, please,
02:58 25 054422, start focusing in on that portion:



1 "G: Why -- why are these people upset about
2 talking to you?! Now, I can understand
3 Craig. Now that I can understand, because
4 of his wife and his family.

02:58 5 J: But I mean, Craig did talk to me,
6 though.

7 G: But Dale and Dale's mother, though --
8 yeah, I know Craig talked to you. He phoned
9 me to apologize for the way he behaved when
02:58 10 I phoned him. (Sounds as though everyone's
11 under Mr. Lapchuk's thumb! They all seem
12 afraid of crossing him).

13 J: He was very nice and he talked to me,
14 and I thought he was -- I tried to explain
02:58 15 to him that I wasn't trying to drag him
16 through anything. That wasn't my intention
17 at all. And I tried to do the same thing
18 with Nichol, becuz I'm a reasonable person.
19 As a mother, I know what it's like to go
02:58 20 thru a lot of problems when you've got kids,
21 cuz I've been there".

22 Continuing on the next page, please:

23 "Could get the truth out of him?

24 G: Well, he works for me -- well, someone's
02:59 25 going to have to come you with the truth,



1 Mrs. Milgaard, cuz I -- like this whole
2 weekend for me has been a complete disaster.
3 (Why? He must be awfully afraid!)

4 J: I'm sure.

02:59 5 G: Like, that's all we've been talking
6 about. And this phone has been going 24
7 hours -- well, since 8 a.m., this phone has
8 been ringing steady. (Must be a lot of
9 guilty, scared people there!) And I, for
02:59 10 one, want some answers as to what exactly is
11 the big deal. You know, like you want the
12 answers to some questions and I see no
13 reason why anybody --

14 J: I shouldn't have them?

02:59 15 G: Yeah, exactly. Now, you know, if
16 someone's trying to hide something, I'd like
17 to know what it is. Becuz I happen to be
18 very personally involved with it.

19 J: I can understand.

02:59 20 G: And I'd like it over and done with. One
21 way or t'other.

22 J: Well, that's exactly. It's gotta be one
23 way or the other. It just can't stay the
24 way it is now.

03:00 25 G: No, it's not --



1 J: -- it's going to drive you up a wall,
2 and me.

3 G: No, it's not going to stay that way,
4 Mrs. Milgaard. I guarantee you that.

03:00 5 Because something is going to be done about
6 this. This is garbage -- pure and
7 unadulterated garbage! People are lying,
8 they're not telling the truth; I'm not
9 getting the truth; one person says 'yes I
03:00 10 will'; the next person says 'no I won't.'
11 When is this going to end -- never?! I'm
12 sorry. I want this over with.

13 J: The other, you know, haven't you kind of
14 thought that it was really funny that the
03:00 15 police started looking for everybody as soon
16 as I got on TV?

17 G: Mrs. Milgaard, remember what we
18 discussed in Dionysus' -- that I was not
19 going to debate Dave's guilt or innocence
03:00 20 with you?

21 J: Uh-huh.

22 G: Well, that still remains truth. I'm not
23 going to debate his guilt or innocence; I
24 just want to know who's lying to me and why.

03:00 25 J: No, no, I don't mean. Don't you think



1 it's, like --

2 G: No, I don't.

3 J: You don't think that's strange --? That
4 they've started to locate everybody?

03:01 5 G: No. No, cuz it's --

6 J: Why? If they're convinced he's
7 guilty --

8 G: Cuz you see, as soon as David escaped, I
9 got a phone call from a friend of mine at
03:01 10 city police, telling me that he escaped and
11 to watch what I was doing. You know. And
12 so did Craig, and so did Dale.

13 J: Mm-hmm.

14 G: So it doesn't strike me as strange that
03:01 15 they would, as soon as your investigation
16 started -- I mean, they're in the process of
17 covering their parts, too, eh?

18 J: Yes, but then, if they have to cover
19 something, then it must mean that they're
03:01 20 hiding something.

21 G: Well...yeah...

22 J: And Caldwell's reaction was violent to
23 it.

24 G: You could interpret that in a lot of
03:01 25 different ways, Mrs. Milgaard. You could



1 interpret it in the way that the police
2 would like to save a lot of people from a
3 lot of embarrassment and grief, by giving
4 them fair warning that something is going to
03:01 5 happen.

6 J: But the other thing that we found out
7 was -- I'm just trying to really be up front
8 with you now, George and --

9 G: Well, I wish you would be.

03:02 10 J: We found out that Caldwell, the day
11 after I got on this, he's been in and going
12 thru all the transcripts, thru all of the
13 transcripts --

14 G: Well, I'm sure he must be.

03:02 15 J: But why?

16 G: Well --

17 J: Like, if he had tried someone, and he
18 was sure in his mind that this guy is guilty
19 and put away, what's he going to start and
03:02 20 going in and digging --

21 G: I'll tell you exactly why, cuz as soon
22 as you start asking questions about
23 something that happened 10 years ago, you're
24 up on your research and he isn't. It seems
03:02 25 very reasonable to me that he would be up



1 and reading the transcripts, cuz obviously
2 you'd been using the media and Mr. Caldwell
3 is not going to get caught with his pants
4 around his ankles. He is going to know
03:02 5 exactly what he is talking about.

6 J: That's a good explanation, really. I
7 hadn't thought of it that way.

8 G: Well, that's the way I look at it

9 J: To me, well every place that we've been
03:02 10 today and yesterday looking for Nicky, the
11 police had already been there.

12 G: Mm-hmm. Well, like I say. You are sure
13 of your facts, Mrs. Milgaard. You've got
14 them down pat. Have you got a copy of the
03:03 15 transcript?

16 J: Uh, I haven't got the preliminary yet.

17 G: But you have the trial transcript?

18 J: I have the one trial transcript, yes.

19 G: With my testimony and Dale's and
03:03 20 everybody else's?

21 J: Uh, yes --

22 G: So, therefore you've been reading it and
23 you're familiar with it?

24 J: I haven't got it down pat, if that's
03:03 25 what you mean. But I do have it and I do



1 know what's there.

2 G: The point is, the prosecutor hasn't
3 looked at it for 10 years, and that's
4 probably why he is looking at it, and the
03:03 5 reason the police are going around is becuz
6 you've used the media. And, like, let's
7 face it -- maybe nobody is all that sure,
8 except for me. You know.

9 J: Well....I think I'm going to get you
03:03 10 yet. (Laughs)

11 G: (Chuckles). As I said to you in the
12 bar, I'm a reasonable man; I will listen to
13 problems --

14 J: No, no I don't mean that I am, but the
03:03 15 circumstances are -- you know, I am so
16 sure -- so sure -- and it's more than just a
17 mother's sureness. I am just so sure,
18 George, and believe me, you and I are going
19 to sit down after all this is over and say
03:04 20 'You really, it really has been t-----. I
21 know that. I know it in my heart.

22 G: Well --

23 J: Even though it looks the worst possible
24 time right now: Nicky is gone and all the
03:04 25 rest of it -- I still believe that all this



1 is going to come out. I have that
2 conviction and I'll tell you, George, if I
3 have to continue this until I'm 90, I'm not
4 going to let up.

03:04 5 G: Well, I realize that. That's what I
6 told everybody; I said 'Look, you either
7 talk to this lady now, or you talk to her
8 later -- but you're going to have to talk to
9 her.'

03:04 10 J: Yeah. Next week, the week after,
11 whatever it takes -- I'm going to be around.
12 I really even got to the stage of quitting
13 my job where I was and moving out to Regina
14 and being out here so that I can just -- or
15 Saskatoon or whatever -- and continue on a
16 day by day basis.

17 G: Well --

18 J: I am that convinced that there is just
19 something really, really fishy about the
03:04 20 whole thing.

21 G: Oh, there's something fishy. I don't --
22 like I say, something stinks. Now I'm sure
23 you can smell it a lot better than I can,
24 but just today, something does not ring
03:05 25 true."



1 If we could move to the next page, please. Start
2 at this portion here:

3 "G: Well, Mrs. Milgaard, I'm not going to
4 get walked over by anybody, whether that's
03:05 5 you or whether that's Dale, but I'm not
6 going to get walked over by anybody. And
7 like I said, I spent 10 very long years
8 trying to live down my reputation, and don't
9 plan to stop now. Now, I refuse to be
03:05 10 tricked, and I think somebody is trying to
11 trick me: And not you.

12 J: No! I haven't! I mean, I've really --
13 you know --

14 G: No. No. No. You've been no threat
03:05 15 with me. I'm glad you didn't try that
16 little hidden microphone thing that the guy
17 from Maclean's wanted. I appreciate that.
18 That was very good of you.

19 J: I'll tell you, Chris is -- you've know
03:05 20 Chris and I think he has a reputation in the
21 city too.

22 G: Yep.

23 J: I mean he -- I mean, he is the same way
24 as I am as far as principles are
03:06 25 concerned -- he believes in being up front



1 with people.

2 G: Well that's the only way we're going to
3 know anything about anything. Like I told
4 you, I know what I know, like in my own
03:06 5 heart. Until you can prove otherwise that's
6 the way I'm going to feel, but I told you
7 I'm going to help you any way I can. I mean
8 that sincerely. I will.

9 J: I certainly appreciate it. (Says she'll
03:06 10 fly to Winnipeg, then return later in the
11 day). So if there's any way that you and I
12 can sit down with these people tomorrow
13 night, you --

14 G: I'll give it a try. I'm going to phone
03:06 15 everybody tomorrow. There's no point in
16 getting hold of them tonight; everybody's
17 still worked into a lather and they're not
18 going to listen to sense anyway. And I'm
19 going to try to set up a meeting with just
03:06 20 the people involved, nobody's girlfriend or
21 wife or mother involved; just the ones
22 involved in this. And try and get this out
23 in the open, cuz, like I say, I'm fed up to
24 the teeth with this. You know, I really am
03:07 25 and I want to get it over with and as



1 quickly as possible. And the only way I can
2 do that is to give you the answers to the
3 questions you're asking."

03:07 4 Those are the only portions I'm going to read
5 from that conversation.

6 There is a conversation that
7 followed --

8 COMMISSIONER MacCALLUM: Excuse me,
9 Mr. Hardy, do we know who the author of the
03:07 10 bracketed words are? You described them as
11 editorial comments.

12 MR. HARDY: Yes, I'm not certain, and I'm
13 not sure if anybody can help us here with that.
14 I'm not certain who the author is.

03:07 15 COMMISSIONER MacCALLUM: Okay, thanks.

16 MR. HARDY: There is a second conversation,
17 a taped telephone conversation, and we have the
18 tape for this one, and it's a shorter
19 conversation between Mr. Lapchuk and
03:07 20 Mrs. Milgaard. The first one I read was January
21 24th weekend and this one is dated January 26th,
22 both of 1981, and I'll play that tape now,
23 please.

24 COMMISSIONER MacCALLUM: Do we have a
03:07 25 number?



1 MR. HARDY: I'm not sure what the tape is.
2 The transcript that accompanies it is 046753.

3 COMMISSIONER MacCALLUM: Thank you.

4 (TAPE OF A CONVERSATION BETWEEN MRS. JOYCE
5 MILGAARD AND GEORGE LAPCHUK)

6 GEORGE LAPCHUK: Hello.

7 MRS. JOYCE MILGAARD: Hello, George.

8 GEORGE LAPCHUK: Yes.

9 MRS. JOYCE MILGAARD: Joyce Milgaard.

03:08 10 GEORGE LAPCHUK: Hi, how are ya.

11 MRS. JOYCE MILGAARD: Oh, I'm fine. I
12 decided to not fly back this morning and I stayed
13 and had a conference call instead with my
14 investors, so it worked out all right.

03:08 15 GEORGE LAPCHUK: Oh, yeah. Yeah, I just
16 walked through the door myself.

17 MRS. JOYCE MILGAARD: Oh, I see. Well I
18 just thought I would phone you because I'm not at
19 Susan's, I'm at Chris'.

03:08 20 GEORGE LAPCHUK: Oh yeah.

21 MRS. JOYCE MILGAARD: Okay. And do you
22 have the number here?

23 GEORGE LAPCHUK: Yeah, I do. You gave me
24 that one.

03:08 25 MRS. JOYCE MILGAARD: What's your number,



1 352-0812? 352 --

2 GEORGE LAPCHUK: Oh, I'll make another note
3 of it.

4 MRS. JOYCE MILGAARD: Okay.

03:08 5 GEORGE LAPCHUK: Well anyway, I talked to
6 Dale this morning.

7 MRS. JOYCE MILGAARD: Did you?

8 GEORGE LAPCHUK: Yeah.

9 MRS. JOYCE MILGAARD: And?

03:08 10 GEORGE LAPCHUK: And he is not going to
11 talk to you.

12 MRS. JOYCE MILGAARD: He's not?

13 GEORGE LAPCHUK: No, and I don't know why.
14 He won't tell me.

03:09 15 MRS. JOYCE MILGAARD: Did you --

16 GEORGE LAPCHUK: The way it was told to me,
17 I was told to, like, mind my own business.

18 MRS. JOYCE MILGAARD: Uh-huh?

19 GEORGE LAPCHUK: And not to bother him with
03:09 20 that any more, so there.

21 MRS. JOYCE MILGAARD: You're kidding?

22 GEORGE LAPCHUK: Oh no, and that was it, no
23 more discussion about it, period. Like, not even
24 a "well, why", you know, just --

03:09 25 MRS. JOYCE MILGAARD: Uh-huh.



1 GEORGE LAPCHUK: -- I'm not talking about
2 it and that's it.

3 MRS. JOYCE MILGAARD: And would he not say
4 why he had lied to you or anything?

03:09 5 GEORGE LAPCHUK: Not a damn thing. He up
6 and out. I mean, short of, you know, grabbing
7 him by the throat and throttling him --

8 MRS. JOYCE MILGAARD: Uh-huh.

9 GEORGE LAPCHUK: -- he said no, it's none
03:09 10 of your business and that's it. So I don't know.
11 I tried to tell him, but even, like, Billy, the
12 guy that works for me, eh --

13 MRS. JOYCE MILGAARD: Yeah.

14 GEORGE LAPCHUK: -- he's sort of following
03:09 15 this, he says "well, why the hell don't you talk
16 to him? What the hell is the matter with you?"
17 No. That's it.

18 MRS. JOYCE MILGAARD: He wouldn't discuss
19 it in any way, shape or form?

03:10 20 GEORGE LAPCHUK: Nope. Not a word. I
21 asked him why he told me he would if he wasn't
22 going to. Well, things change, eh.

23 MRS. JOYCE MILGAARD: He said what?

24 GEORGE LAPCHUK: Things change. Now, what
03:10 25 that's supposed to mean I don't know.



1 MRS. JOYCE MILGAARD: You remember Debbie?

2 GEORGE LAPCHUK: Debbie Hall?

3 MRS. JOYCE MILGAARD: Yeah.

4 GEORGE LAPCHUK: Yeah.

03:10 5 MRS. JOYCE MILGAARD: She's a Wilson now.

6 GEORGE LAPCHUK: A Wilson?

7 MRS. JOYCE MILGAARD: Yeah.

8 GEORGE LAPCHUK: Any relation?

9 MRS. JOYCE MILGAARD: I was going to ask
03:10 10 you that, George.

11 GEORGE LAPCHUK: I don't know. First I
12 heard of it.

13 MRS. JOYCE MILGAARD: Yeah, well --

14 GEORGE LAPCHUK: I --

03:10 15 MRS. JOYCE MILGAARD: Apparently her name
16 is Wilson now and I just wondered if there was
17 any --

18 GEORGE LAPCHUK: Yeah, no, it couldn't be
19 any -- maybe to a cousin or something like that,
03:10 20 because Dale's brother is much, much younger than
21 he is.

22 MRS. JOYCE MILGAARD: I see.

23 GEORGE LAPCHUK: He's only 22 and he's in
24 Edmonton.

03:10 25 MRS. JOYCE MILGAARD: Oh, I see. So --



1 GEORGE LAPCHUK: So it would have to be a
2 distant relative. It couldn't be his brother.

3 MRS. JOYCE MILGAARD: Yeah. It seemed like
4 such a shock when they said that her name was
03:10 5 Wilson and I thought, oh.

6 GEORGE LAPCHUK: The only thing that I
7 could find out was that Dale and Nicky are
8 supposed to go for a drink sometimes this week.

9 MRS. JOYCE MILGAARD: Sometime this week?

03:11 10 GEORGE LAPCHUK: He wouldn't tell me where
11 or what. Like, it's a complete -- all of a
12 sudden, you know, I'm starting to feel like a
13 mushroom, eh. You know, I want to get this thing
14 over and done with and I don't know what the
03:11 15 hell's going on.

16 MRS. JOYCE MILGAARD: Did you talk to Craig
17 at all?

18 GEORGE LAPCHUK: No, not yet, but I figured
19 if you haven't talked to Dale, there's not much
03:11 20 point in, you know --

21 MRS. JOYCE MILGAARD: I really, like, in
22 the course of making (inaudible) I don't want to
23 embarrass her and go to work or anything like
24 that where she works. I know where she works and
03:11 25 everything, you know, I could do that, but --



1 GEORGE LAPCHUK: Has she been in Regina all
2 this time?

3 MRS. JOYCE MILGAARD: Pardon?

4 GEORGE LAPCHUK: Had she been in Regina all
5 this time?

6 MRS. JOYCE MILGAARD: Yeah, apparently.

7 GEORGE LAPCHUK: You're kidding?

8 MRS. JOYCE MILGAARD: No, I'm not.

9 GEORGE LAPCHUK: And I've lived here all
03:11 10 these years and I never ran into her?

11 MRS. JOYCE MILGAARD: Uh-huh.

12 GEORGE LAPCHUK: She must be laying awful
13 low.

14 MRS. JOYCE MILGAARD: Well --

03:11 15 GEORGE LAPCHUK: Because I get around quite
16 a bit. There's not many people I don't know.

17 MRS. JOYCE MILGAARD: I'll tell you, she
18 was so, oh, just out of it when I went to the
19 door. It was like she had been waiting for me to
03:11 20 knock on the door all her life.

21 GEORGE LAPCHUK: Really.

22 MRS. JOYCE MILGAARD: And yet she seemed to
23 indicate that Ron had done an awful lot for her,
24 so I think he must have known where she's been
03:12 25 all this time.



1 GEORGE LAPCHUK: According to him he
2 didn't.

3 MRS. JOYCE MILGAARD: Well --

4 GEORGE LAPCHUK: He told me that he was
03:12 5 shocked as hell that she phoned and they are
6 supposed to go for a drink, and I said, "well,
7 what do you have to talk about that you can't
8 talk to Mrs. Milgaard about?"

9 MRS. JOYCE MILGAARD: Uh-huh.

03:12 10 GEORGE LAPCHUK: And that's when he said
11 "listen, it's none of your goddamn business, keep
12 your nose out of it" just like that.

13 MRS. JOYCE MILGAARD: They are sure hiding
14 something.

03:12 15 GEORGE LAPCHUK: It sounds like it, doesn't
16 it.

17 MRS. JOYCE MILGAARD: It really does.

18 GEORGE LAPCHUK: Yeah. Well, I don't know
19 what else I can do short of, as I say, holding
20 him by the throat.

21 MRS. JOYCE MILGAARD: Well, I'd much
22 appreciate it.

23 GEORGE LAPCHUK: I've been told, eh, like,
24 mind your own goddamn business or else. Now,
03:12 25 what the "or else" is supposed to mean I don't



1 know, but I'm -- I don't know, I'm really
2 starting to get a little bit leery about this.
3 What the hell is going on.

4 MRS. JOYCE MILGAARD: Well, I'll tell you
03:12 5 --

6 GEORGE LAPCHUK: It's very strange.

7 MRS. JOYCE MILGAARD: Yeah. He's really
8 got me --

9 GEORGE LAPCHUK: Like, all I can do, like,
03:12 10 as I say, even Billy told him, "well talk to
11 her," and he just clammed right up, that's it.
12 Like, nary a word, eh.

13 MRS. JOYCE MILGAARD: Uh-huh.

14 GEORGE LAPCHUK: So I don't know, I figured
03:12 15 I could get everybody together and we could hash
16 this whole thing out, but --

17 MRS. JOYCE MILGAARD: Well, you see --

18 GEORGE LAPCHUK: I'm scared to phone his
19 mom. Well, not scared, but I'm leery of phoning
03:13 20 his mom because if that's what I get from him,
21 what am I going to get from her.

22 MRS. JOYCE MILGAARD: Well, of course you
23 know the fact that he works for you might tone
24 her down a little bit don't you think?

03:13 25 GEORGE LAPCHUK: Well, he didn't seem all



1 that concerned about who he was working for today
2 when he told me to mind my own business.

3 MRS. JOYCE MILGAARD: Is that right,
4 because I thought --

03:13 5 GEORGE LAPCHUK: I think if I pushed him
6 too far he would just quit.

7 MRS. JOYCE MILGAARD: Quit? Well, George,
8 if that's the case, then he's hiding something.

9 GEORGE LAPCHUK: Well --

03:13 10 MRS. JOYCE MILGAARD: Because you don't
11 blow a job, you know --

12 GEORGE LAPCHUK: When jobs are as hard to
13 find as they are right now.

14 MRS. JOYCE MILGAARD: No, no.

03:13 15 GEORGE LAPCHUK: Well, I don't know, I'm
16 going to give it another try, you know, but I'm
17 going to try to be a little more subtle about it.

18 MRS. JOYCE MILGAARD: Uh-huh.

19 GEORGE LAPCHUK: You know, maybe I came on
03:13 20 a little too strong and scared him, but --

21 MRS. JOYCE MILGAARD: Doesn't sound like
22 he's scared, he just sounds like he's just not
23 budging.

24 GEORGE LAPCHUK: Oh, no, he's got his heels
03:13 25 dug right in, eh. He has no intentions of



1 talking to anybody.

2 MRS. JOYCE MILGAARD: Well, as I said,
3 maybe the thing to do is maybe just go get --
4 well, I'll try to go visit Nicky again.

03:14 5 GEORGE LAPCHUK: Well, yeah, that would
6 probably be your best bet. If you could -- I
7 think if you could talk to either one of them,
8 the other one would probably go along.

9 MRS. JOYCE MILGAARD: Uh-huh.

03:14 10 GEORGE LAPCHUK: That's the impression I
11 get, because the impression I get is that Dale is
12 going to talk to Nicky, but he doesn't want to
13 talk to you or to me or to anybody else, and like
14 he says, no way.

03:14 15 MRS. JOYCE MILGAARD: Well then somehow or
16 other they must, you know, they must know
17 something.

18 GEORGE LAPCHUK: Well, I don't know. As I
19 say, like, this whole thing bothers me, like I
03:14 20 told you last night.

21 MRS. JOYCE MILGAARD: Uh-huh.

22 GEORGE LAPCHUK: Because all of a sudden,
23 you know, things aren't making very much sense.

24 MRS. JOYCE MILGAARD: No, no, they don't.

03:14 25 GEORGE LAPCHUK: Oh, this damn phone. I've



1 got a 15 foot cord on it, so I walk around the
2 house as I'm talking and every now and then I
3 drag it off this little table.

4 MRS. JOYCE MILGAARD: Uh-huh. Well --

03:14 5 GEORGE LAPCHUK: Anyhow, are you going to
6 be around for a while?

7 MRS. JOYCE MILGAARD: Well, I'll be at
8 Chris' tonight and I'll be flying out tomorrow
9 morning and I think that I'll maybe try to see
03:14 10 Nicky again tonight, but I intend to come back,
11 you know.

12 GEORGE LAPCHUK: Mrs. Milgaard, listen, why
13 don't you try something.

14 MRS. JOYCE MILGAARD: What's that?

03:15 15 GEORGE LAPCHUK: Don't say that I said
16 anything, but -- what time is it right now, about
17 five after seven?

18 MRS. JOYCE MILGAARD: Uh-huh.

19 GEORGE LAPCHUK: Wait til about 7:30 and
03:15 20 phone Dale at home.

21 MRS. JOYCE MILGAARD: Phone him at home?

22 GEORGE LAPCHUK: Catch him alone without
23 his mom around, see what happens.

24 MRS. JOYCE MILGAARD: What's his phone
03:15 25 number at home?



1 GEORGE LAPCHUK: Didn't I give it to you
2 last night?

3 MRS. JOYCE MILGAARD: I don't -- you may
4 have, but I --

03:15 5 GEORGE LAPCHUK: Hang on, I'll get it.
6 352-1723.

7 MRS. JOYCE MILGAARD: 1723. Well, I'll
8 give it a shot.

9 GEORGE LAPCHUK: No, just try it.

03:15 10 MRS. JOYCE MILGAARD: Uh-huh.

11 GEORGE LAPCHUK: Just on the off chance
12 that maybe without mommy's influence around --

13 MRS. JOYCE MILGAARD: Do you think it's his
14 mom that's influencing him?

03:15 15 GEORGE LAPCHUK: Well, okay, Mrs. Milgaard,
16 when I talked to him yesterday morning, he phoned
17 me to see what was going on and he said he was
18 going to get in touch with you.

19 MRS. JOYCE MILGAARD: Uh-huh.

03:15 20 GEORGE LAPCHUK: He said give me your phone
21 number, I'm going to phone.

22 MRS. JOYCE MILGAARD: Uh-huh.

23 GEORGE LAPCHUK: Well, then he was going to
24 go over to his mom's place and talk and then all
03:15 25 of a sudden he doesn't want to talk to, you know,



1 so what do you think, you know.

2 MRS. JOYCE MILGAARD: Well --

3 GEORGE LAPCHUK: Like, he was -- when I
4 talked to him yesterday morning he was more than
03:15 5 willing to talk --

6 MRS. JOYCE MILGAARD: Uh-huh.

7 GEORGE LAPCHUK: -- you know, and like I
8 say, I just want to get this thing over with.

9 MRS. JOYCE MILGAARD: Well, I'll sure give
03:16 10 him a call and see what happens. He may not even
11 want to -- like, his wife might not want him to
12 talk to me or something.

13 GEORGE LAPCHUK: Well, all you can do is
14 try, you know.

03:16 15 MRS. JOYCE MILGAARD: Yeah, I'll try that,
16 but if anything comes up, give my a call. As I
17 said, I'll be at Chris' tonight.

18 GEORGE LAPCHUK: Okey doke.

19 MRS. JOYCE MILGAARD: Okay.

20 GEORGE LAPCHUK: Give me the number again?
21 I didn't get a chance to jot it down. I've got
22 it here somewhere, but --

23 MRS. JOYCE MILGAARD: 352 --

24 GEORGE LAPCHUK: Yup.

03:16 25 MRS. JOYCE MILGAARD: -- 0812. And did you



1 talk to Craig at all today?

2 GEORGE LAPCHUK: Nope.

3 MRS. JOYCE MILGAARD: Not yet, eh.

4 GEORGE LAPCHUK: Nope. Well, as I say, I
03:16 5 just got home, we had a rather long day today and
6 a little bit hectic.

7 MRS. JOYCE MILGAARD: Okay.

8 GEORGE LAPCHUK: So okey doke.

9 MRS. JOYCE MILGAARD: Thanks very much.

03:16 10 GEORGE LAPCHUK: You're welcome.

11 MRS. JOYCE MILGAARD: Bye-bye.

12 **(End of tape recording)**

13 MR. HARDY: Mr. Commissioner, I note it's
14 about quarter after three. If you would like to
03:16 15 take a break, I have some further read-ins left,
16 I'm not certain that we'll get done this
17 afternoon, but I can sure give it a try. There's
18 one longer audio tape in particular, the RCMP
19 interview with Mr. Lapchuk.

03:17 20 COMMISSIONER MacCALLUM: We'll take our 15
21 minutes then.

22 MR. HARDY: Okay.

23 *(Adjourned at 3:17 p.m.)*

24 *(Reconvened at 3:36 p.m.)*

03:36 25 MR. HARDY: Mr. Commissioner, just to let



1 you know what I have left, I have a short memo
2 from Eugene Williams from 1990; a memo dated 1991
3 done by, I believe, someone on behalf of the
4 Centurion Ministries; we have Mr. Lapchuk's
03:36 5 testimony from the Supreme Court reference case;
6 and then an audio of his interview with RCMP
7 officers in 1993.

8 And in the interests of knowing
9 where we're going to be at, I'm going to propose
03:36 10 that we play the audio tape from the 1993
11 interview first. I'm not certain how long it is,
12 I'm suspecting it may be about an hour long, but
13 I may be off on that, and that will perhaps give
14 us a better idea where we're going to be at at
03:36 15 that point.

16 COMMISSIONER MacCALLUM: Okay.

17 **(TAPE OF RCMP INTERVIEW OF GEORGE LAPCHUK)**

18 KEN HOMENIUK: Okay. The date is 29th of
19 April, 1993, there's myself Ken Homeniuk, Bob
03:36 20 Gagne, George Lapchuk --

21 JAN PETERS: Jan Peters.

22 KEN HOMENIUK: -- and Jan Peters that are
23 present in Surrey.

24 BOB GAGNE: Okay, George, like we've said
03:36 25 before, we are here to more or less investigate



1 the allegations made by Mrs. Milgaard and her
2 lawyer concerning the court proceedings about her
3 son, David. I have showed you a statement,
4 there, and I believe it is the first one you gave
03:36 5 back in January 19th, 1990 --

6 GEORGE LAPCHUK: 19th? This is 1970.

7 BOB GAGNE: '79, I'm sorry, 1970. The
8 first question I would like to ask you is did the
9 Saskatoon City Police come and see you for this
03:36 10 statement, did they pick you up, or --

11 GEORGE LAPCHUK: Yeah, actually, they
12 picked me up. I was wandering up Victoria Avenue
13 in Regina and they actually pulled over and asked
14 if I would be willing to speak to them, and I
03:36 15 sort of had a feeling it was coming because I had
16 heard all the publicity and everything on the TV
17 radio, and I said "yeah, why not". So they gave
18 me their room number at the Westward Motel, and I
19 conferred with some of my associates and I, you
03:36 20 know, told them about my misgivings about what
21 should I say, you know, and I thought about it,
22 and about what happened in the hotel that night,
23 figured, well, what the hell. You know, if I
24 don't go I will probably get subpoenaed anyway,
03:37 25 because Dale Wilson had told them that I had



1 heard this conversation, because I had mentioned
2 it to Dale because we were all buddies, that it
3 scared the hell out of me, so I went up and,
4 yeah, I was interviewed by them.

03:37 5 KEN HOMENIUK: So it was actually Dale
6 Wilson was the guy that --

7 GEORGE LAPCHUK: Well he was -- it was --
8 now I don't know this for a fact, I just got
9 this, but my name just didn't come out of
03:37 10 nowhere, but Dale had given my name to Saskatoon
11 City Police, because I knew that he had been
12 speaking to them.

13 BOB GAGNE: Well, the City Police that
14 picked you up there, I don't imagine you remember
03:37 15 their names or what they looked like?

16 GEORGE LAPCHUK: One guy had blonde hair.

17 BOB GAGNE: A tall, husky guy?

18 GEORGE LAPCHUK: That I remember, yeah.

19 BOB GAGNE: Was he the same guy
20 that probably --

21 GEORGE LAPCHUK: Heavy-set fellow.

22 KEN HOMENIUK: -- took the statement? I
23 think that he's the guy that would have -- his
24 name is Eddie Karst?

03:37 25 GEORGE LAPCHUK: Could be.



1 BOB GAGNE: Okay.

2 GEORGE LAPCHUK: Could be. He's a
3 heavy-set blonde fellow, I remember, very
4 pleasant.

03:37 5 KEN HOMENIUK: Oh, they were --

6 GEORGE LAPCHUK: Very pleasant.

7 BOB GAGNE: How did they treat you? That's
8 what I want to know next. They didn't -- you
9 have always heard about the good cop/bad cop type
03:38 10 of thing?

11 GEORGE LAPCHUK: Oh, no, no, no. I went
12 through that, you know, I walked the mean sides
13 of the streets. No, it was nothing like that at
14 all. They didn't hustle me off the street or
03:38 15 anything. They asked me if I would be willing to
16 talk to them, they asked me -- they knew I had
17 been in the motel room, they asked -- like they
18 had spoken to somebody else.

19 BOB GAGNE: Uhum.

03:38 20 GEORGE LAPCHUK: They didn't mention where.
21 They told me what, basically, they had. They
22 said "were you a witness to anything in that
23 motel room that could possibly have anything to
24 do with this", and I said "okay, this is what
03:38 25 happened", verbatim, and I told them, because it



1 had been bothering me. He scared the shit out of
2 me. You've got to remember, I was 17 years old,
3 I'm 41 now, I can, you know, look back at it a
4 little more dispassionately 23 years later, but
03:38 5 at the time it scared the shit out of me. And so
6 I told them what happened, you know. And no, no,
7 they were -- hell, it was just like the three of
8 us sitting here, there was no -- there was none
9 of this, like Joyce Milgaard says, deals were
03:38 10 made and -- what deals. Shortly after this whole
11 thing went down I got sent up for 15 months for
12 breaking and entering, a hell of a deal I cut
13 there, any better deal I could have done a deuce
14 less. You know, the whole -- it's ludicrous, you
03:39 15 know.

16 KEN HOMENIUK: That's right.

17 BOB GAGNE: Now talking like you mentioned
18 back there, I don't want to go through the whole
19 reenactment word for word and stuff like that, --

03:39 20 GEORGE LAPCHUK: No, no.

21 BOB GAGNE: -- but the way I've read your
22 testimony is that you witnessed David jump on the
23 bed, and grab a pillow, and do it in stabbing
24 motions?

03:39 25 GEORGE LAPCHUK: Yeah, well he took the



1 pillow and he threw it on the floor, eh, and he
2 straddled the pillow with his knee on each side,
3 and then started making stabbing motions into the
4 pillow, saying "yeah, I stabbed her, I killed
03:39 5 her", and he scared the shit right out of me.
6 Because like the -- you know, it's just not
7 something -- you know, guys fuck around and fuck
8 around, but sometimes there is something the
9 matter with it.

03:39 10 BOB GAGNE: Uh-huh.

11 GEORGE LAPCHUK: And there was something
12 the matter that night in the motel room, and it
13 really bothered me, and I quit hanging out with
14 the creep after that, you know, we just sort of
03:39 15 parted our ways. He went to work selling
16 magazines, or I guess he was at the time or
17 whatever, he wasn't in town all the time, and I
18 was happier for it. Because he was a cadet right
19 from the, you know, right from day one he wasn't
03:40 20 all -- all his pickles weren't floating at the
21 top, you know what I mean?

22 BOB GAGNE: Yes. This reenactment, or
23 whatever you want to call it, about the stabbing;
24 was -- did he have anything in his hand when he
03:40 25 was doing the stabbing?



1 GEORGE LAPCHUK: No, he was just like
2 bare-assed naked.

3 BOB GAGNE: He was bare-assed naked?

4 GEORGE LAPCHUK: Yeah. Well he was
03:40 5 gang-banging Ute Frank.

6 BOB GAGNE: Oh.

7 GEORGE LAPCHUK: What can I say, it was the
8 '70s, what can I say.

9 BOB GAGNE: How about, were you there in
03:40 10 the, when Ute gave evidence in the, at the court
11 hearings in Ottawa?

12 GEORGE LAPCHUK: No.

13 KEN HOMENIUK: You did not hear?

14 GEORGE LAPCHUK: I didn't hear anybody
03:40 15 else's testimony. No. They kept us all -- like
16 I haven't seen Ute in 15 years.

17 KEN HOMENIUK: You saw her about -- you saw
18 here since then, though?

19 GEORGE LAPCHUK: No.

03:40 20 KEN HOMENIUK: Or I mean like you say 15
21 years ago, like since after the trial?

22 GEORGE LAPCHUK: Oh yeah, oh yeah. Like
23 she had lived over in the north end, eh.

24 KEN HOMENIUK: Okay.

03:40 25 GEORGE LAPCHUK: Yeah, like we saw each



1 other, we socialized, I dated her for a while, a
2 very short while, so did Craig. You know, it
3 was -- we were all -- Regina is a small town.

4 KEN HOMENIUK: Yeah, exactly.

03:41 5 GEORGE LAPCHUK: And -- but no, her again,
6 she drifted away, and we all went our separate
7 ways as life went on.

8 BOB GAGNE: My next thing I would like to
9 know is that, during this reenactment, do you
03:41 10 remember who was in the room?

11 GEORGE LAPCHUK: Well, okay, there was me,
12 Craig, Debbie Hall, Ute, Dave, and I'm pretty
13 sure Bobby Harris was there. Now here is a real
14 point of contention, Craig says he is not sure,
03:41 15 but I am sure Bobby Harris was in the room at the
16 time.

17 BOB GAGNE: So chances are Debbie would
18 have seen this reenactment, eh?

19 GEORGE LAPCHUK: Uh-huh. I can remember
03:41 20 where she was sitting. She was sitting right by
21 the TV set, but the way the room was set up --
22 like stupid things, right -- the room was set up,
23 say I'm sitting here. Okay. Here is the bare
24 motel room, one bedroom, the bathroom is a little
03:41 25 alcove here.



1 BOB GAGNE: Uh-huh.

2 GEORGE LAPCHUK: The TV is by the window
3 here, and Debbie was sitting right here, the bed
4 is right there, I was sitting right there.

03:42 5 Debbie was right there, and he enacted it right
6 here.

7 BOB GAGNE: Okay. So --

8 GEORGE LAPCHUK: Right by the little
9 bedside table. So, yeah, she saw the whole
03:42 10 thing.

11 BOB GAGNE: What do you think of her
12 version of saying he was fluffing the pillow in a
13 jovial manner?

14 GEORGE LAPCHUK: What can I say.

03:42 15 BOB GAGNE: Yeah.

16 GEORGE LAPCHUK: Obviously, one of us was
17 doing something they shouldn't have been.

18 BOB GAGNE: Okay.

19 GEORGE LAPCHUK: Because I know what I saw.
03:42 20 You know. Like where she comes off with this
21 "well I didn't know he was in jail", that's horse
22 shit, because I had been seeing Debbie, you know,
23 on a -- not on a daily basis, but she used to cut
24 my hair once in a while, I would drop by her shop
03:42 25 there in the Golden Mile, Rudy's, and this is up



1 until a year before I moved out, that's six years
2 ago.

3 BOB GAGNE: Uh-huh.

4 GEORGE LAPCHUK: And, you know, it came up
03:42 5 in conversation "I wonder when he is going to get
6 out" because he -- every now and then it would
7 come up, well she knew damn well he has doing
8 life. I hear -- what, she says she doesn't know
9 he was doing life, we talked about it.

03:42 10 KEN HOMENIUK: In Regina?

11 GEORGE LAPCHUK: Yeah. You know, like that
12 whole thing of hers, I don't know like whether
13 somebody slipped her a few bucks, or maybe she is
14 worried with wearing a rat jacket, or what the
03:43 15 whole thing was about but -- because that's, that
16 is completely false, that thing about her not
17 knowing he was doing life. She knew fucking
18 well.

19 She used to drink at
03:43 20 Esmerelda's which was my watering hole. A good
21 friend of hers, Grace, was the head waitress
22 there. We, yeah, we used to party together right
23 up, as I say, up until I moved out here to B.C.
24 you know, I stayed at her place when she -- when
03:43 25 the Craven festival was on. She used to have a



1 house just five miles from there, just at the top
2 of the Craven hill, you know.

3 BOB GAGNE: So you are pretty sure she knew
4 about it, then, eh?

03:43 5 GEORGE LAPCHUK: Oh shit, I know she knew
6 about it, there is no pretty sure about it.

7 BOB GAGNE: Yeah.

8 GEORGE LAPCHUK: Because we had discussed
9 it. I remember when he escaped the one time back
03:43 10 in the '80s there when he got shot in the ass.

11 BOB GAGNE: Uh-huh?

12 GEORGE LAPCHUK: And she came up to me in
13 the Vagabond and says "well what are you going to
14 do?" And I says "what am I going to do? He
03:43 15 comes for me I'm going to send him back in a box,
16 that's easy." And Ed Swayze phoned me up, he is
17 now chief I believe.

18 BOB GAGNE: Umm --

19 KEN HOMENIUK: Ex-chief.

20 BOB GAGNE: Ex-chief.

21 GEORGE LAPCHUK: Is he ex-chief?

22 KEN HOMENIUK: Yeah, he retired?

23 GEORGE LAPCHUK: He retired? Well, damn, I
24 have known Ed ever since he was on the beat.
03:44 25 Good cop. He was a real thieves cop, you



1 could -- you know, I won this time, you won that
2 time sort of thing.

3 BOB GAGNE: That's right.

4 GEORGE LAPCHUK: But he phoned me up and he
03:44 5 says "yeah, they got him", and I says "oh,
6 really", and he says "yeah, the OPP never did
7 know how to shoot, got him in the ass." He said
8 "another foot lower and we would have been rid of
9 him."

10 BOB GAGNE: Yeah?

11 GEORGE LAPCHUK: But anyway, yeah, oh yeah,
12 like she knew all about it right -- this was,
13 this thing of hers, turning around and saying, "I
14 knew nothing" that's an out and out lie.

03:44 15 BOB GAGNE: Well why would she be doing
16 stuff like that?

17 GEORGE LAPCHUK: I have no idea. That was
18 as much of a surprise to me as my insane ex-wife
19 ending up in Ottawa. That really blew me away.

03:44 20 BOB GAGNE: We'll get to that.

21 GEORGE LAPCHUK: Oh that, eh, that's a
22 story, I'll tell ya, I could write a book over
23 that one.

24 BOB GAGNE: Well the, after this
03:44 25 reenactment and all that, I gather some people



1 must have left; did you stay there most of the
2 night or --

3 GEORGE LAPCHUK: No. Me, let me see now,
4 me and Craig gave Debbie a ride out of there, I
5 believe.

6 BOB GAGNE: Uh-huh.

03:45 7 GEORGE LAPCHUK: Well because it -- like
8 they were all fucked up, eh, they had been doing
9 THC and they were pretty messed up. They didn't
10 save any for us, the swine.

11 BOB GAGNE: But that's, I -- if I remember
12 right, though, in your Supreme Court testimony
13 you didn't -- you guys were straight that night?

03:45 14 GEORGE LAPCHUK: Yeah, we were, because
15 they had done it all by the time we got to the
16 room. By the time we got to the party they had
17 eaten everything that worth -- you know, they
18 were high, we weren't, and -- you know, so we
19 bailed out of there. Like I say, the whole
03:45 20 situation didn't -- but you brush it off. And
21 then as time went on, it was about a year after
22 that, I guess, after that episode that he was
23 actually charged, or there was quite a time
24 period there, anyway, --

03:45 25 KEN HOMENIUK: Yeah.



1 GEORGE LAPCHUK: -- between that episode
2 and when he was charged. And I went "holy shit",
3 you know, and then it all came back to me. I
4 figured oh well, ho hum, life goes on, mind your
5 own fuckin' business, do your time and doin' the
6 crime and all this. Next thing I know, wow, now
7 what do you do? Are you going to play the duck
8 and lie or are you going to toss and turn over
9 this? So, okay, I wore a rat jacket for a while,
03:46 10 but I got over that, you know. Because my
11 friends were my friends, and the people that I
12 dealt with know I was solid, this was just
13 something I had to do.

14 BOB GAGNE: Yeah.

03:46 15 GEORGE LAPCHUK: I don't think somebody
16 that stabs a girl that many times and then has
17 sex with her is in my category of criminal.
18 That's, like I stole from people, I didn't kill
19 people, that's a different breed of cat.

03:46 20 BOB GAGNE: Well we -- we've spoken to Ute
21 on this and she remembers, and I'm -- just kind
22 of wonder if you remember, a few days after the
23 whole incident, like after the motel incident,
24 she figures or remembers or thinks that you and
03:46 25 Craig drove her and Debbie to Alberta?



1 GEORGE LAPCHUK: To Alberta?

2 BOB GAGNE: St. Albert, Alberta, or St.
3 Albert?

4 GEORGE LAPCHUK: I don't --

03:46 5 BOB GAGNE: You don't recall anything?

6 GEORGE LAPCHUK: I don't recall driving.
7 Like I used to spend a lot of time in St. Albert,
8 that's how I always ended up doing time in jail
9 in --

03:46 10 KEN HOMENIUK: Fort Saskatchewan?

11 GEORGE LAPCHUK: -- Fort Saskatchewan and
12 Bowden, but I can't remember taking Ute and
13 Debbie with me. But that really evades me. Who
14 was supposed to be with us?

15 BOB GAGNE: Umm --

16 GEORGE LAPCHUK: All -- if it -- was there
17 me -- okay, I'm trying to put this all together.
18 There was, I remember the one trip where I ended
19 up doing six months, there was me and Dale and
03:47 20 Woody went to Edmonton.

21 KEN HOMENIUK: Woody would be?

22 GEORGE LAPCHUK: Wayne Wood. He's deceased
23 now, he's passed away.

24 KEN HOMENIUK: Oh.

03:47 25 GEORGE LAPCHUK: That was the last time



1 that I actually made a road trip to Edmonton,
2 that's why I ended up doing time there, well
3 actually the three of us did but I did the
4 longest bit.

03:47 5 KEN HOMENIUK: Okay.

6 BOB GAGNE: See, it was one of the --

7 GEORGE LAPCHUK: But I can't remember her
8 and Ute being there.

9 BOB GAGNE: That's one of the --

03:47 10 GEORGE LAPCHUK: That's not, that's -- I
11 mean I'm not saying it's not possible, but I
12 don't actually recall them being -- because what
13 the hell happened to them when we were in -- when
14 we went to jail? That, you'd think that would
03:47 15 stick out in my mind, that I lost a couple of
16 girls.

17 BOB GAGNE: Yeah.

18 KEN HOMENIUK: What was she like in those
19 days, Ute?

03:47 20 GEORGE LAPCHUK: She, oh, she was all
21 right. She was like the rest of us, overdrugged,
22 a little wild, a product of the '70s, eh.

23 BOB GAGNE: Yeah.

24 GEORGE LAPCHUK: Like we were bad kids, but
03:48 25 not really bad, you know like we, you know,



1 bounced a few cheques, steal a little of this,
2 steal a little of that, get pinched.

3 BOB GAGNE: Get away with a few and --

03:48 4 GEORGE LAPCHUK: Yeah, you win some, you
5 lose some.

6 BOB GAGNE: -- lose some, yeah.

7 GEORGE LAPCHUK: Yeah.

03:48 8 BOB GAGNE: After the motel incident, did
9 you and Craig and Ute ever sit down and talk
10 about holy mackerel, you know, what did he do
11 and --

12 GEORGE LAPCHUK: Not --

13 BOB GAGNE: -- you know, stuff like that
14 or --

03:48 15 GEORGE LAPCHUK: Not in a structured way,
16 you know, like not to actually sit down and tear
17 the whole thing apart. I'm sure it must have
18 come up in conversation, 'cause that was a really
19 weird night. You know, actually any night with
03:48 20 Hoppy around was weird, because he was, well, he
21 was a flaky kid.

22 BOB GAGNE: The girls all liked him,
23 though, eh?

03:48 24 GEORGE LAPCHUK: Yeah, 'cause he always had
25 drugs. He was a party animal, he had a lot of



1 good connections, he had connections downtown
2 where a lot of us were scared to go. That was in
3 the day of Richard Bear and Kenny Pells and all
4 that and, you know, we weren't street smart
03:49 5 enough. We were hippies, we weren't rounders,
6 right. But he seemed to sort of drift in and out
7 of there, so he could go down there and score
8 when we couldn't, so, yeah, he was popular with
9 the ladies.

03:49 10 KEN HOMENIUK: What else was he doing? Now
11 you say he was little off the wall, or, like --

12 GEORGE LAPCHUK: Well, he was hustling
13 queers, right. That was a big thing of his. He
14 had this one director of Langenburg Hospital on
03:49 15 the string, he was getting him a lot of like
16 morphine, demerol, hospital drugs, and he was
17 sleeping with him from time to time, shit like
18 that. Which really didn't go over all that well
19 with the rest of us because, you know, being
03:49 20 brought up in Regina, Saskatchewan, I mean this
21 is where they built a gay bar, it burned, they
22 built another one, it burned, it really wasn't
23 all that acceptable.

24 KEN HOMENIUK: That's right.

03:49 25 GEORGE LAPCHUK: You know, it might have



1 panned out for him here in Vancouver, but not all
2 that well there. Well, shit like that, he's just
3 a flaky kid. He was doing shit that the rest of
4 us, like we were borderline, he was on the other
03:50 5 side already.

6 KEN HOMENIUK: Okay.

7 BOB GAGNE: One step ahead?

8 GEORGE LAPCHUK: Yeah. Like he'd come back
9 from Vancouver and talk about how -- what a great
03:50 10 high he got off heroin. Well, to us, heroin was,
11 you know, something you saw in the movies.

12 KEN HOMENIUK: Uh-huh.

13 GEORGE LAPCHUK: He was just a little too
14 far. Smoking pot and doing acid was okay, but,
03:50 15 you know.

16 KEN HOMENIUK: So he was -- he had been
17 around for only being 16 years old?

18 GEORGE LAPCHUK: Oh, well fuck yeah, I mean
19 he was well travelled.

03:50 20 KEN HOMENIUK: Yeah.

21 BOB GAGNE: After the whole incident, or
22 after the whole motel reenactment and all that,
23 you guys were contacted in January of 1970; after
24 your testimony in court, and all that, were you
03:50 25 ever contacted again by either -- Mrs. Milgaard?



1 GEORGE LAPCHUK: Oh yeah. Well as I said,
2 like, when all the appeals started to come up --
3 now I'm using ten years ago, that's just a rough,
4 a very rough guess, it may have been longer ago
03:50 5 than that, I could narrow it down to about two
6 years because that's the length of that time that
7 that restaurant was open, I know because I worked
8 on it, right -- but, yeah, she interviewed me
9 then, and she phoned me on a couple of occasions.
03:51 10 She would come out of nowhere. Like when she
11 showed up here in Vancouver, same sort of thing,
12 just at my door with a camera crew. Yeah. Get a
13 grip, lady.

14 KEN HOMENIUK: You wonder what she was
03:51 15 expecting, eh.

16 GEORGE LAPCHUK: Well, you know.

17 KEN HOMENIUK: A big admission or what?

18 GEORGE LAPCHUK: You know, she says
19 "well" -- you know, she shows up at the door and
03:51 20 she says "I would like to talk to you", and I
21 opened up the door and I said "sure, but not
22 those guys", and they are standing there with a
23 camera. Right? And she just, like she was
24 shocked, eh, because I was inviting her in. Like
03:51 25 I don't know what the camera was there, to see me



1 slam the door in her face. I said "I got nothing
2 to hide", I says "sure, come on in", that's when
3 she brought that clown in.

4 KEN HOMENIUK: Do you remember his name?

03:51 5 GEORGE LAPCHUK: You just mentioned it.

6 KEN HOMENIUK: Paul Henderson?

7 GEORGE LAPCHUK: Paul Henderson, I think
8 that was -- he was from the Christian miniseries.

9 BOB GAGNE: Yeah, that --

03:51 10 GEORGE LAPCHUK: -- or miseries, or
11 whatever it was. He was a guy just --

12 BOB GAGNE: Did they tape your conversation
13 like we're doing here?

14 GEORGE LAPCHUK: He, yeah, he did as a
03:52 15 matter of fact. He phoned me like on three
16 occasions previous to that trying to get me to
17 come to Seattle. He said he'd pay for the trip
18 down there. Now like I didn't know this guy from
19 a hole in the ground, here's this guy phoning me
03:52 20 long distance telling me he's going to pay for my
21 trip to Seattle about the Milgaards, you know,
22 and finally I just, you know, quit answering,
23 every time I would hear his voice I would hang
24 up.

03:52 25 KEN HOMENIUK: Yeah?



1 GEORGE LAPCHUK: -- 'cause -- and when the
2 A.G.'s office phoned me from Ottawa, I did the
3 same thing to them, I thought it was another
4 scam. You gotta do better than that, Jack, you
5 know.

6 BOB GAGNE: Yeah. Well Mr. Williams came
7 to see you too then, eh?

8 GEORGE LAPCHUK: Yeah. Well he phoned me
9 from Ottawa first, and I hung up on him too, I
10 said "get fucked". And then he got his secretary
11 to call back and say "here is a number, phone it
12 and ask", you know, and it was the Justice
13 Department. Oh, sorry, you know.

14 KEN HOMENIUK: That's when he wanted to
03:52 15 stop by and see you?

16 GEORGE LAPCHUK: Yeah, well it's just --
17 that's why the phone is not in my name.

18 BOB GAGNE: Yeah.

19 GEORGE LAPCHUK: The crank calls, I don't
03:52 20 need 'em.

21 BOB GAGNE: Yeah.

22 KEN HOMENIUK: That's right.

23 GEORGE LAPCHUK: You know, the media has
24 already declared him innocent, so.

25 BOB GAGNE: Well --



1 GEORGE LAPCHUK: Well, I have a theory on
2 that. I think maybe about 23 years from now --
3 you know that Jeffrey Dahmer?

4 BOB GAGNE: Uh-huh.

03:52 5 GEORGE LAPCHUK: Well, 23 years from now
6 someone is going to come up and say "well, you
7 know, that old Jeff Dahmer --

8 BOB GAGNE: Yeah?

9 GEORGE LAPCHUK: -- maybe he wasn't a
03:53 10 murdering cannibal, maybe he just came from a
11 dysfunctional home and he was really hungry all
12 the time, or he took "eat me" a step too far with
13 his lovers.

14 BOB GAGNE: Uh-huh.

03:53 15 GEORGE LAPCHUK: You know, like 23 years
16 later, I mean the man -- like Dave, Hoppy, has
17 been judged, tried and convicted according to the
18 laws of Canada, he has appealed to the -- as far
19 as you can go, and no one yet has said he is
03:53 20 innocent. Now I don't know whether he killed her
21 or not but I know damn well what I saw in that
22 motel room.

23 BOB GAGNE: Exactly.

24 GEORGE LAPCHUK: And that's what I
03:53 25 testified to and that's what I stand by.



1 BOB GAGNE: Now the, this Mr. Henderson,
2 Centurion Ministries, did they ever offer you any
3 more, or anything like that, --

4 GEORGE LAPCHUK: Nope.

03:53 5 BOB GAGNE: -- to change your testimony or
6 something, you know.

7 GEORGE LAPCHUK: Nope.

8 KEN HOMENIUK: Or anything?

9 GEORGE LAPCHUK: Nope.

03:53 10 BOB GAGNE: You know, besides the trip to
11 Seattle, I mean --

12 GEORGE LAPCHUK: No. No, they never
13 offered me money, but I think Joyce is smarter
14 than that.

15 BOB GAGNE: Yeah.

16 GEORGE LAPCHUK: Because I'd have taken the
17 money and gone right to the cops. I'd have
18 turned her in so fast, just like -- I would have
19 turned her like a \$2 hooker at a Shriners
03:54 20 convention, right now.

21 BOB GAGNE: That kind of brings us to your
22 buddy, Mr. Wilson.

23 GEORGE LAPCHUK: Oh, Dale.

24 BOB GAGNE: He was --

03:54 25 GEORGE LAPCHUK: What's, or Ron/Dale,



1 whatever. What name is he using now?

2 BOB GAGNE: Dale. He's -- he changed his
3 testimony. Do you have any, you know, knowledge
4 why he would do that or --

03:54 5 GEORGE LAPCHUK: Because Dale is Dale.

6 BOB GAGNE: Oh, all right.

7 GEORGE LAPCHUK: Okay? He changed his
8 testimony, and then wonder of wonders, don't I
9 get an invitation to his sister's Gail's wedding
03:54 10 in Alumbe, British Columbia, and who should
11 appear at this wedding but Dale. So I'm standing
12 there and he says "can I talk to you for a
13 minute?", and I says "sure", and we walk down
14 this little creek and he says "are you going to
03:54 15 drown me in the creek or bash my head in with a
16 rock", and I said "no, why?" He says "well I
17 just had to do it", and I says "Dale, I don't
18 want to know why you did it", because he was
19 going to start explaining it to me, "I'm sure
20 there's a really good reason, and I'm sure it
21 involves money, and I don't want to hear about
22 it." Exact -- do you want my personal opinion?
23 He was bought. There's -- I have no doubt, like
24 I can't prove it, --

03:54 25 BOB GAGNE: Uh-huh.



1 GEORGE LAPCHUK: -- but I have no doubt
2 he's been bought.

3 KEN HOMENIUK: He never came across and
4 said it at that time that --

03:55 5 GEORGE LAPCHUK: No, no. And as I say, I
6 have no proof, this is -- but I have known Dale
7 for damn near as long as I have known Craig, and
8 that little weasel would sell his mother for a
9 \$10 bill. You want him to change it again? I'll
03:55 10 give him a phone call, and you give me maybe
11 four, five grand to play with, marked money, I'll
12 get him to change his story. I'll get him to go
13 on national TV. That's just Dale.

14 BOB GAGNE: Is that right, eh.

03:55 15 GEORGE LAPCHUK: He's been like that all
16 his life. Like when we got pinched in Alberta,
17 right, he had two charges, one of possession of
18 burglary tools and possession of LSD, he did
19 three months, I did six; he had already done time
03:55 20 before, I had never done time. He named me as
21 the ring leader, he flipped me. I know that's
22 the kind of guy he is, you know, and I'm his
23 partner. No, there's -- no, somebody, somebody
24 got to him with money.

03:55 25 BOB GAGNE: Did he ever tell you how it



1 came about that this Centurion Ministries got him
2 to change his story or, you know, was he -- he
3 never did say anything about it?

03:56 4 GEORGE LAPCHUK: I partied with him at the
5 wedding, that's when I was still drinking, for
6 two days -- because we stayed there, my
7 girlfriend and I -- for two days, and the subject
8 of Milgaard never came up aside from that one
9 little episode down by the creek. I just said
03:56 10 "eh man, you make your bed, you are going to
11 sleep in it, you ain't taking me with you."
12 Maybe I should have played it out, maybe he would
13 have tried to cut me in on it, I don't know.

14 BOB GAGNE: Yeah.

03:56 15 KEN HOMENIUK: He probably would have told
16 you.

17 GEORGE LAPCHUK: Maybe. You know, after 23
18 years you get a little fed up with this shit.
19 Same thing people ask me at work, "did he do it",
03:56 20 and I says "how in the fuck should I know, I
21 wasn't there, ask somebody that was there".

22 BOB GAGNE: That's right, yeah.

23 GEORGE LAPCHUK: Like leave me alone.

24 BOB GAGNE: Uh-huh.

03:56 25 GEORGE LAPCHUK: You know. I have said my



1 piece sort of thing. I mean I testified at the
2 original trial, I have given statements from --
3 to everybody from Joyce Milgaard to Mr. Williams
4 to you fellows to -- and my story is the same as
03:56 5 it was 23 years ago. He really -- he admitted to
6 me that he killed that nurse and he reenacted the
7 thing in front of me. My personal opinion as to
8 whether he did it or not doesn't amount to a hill
9 of shit, that's up to a judge and jury. I have
03:57 10 my own personal opinion, but that's mine. But I
11 know what I saw, and that's what I saw, and
12 that's the end of the story.

13 KEN HOMENIUK: Exactly.

14 GEORGE LAPCHUK: Yeah. And Joyce Milgaard,
03:57 15 and I don't give a good leaping Christ who
16 recants or what they want to say, but I know what
17 the fuck I saw. And I didn't put up with a
18 couple years that I, eh, I had a couple of rough
19 years after that, being hung with a rat jacket.

20 BOB GAGNE: Uh-huh.

21 GEORGE LAPCHUK: And it was only through
22 the grace of God and the good nature of some
23 people that knew that I wasn't like that that
24 saved my ass, especially in jail. You know, you
03:57 25 get hung with a rat jacket for a guy doing life,



1 and things can get rather tense, but I had some
2 good friends. And I put up with all that shit,
3 and I didn't retract then, I'm sure as to hell am
4 not going to do it now.

03:57 5 BOB GAGNE: Now Mrs. Milgaard --

6 GEORGE LAPCHUK: No matter how much of a
7 thief and a con artist you are, sooner or later
8 you gotta draw the line. Like, even I have to
9 live with me, you know.

03:58 10 KEN HOMENIUK: That's right.

11 BOB GAGNE: One of Mrs. Milgaard's
12 allegations is that, like Craig put it, you and
13 Craig and Ute all got together and planned this
14 whole story, and the main reason you guys did
03:58 15 that is that, at the time, you guys were facing a
16 number of charges on I can't remember what it
17 was.

18 KEN HOMENIUK: You had an armed robbery
19 charge, I think, around that time?

03:58 20 GEORGE LAPCHUK: Craig did, yeah. That was
21 the armed robbery he didn't do.

22 KEN HOMENIUK: Oh, right, Craig.

23 GEORGE LAPCHUK: That was Craig, not me.
24 You must have read the book, see they screwed
03:58 25 that all up in the book, too.



1 KEN HOMENIUK: Well, we read everything, we
2 read it somewhere anyway.

3 GEORGE LAPCHUK: Yeah, well don't bother.

4 BOB GAGNE: Anyway, the bottom line is that
03:58 5 you, you guys got a lighter sentence, or somebody
6 got a lighter sentence from --

7 GEORGE LAPCHUK: Yeah, right, well like I
8 told them, it's all -- I went through this thing
9 in Ottawa with his lawyer. So the lawyer's
03:58 10 bringing up all these things, "you got this
11 suspended sentence", and I says "you now, you are
12 not looking at the pertinent facts here." So all
13 I received, I did receive one light sentence, my
14 father had just passed away shortly before that
03:59 15 and I, as the only child I was my mother's sole
16 support, and that was brought up in court. It
17 was the only reason. I had been out of jail for
18 a short while, and it was on a possess for the
19 purposes of trafficking -- cultivating for the
03:59 20 purposes of trafficking, which even then was not
21 like, you know, carrying a loaded gun in your
22 hand.

23 BOB GAGNE: That's right.

24 GEORGE LAPCHUK: So yeah, I got a suspended
03:59 25 sentence when I maybe should have got three



1 months, but the next kick at the cat I got 15
2 months for B&E, so it couldn't have been a hell
3 of a deal that I cut there.

4 And as far as Craig's sentence
03:59 5 goes, well here again, he didn't do the armed
6 robbery. He didn't. We know who did it.

7 BOB GAGNE: It's just that he was there
8 and --

9 GEORGE LAPCHUK: Wrong place at the wrong
03:59 10 time. He got pinched in my car. I know who
11 robbed that goddam drug store. But what am I
12 gonna do? It's like Craig said, what's he gonna
13 do, turn the guy that did it? Well, he ate it,
14 he did the time.

03:59 15 BOB GAGNE: He got a -- six months?

16 GEORGE LAPCHUK: A six-month sentence,
17 yeah.

18 BOB GAGNE: Well --

19 GEORGE LAPCHUK: But everybody knew he
04:00 20 didn't do it, but they wanted to see Ray behind
21 bars, but even Ray didn't do it. It was one of
22 those things, Ray was --

23 KEN HOMENIUK: How much time did he get for
24 that?

04:00 25 GEORGE LAPCHUK: Oh, Ray is still doing



1 time, he did -- he got nine years for that, I
2 think.

3 BOB GAGNE: Yeah. Oh, wow.

4 GEORGE LAPCHUK: He is still a -- but Ray
04:00 5 had shot, what, the Safeway manager in the holdup
6 before that so, I mean, it was time to put this
7 guy away.

8 BOB GAGNE: Yeah. Uh-huh.

9 GEORGE LAPCHUK: You might want to erase
04:00 10 part of these tapes later, you know.

11 BOB GAGNE: Uh-huh.

12 GEORGE LAPCHUK: But I'm telling it like it
13 is, like we all know how the game is played,
14 there's some people that shouldn't be walking
04:00 15 around there.

16 BOB GAGNE: That's right.

17 GEORGE LAPCHUK: And maybe if they don't
18 stumble and fall, maybe they have to be tripped,
19 and that's all part of the great game too. We
04:00 20 live with that.

21 BOB GAGNE: Back in '86, when Milgaard
22 escaped, you were still in Regina I think, eh?

23 GEORGE LAPCHUK: Yes.

24 BOB GAGNE: And Mrs. Milgaard in one of her
04:00 25 other, in one of her many allegations, that you



1 went and bought yourself a gun and you told Dale
2 "I'm going to go -- I'm buying myself a gun", and
3 more or less for protection, and she says you did
4 that because you had framed him and, you know,
04:00 5 you figured you had lied and he was coming back
6 and he was going to get you?

7 GEORGE LAPCHUK: She is so -- she is
8 so --she is so full of shit. I was a registered
9 handgun owner a long time before he escaped.
04:01 10 This goes back -- see, "and how", you ask, "does
11 a guy with a criminal record get -- become a
12 registered handgun owner?"

13 BOB GAGNE: Uh-huh.

14 GEORGE LAPCHUK: Well my ex-wife Sherry --
04:01 15 that's number 1, not the crazy one -- got the
16 handguns in her name, in her maiden name when we
17 were living together, then we got married and
18 they remained in her name, and when we separated
19 she sold the guns to me, and since I had been in
04:01 20 care and control of the Registrar at the time,
21 Eric West -- whose daughter I used to date --
22 felt that it was okay to give it to me. But I
23 was a registered handgun owner a long time before
24 he ever escaped. Oh yeah, if he had have come
04:01 25 after me I'd have put him in a box, but not



1 because I framed him, because the guy's a
2 lunatic. And yeah, I helped put him in jail,
3 there's no ifs, ands or buts, I didn't frame him
4 but I helped put him in jail.

5 BOB GAGNE: Yeah.

6 GEORGE LAPCHUK: And yeah, if I'd have saw
7 his hairy ass, I'd have cashed his ticket. No
8 problem. I mean hell, the OPP shot him in the
9 back, I would have at least looked him face to
04:01 10 face, and I wouldn't have got him in the ass.

11 BOB GAGNE: Another one that she mentions
12 is that back, again in the '80s, that when they
13 were drumming up the evidence to free Milgaard on
14 the mercy application, is that the Saskatoon City
04:02 15 Police went out of their way to come to Regina
16 and contact, like, yourself and all the other
17 witnesses and tell them, "you know, Milgaard's
18 crew are coming in and they are going to ask you
19 some questions, and you don't have to talk to
04:02 20 them if you don't want to." Do you remember
21 anything about that?

22 GEORGE LAPCHUK: I wonder if that couldn't
23 have been when -- just before she asked for that
24 taped interview? I don't remember. The only
04:02 25 person I remember talking to me about Milgaard



1 was Ed Swayze, because he got ahold of my
2 common-law wife at the time when Hoppy escaped,
3 and then I think he, he may have gotten ahold of
4 me about that.

04:02 5 But once she got ahold of me I
6 said "sure, I'll talk to you, sure, turn on the
7 damn tape recorder, I don't care."

8 BOB GAGNE: You know, but I think what we
9 mean is that --

04:02 10 GEORGE LAPCHUK: I don't remember Saskatoon
11 City Police, per se --

12 BOB GAGNE: Okay.

13 GEORGE LAPCHUK: -- getting ahold of me.

14 BOB GAGNE: Yeah.

04:03 15 GEORGE LAPCHUK: You know. And then like
16 you are saying, like as in a collusion sort of
17 thing, like, okay, get your story straight
18 because they are coming?

19 BOB GAGNE: Yeah.

04:03 20 GEORGE LAPCHUK: No, no, no, no, no, no.

21 BOB GAGNE: Like --

22 GEORGE LAPCHUK: That's more Joyce, no,
23 that's Joyce Milgaard propaganda. That's -- you
24 know, she's -- she's got a really good script
04:03 25 writer, whoever she's got working for her, he's



1 good.

2 BOB GAGNE: Sounds like they're going to
3 make a movie, I mean.

4 GEORGE LAPCHUK: Yeah, I hear that there's,
04:03 5 you know, there's been bits, but --

6 BOB GAGNE: Well who's going to play you?

7 GEORGE LAPCHUK: Well I was thinking Telly
8 Savalas would be good.

9 BOB GAGNE: Say, that's a good one.

04:03 10 GEORGE LAPCHUK: Well Yul Brynner's gone,
11 but, you know.

12 BOB GAGNE: Yeah.

13 GEORGE LAPCHUK: No, you know, her -- her
14 allegations, I would like to get her and me on a
04:03 15 talk show.

16 BOB GAGNE: Nobody asks, and she's making
17 sure she doesn't.

18 GEORGE LAPCHUK: I would like to confront
19 her one to one on a talk show, like with somebody
04:03 20 good, like Dini Petty or somebody like that.

21 BOB GAGNE: Uh-huh.

22 GEORGE LAPCHUK: Okay, let's, you know,
23 let's get some time frames straight here.

24 BOB GAGNE: Uh-huh.

04:04 25 GEORGE LAPCHUK: Like that book that came



1 out that that idiot published, --

2 BOB GAGNE: Uh-huh.

3 GEORGE LAPCHUK: -- *When Justice Fails*, I
4 have never read such a -- they got the goddam
04:04 5 names mixed up, the charges mixed up, the dates
6 mixed up, and all this reference to me,
7 ex-motorcycle gang member. True, at one time I
8 was a member of the Apollos, but that was a long
9 time after the Milgaard episode. I mean, you
04:04 10 know, that was eons after that I joined the club.
11 It has absolutely nothing to do with the Milgaard
12 thing. You know, I mean that's like saying
13 "well", why don't they say "well George Lapchuk,
14 ex-Shriner", you know.

15 BOB GAGNE: Yeah.

16 GEORGE LAPCHUK: Or -- it's just Milgaard
17 propaganda. They twist the time frame, twist the
18 words, oh yeah. It's a civil suit. But I would
19 love to sue her bag off, her and his, for all of
04:04 20 the bullshit that they have come across with on
21 the TV that -- you know, George Lapchuk,
22 ex-motorcycle gang member said this, said this,
23 you know, made a patch. I never made a patch
24 with anybody. And if I -- because I'll tell you
04:05 25 honestly, I'm the kind of guy that, if I would



1 have cut a deal, I would have cut a fucking deal.
2 I wouldn't have done 15 months like six months
3 down the road, I'd have been walking around with
4 loot in my pockets.

5 BOB GAGNE: Yeah.

6 GEORGE LAPCHUK: You know, to get, to wear
7 a rat jacket for nothing else, like I did that
8 because that's what I thought I had to do, and I
9 stand by that, and that's the way it is.

04:05 10 BOB GAGNE: Judgement call, eh.

11 GEORGE LAPCHUK: Eh.

12 BOB GAGNE: At the time?

13 GEORGE LAPCHUK: If I'd have known what I
14 was going to go through, not a fucking chance,
04:05 15 I'd have clammed up tighter than a goddam
16 tortoise. If I'd have known that 23 years later,
17 I'd still be haunted with this bullshit, not a
18 chance.

19 BOB GAGNE: After that reenactment there,
04:05 20 when you and Ute and Craig were with Dave, did he
21 threaten you guys at all, that "if you guys ever
22 said something I'm gonna get", you know, "get
23 even with you", or anything like that?

24 GEORGE LAPCHUK: No. Not that I can
04:06 25 recall. I can't remember him ever threatening



1 me.

2 KEN HOMENIUK: Well did you have much to do
3 with him after that?

4 GEORGE LAPCHUK: No. I tried, I -- like I
04:06 5 say, he -- like he -- it's hard to -- going back
6 now, after that thing, he got more involved in
7 this selling magazines thing and he was on the
8 road a lot, and I don't know whether it was
9 consciously or subconsciously, but we sort of
04:06 10 drifted away from him. Like he'd showed up in
11 town, and he'd want to party for two or three
12 days, and then he'd disappear again, and then
13 sometimes one of us would see him, or two of us
14 would see him, and then other times we would "oh
04:06 15 yeah, Hoppy was in town", "oh yeah", well he
16 never called and he wasn't around, or we were off
17 doing something else, and by that time we were
18 getting into working, and having our own money,
19 and buying cars and, yeah, we weren't really into
04:06 20 hanging out in hotel rooms and gettin' fucked up
21 during the middle of the week 'cause we had to
22 work. You know, so it just sort of -- and
23 then -- you know. I don't know, it wasn't a, it
24 wasn't a conscious, like a breaking-off, like
04:07 25 "we're staying away from this guy", it just -- I



1 don't know. He wasn't any fun any more, at least
2 not for me, I don't know about Ute.

3 BOB GAGNE: Oh, yeah.

4 GEORGE LAPCHUK: But I --

04:07 5 BOB GAGNE: Yeah. Well Ute, when we were,
6 I know we talked to her here.

7 KEN HOMENIUK: A couple days ago. Had a
8 lot of things different that she brought out from
9 when, from when you guys were in the hotel room,
04:07 10 was the fact that she says that he went into this
11 bathroom and beat his head against the wall?

12 GEORGE LAPCHUK: See, and that, that came
13 up too. I can't remember that. I don't remember
14 that. That came up in the Supreme Court.

04:07 15 KEN HOMENIUK: Yeah.

16 GEORGE LAPCHUK: And, to save my life, I
17 can't remember that.

18 BOB GAGNE: Well it was very long ago.

19 GEORGE LAPCHUK: Yeah.

20 BOB GAGNE: Umm --

21 KEN HOMENIUK: Hang on a sec'.

22 BOB GAGNE: Okay. Now we come to the part
23 of Debbie Hall. I'd like, you know, I would like
24 to talk about that, and that Milgaard -- she must
04:07 25 have been at a different place than you guys were



1 at during the reenactment?

2 GEORGE LAPCHUK: Well it -- she certainly
3 must have, because she was sitting right there
4 and she saw the whole damn thing, and if she
04:08 5 figures that's fluffing a pillow, well, fuck me
6 for a sheep as a ram.

7 BOB GAGNE: Uh-huh.

8 GEORGE LAPCHUK: That ain't what I saw.
9 What can I say. She was sitting right there in
04:08 10 that chair, right next to that TV set, she saw
11 the whole damn thing.

12 KEN HOMENIUK: Did you talk to her at all
13 at the, in Ottawa at the Supreme Court hearing?

14 GEORGE LAPCHUK: Didn't see anybody except
04:08 15 Craig, Craig and I flew down there together, and
16 like we never got to see any of the other
17 witnesses, we never heard any of the other
18 testimony, it was -- like I haven't seen Debbie,
19 well, since I moved out here, so it's -- what
04:08 20 would that be, five years, well it would be five
21 years to September I moved out here. And I was
22 back at Thanksgiving, but I didn't look her up
23 for obvious reasons, I mean, --

24 BOB GAGNE: Uh-huh.

04:08 25 GEORGE LAPCHUK: -- you know, I really have



1 a lot in common with her.

2 KEN HOMENIUK: So how about Launa, there?

3 GEORGE LAPCHUK: Oh, boy, that one I could
4 write a book on.

04:08 5 KEN HOMENIUK: A best seller.

6 GEORGE LAPCHUK: Well when I heard that she
7 was -- I said, you know, what in the -- she was
8 11 years old when that happened, what in the name
9 of Christ -- and then she brought Bobbie Stadnyk
04:09 10 into it and I -- well she, she's often said that,
11 you know, "if I can't have you, no one is going
12 to have you", and she's -- well, she's
13 certifiable, I mean that -- that's a matter of
14 record. It's like I told the Supreme Court
04:09 15 Justices, I mean, I wish you guys would do your
16 homework, I mean the woman is a professional
17 witness. In fact, my exact words were "she
18 spends more time in court than Judge Wopner".
19 You know, I mean, all you have to do is check her
04:09 20 medical background. She has been in and out of
21 psych wards, she has had her child taken away
22 from her for abandonment on numerous occasions,
23 like the woman is emotionally, emotionally and
24 mentally unstable and --

04:09 25 You know, this thing, she --



1 she had the RCMP -- you guys, right --

2 BOB GAGNE: Uh-huh.

3 GEORGE LAPCHUK: -- keeping her under

4 protective custody because somebody -- who the

04:09 5 fuck would want to bother to off her. I wish her

6 a long and miserable life, may she live to be 100

7 years old, and never have a happy day. God.

8 BOB GAGNE: And yet she keeps mentioning

9 that she's a bit scared of you?

04:10 10 GEORGE LAPCHUK: Scared of me? Christ, if

11 I saw her, I'd swim the Fraser to get away from

12 her. When Serious Crimes came to see me --

13 apparently -- well, you see, I have been working

14 this job in White Rock since last May, this

04:10 15 school that I am doing for Craig, and I got a

16 little visit at the apartment -- I used to live

17 across the way here before Jan and I moved in

18 together -- and it was from the Sergeant from

19 Serious Crimes, he wanted to speak to me about

04:10 20 something, so I -- okay, I phoned him, I said

21 "yeah, I'll meet you down there, I'll come right

22 down". So I went down there, I come walking in,

23 and I says "so what's this all about?" He says

24 "do you know Launa Edwards", and I says "oh,

04:10 25 shit, what now?" Well apparently, like, there's



1 a little mall there right on the corner of 24th
2 and 152 up in White Rock --

3 BOB GAGNE: Uh-huh.

4 GEORGE LAPCHUK: -- not far from the school
5 where I work. Well I stopped in the mall to grab
6 a pack of cigarettes, and she must have either
7 been in there, or somebody that she knows spotted
8 me in there. Well, all of a sudden, she's
9 telling the RCMP I'm stalking her.

04:11 10 BOB GAGNE: Oh, all right.

11 GEORGE LAPCHUK: I asked them, I said
12 "look, the reason I moved from Vancouver is I
13 knew she was on that side of the Fraser, I wanted
14 a river between us." You know, I'm the one
04:11 15 that's going to run when I see her, she's got
16 nothing to worry about me. You know, all I want
17 from her is peace and goddam quiet, just leave me
18 alone crazy woman.

19 BOB GAGNE: Hmm. Well we don't have too
04:11 20 much more to ask you there, George, I know it's
21 been a marathon already.

22 GEORGE LAPCHUK: I'll just be waiting for
23 my subpoena and my plane tickets, just let me
24 know.

04:11 25 BOB GAGNE: Know where.



1 KEN HOMENIUK: For the civil suit?

2 GEORGE LAPCHUK: Oh, fuck, for whatever.

3 This is -- this is never going to end. I know
4 it. You know, I will be in an urn on top of the
04:11 5 mantle place there and Jan will be "eh, George,
6 RCMP Serious Crimes here for you about the
7 Milgaard thing", you know.

8 BOB GAGNE: And you will say "again?"

9 GEORGE LAPCHUK: Again.

10 KEN HOMENIUK: We better shut this tape
11 off."

12 **(Tape recording ends)**

13 MR. HARDY: That's the end of the tape.

14 I'll turn now, please, to
04:11 15 document 002131, it's a memo by Eugene Williams,
16 it's dated August 6th, 1990 respecting David
17 Milgaard, Section 690 interview with George
18 Lapchuk. I'm going to read a portion of that:

19 "At 7:50 p.m. on August 2nd ...",
04:12 20 actually, if we can focus in at the top and
21 follow along, I think I'll read all of this:

22 "At 7:50 p.m. on August 2nd, 1990, I spoke
23 with Mr. Lapchuk at his Vancouver residence
24 ... After I explained the purpose of my
04:12 25 visit, Mr. Lapchuk told me that he had



1 mistaken me when he first spoke with me for
2 a representative of a Seattle based
3 religious organization. Apparently a
4 representative of that organization had
04:13 5 called him urging him to recant his
6 testimony in the name of the Lord. The
7 representative had noted that "Dale Wilson
8 has recanted, why don't you?"

9 I asked Mr. Lapchuk to explain
04:13 10 in his own words what he saw that evening.
11 He also demonstrated how David Milgaard
12 stabbed the pillow. He demonstrated a
13 violent stabbing motion of a pillow while
14 kneeling on the floor. The pillow was
04:13 15 between his knees. He said that he was
16 shocked and frightened by what he saw

17 After Mr. Lapchuk examined Ms.
18 Hall's affidavit, he disputed Ms. Hall's
19 assessment of Milgaard's action. He also
04:13 20 noted that the drug that Milgaard, Ute
21 Frank, and Debbie Hall had been taking was
22 phencyclidine (angel dust) and not THC.

23 I asked Mr. Lapchuk to re-read,
24 initial and sign pages 1046 to 1049 of the
04:13 25 trial transcript which recorded his



1 testimony, if that record accurately
2 reflected the events as he witnessed them.
3 Mr. Lapchuk did so. He noted that "I told
4 the truth in 1969, I will take a polygraph
04:14 5 if necessary, but I don't want Craig
6 involved in this." He said that Melnyk was
7 well on his way to re-establishing his life
8 on the west coast (wife and two children)
9 after they were driven from Regina by
04:14 10 adverse publicity surrounding (inter alia)
11 the Milgaard case.

12 When questioned concerning his
13 contacts with the Milgaard family, Mr.
14 Lapchuk said that he spoke to Mrs. Milgaard
04:14 15 approximately 6 years ago at Dionysus
16 Restaurant in Regina. He told Mrs. Milgaard
17 what he had seen and indicated to her that
18 "David showed me he did it". Mr. Lapchuk
19 has not had any further contacts with the
04:14 20 Milgaard family since then. Mr. Lapchuk
21 further stated to me that he was not
22 retracting a word of his earlier testimony
23 because that's what he saw.

24 Mr. Lapchuk noted that he spoke
04:14 25 with Ron Wilson after the trial. Wilson



1 told him (Lapchuk) that he saw blood on the
2 clothes of David Milgaard when they were in
3 Saskatoon.

4 Recently Ron Wilson met George
04:14 5 Lapchuk. Mr. Wilson attempted to offer an
6 explanation for his recent actions.

7 According to Mr. Lapchuk, he (Lapchuk) did
8 not want to hear any explanations from
9 Wilson. (From him long-term acquaintance
04:15 10 with Wilson, Lapchuk gave me some insights
11 into Wilson's character. I am left me with
12 the impression that Ron Wilson had gotten
13 more than religion for changing his story.)

14 (The writer was left with the
04:15 15 distinct impression that Lapchuk and Melnyk
16 were very disappointed by the Wilson
17 retraction, because it reminds them of a
18 period of their life that they would like to
19 put behind them. It was suggested that
04:15 20 there was a financial incentive for Mr.
21 Wilson to recant his earlier testimony.

22 Despite his checkered past, Mr.
23 Lapchuk left me with the impression that he
24 told the truth at trial, and is strong in
25 his recollection of the events today. He



1 noted that the expression on Milgaard's face
2 was so frightening that it remains vivid in
3 his memory to this day. Much the same
4 comment was echoed by Mr. Melnyk when I
04:15 5 spoke with him."

6 I'll move, now, to document
7 054412. Focus in beginning at the top, please.
8 It's a memo I understand, or we understand, that
9 was taken by someone on behalf of the Centurion
04:16 10 Ministries dated August 8th, 1991 respecting
11 George Lapchuk. I'll read starting under the
12 summary:

13 "George Lapchuk is an enigma. He seems
14 reasonably bright and, in a vulgar sort of
04:16 15 way, he's also quite articulate. George has
16 an answer for everything and even professes
17 to have a political perspective on the
18 Milgaard case. As long as the conservatives
19 are in office in Canada, he predicted, the
04:16 20 government will never relent and agree to a
21 new trial for David Milgaard - despite any
22 new evidence that might be uncovered.

23 Lapchuk also has an anti-social
24 personality, a drinking problem and a
04:16 25 serious nervous disorder. During our talk



1 in his living room, George pumped his leg
2 incessantly. Lying seems to be second
3 nature to Lapchuk. A half dozens claims he
4 made to us (primarily relating to his
04:17 5 criminal background and relationship with
6 Ron Wilson) are directly contradicted by his
7 own testimony in the Milgaard trial. I have
8 a hunch that Lapchuk is one of those people
9 who lie so naturally that they actually
04:17 10 believe their own lies.

11 Based on what he told us and
12 what I observed, I wouldn't be surprised if
13 Lapchuk has been in and out of trouble with
14 the law non-stop since his involvement in
04:17 15 the Milgaard case."

16 Then I'll move down just a little bit and
17 continue reading here:

18 "In a 40-minute interview, Lapchuk:

- 19 - Complained of being haunted and harassed
- 04:17 20 through the years by Joyce Milgaard.
- 21 - Professed or have no knowledge or
- 22 insights that could possibly be of
- 23 benefit to the Milgaard cause and
- 24 expressed bewilderment over why Joyce
- 04:17 25 continues to press the issue.



- 1 - Threatened to take legal action against
2 Joyce Milgaard if she pushes him too
3 far.
4 - Insisted that he did not lie about
04:17 5 seeing David Milgaard confess to killing
6 Gail Miller and reenact the murder.
7 - Stated that he will go to court and
8 repeat his 1970 testimony if called up
9 to do so.
04:18 10 - Denied that any criminal charges were
11 pending against him when he testified to
12 what he saw and heard.

13 (NOTE: To the contrary, Lapchuk admitted
14 during his trial testimony that he was
15 facing prosecution for check forgery.)

- 16 - Denied being a police informant at any
17 time or receiving anything in return for
18 his testimony against Milgaard.
19 - Admitted being offered money "many
04:18 20 times" by Regina Police to be an
21 informant on other cases but said he
22 never acted in that capacity/
23 - Reiterated 1970 testimony that he was
24 not under the influence of drugs when he
04:18 25 heard Milgaard confess to killing Gail



1 Miller and witnessed him reenact the
2 murder.

3 (NOTE: In a later slip of the tongue,
4 Lapchuk admitted that everyone in the motel
04:18 5 room was high on drugs.)

6 - Labeled Ron Wilson a liar and weakling
7 who can be "talked into saying anything
8 you want him to say." (This comment was
9 made in reference to Wilson's 1990
10 recantation.)

11 - Stated that when he saw Wilson in July
12 1990 (after the recantation) that Wilson
13 apologized for "dragging my name into
14 it."

04:19 15 (NOTE: Although I distinctly recall Wilson
16 telling me that Lapchuk was a very nasty,
17 hardcore character, as well as a drug
18 dealer, nothing in Wilson's statement either
19 disparages or discredits Lapchuk. During my
04:19 20 interview with Wilson last year, Wilson said
21 he knew how to contact Lapchuk in Vancouver
22 but said it would be useless to try and get
23 truth from him. I sensed that Wilson was
24 somewhat intimidated by Lapchuk.)

04:19 25 - Volunteered that Wilson did not seem to



1 regret recanting his testimony and did
2 not appear to be fearful of
3 repercussions from authorities for
4 recanting.

04:19 5 - Admitted that he'd lied to us in
6 claiming the previous night that the
7 Justice Department had told him not to
8 talk to Joyce and to alert Ottawa if she
9 tried to contact him. He amended this
04:19 10 by saying that Ottawa told him he didn't
11 HAVE to talk to Joyce.

12 (NOTE: David Asper's theory is that Lapchuk
13 called Ottawa after slamming the door on us
14 Wednesday night and that Ottawa advised him
04:19 15 to be more receptive to Joyce if she showed
16 up again.)

17 - Stated he was contacted about eight
18 months ago by a Justice investigator who
19 wanted to take a statement. Lapchuk
04:20 20 said the investigator was black, flew to
21 Vancouver from Ottawa and took a brief
22 statement in which Lapchuk swore that
23 his 1970 testimony was truthful. He
24 claimed not to remember the guy's name.

04:20 25 (NOTE: Lapchuk's comments on the



1 investigator and the meeting were laced with
2 racist overtones and macho talk about
3 kicking his ass.)

- 4 - Volunteered that he he was the person I
04:20 5 had a heated phone conversation with
6 last year and admitted he'd lied in
7 claiming to me that he was someone else.
8 - Admitted to having outstanding felony
9 warrants in Saskatchewan."

04:20 10 And, lastly, I'll turn to document ID 044326,
11 please, it's Mr. Lapchuk's testimony from the
12 Supreme Court reference case.

13 If we could start, please, it's
14 examination by Mr. Neufeld, and turn to page
04:20 15 044333. Start reading here at the top:

16 "Q I understand that in 1969, I believe it
17 was in the month of May, you had
18 occasion to be in the company of Mr.
19 Milgaard and other individuals at a
20 motel in Regina. Is that correct?

21 A That's correct.

22 Q And I understand as well that your
23 observations of the events of that
24 particular evening resulted in you
25 eventually having some contact with the



1 police?

2 A That is correct.

3 Q And actually being subpoenaed to testify
4 at Mr. Milgaard's trial in January of
5 1970. Is that correct?

6 A Yes, it is.

7 Q I understand as well that that is the
8 very reason you are here today.

9 A That is also very correct.

10 Q And under subpoena of this Court to
11 testify?

12 A Yes, sir.

13 Q All right. We
14 have a transcript -- you will have to
15 understand that this case is made up not
16 only of live witnesses who testify, but
17 there is a vast amount of material that
18 we all have access to that obviously you
19 haven't. But I want you to know that we
20 have a copy of your transcript of the
21 testimony that you gave at Mr.
22 Milgaard's trial.

23 For the Court's reference, that
24 is in Volume 12 of the Case on
25 Reference, at pages 1041 to 1066.



1 First of all, do you recall
2 giving evidence at that trial?

3 A Oh, yes.

4 Q Did you tell the truth at that trial
5 based on what you recalled of the
6 incident at the time?

7 A I most certainly did."

8 If we could turn to page 044340, please,
9 beginning at the top:

10 "In 1969 and 1970, did you have any
11 grudge against Mr. Milgaard or any
12 reason to lie in respect of your
13 testimony.

14 A No. This situation between Mr.
15 Milgaard and I, up until that point,
16 is that we got along okay. We had --
17 there was no animosity between us. I
18 mean, we shared just about everything:
19 Drugs, women. It was that time of the
20 century where such things were
21 commonplace.

22 Q All right.

23 A No, I had no reason to lie
24 whatsoever.

25 Q Were you promised or did you receive



1 anything in return for your testifying
2 at the trial?

3 A I certainly did not and -- no."

4 If we could turn to the next page, please.

04:23 5 044341, beginning at the top:

6 "Q Do you know anything more about the Gail
7 Miller murder other than what you told
8 the court?

9 A I don't know any more about it now
10 than I did then. I mean, after that
11 night at the Parklane Motel, I tried
12 to stay as far away from him as I
13 possibly could, which isn't easy to do
14 in a small town. But as far as actual
15 facts go, no.

16 Q All right.

17 This incident, we understand
18 from the evidence given so far, happened
19 in the month of May of 1969, but you
20 weren't approached by the police until
21 January of 1970. Is that correct?

22 A That's right.

23 Q Do you know how it was that they got
24 onto you as it were?

25 A To this day, I still do not know. I



1 was incarcerated in Alberta. I was
2 released on December of 1969. So I
3 was in prison during most of those
4 events.

5 Q Pretty easily accessible, I guess.

6 A Yes. It is not really that hard to
7 find. And to this day, I don't know
8 how they got my name. I was actually
9 -- I was walking down -- as I
10 remember, as I recall, I was walking
11 down Victoria Avenue when I was
12 approached by members of the Saskatoon
13 City Police and asked me if I would
14 willingly go with them to their motel
15 room. They were staying at the
16 Westward Motor Inn and being as how I
17 just been released from prison, I had
18 just turned 18, I went along with it
19 and they already -- they had spoken to
20 some of the other people involved in
21 this matter because they knew all of
22 the details, you know, and they
23 basically had me. It was either out
24 and out lie or else tell the truth,
25 and I opted to tell the truth."



1 Turn to the next page, please, 044343, the bottom
2 of the page:

3 "Q All right?

4 Did you have discussions with
5 Mr. Wilson about being a witness?

6 A Oh, yes.

7 Q Can you relate those to us as best you
8 recall?

9 A Well, now, we are getting into a real
10 -- I will tell you what I can
11 recall.

12 Q That's all we are asking you to do.

13 A But please keep in mind that it was 22
14 years ago.

15 Q I am not suggesting that you shouldn't
16 tell us anything more than you
17 remember.

18 A I asked them -- I can remember we
19 never discussed it a lot, but there
20 was some discussion on it, obviously,
21 amongst all of us. The big question
22 was, "Well, did he do it?" And
23 according to what Mr. Wilson and
24 Nichol John had indicated to me, they
25 were sure that he had.



1 Q Do you recall anything specific that was
2 told to you?

3 A No. No, I couldn't swear to anything
4 specific. As I say, that was a lot of
5 years ago."

6 If we could move to page 044346, please, starting
7 here:

8 "Q Do you have a criminal record, sir?

9 A Yes, I do.

10 Q Do you know a person by the name of
11 Launa Edwards?

12 A Oh, yeah. That's my estranged
13 wife.

14 Q She is a person to whom you are still
15 married?

16 A That's a good question. I haven't
17 seen her in almost two years and I
18 hope, with any luck, I won't ever see
19 her again.

20 Q All right.

21 A She instituted proceedings about a
22 year and half ago and I haven't heard
23 anything since.

24 Q All right. You haven't been approached
25 on new proceedings. You have a lawyer



1 on this matter, I suppose?

2 A No.

3 Q Do you and she communicate at all?

4 A No. I haven't spoken to her, as I
5 said, in almost two years.

6 Q Do you have any interest in
7 communicating with her?

8 A No, I certainly do not.

9 Q Do you know where she lives?

10 A No idea, and I don't want to know.

11 Q Ms Edwards has testified that on three
12 occasions between 1985 and I think she
13 said 1988, perhaps 1989, you have told
14 her or spoken in her presence that you
15 lied at the Milgaard trial. Can you
16 comment on that, sir?

17 A She wouldn't know the truth if she was
18 standing on it. She is a professional
19 witness. If anybody here would have
20 done their homework and looked into
21 her background over the last couple of
22 years, she has spent more time in
23 court rooms than Judge Wopner. She is
24 a professional witness. She sold her
25 soul --



1 Q Did you ever tell anyone in her presence
2 that you had lied at the Milgaard
3 trial?

4 A I certainly did not because I did not
5 lie. And if perchance I would have
6 lied, I certainly would not be foolish
7 enough to tell anybody, in front of a
8 witness especially. It is -- I am
9 sorry, I just can't -- with all due
10 respect, sir, to yourself and to the
11 Court, I cannot lend any sort of
12 credence to her testimony whatsoever.
13 I just can't take it seriously?

14 Q I still want to know clearly the answer
15 to my question?

16 A No.

17 Q Did you ever say to anyone in her
18 presence that you had lied at the
19 Milgaard trial?

20 A No, I did not.

21 Q Did you ever telephone her in 1990, late
22 1990 or 1991, and indicate to her that
23 the Milgaard case was being revived and
24 that they, I assume meaning the
25 authorities, would never find you?



1 A I can't see that. I mean, I am listed
2 in the Vancouver --

3 Q Could you just --

4 A No, I don't believe I did. If
5 anything was said about the Milgaard
6 case, it may have been taken out of
7 context or something. But seeing as
8 how I am listed in the Vancouver
9 telephone directory, I don't see how
10 it would be all that hard to find me."

11 If we could turn to the next page, please,
12 044350. Beginning at the very bottom of the
13 page:

14 "Q Let me start again. It was suggested in
15 testimony in this Court that -- I
16 believe Mr. Wilson indicated that you
17 and he had had some conversation about
18 this matter in the fairly recent past.

19 A Yes, that's very true.

20 Q Can you tell me about that, please?

21 A Yes. I went to his sister's wedding
22 in Alumbe, British Columbia, Gail, and
23 Ron/Dale was there along with his
24 father and mother, who I am quite well
25 acquainted with, and we took a little



1 walk. He just looked at me and said,
2 "Let's go for a walk," and I said,
3 "Sure." We walked down to this creek
4 and he said, "So now what?" And I
5 said, "So now what?" I said, "What
6 are you doing?" And he said, "I don't
7 know. I really don't know," and then
8 he said, "You are not going to draw me
9 in the river," or something to that
10 effect, in a joking manner. I just
11 shook my head and I said, "Do what you
12 got to do, man. We all have our own
13 dragons to slay." I don't know why he
14 is doing it, why he recanted, why --
15 we never went any further than
16 that.

17 Q Did you threaten him in any way?

18 A No. Good god, no?

19 Q Did you assault him?

20 A Pardon?

21 Q Did you assault him?

22 A No.

23 Q Did you threaten to assault him?

24 A No. We went -- as a matter of fact,
25 we went on to party at the wedding."



1 Then the examination by Mr. Wolch begins, and if
2 we could turn, please, to page 044361, focus in
3 starting there, please:

4 "Q Tell us now what kind of drugs were
5 taken in the room.

6 A It was supposed to be THC. That's
7 what they said it was. Now, being a
8 little older and wiser, I really think
9 it was not tetra hydra cannibinal. I
10 think it was probably some veterinary
11 drug.

12 Q What would that be?

13 A Lord knows.

14 Q Mr. Williams' notes of the interview
15 referring to that part of the interview
16 say,

17 "He also noted that the drug that
18 Milgaard, Ute Frank and Debbie Hall
19 had been taking was phencyclidine
20 (Angel Dust) and not THC."

21 A Yes. Well, that's why I say I don't
22 think it was PCP. But here, again,
23 there was no label on the bottle.

24 Q It was in a bottle?

25 A As I recall, yes, capsules? You see,



1 I got there -- it was all gone when I
2 got there which is one of the reasons
3 I did not indulge. I probably would
4 have, and it was all gone. So I can
5 only go by what everybody was talking
6 about when I got there.

7 Q THC doesn't come in capsules, does
8 it?

9 A Back in 1970, just about everything
10 came in capsules.

11 Q In any event, I am curious, when you
12 told Mr. Williams that it was
13 phencyclidine --

14 A That was an educated guess on
15 my part from the reactions that the
16 people were having, that especially
17 Dave was having to it."

18 Then if we could move forward, please, to page
19 04439, beginning there, please:

20 "Q Do you now remember arriving with Craig
21 Melynk.

22 A Apparently I must have. This
23 statement was signed at a time when my
24 memory was a lot fresher than it is 22
25 years later. So I have to stand by



1 what I said then.

2 Q This statement is dated January the 19th
3 of 1970 at three o'clock in Regina, and
4 that's a statement you gave to Eddie
5 Karst.

6 A Yes. That would have been the
7 statement taken in the motel room
8 where I was being interviewed, I would
9 think anyway, because I never had -- I
10 only had contact with the two fellows
11 from Saskatoon once or twice in the
12 whole affair. The rest of the time
13 was strictly with the court system.

14 Q There is a statement from Mr. Melynk
15 dated January 19, 1970 at 2:00 p.m. in
16 Regina taken by Karst. Do you recall
17 Melynk being around there at the
18 time?

19 A I recall -- and here, again, I can't
20 swear to it. As I recall, the only
21 people in that motel room was myself,
22 the two detectives from Saskatoon and
23 I believe Ute Frank was in the room.
24 I cannot recall Mr. Melynk being in
25 the room. Now, he may have been.



1 Here, again, we are going back 22
2 years.

3 Q We appreciate that and you are trying
4 your best.

5 A But I do recall that Ute Frank was in
6 the room."

7 If we could move, please, to page 044376 -- sorry
8 that was a mistake. 044390, please, beginning at
9 the bottom of the page:

10 "Q Armed with the information you had, did
11 you go to the authorities?

12 A I did not.

13 Q Did you go and say, "I have vital
14 information that might assist you in
15 your case against David Milgaard?"

16 A I did not.

17 Q The fact is you never went to the
18 authorities; they came to you.

19 A That is correct?

20 Q As I understand it, sir -- you may agree
21 or not -- in 1968 in the St. Albert,
22 Alberta, you were convicted of forgery
23 and fined \$100?

24 A That is correct.

25 Q In March 1969 in Regina, you were



1 convicted of theft and fined \$35?

2 A That is correct.

3 Q In June of 1969 in Regina, you were
4 convicted of possession of a sawed-off
5 rifle or shotgun and fined \$35?

6 A That is correct.

7 Q In August 1969, you were convicted in
8 Edmonton of conspiracy to commit fraud
9 and sentenced to six months?

10 A That is correct.

11 Q Did that involve David's property?

12 A No.

13 Q In October 1969, in Innisfail, Alberta,
14 for forging and uttering, you were
15 placed on a 12-month suspended
16 sentence.

17 A That's correct.

18 Q Would it be fair, then, to say that you
19 were on probation when you testified in
20 this particular trial?

21 A Yes, I believe I was on probation --
22 no. I should have got an abstract on
23 my record because -- here, again, we
24 are talking dates and times and this
25 is a long time. I believe I was on



1 probation and also out on bail.

2 Q That's correct. You were on bail also
3 for forging and uttering.

4 A No, I was out on bail for breaking and
5 entering and possession of burglary
6 tools.

7 Q Yes, but that came in 1971, your
8 conviction.

9 A That is when I was convicted.

10 Q You may have been on bail; you are
11 right.

12 A But I believe I was out on bail and
13 while I was on probation because I
14 remember when I was serving my
15 sentence for the break and enter, I
16 got a breach of probation order which
17 was dismissed.

18 Q Just after you testified, you went to
19 Regina on a forging and uttering charge
20 and appeared on March the 19th. Do you
21 recall that?

22 A If that is what my abstract says --

23 Q Yes. Your abstract says that you were
24 convicted on March 19th in Regina of
25 forging and uttering and got another



1 suspended sentence.

2 A Oh, yes, now I do recall that.

3 Q At that point in time, just after
4 testifying, which was very close, you
5 had served time before.

6 A Yes.

7 Q You had just been convicted of forging
8 and uttering and had not gone to jail?

9 A Right.

10 Q You were on probation for that and you
11 don't go to jail again?

12 A No.

13 Q And you are saying that there was no
14 consideration given here?

15 A None whatsoever; none whatsoever.

16 Q You just walked in with that record just
17 after testifying and, sure enough, even
18 though you were on probation for the
19 same crime, had been incarcerated before
20 and were building a pretty good record,
21 you didn't go to jail?

22 A That's correct. Let's just say I had
23 a better lawyer than they did a
24 prosecutor.

25 Q Was the fact that you had testified



1 mentioned?

2 A Pardon? No.

3 Q Are you sure?

4 A It was never brought up and even if it
5 was, I would not -- the legal system
6 -- and I sure -- Mr. Wolch, I realize
7 you are trying to build a case for
8 your client, but I have great faith in
9 the Canadian legal system, even
10 though, obviously, I have walked the
11 other side of the line. That record
12 is two decades old also.

13 I don't believe favours, such
14 as getting off on a fraud charge that
15 at maximum I might have got 90 days
16 for, under any circumstances, aside
17 from having a very good, expensive
18 lawyer -- I don't believe I would have
19 been offered any favours and if I
20 would have been offered any favours, I
21 certainly wouldn't have taken them for
22 that. I wouldn't.

23 Q You say back in --

24 A I cannot be bought is what I am trying
25 to say, not by favours or with money."

04:33



1 And the last section, if we could turn please to
2 page 044411, these are some questions that Chief
3 Justice Lamer had beginning at the bottom:

4 "LAMER, C.J.: You made a reference at
5 the beginning of your testimony to the
6 fact that your estranged wife was a
7 professional witness. You mentioned she
8 is in court all the time testifying.
9 Could you expand upon that, please.

10 THE WITNESS: In the past two years, two
11 years previous to this because I have
12 had no contact with her in the past 12
13 months whatsoever, she has been involved
14 in three cases that I know of; one
15 concerning myself where I was convicted
16 of dangerous driving and which was later
17 overturned on appeal.

18 Then, she was involved in a
19 rape case which involved her, where she
20 went to court. It was thrown out the
21 first time and there was another trial
22 ordered. She went to court again and
23 the fellow accused of the crime was
24 acquitted. This is all in a very short
25 period of time.



1 As to speaking to the matter,
2 elaborating on my wife, my ex-wife's
3 testimony, all I can tell you that might
4 clarify the matter is she told me a long
5 time ago, after I was served with the
6 divorce papers, that if she couldn't
7 have me, then nobody would have me.

8 She has made a concerted effort
9 over a period of time to do me dirt. I
10 sincerely believe that the only reason
11 she showed up here is because my name
12 was on that -- is involved in this. She
13 strictly did it to discredit me. I have
14 nothing but pity for her because she has
15 lowered herself."

16 Mr. Commissioner, that completes my read-ins for
17 Mr. Lapchuk.

18 COMMISSIONER MacCALLUM: Thank you.

19 MR. HODSON: I think as far as tomorrow,
04:39 20 Mr. Commissioner, we did have Bobbie Stadnyk
21 scheduled. She has advised us earlier this week
22 that, due to I think school commitments, that
23 doesn't work any more. We will reschedule her, I
24 think, right after the Ron Wilson evidence in
04:39 25 March.



1 The only other evidence we have
2 tomorrow is the Estelle Cadrain read-in and, in
3 light of that, I'm going to suggest that we maybe
4 adjourn until March 7th and not sit tomorrow.

04:39 5 The only matter we have on is that read-in, and
6 the Cadrain read-in can be done at some point in
7 March when we have time, if that's acceptable.

8 I have canvassed counsel, and I
9 think everybody is in agreement with that.

04:39 10 COMMISSIONER MacCALLUM: Yes. Until March
11 the 7th, then, 10:00 a.m.

12 MR. HODSON: Yes.

13 *(Adjourned at 4:39 p.m.)*
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OFFICIAL QUEEN'S BENCH COURT REPORTER'S CERTIFICATE:

I, Donald G. Meyer, RPR, CSR, Official Queen's Bench Court
Reporter for the Province of Saskatchewan, hereby certify
that the foregoing pages contain a true and correct
transcription of my shorthand notes taken herein to the
best of my knowledge, skill, and ability.

_____, RPR, CSR

Donald G. Meyer, RPR, CSR

Official Queen's Bench Court Reporter



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| \$ | 1/2 - 3886:11, 3890:5 10 - 3854:10, 3887:24, 3946:23, 3948:3, 3950:7 100 - 4009:6 1041 - 4021:25 1046 - 4012:24 1049 - 4012:24 1066 - 4021:25 106676 - 3938:23 106677 - 3939:8 10:00 - 4041:11 10:56 - 3847:2 10th - 3893:22, 3894:11, 3902:18, 3905:9, 3910:19, 3928:24, 3929:8 11 - 3854:15, 3887:25, 4008:8 11:58 - 3893:15 12 - 3914:2, 3914:3, 4021:24, 4039:12 12-month - 4035:15 120 - 3852:19 1290 - 3854:10 13 - 3854:2 1309 - 3854:13 1311 - 3854:13 1336 - 3911:2 14 - 3852:19, 3899:8, 3907:1 15 - 3873:17, 3876:18, 3899:9, 3907:1, 3937:12, 3937:15, 3963:1, 3966:20, 3971:11, 3973:16, 3973:20, 3997:1, 4004:2 152 - 4010:2 16 - 3854:2, 3854:15, 3868:7, 3985:17 16-17 - 3868:7 17 - 3868:8, 3868:9, 3971:2 1723 - 3964:7 18 - 3852:19, 4024:18 19 - 3934:22, 4033:15 1960 - 3870:16 1968 - 3877:23, 3934:22, 4034:21 1968-1969 - 3865:22 1969 - 3847:15, 3870:12, 3870:17, 3871:13, 3871:25, 3873:9, 3878:7, 3881:25, 3882:8, 3901:17, 3902:4, 3916:19, 3918:7, 3924:19, 3928:12, 3931:15, 3931:21, 3932:17, 3934:22, 3935:3, 3938:23, 4013:4, 4020:16, 4022:10, 4023:19, 4024:2, 4034:25, 4035:3, 4035:7, 4035:13 1970 - 3939:18, 3968:6, 3968:7, 3985:23, 4017:8, 4017:23, 4019:23, 4021:5, 4022:10, 4023:21, 4032:9, 4033:3, 4033:15 1971 - 4036:7 1981 - 3874:4, 3940:12, 3952:22 1985 - 4027:12 1986 - 3874:5 1988 - 4027:13 | 1989 - 3874:7, 4027:13 1990 - 3967:2, 3968:5, 4011:16, 4011:22, 4018:9, 4018:12, 4028:21, 4028:22 1991 - 3870:17, 3875:19, 3967:2, 4015:10, 4028:22 1992 - 3854:2 1993 - 3870:19, 3875:3, 3875:22, 3876:4, 3876:16, 3910:17, 3967:7, 3967:10, 3967:19 19th - 3939:18, 3968:5, 3968:6, 4033:2, 4036:20, 4036:24 | 3922 - 3846:13 3923 - 3846:14 3931 - 3846:15 3936 - 3846:16 3953 - 3846:18 3966 - 3846:20 3967 - 3846:21 3:17 - 3966:23 3:36 - 3966:24 3rd - 3854:9 | 4036:22, 4036:23 acceptable - 3984:23, 4041:7 accepted - 3928:24, 3929:3 accepts - 3886:19 access - 3852:25, 4021:18 accessible - 3852:24, 4024:5 accidently - 3917:5 accompanies - 3953:2 according - 3869:7, 3882:4, 3989:17, 4025:23 According - 3959:1, 4014:7 account - 3906:21, 3927:24, 3940:1 accounts - 3849:4 accuracy - 3853:24 accurate - 3865:7, 3891:10, 3909:7, 3928:25, 3929:3 accurately - 4013:1 accusations - 3855:16 accuse - 3935:21 accused - 3884:25, 4039:23 acid - 3985:14 acknowledge - 3886:15, 3893:25 acknowledged - 3857:22, 3860:14 acknowledges - 3847:17 acknowledgment - 3851:25 acquaintance - 4014:9 acquainted - 4029:25 acquitted - 4039:24 Act - 3849:1 act - 3867:1 acted - 3921:22, 4017:22 action - 4012:19, 4017:1 actions - 4014:6 activities - 3879:21, 3909:22, 3927:1 activity - 3868:2, 3892:22, 3933:16, 3933:17 actual - 4023:14 address - 3862:21, 3930:1 addressed - 3849:22, 3893:4 adduced - 3851:12 adjourn - 4041:4 Adjourned - 3893:15, 3966:23, 4041:13 adjudication - 3849:11 admissibility - 3856:12 Admissibility - 3849:3 admission - 3851:17, 3986:17 admits - 3847:10, 3847:18 admitted - 3994:5, 4017:13, 4018:4, 4020:6 Admitted - 4017:19, 4019:5, 4020:8 adopt - 3855:13 adopted - 3850:19 advance - 3886:5 adverse - 4013:10 advisable - 3850:8 |
| ' | '69 - 3857:23, 3861:16, 3861:21, 3862:13, 3877:24, 3884:8, 3926:21, 3931:13 '70s - 3973:8, 3982:22 '79 - 3968:7 '80s - 3894:15, 3977:10, 4000:12 '86 - 3998:21 '90s - 3873:9 'em - 3911:16, 3988:20 'look - 3949:6 'mrs - 3941:12 'no - 3944:10 'sec - 3861:18 'yes - 3944:9 'you - 3948:20 | | | |
| 0 | 00 - 3889:16 000302 - 3889:16 000538 - 3887:20 000541 - 3887:23 002129 - 3939:16 002131 - 4011:15 006010 - 3939:24 0065 - 3878:25 006500 - 3847:16, 3857:3 006501 - 3857:9 006502 - 3857:17 006504 - 3858:5 006506 - 3858:7 006512 - 3879:3 008731 - 3870:18, 3875:21 009245 - 3857:24 009302 - 3889:16, 3889:19, 3889:20 037204 - 3876:17 040654 - 3901:13 040666 - 3901:14 040667 - 3902:12 040668 - 3903:25 040669 - 3906:1 040670 - 3907:13 044326 - 4020:10 044333 - 4020:15 044340 - 4022:8 044341 - 4023:5 044343 - 4025:1 044346 - 4026:6 044350 - 4029:12 044361 - 4031:2 044376 - 4034:7 04439 - 4032:19 044390 - 4034:8 044411 - 4039:2 046753 - 3953:2 054412 - 4015:7 054420 - 3940:9 054421 - 3940:15 054422 - 3941:25 0812 - 3965:25 | 2 - 3878:19, 3886:11, 3990:19 2,000 - 3921:19 2-1/2-hour - 3886:15 2002 - 3852:18 2004 - 3854:10 2005 - 3843:22 201 - 3854:15 20th - 3847:15 21 - 3843:23 214 - 3876:17 216 - 3878:9, 3878:15, 3878:16 22 - 3956:23, 4025:13, 4032:24, 4034:1 22nd - 3857:23, 3861:16, 3861:21, 3862:13 23 - 3971:4, 3989:2, 3989:5, 3989:15, 3993:17, 3994:5, 4004:16 23rd - 3843:22 24 - 3854:9, 3943:6 2416 - 3854:2 24th - 3940:11, 3952:21, 4010:1 26th - 3952:21 29th - 3938:23, 3967:18 2:00 - 3893:14, 4033:15 2:05 - 3893:16 2nd - 4011:19, 4011:22 | 4 40-minute - 4016:18 4011 - 3846:22 41 - 3971:3 4:39 - 4041:13 | 5 5 - 3854:10 502 - 3857:9 503 - 3857:9 504 - 3857:17 505 - 3857:9, 3870:14, 3870:17 506 - 3857:9 507 - 3857:9 508 - 3857:9 509 - 3857:9 511 - 3857:17 512 - 3857:10 513 - 3857:10 |
| | | | 6 6 - 3854:10, 4013:15 61 - 3854:8 690 - 3892:21, 4011:17 6th - 4011:16 | |
| | | | 7 7 - 3854:9, 3863:5 733 - 3870:18, 3875:21 76 - 3934:2 7:30 - 3963:19 7:50 - 4011:19, 4011:22 7th - 4041:4, 4041:11 | |
| | | | 8 8 - 3854:9, 3943:7 8th - 4015:10 | |
| | | | 9 9 - 3854:9, 3854:15, 3887:24, 3889:20 90 - 3949:3, 4038:15 | |
| | | | A A.g.'s - 3988:2 Aaron - 3844:13, 3845:9, 3931:4 abandonment - 4008:22 ability - 4042:6 able - 3861:1, 3861:7, 3869:13, 3877:21, 3877:24, 3922:18 abnormal - 3860:10, 3863:12, 3864:16, 3865:21 absolutely - 3891:10, 3925:24, 4003:11 Absolutely - 3927:4 abstract - 4035:22, | |



| | | | | |
|--|--|--|---|---|
| <p>advised - 4019:14, 4040:21 affair - 4033:12 affecting - 3856:14, 3884:21 affidavit - 3874:6, 3887:21, 3892:20, 4012:18 afford - 3927:6, 3927:11 afraid - 3900:7, 3900:8, 3901:4, 3914:13, 3942:12, 3943:3 afternoon - 3893:18, 3893:20, 3894:6, 3894:7, 3894:9, 3932:17, 3966:17 age - 3887:17 ago - 3911:11, 3946:23, 3973:21, 3976:2, 3986:3, 3986:4, 3994:5, 4006:7, 4006:18, 4013:15, 4019:18, 4025:14, 4026:5, 4026:22, 4040:5 agree - 3867:25, 3871:19, 3874:21, 3882:7, 3886:18, 3887:10, 3887:13, 3888:20, 3924:7, 3932:13, 4015:20, 4034:20 Agree - 3868:2 agreed - 3864:23, 3868:2 agreement - 4041:9 ahead - 3868:20, 3881:3, 3881:15, 3915:2, 3930:18, 3985:7 ahm - 3897:8, 3905:6 ahold - 4001:1, 4001:3, 4001:5, 4001:13 ain't - 3993:11, 4007:8 Albert - 3884:15, 3885:9, 3894:13, 3894:23, 3895:5, 3895:9, 3895:19, 3895:21, 3896:18, 3896:21, 3896:24, 3897:3, 3897:16, 3897:18, 3897:23, 3898:5, 3898:13, 3898:18, 3899:1, 3899:5, 3899:8, 3899:11, 3899:18, 3899:21, 3899:23, 3900:3, 3900:13, 3900:22, 3900:25, 3901:16, 3901:22, 3903:8, 3903:19, 3904:3, 3904:8, 3905:10, 3905:19, 3906:14, 3906:18, 3907:5, 3908:6, 3908:19, 3909:16, 3910:8, 3910:16, 3910:25, 3911:4, 3911:6, 3911:9, 3911:21, 3911:24, 3912:3, 3913:12, 3916:6, 3916:9, 3916:12, 3916:17, 3916:21, 3916:25, 3917:16, 3917:19, 3917:25, 3918:3, 3918:10, 3918:13,</p> | <p>3918:17, 3918:21, 3918:24, 3919:7, 3919:9, 3919:15, 3920:7, 3920:15, 3920:17, 3920:19, 3920:24, 3921:3, 3921:9, 3922:9, 3922:15, 3922:20, 3923:5, 3923:7, 3923:9, 3924:18, 3924:22, 3925:10, 3925:22, 3927:18, 3927:19, 3932:23, 3932:24, 3933:3, 3933:12, 3934:1, 3934:23, 3935:2, 3935:19, 3935:21, 3936:17, 3936:20, 3937:8, 3981:2, 3981:3, 3981:7, 4034:21 Albert's - 3906:4, 3906:21, 3927:24 Alberta - 3854:8, 3980:25, 3981:1, 3981:2, 3992:16, 4024:1, 4034:22, 4035:13 alcove - 3974:25 alert - 4019:8 alia - 4013:10 Allan - 3854:12 allegation - 3885:2 allegations - 3968:1, 3995:12, 3998:25, 4002:14 alleged - 3892:22 alley - 3921:16 allow - 3871:2 allowed - 3848:7, 3848:16, 3892:4, 3892:8, 3892:15, 3893:5 almost - 3853:5, 3867:22, 4026:17, 4027:5 alone - 3851:7, 3873:1, 3920:25, 3963:22, 3993:23, 4010:18 aloud - 3855:7, 3855:8, 3856:3, 3859:25 Alumbe - 3991:10, 4029:22 amended - 4019:9 amount - 3880:6, 3929:2, 3994:8, 4021:17 analysis - 3848:12 ands - 4000:3 Angel - 4031:20 angel - 4012:22 animal - 3983:25 animosity - 4022:17 ankles - 3947:4 Ann - 3846:3, 3858:17 answer - 3859:10, 3861:5, 3863:13, 3863:17, 3864:20, 3867:16, 3881:2, 3881:6, 3881:8, 3933:15, 3936:6, 4015:16, 4028:14 answered - 3907:5 answering - 3987:22 answers - 3852:8, 3856:8, 3872:23, 3943:10, 3943:12, 3952:2 anti - 4015:23 anti-social - 4015:23</p> | <p>anticipating - 3857:3 Anyhow - 3963:5 anyway - 3894:23, 3951:18, 3954:5, 3968:24, 3978:11, 3979:24, 3996:2, 4033:9 Anyway - 3898:14, 3996:4 Anyways - 3912:16 anyways - 3923:10, 3929:9 apart - 3983:17 apartment - 4009:16 Apollo - 3937:12 Apollos - 3899:11, 3906:10, 4003:8 apologize - 3942:9 apologized - 4018:13 Appeal - 3852:18, 3854:8 appeal - 4039:17 appealed - 3989:18 appeals - 3986:2 appear - 3890:3, 3991:11, 4019:2 Appearances - 3845:1 appeared - 3860:9, 3885:20, 3885:25, 4036:20 appearing - 3845:3 application - 3851:22, 3855:7, 3887:22, 3892:21, 4000:14 applied - 3851:18 apply - 3849:3, 3849:16, 3864:19 applying - 3857:1 appreciate - 3858:25, 3860:24, 3875:16, 3950:17, 3951:9, 3959:22, 4034:3 approached - 4023:20, 4024:12, 4026:24 April - 3938:19, 3967:19 area - 3879:18, 3885:12 areas - 3859:4, 3859:6, 3859:16, 3885:8, 3885:20, 3890:18 argued - 3848:6, 3874:13 arguing - 3856:2 arguments - 3848:4, 3848:13 arises - 3852:5 arising - 3902:15 Ariz - 3854:15 Arizona - 3854:14 arm - 3915:11 Armed - 4034:10 armed - 3995:18, 3995:21, 3997:5 arrested - 3888:9, 3911:8, 3916:4, 3919:13 arrival - 3885:9, 3885:23, 3890:19 arrive - 3888:8 arriving - 4032:20 articulate - 4015:15 artist - 3995:7 aside - 3993:8, 4038:16 asleep - 3908:5 Asper's - 4019:12 ass - 3977:10, 3978:7, 3994:24, 4000:7, 4000:10, 4020:3</p> | <p>assault - 4030:19, 4030:21, 4030:23 assaulted - 3866:7, 3866:17 assed - 3973:2, 3973:3 assessment - 4012:19 assist - 3849:1, 3891:4, 4034:14 assistance - 3860:22 Assistant - 3844:3, 3844:6 associated - 3939:6 associates - 3968:19 assume - 3933:16, 4028:24 assuming - 3934:20 ate - 3997:13 attempted - 3847:21, 4014:5 attention - 3910:14 attire - 3906:12 Audio - 3844:12 audio - 3894:12, 3902:14, 3910:15, 3966:18, 3967:6, 3967:10 August - 4011:16, 4011:19, 4011:22, 4015:10, 4035:7 authentic - 3873:15 authentication - 3873:16 authenticity - 3851:22, 3851:25, 3852:7, 3855:10 author - 3952:9, 3952:14 authored - 3854:12 authorities - 3848:22, 4019:3, 4028:25, 4034:11, 4034:18 Authorities - 3853:24 authority - 3848:22 available - 3848:8, 3851:11, 3851:13, 3855:21, 3871:5, 3875:15 Avenue - 3968:12, 4024:11 avoided - 3855:10 avoids - 3855:2 avowed - 3871:2 aware - 3910:5, 3927:22, 3929:22, 3934:23, 3937:2 awful - 3958:12, 3958:23 awfully - 3943:3</p> | <p> banging - 3973:5 bar - 3948:12, 3984:21 Barbara - 3939:2 bare - 3973:2, 3973:3, 3974:23 bare-assed - 3973:2, 3973:3 bars - 3997:21 based - 3848:14, 3849:11, 3888:18, 3938:4, 4012:2, 4022:5 Based - 4016:11 bash - 3991:15 basics - 3926:5 basis - 3860:14, 3936:3, 3949:16, 3975:23 bathroom - 3933:2, 3974:24, 4006:11 Bc - 3976:23 Bcj - 3854:10 Bear - 3882:24, 3883:5, 3919:19, 3984:3 bearing - 3852:23 beat - 3977:24, 4006:11 became - 3867:15, 3867:21 become - 3999:11 becuz - 3942:18, 3948:5 Becuz - 3943:17 bed - 3899:19, 3908:5, 3971:23, 3975:3, 3993:10 bedroom - 3974:24 bedside - 3975:9 began - 3882:15, 3888:5 beginning - 3867:14, 4015:7, 4022:9, 4023:5, 4032:19, 4034:8, 4039:3, 4039:5 Beginning - 4029:12 begins - 4031:1 behalf - 3967:3, 4015:9 behaved - 3942:9 behaviour - 3860:10 behind - 3997:20, 4014:19 Beitel - 3844:9 believable - 3925:22 believes - 3950:25 bell - 3931:8 Bench - 4042:1, 4042:2, 4042:13 benefit - 3856:5, 3925:25, 4016:23 Berard - 3939:3 Beresh - 3845:11, 3860:21, 3861:3, 3861:5, 3861:10, 3866:13, 3866:15, 3889:19, 3889:21, 3889:23, 3890:1 beside - 3921:3 best - 3851:3, 3851:11, 3852:6, 3857:13, 3909:7, 3912:11, 3933:5, 3962:6, 4008:5, 4025:7, 4034:4, 4042:6 bet - 3899:8, 3962:6 better - 3862:6, 3896:21, 3914:15, 3949:23, 3967:14, 3971:13, 3988:4, 4011:10, 4037:23 Betty - 3894:24, 3909:17, 3911:5,</p> |
| B | | | | |
| <p>B&e - 3997:2 background - 3847:13, 3885:18, 3886:7, 3887:25, 3896:11, 4008:20, 4016:5, 4027:21 bad - 3854:23, 3855:12, 3894:19, 3895:14, 3982:24, 3982:25 bag - 3898:5, 4003:19 bail - 4036:1, 4036:2, 4036:4, 4036:10, 4036:12 bailed - 3979:19 bait - 3916:13 balance - 3856:17 ban - 3852:23 bang - 3915:4</p> | | | | |



| | | | | |
|---|--|---|---|---|
| <p>3914:8, 3914:25 between - 3856:17, 3884:11, 3894:13, 3940:7, 3952:19, 3980:1, 4010:14, 4012:15, 4022:14, 4022:17, 4027:12 Between - 3846:18, 3953:4 bewilderment - 4016:24 beyond - 3855:11, 3932:9 big - 3894:25, 3897:10, 3899:6, 3899:12, 3913:7, 3913:25, 3914:1, 3914:19, 3917:3, 3929:11, 3943:11, 3984:13, 3986:17, 4025:21 bill - 3992:9 Billy - 3854:13, 3955:11, 3960:10 binder - 3875:4 bit - 3868:11, 3879:19, 3884:22, 3891:21, 3902:2, 3903:6, 3908:25, 3926:8, 3938:1, 3958:16, 3960:2, 3960:24, 3966:6, 3982:4, 4009:9, 4016:16 bits - 4002:5 black - 4019:20 blast - 3920:12 blew - 3978:19 blonde - 3969:16, 3970:3 blood - 3921:24, 3932:19, 3933:6, 3935:22, 4014:1 blow - 3961:11 blush - 3852:16 boat - 3930:6 Bob - 3939:7, 3967:19, 3967:24, 3968:7, 3969:13, 3969:17, 3969:19, 3970:1, 3970:7, 3970:19, 3971:17, 3971:21, 3972:10, 3972:22, 3973:3, 3973:6, 3973:9, 3974:8, 3974:17, 3975:1, 3975:7, 3975:11, 3975:15, 3975:18, 3976:3, 3977:3, 3977:7, 3977:11, 3977:18, 3977:20, 3978:3, 3978:10, 3978:15, 3978:20, 3978:24, 3979:6, 3979:11, 3980:14, 3980:20, 3981:2, 3981:5, 3981:15, 3982:6, 3982:9, 3982:17, 3982:23, 3983:3, 3983:6, 3983:8, 3983:13, 3983:22, 3985:7, 3985:21, 3987:9, 3987:12, 3988:6, 3988:18, 3988:21, 3988:25, 3989:4, 3989:8, 3989:14, 3989:23, 3990:1, 3990:5, 3990:10, 3990:15, 3990:21, 3990:24, 3991:2, 3991:6, 3991:25, 3992:14,</p> | <p>3992:25, 3993:14, 3993:22, 3993:24, 3994:20, 3995:5, 3995:11, 3996:4, 3996:23, 3997:7, 3997:15, 3997:18, 3998:3, 3998:8, 3998:11, 3998:16, 3998:21, 3998:24, 3999:13, 4000:5, 4000:11, 4001:8, 4001:12, 4001:14, 4001:19, 4001:21, 4002:2, 4002:6, 4002:9, 4002:12, 4002:16, 4002:21, 4002:24, 4003:2, 4003:15, 4004:5, 4004:10, 4004:12, 4004:19, 4006:3, 4006:5, 4006:18, 4006:20, 4006:22, 4007:7, 4007:24, 4009:2, 4009:8, 4010:3, 4010:10, 4010:19, 4010:25, 4011:8 Bobbie - 4008:9, 4040:20 Bobby - 3974:13, 3974:15 Bobs - 3845:5 body - 3921:15 book - 3978:22, 3995:24, 3995:25, 4002:25, 4008:4 borderline - 3985:4 Boswell - 3844:5 bother - 3954:19, 3996:3, 4009:5 bothered - 3928:19, 3972:13 bothering - 3971:1 bothers - 3962:19 bottle - 4031:23, 4031:24 bottom - 3866:20, 3866:25, 3996:4, 4025:1, 4029:12, 4034:9, 4039:3 bought - 3898:5, 3902:23, 3991:23, 3992:2, 3999:1, 4038:24 bounced - 3983:1 bound - 3853:19 boutique - 3888:14, 3888:21, 3889:5 Bowden - 3981:12 box - 3977:15, 3999:25 boy - 3896:1, 3896:7, 3900:14, 3913:5, 3914:17, 4008:3 bracketed - 3952:10 breach - 4036:16 break - 3893:13, 3893:14, 3966:15, 4036:15 breaking - 3971:12, 4005:24, 4036:4 breaking-off - 4005:24 breed - 3980:19 Brian - 3845:11 bricks - 3912:24, 3913:1 brief - 3848:12, 4019:21 briefly - 3848:4, 3849:24, 3904:2, 3907:17 bright - 4015:14</p> | <p>bring - 3875:3, 3886:10, 3889:14, 3901:12, 3938:21, 3940:8 bringing - 3996:10 brings - 3990:21 British - 3991:10, 4029:22 broad - 3849:15 brother - 3956:20, 3957:2 brought - 3912:7, 3923:21, 3984:20, 3987:3, 3996:16, 4006:8, 4008:9, 4038:4 Bruce - 3845:10 brush - 3979:20 Brynner's - 4002:10 bucks - 3976:13 bud - 3914:1 buddies - 3969:2 buddy - 3990:22 budging - 3961:23 build - 4038:7 building - 4037:20 built - 3912:25, 3984:21, 3984:22 bulletin - 3921:19 bullshit - 4003:20, 4004:17 lunch - 3896:22, 3914:7, 3937:20 burglary - 3992:18, 4036:5 burned - 3984:21, 3984:22 bus - 3900:23 business - 3886:15, 3954:17, 3955:10, 3959:11, 3959:24, 3961:2, 3980:5 buts - 4000:3 butter - 3912:13, 3927:2, 3927:5 buying - 3999:2, 4005:19 Bye - 3966:11 bye - 3966:11 Bye-bye - 3966:11</p> | <p>3918:24, 3919:7, 3919:9, 3919:15, 3920:7, 3920:17, 3920:19, 3920:24, 3921:3, 3921:9, 3922:9, 3922:20, 3923:5, 3923:7, 3923:9, 3923:17, 3924:19, 3925:10, 3933:12, 3933:23, 3934:2, 4041:2, 4041:6 Cadrain's - 3869:13, 3870:22, 3909:21, 3910:16 Caldwell - 3845:5, 3946:10, 3947:2 Caldwell's - 3945:22 Calgary - 3889:17, 3919:2 camera - 3895:22, 3899:19, 3900:4, 3902:19, 3902:23, 3908:1, 3908:2, 3908:4, 3908:8, 3912:7, 3912:8, 3912:23, 3922:5, 3922:21, 3922:22, 3923:19, 3924:10, 3986:12, 3986:23, 3986:25 Campbell - 3852:17 Canada - 3941:18, 3989:18, 4015:19 Canadian - 3854:8, 4038:9 Candace - 3844:4 cannibal - 3989:10 cannibinal - 4031:9 cannot - 3855:5, 3855:13, 3855:20, 3857:7, 4028:11, 4033:24, 4038:24 canvassed - 4041:8 capable - 3861:24, 3862:17 capacity - 4017:22 capsules - 4031:25, 4032:7, 4032:10 car - 3932:23, 3933:1, 3997:10 care - 3903:23, 3999:20, 4001:7 Carlyle - 3894:14, 3894:19, 3894:21, 3895:4, 3895:18, 3895:20, 3896:16, 3896:20, 3896:23, 3897:2, 3897:15, 3897:17, 3897:22, 3898:4, 3898:12, 3898:17, 3898:25, 3899:4, 3899:7, 3899:10, 3899:17, 3899:20, 3899:22, 3900:2, 3900:12, 3900:21, 3900:24, 3904:7, 3933:24 Carlyle-gordge - 3894:14, 3894:19, 3894:21, 3895:4, 3895:18, 3895:20, 3896:16, 3896:20, 3896:23, 3897:2, 3897:15, 3897:17, 3897:22, 3898:4, 3898:12, 3898:17, 3898:25, 3899:4, 3899:7, 3899:10, 3899:17, 3899:20, 3899:22, 3900:2, 3900:12, 3900:21,</p> | <p>3900:24, 3904:7, 3933:24 carrying - 3996:21 cars - 4005:19 Case - 4021:24 case - 3852:2, 3852:6, 3852:7, 3853:1, 3856:3, 3875:13, 3881:9, 3899:21, 3900:5, 3908:1, 3934:20, 3961:8, 3967:5, 4013:11, 4015:18, 4016:15, 4020:12, 4021:15, 4028:23, 4029:6, 4034:15, 4038:7, 4039:19 Cases - 3854:9 cases - 3851:16, 4017:21, 4039:14 cashed - 4000:7 cat - 3980:19, 3997:1 catch - 3900:23 Catch - 3963:22 category - 3871:20, 3980:17 Catherine - 3845:5 caught - 3947:3 Cavalier - 3843:17 Centurion - 3967:4, 3990:2, 3993:1, 4015:9 century - 4022:20 certain - 3872:23, 3889:18, 3952:12, 3952:14, 3966:16, 3967:11 Certainly - 3881:25 certainly - 3871:24, 3902:7, 3905:13, 3927:22, 3934:12, 3935:11, 3951:9, 4007:2, 4022:7, 4023:3, 4027:8, 4028:4, 4028:6, 4038:21 certifiable - 4008:13 Certificate - 4042:1 certify - 4042:3 chair - 3894:4, 4007:10 challenge - 3926:8 challenged - 3850:14 chance - 3850:13, 3859:12, 3859:19, 3928:5, 3928:6, 3931:1, 3964:11, 3965:21, 4004:14, 4004:18 chances - 3974:17 change - 3856:24, 3889:24, 3936:22, 3955:22, 3955:24, 3990:5, 3992:9, 3992:12, 3993:2 changed - 3991:2, 3991:7 changing - 4014:13 chapel - 3895:11 character - 3848:15, 3850:24, 3854:23, 3855:12, 3855:15, 3856:15, 3877:2, 4014:11, 4018:17 character-damaging - 3848:15, 3877:2 charge - 3995:19, 4036:19, 4038:14 charged - 3979:23, 3980:2 charges - 3992:17, 3995:16, 4003:5, 4017:10 check - 4008:19, 4017:15</p> |
|---|--|---|---|---|



| | | | | |
|---|--|--|---|--|
| <p>checked - 3908:8 checkered - 4014:22 cheques - 3983:1 chess - 3895:6, 3912:13, 3918:13, 3927:1 Chess - 3927:7 Chief - 3890:25, 3891:1, 4039:2 chief - 3977:17, 3977:19, 3977:20, 3977:21 child - 3996:15, 4008:21 children - 4013:8 choice - 3926:22, 3938:6 chooses - 3850:3 Chris - 3950:19, 3950:20 Chris' - 3953:19, 3963:8, 3965:17 Christ - 3994:15, 4008:9, 4009:10 Christian - 3987:8 Chuckles - 3948:11 cigarettes - 4010:6 circumstance - 3865:2 circumstances - 3850:4, 3865:5, 3948:15, 4038:16 cited - 3848:23 cities - 3881:12 City - 3889:17, 3904:24, 3919:14, 3927:19, 3939:17, 3968:9, 3969:11, 3969:13, 4000:14, 4001:11, 4024:13 city - 3877:19, 3897:4, 3897:5, 3897:25, 3904:9, 3904:10, 3911:5, 3912:25, 3913:23, 3913:24, 3945:10, 3950:21 civil - 3849:6, 4003:18, 4011:1 Cj - 4039:4 claimed - 3854:24, 4019:24 claiming - 4019:6, 4020:7 claims - 4016:3 clammed - 3960:11, 4004:15 clarified - 3929:1 clarify - 4040:4 class - 3912:8 clear - 3863:17, 3884:4, 3925:20, 3932:22 clearly - 3873:22, 3875:8, 4028:14 Clerk - 3844:9 click - 3895:25, 3896:2, 3896:3, 3897:13, 3897:14, 3900:6, 3913:1 Click - 3896:2 client - 4038:8 clients' - 3850:18 clip - 3894:12, 3894:16, 3910:15, 3923:16 Clip - 3846:8, 3846:9, 3846:10, 3846:11, 3846:12, 3846:13, 3846:14, 3894:18, 3895:8, 3896:15, 3910:24, 3920:4,</p> | <p>3922:6, 3923:1 clips - 3894:17, 3901:7, 3901:9, 3910:23, 3923:14 close - 3860:18, 3885:10, 3927:14, 4037:4 closely - 3939:6 clothes - 3921:24, 4014:2 clothing - 3932:19 clown - 3987:3 club - 3924:10, 4003:10 clue - 3935:14, 3937:19, 3937:23 coast - 4013:8 coffee - 3922:16 collusion - 4001:16 Columbia - 3991:10, 4029:22 comfortable - 3895:12, 3895:13 coming - 3968:15, 3999:5, 4000:18, 4001:18 comment - 3860:8, 3864:3, 3888:18, 3926:1, 3926:11, 3926:24, 3929:4, 3931:22, 3935:3, 3935:7, 3935:20, 3937:12, 4015:4, 4018:8, 4027:16 commenting - 3927:21 comments - 3864:3, 3906:4, 3926:9, 3926:25, 3941:9, 3952:11, 4019:25 Commission - 3843:1, 3843:15, 3844:1, 3844:2, 3844:3, 3844:9, 3847:19, 3847:23, 3849:5, 3849:17, 3849:22, 3849:24, 3851:2, 3853:7, 3853:12, 3853:16, 3855:23, 3860:8, 3860:19, 3862:15, 3864:1, 3869:21, 3870:6, 3872:21, 3874:15, 3875:20 Commissioner - 3847:3, 3847:5, 3851:9, 3858:19, 3858:24, 3859:14, 3859:17, 3859:24, 3860:3, 3860:7, 3860:11, 3860:16, 3861:2, 3861:8, 3861:9, 3861:11, 3861:14, 3861:17, 3862:5, 3862:6, 3862:10, 3862:11, 3863:2, 3863:7, 3863:9, 3863:19, 3866:9, 3866:14, 3866:23, 3867:3, 3867:6, 3868:15, 3868:20, 3868:24, 3869:4, 3869:6, 3869:18, 3869:24, 3870:9, 3870:12, 3870:13, 3870:16, 3870:20, 3871:1, 3871:12, 3871:17, 3871:19, 3872:2, 3872:6, 3872:11, 3872:13, 3872:18, 3872:22, 3873:3, 3873:5, 3873:6,</p> | <p>3873:11, 3873:20, 3874:21, 3875:17, 3875:24, 3875:25, 3876:4, 3876:6, 3876:8, 3876:13, 3876:16, 3876:21, 3876:24, 3877:6, 3878:6, 3878:15, 3878:18, 3878:21, 3878:22, 3878:24, 3879:4, 3879:7, 3879:12, 3879:17, 3879:24, 3880:4, 3881:1, 3881:3, 3881:9, 3881:14, 3883:1, 3883:4, 3883:8, 3883:11, 3883:13, 3883:15, 3883:20, 3883:24, 3884:14, 3885:13, 3885:16, 3886:14, 3886:21, 3889:21, 3891:13, 3891:15, 3891:16, 3891:18, 3891:19, 3891:24, 3892:3, 3892:6, 3892:10, 3892:19, 3893:1, 3893:7, 3893:9, 3893:12, 3893:17, 3893:19, 3893:24, 3894:3, 3929:20, 3929:23, 3930:2, 3930:7, 3930:10, 3930:11, 3930:13, 3930:15, 3930:18, 3930:24, 3931:2, 3933:25, 3938:10, 3938:13, 3938:16, 3952:8, 3952:15, 3952:24, 3953:3, 3966:13, 3966:20, 3966:25, 3967:16, 4040:16, 4040:18, 4040:20, 4041:10 commit - 4035:8 commitments - 4040:22 common - 4001:2, 4008:1 common-law - 4001:2 commonplace - 4022:21 communicate - 4027:3 communicating - 4027:7 company - 4020:18 Complained - 4016:19 complete - 3894:9, 3943:2, 3957:11 completely - 3850:1, 3976:16 completes - 4040:16 comprising - 3853:6 con - 3995:7 concept - 3934:15, 3934:17 concern - 3876:2 concerned - 3885:21, 3901:19, 3902:9, 3940:23, 3950:25, 3961:1 concerning - 3968:2, 4013:12, 4039:15 concerns - 3881:9, 3923:18, 3923:22 concerted - 4040:8 conclude - 3890:17 conclusion - 3865:6, 3890:24 conclusions - 3863:1 conducting - 3910:18</p> | <p>conference - 3953:13 conferred - 3968:19 confess - 4017:5, 4017:25 confine - 3850:16 confirm - 3855:5, 3859:25, 3903:3, 3928:3, 3937:11 confirmed - 3928:15 confront - 4002:18 confused - 3937:17 confusion - 3926:3, 3937:14 Congram - 3844:4 connected - 3897:11, 3898:6 connection - 3937:8 connections - 3897:6, 3904:11, 3984:1 conscious - 4005:24 consciously - 4005:9 Consensual - 3858:4 consensual - 3857:17, 3857:20, 3858:6, 3858:10 consent - 3867:2 conservatives - 4015:18 consider - 3850:21, 3853:18, 3884:6, 3931:1 consideration - 4037:14 considerations - 3857:2 considered - 3924:25 considers - 3851:4 consisting - 3920:13 conspiracy - 4035:8 Constable - 3939:1, 3939:11 consumed - 3929:2 contact - 4000:16, 4018:21, 4019:9, 4020:25, 4033:10, 4039:12 contacted - 3985:23, 3985:25, 4019:17 contacts - 4013:13, 4013:19 contain - 4042:4 contains - 3855:15 contention - 3974:14 contents - 3847:11, 3847:19 context - 3910:20, 4029:7 continue - 3858:16, 3949:3, 3949:15, 4016:17 Continued - 3846:3, 3846:4, 3846:7, 3858:18 continued - 3858:17 continues - 4016:25 continuing - 3893:21 Continuing - 3942:22 contradicted - 4016:6 contrary - 4017:13 contributed - 3910:9 control - 3999:20 convention - 3990:20 conversant - 3851:15 conversation - 3940:7, 3940:13, 3940:14, 3952:5, 3952:6, 3952:16, 3952:17, 3952:19, 3969:1, 3976:5, 3983:18, 3987:12, 4020:5,</p> | <p>4029:17 Conversation - 3846:18, 3896:14, 3953:4 convicted - 3989:17, 4034:22, 4035:1, 4035:4, 4035:7, 4036:9, 4036:24, 4037:7, 4039:15 conviction - 3921:20, 3949:2, 4036:8 Conviction - 3843:3 convictions - 3940:24 convinced - 3941:2, 3945:6, 3949:18 cop - 3970:9, 3977:25 cop/bad - 3970:9 copied - 3852:8 cops - 3900:15, 3915:20, 3920:3, 3922:3, 3990:17 copy - 3858:15, 3947:14, 4021:20 cord - 3963:1 corn - 3927:6 corner - 4010:1 Cornwall - 3912:17 Corporal - 3910:25, 3911:7, 3911:19, 3911:22, 3911:25, 3913:10, 3916:2, 3916:7, 3916:11, 3916:14, 3916:18, 3916:22, 3917:13, 3917:17, 3917:20, 3918:1, 3918:4, 3918:12, 3918:15, 3918:19, 3918:22, 3919:1, 3919:8, 3919:11, 3920:5, 3920:15, 3920:18, 3920:21, 3920:25, 3921:5, 3922:7, 3922:15, 3923:2, 3923:6, 3923:8 Correct - 3908:21, 3932:9 correct - 3890:9, 3892:11, 3905:7, 3928:24, 3933:9, 4020:20, 4020:21, 4021:2, 4021:5, 4021:9, 4023:21, 4034:19, 4034:24, 4035:2, 4035:6, 4035:10, 4035:17, 4036:2, 4037:22, 4042:4 corroborate - 3871:15 corroborating - 3870:22 couch - 3896:5 Counsel - 3844:2, 3844:3, 3847:4, 3847:19, 3847:23, 3848:5, 3849:22, 3849:25, 3851:2, 3853:16, 3854:22, 3855:23, 3860:8, 3862:15, 3864:1, 3869:21, 3870:6, 3872:21, 3875:20 counsel - 3845:3, 3848:2, 3848:23, 3850:15, 3857:3, 3863:11, 3883:9, 3887:14, 3929:25, 4041:8 Counsel's - 3860:19 counted - 3914:3 country - 3933:19</p> |
|---|--|--|---|--|



| | | | | |
|--|--|--|---|---|
| <p>country-wide - 3933:19</p> <p>couple - 3889:15, 3903:18, 3912:3, 3927:10, 3927:15, 3929:1, 3936:15, 3937:3, 3982:15, 3986:9, 3994:18, 4006:7, 4027:21</p> <p>course - 3853:13, 3858:13, 3869:12, 3873:23, 3885:2, 3923:23, 3937:15, 3957:22, 3960:22</p> <p>Court - 3844:10, 3852:18, 3854:1, 3854:8, 3854:14, 3883:23, 3967:5, 3979:12, 4006:14, 4007:13, 4008:14, 4020:12, 4021:10, 4028:11, 4029:15, 4042:1, 4042:2, 4042:13</p> <p>court - 3853:10, 3968:2, 3973:10, 3985:24, 3996:16, 4008:18, 4017:7, 4023:8, 4027:23, 4033:13, 4039:8, 4039:20, 4039:22</p> <p>Court's - 4021:23</p> <p>cousin - 3956:19</p> <p>cover - 3941:13, 3945:18</p> <p>covered - 3847:22, 3875:18, 3875:21, 3876:4, 3879:19</p> <p>covering - 3945:17</p> <p>covers - 3870:4</p> <p>Craig - 3942:3, 3942:5, 3942:8, 3945:12, 3957:16, 3966:1, 3974:2, 3974:12, 3974:14, 3979:4, 3980:25, 3983:9, 3992:7, 3995:12, 3995:13, 3995:20, 3995:22, 3995:23, 3997:12, 4004:20, 4007:15, 4009:15, 4013:5, 4032:20</p> <p>Craig's - 3997:4</p> <p>crank - 3988:19</p> <p>crash - 3898:24, 3899:14, 3907:12</p> <p>Craven - 3976:25, 3977:2</p> <p>crawled - 3899:18</p> <p>crazy - 3900:16, 3999:15, 4010:18</p> <p>creates - 3892:24</p> <p>credence - 4028:12</p> <p>credibility - 3887:5</p> <p>creek - 3991:14, 3991:15, 3993:9, 4030:3</p> <p>creep - 3972:14</p> <p>crew - 3986:12, 4000:18</p> <p>crime - 3934:4, 3980:6, 4037:19, 4039:23</p> <p>Crimes - 4009:12, 4009:19, 4011:6</p> <p>criminal - 3849:6, 3857:6, 3872:8, 3879:9, 3892:22, 3980:17, 3999:11, 4016:5, 4017:10, 4026:8</p> <p>Criminal - 3854:8</p> | <p>cross - 3847:7, 3847:9, 3850:17, 3850:23, 3857:4, 3858:13, 3859:20, 3863:20</p> <p>cross-examination - 3847:7, 3850:17, 3850:23, 3857:4, 3858:13, 3859:20, 3863:20</p> <p>cross-examined - 3847:9</p> <p>crossing - 3942:12</p> <p>crowds - 3917:4</p> <p>Crown - 3941:20</p> <p>Csr - 3844:10, 4042:2, 4042:11, 4042:12</p> <p>cultivating - 3996:19</p> <p>cunt - 3914:14</p> <p>cup - 3922:16</p> <p>curious - 4032:11</p> <p>current - 3851:21</p> <p>custody - 4009:4</p> <p>cut - 3877:16, 3971:12, 3975:23, 3993:13, 3997:3, 4004:1</p> <p>cuts - 3855:25</p> <p>Cuz - 3941:20, 3945:8</p> <p>cuz - 3942:21, 3943:1, 3945:5, 3946:21, 3947:1, 3951:23</p> | <p>David - 3843:3, 3845:2, 3848:3, 3864:6, 3865:20, 3866:17, 3877:23, 3880:12, 3884:2, 3884:25, 3885:19, 3887:21, 3889:8, 3889:11, 3890:20, 3891:5, 3891:8, 3897:8, 3905:5, 3905:11, 3905:19, 3916:24, 3917:6, 3917:15, 3919:3, 3932:16, 3933:4, 3936:16, 3939:23, 3941:1, 3945:8, 3968:3, 3971:22, 4011:16, 4012:11, 4013:18, 4014:2, 4015:21, 4017:5, 4019:12, 4034:15</p> <p>David's - 3884:6, 4035:11</p> <p>days - 3980:22, 3982:19, 3993:6, 3993:7, 4005:12, 4006:7, 4038:15</p> <p>dead - 3915:8, 3917:11</p> <p>deal - 3943:11, 3971:12, 3971:13, 3997:3, 4004:1</p> <p>dealer - 4018:18</p> <p>dealing - 3851:16, 3931:20</p> <p>deals - 3971:9, 3971:10</p> <p>dealt - 3931:21, 3980:12</p> <p>death - 3918:5</p> <p>debate - 3944:19, 3944:23</p> <p>Debbie - 3956:1, 3956:2, 3974:12, 3974:17, 3975:3, 3975:5, 3975:22, 3979:4, 3980:25, 3981:13, 4006:23, 4007:18, 4012:21, 4031:18</p> <p>Deborah - 3874:4</p> <p>decades - 4038:12</p> <p>deceased - 3938:17, 3981:22</p> <p>Deceased - 3846:17</p> <p>December - 4024:2</p> <p>decided - 3909:10, 3924:12, 3929:25, 3953:12</p> <p>declared - 3988:24</p> <p>declining - 3848:13</p> <p>deems - 3850:8</p> <p>define - 3926:14</p> <p>defined - 3933:14</p> <p>definitely - 3868:14, 3902:24, 3906:10, 3906:11, 3908:16, 3910:6, 3910:13, 3926:5, 3926:21, 3935:10</p> <p>definition - 3856:8, 3934:8</p> <p>demerol - 3984:16</p> <p>demonstrate - 3847:24, 3854:23, 3871:4</p> <p>demonstrated - 3850:24, 3873:23, 4012:11, 4012:12</p> <p>demonstrating - 3848:7</p> <p>Denied - 4017:10,</p> | <p>4017:16</p> <p>deodorant - 3915:11</p> <p>Department - 3889:17, 3988:13, 4019:7</p> <p>Deputy - 3890:25</p> <p>describe - 3865:20, 3926:17, 3938:6</p> <p>described - 3858:4, 3858:7, 3861:23, 3862:1, 3862:16, 3877:22, 3926:6, 3952:10</p> <p>description - 3862:18, 3864:4, 3865:6</p> <p>Description - 3846:2</p> <p>Despite - 4014:22</p> <p>despite - 4015:21</p> <p>detail - 3874:2</p> <p>details - 3875:11, 3903:16, 4024:22</p> <p>Detective - 3860:9, 3863:1</p> <p>detective's - 3864:2</p> <p>detectives - 3931:5, 4033:22</p> <p>determine - 3851:21</p> <p>determining - 3851:24, 3908:13</p> <p>deuce - 3971:13</p> <p>Dg - 3854:10</p> <p>die - 3900:8, 3922:10</p> <p>difference - 3892:19</p> <p>different - 3867:7, 3871:20, 3926:4, 3938:1, 3945:25, 3980:19, 4006:8, 4006:25</p> <p>differently - 3868:12</p> <p>difficulties - 3874:19, 3931:20</p> <p>difficulty - 3891:21, 3891:25, 3892:1</p> <p>digest - 3858:14</p> <p>digging - 3946:20</p> <p>digits - 3889:18</p> <p>Dini - 4002:20</p> <p>Dionysus - 4013:15</p> <p>Dionysus' - 3944:18</p> <p>direct - 3858:1, 3859:15, 3928:11</p> <p>direction - 3858:21</p> <p>directly - 3905:1, 3920:23, 4016:6</p> <p>Director - 3844:4</p> <p>director - 3984:14</p> <p>directory - 4029:9</p> <p>dirt - 3941:20, 4040:9</p> <p>disagree - 3886:18, 3887:1</p> <p>disappear - 4005:12</p> <p>disappointed - 4014:16</p> <p>disaster - 3943:2</p> <p>discarded - 3855:19</p> <p>disclaims - 3857:12, 3858:9</p> <p>disclose - 3871:5</p> <p>discredit - 4040:13</p> <p>discredits - 4018:19</p> <p>discrete - 3849:14</p> <p>discretion - 3848:23, 3850:2, 3850:20, 3851:10</p> <p>discuss - 3955:18</p> <p>discussed - 3927:23, 3944:18, 3977:8, 4025:19</p> <p>discussing - 3901:20</p> <p>discussion - 3934:12, 3954:23, 4025:20</p> | <p>discussions - 3923:22, 4025:4</p> <p>disjointed - 3940:12</p> <p>dismissed - 4036:17</p> <p>disorder - 4015:25</p> <p>disparages - 4018:19</p> <p>dispassionately - 3971:4</p> <p>disputed - 3854:4, 4012:18</p> <p>distance - 3987:20</p> <p>distant - 3957:2</p> <p>distinct - 4014:15</p> <p>distinctly - 4018:15</p> <p>divorce - 4040:6</p> <p>doc - 3938:23</p> <p>document - 3851:15, 3852:1, 3852:3, 3852:21, 3852:23, 3853:21, 3853:24, 3854:4, 3854:21, 3854:23, 3855:8, 3870:18, 3873:16, 3876:5, 3876:15, 3887:19, 3889:14, 3901:13, 3902:12, 3933:25, 3939:14, 3939:16, 3939:17, 3939:20, 3939:24, 3940:5, 3940:9, 4011:15, 4015:6, 4020:10</p> <p>Document - 3844:5, 3844:6</p> <p>documentary - 3848:24, 3850:21, 3851:13, 3853:6, 3853:17</p> <p>documents - 3938:20</p> <p>doin' - 3980:5</p> <p>doke - 3965:18, 3966:8</p> <p>domain - 3853:9</p> <p>Don - 3844:10</p> <p>Donald - 4042:2, 4042:12</p> <p>done - 3931:24, 3943:20, 3944:5, 3957:14, 3958:23, 3966:16, 3967:3, 3971:13, 3979:15, 3992:19, 3992:20, 4004:2, 4027:20, 4041:6</p> <p>door - 3895:9, 3895:11, 3898:11, 3898:20, 3899:2, 3906:23, 3907:5, 3907:6, 3920:11, 3953:16, 3958:19, 3958:20, 3986:12, 3986:19, 3986:21, 3987:1, 4019:13</p> <p>dope - 3896:24, 3904:3, 3915:18</p> <p>doubt - 3925:25, 3991:23, 3992:1</p> <p>Douglas - 3844:2</p> <p>down - 3873:21, 3875:24, 3875:25, 3887:14, 3904:1, 3906:18, 3908:25, 3911:13, 3915:11, 3916:24, 3925:6, 3947:14, 3947:24, 3948:19, 3950:8, 3951:12, 3960:24, 3965:21, 3971:11, 3983:9, 3983:16, 3984:7, 3986:5, 3987:18, 3991:13,</p> |
|--|--|--|---|---|



| | | | | |
|---|---|---|--|--|
| <p>3993:9, 4004:3, 4007:15, 4009:21, 4009:22, 4016:16, 4024:9, 4024:11, 4030:3 down-to-earth - 3925:6 downtown - 3984:1 dozens - 4016:3 draft - 3856:21 drag - 3942:15, 3963:3 dragging - 3941:19, 4018:13 dragons - 4030:13 draw - 3995:8, 4030:8 drift - 3984:6 drifted - 3974:6, 4005:10 drink - 3912:12, 3957:8, 3959:6, 3976:19 drinking - 3927:2, 3935:15, 3993:5, 4015:24 drive - 3944:1 driven - 4013:9 driving - 3981:6, 4039:16 drop - 3919:24, 3975:24 dropped - 3915:16 dropping - 3896:9, 3903:14 drove - 3980:25 drown - 3991:15 drug - 3997:11, 4012:20, 4018:17, 4031:11, 4031:17 Drugs - 4022:19 drugs - 3881:11, 3881:12, 3881:20, 3906:14, 3912:21, 3913:7, 3914:19, 3920:2, 3923:6, 3923:10, 3929:2, 3929:4, 3934:18, 3983:25, 3984:16, 4017:24, 4018:5, 4031:4 drumming - 4000:13 duck - 3980:7 due - 4028:9, 4040:22 dug - 3961:25 dumb - 3901:2 dumped - 3914:18 duration - 3886:11, 3936:24 during - 3853:2, 3868:7, 3868:9, 3902:3, 3906:6, 3919:12, 3924:19, 3928:10, 3936:24, 3974:9, 4005:21, 4007:1, 4017:14, 4024:3 During - 4015:25, 4018:19 Dust - 4031:20 dust - 4012:22 dwelled - 3923:23 dying - 3915:12, 3915:13 dysfunctional - 3989:11</p> | <p>4024:5 easy - 3977:16, 4023:13 eat - 3912:12, 3989:12 eaten - 3979:17 eating - 3927:1 echoed - 4015:4 Ed - 3977:16, 3977:24, 4001:1 Eddie - 3845:9, 3931:5, 3969:24, 4033:4 editorial - 3941:9, 3952:11 Edmonton - 3919:2, 3928:5, 3956:24, 3981:20, 3982:1, 4035:8 educated - 4032:14 Edward - 3843:6 Edwards - 4009:24, 4026:11, 4027:11 effect - 3849:20, 3851:8, 3863:13, 3936:25, 4030:10 effort - 3847:24, 4040:8 efforts - 3854:20 eight - 3920:19, 3920:21, 4019:17 either - 3889:16, 3928:7, 3930:1, 3949:6, 3962:7, 3985:25, 4010:6, 4018:18, 4024:23 elaborate - 3874:10, 3937:4 elaborated - 3853:25 elaborating - 4040:2 electronic - 3852:24, 3860:22 electronics - 3860:25 element - 3859:21 Elson - 3845:8, 3883:10, 3883:13, 3930:9 embarrass - 3957:23 embarrassment - 3851:7, 3946:3 emotionally - 4008:23 emphasis - 3932:1 emphasize - 3850:21 emphatically - 3874:5 enacted - 3975:5 end - 3860:19, 3867:25, 3876:2, 3901:9, 3933:7, 3944:11, 3973:23, 3994:12, 4011:3, 4011:13 End - 3846:20, 3852:17, 3901:7, 3923:14, 3966:12 ended - 3897:24, 3911:4, 3981:8, 3981:18, 3982:2 ending - 3978:19 Ends - 3846:22 ends - 4011:12 engage - 3850:17, 3851:5 enigma - 4015:13 enjoyed - 3927:14 enter - 4036:15 entering - 3971:12, 4036:5 entitled - 3854:11, 3880:5 environment - 3901:19 eons - 4003:10 episode - 3979:22,</p> | <p>3980:1, 3993:9, 4003:9 erase - 3998:9 Eric - 3999:21 error - 3856:10 escaped - 3945:8, 3945:10, 3977:9, 3998:22, 3999:9, 3999:24, 4001:2 Esmerelda's - 3976:20 especially - 3994:24, 4028:8, 4032:16 Esq - 3844:3, 3845:6, 3845:7, 3845:8, 3845:11 establish - 3852:6 established - 3929:21 establishing - 4013:7 Estelle - 4041:2 estranged - 4026:12, 4039:6 Eugene - 3967:2, 4011:15 evades - 3981:13 evening - 3918:6, 3940:2, 4012:10, 4020:24 event - 3853:20, 3853:22, 3853:23, 3890:3, 4032:11 events - 3850:10, 3854:20, 3861:22, 3862:16, 3940:2, 4013:2, 4014:25, 4020:23, 4024:4 eventually - 4020:25 everywhere - 3912:19 evidence - 3848:24, 3849:2, 3849:8, 3849:10, 3850:1, 3850:2, 3850:21, 3851:10, 3851:11, 3851:13, 3851:19, 3852:22, 3853:17, 3855:12, 3855:23, 3856:5, 3856:14, 3857:19, 3858:2, 3869:3, 3874:4, 3934:2, 3973:10, 4000:13, 4015:22, 4022:2, 4023:18, 4040:24, 4041:1 Evidence - 3849:1 ex - 3884:6, 3884:13, 3884:18, 3977:21, 3978:18, 3999:14, 4003:7, 4003:14, 4003:22, 4040:2 Ex - 3977:19, 3977:20 ex's - 3884:19 Ex-chief - 3977:19, 3977:20 ex-chief - 3977:21 ex-girlfriend - 3884:6, 3884:18 ex-motorcycle - 4003:7, 4003:22 ex-shriner - 4003:14 ex-wife - 3978:18, 3999:14 ex-wife's - 4040:2 exact - 3903:16, 4008:17 Exact - 3991:22 Exactly - 3989:23, 3994:13 exactly - 3904:16, 3904:20, 3943:10, 3943:15, 3943:22, 3946:21, 3947:5, 3974:4</p> | <p>exaggerate - 3937:5, 3937:6 exaggerated - 3902:6 exaggerating - 3938:5, 3938:6 exaggeration - 3926:1, 3937:17 examination - 3847:7, 3850:17, 3850:23, 3857:4, 3858:13, 3859:20, 3863:20, 4020:14, 4031:1 Examination - 3846:4, 3846:7, 3858:18 examined - 3847:9, 4012:17 example - 3850:6, 3854:3, 3871:14, 3882:15, 3910:3, 3932:12, 3934:17, 3935:7, 3937:11, 3937:18 exceed - 3849:19 exceeds - 3851:8 Except - 3892:24 except - 3910:8, 3948:8, 4007:14 exceptional - 3850:3, 3856:14 excited - 3901:25, 3929:10 exclude - 3851:10 exclusion - 3856:2 exclusionary - 3857:8, 3879:13 Excuse - 3952:8 excused - 3891:17, 3893:8, 3938:11 Executive - 3844:4 exercise - 3850:20 expand - 4039:9 expectation - 3856:19 expected - 3850:16 expecting - 3986:15 expensive - 3895:22, 3914:5, 3927:25, 4038:17 Expensive - 3902:21 experienced - 3909:23 experiences - 3910:11, 3926:12, 3926:19, 3938:3 experimentally - 3929:11 explain - 3850:13, 3867:9, 3942:14, 4012:9 explained - 3924:4, 3924:5, 4011:24 explaining - 3991:19 explanation - 3947:6, 4014:6 explanations - 4014:8 explicitly - 3904:22 expose - 3856:10 expressed - 4016:24 expression - 4015:1 extend - 3930:20 extent - 3847:9 externally - 3852:15 extreme - 3923:23 eye - 3899:16</p> | <p>4017:15 fact - 3849:5, 3868:6, 3874:1, 3874:16, 3885:25, 3923:18, 3924:1, 3931:24, 3931:25, 3935:8, 3941:13, 3960:23, 3969:8, 3987:15, 4006:10, 4008:17, 4030:24, 4034:17, 4037:25, 4039:6 factor - 3853:4, 3909:23 factors - 3851:21, 3852:11, 3853:19, 3854:6 facts - 3947:13, 3996:12, 4023:15 Fails - 4003:3 Fair - 3926:25 fair - 3863:14, 3864:5, 3864:12, 3864:21, 3864:23, 3865:12, 3865:18, 3868:6, 3881:14, 3885:6, 3885:19, 3903:10, 3904:19, 3946:4, 4035:18 fairly - 3860:18, 4029:18 fairness - 3855:18, 3864:17 faith - 4038:8 fall - 3998:18 falls - 3871:19 false - 3855:17, 3976:16 falsely - 3935:21 familiar - 3947:23 family - 3921:4, 3942:4, 4013:13, 4013:20 far - 3850:9, 3850:20, 3859:13, 3869:17, 3886:1, 3902:9, 3909:9, 3921:17, 3940:22, 3950:24, 3961:6, 3985:14, 3989:12, 3989:18, 3997:4, 4010:4, 4017:3, 4023:12, 4023:14, 4023:18, 4040:19 fashion - 3860:22 fast - 3915:16, 3990:18 fat - 3894:25 father - 3996:14, 4029:24 favoured - 3856:13 favours - 4038:13, 4038:19, 4038:20, 4038:25 fear - 3899:12 fearful - 4019:2 February - 3843:22, 3893:22, 3894:11, 3902:18, 3905:9, 3928:24 fed - 3951:23, 3993:18 fellow - 3916:15, 3969:21, 3970:3, 4039:23 fellows - 3994:4, 4033:10 felony - 4020:8 felt - 3887:9, 3929:6, 3999:22 festival - 3976:25 few - 3859:3, 3902:15, 3923:11, 3923:12, 3924:11, 3938:20,</p> |
| E | | | F | |
| <p>early - 3877:24, 3894:14, 3908:24 earth - 3925:6 easily - 3851:18,</p> | | | <p>face - 3948:7, 3987:1, 4000:9, 4000:10, 4015:1 facilitate - 3853:12 facing - 3995:15,</p> | |



| | | | | |
|--|--|--|--|---|
| <p>3976:13, 3980:22, 3983:1, 3983:3 figured - 3920:1, 3957:18, 3960:14, 3968:23, 3980:4, 3999:5 figures - 3980:24, 4007:5 filed - 3887:21, 3892:21 film - 3897:21, 3900:5, 3908:9, 3908:14, 3908:16, 3922:24 final - 3856:23, 3889:14 finally - 3913:7, 3915:16, 3987:22 Finally - 3900:17 financial - 4014:20 findings - 3849:6, 3849:7, 3849:8 Fine - 3873:3 fine - 3869:11, 3925:21, 3937:7, 3953:11 fined - 4034:23, 4035:1, 4035:5 finished - 3919:16 first - 3851:24, 3853:20, 3861:22, 3870:1, 3882:15, 3883:1, 3884:5, 3886:10, 3893:20, 3901:15, 3906:5, 3911:1, 3920:10, 3921:7, 3930:1, 3938:20, 3938:22, 3938:24, 3952:20, 3967:11, 3968:4, 3968:8, 3988:9, 4012:1, 4039:21 First - 3956:11, 4022:1 first-hand - 3853:20 Fisher - 3845:11 fishy - 3949:19, 3949:21 fists - 3865:23 five - 3895:22, 3907:8, 3907:10, 3913:24, 3963:17, 3977:1, 3992:11, 4007:20 flaky - 3983:21, 3985:3 flashbacks - 3937:1 flatteringly - 3884:20 flew - 4007:15, 4019:20 flick - 3900:9 flipped - 3992:21 floating - 3972:20 floor - 3896:9, 3899:14, 3899:25, 3903:14, 3972:1, 4012:14 fluffing - 3975:12, 4007:5 flung - 3903:18 fly - 3951:10, 3953:12 flying - 3915:5, 3963:8 Focus - 4015:7 focus - 3902:12, 3940:10, 3940:15, 4011:20, 4031:2 focusing - 3907:13, 3941:25 follow - 3874:14, 4011:21 followed - 3900:14, 3952:7 following - 3852:10, 3857:5, 3861:6,</p> | <p>3861:20, 3872:23, 3955:14 follows - 3847:5, 3848:5 foolish - 4028:6 foot - 3963:1, 3978:8 forcing - 3867:12, 3867:14, 3867:20 foregoing - 4042:4 forgery - 4017:15, 4034:22 forget - 3919:20 forging - 4035:14, 4036:3, 4036:19, 4036:25, 4037:7 forgive - 3922:12 form - 3852:25, 3856:21, 3856:23, 3955:19 former - 3884:10 Fort - 3981:10, 3981:11 forward - 4032:18 four - 3885:23, 3907:8, 3907:10, 3992:11 Fox - 3845:9, 3846:4, 3846:15, 3847:21, 3858:12, 3858:18, 3858:19, 3858:25, 3859:15, 3859:23, 3860:2, 3860:5, 3860:12, 3860:18, 3860:24, 3861:13, 3862:3, 3862:4, 3862:8, 3862:22, 3863:4, 3863:8, 3863:16, 3863:22, 3866:20, 3866:24, 3867:4, 3867:8, 3868:15, 3868:21, 3869:1, 3869:14, 3869:20, 3870:2, 3870:11, 3870:14, 3870:24, 3871:7, 3871:13, 3871:18, 3872:5, 3872:11, 3872:17, 3872:20, 3873:1, 3873:3, 3874:20, 3875:4, 3875:14, 3875:16, 3876:3, 3876:7, 3876:11, 3876:15, 3876:22, 3877:3, 3877:9, 3878:6, 3878:16, 3878:20, 3878:23, 3878:25, 3879:3, 3879:6, 3879:11, 3879:15, 3879:18, 3879:25, 3880:8, 3880:25, 3881:4, 3881:5, 3881:17, 3883:3, 3883:5, 3887:15, 3891:18, 3891:20, 3892:1, 3892:4, 3892:8, 3892:13, 3892:24, 3893:3, 3930:16, 3930:17, 3930:23, 3930:25, 3931:3, 3931:4 frame - 3877:24, 3878:3, 4000:3, 4003:17 framed - 3999:4, 4000:1 frames - 4002:23 Frank - 3973:5, 4012:21, 4031:18, 4033:23, 4034:5 Fraser - 4009:11, 4010:13 fraud - 4035:8,</p> | <p>4038:14 freaked - 3909:22, 3913:5 free - 3850:6, 3858:16, 4000:13 Free - 3888:16, 3889:1 frequent - 3941:11 fresher - 4032:24 friend - 3894:25, 3895:5, 3895:21, 3911:11, 3911:20, 3912:12, 3914:12, 3916:16, 3917:24, 3919:5, 3924:25, 3945:9, 3976:21 friends - 3901:17, 3919:10, 3925:11, 3929:18, 3980:11, 3995:2 friendship - 3924:20, 3925:23 frightened - 4012:16 frightening - 4015:2 front - 3946:7, 3950:25, 3994:7, 4028:7 fuck - 3900:11, 3915:3, 3915:8, 3972:7, 3985:18, 3993:20, 3994:17, 4007:5, 4009:5, 4011:2 fucked - 3913:4, 3913:15, 3979:8, 3988:10, 4005:20 fucker - 3920:1 fuckers - 3897:21, 3898:7, 3899:12, 3899:15, 3900:8, 3900:10, 3917:11, 3922:11 fuckin' - 3980:5 fucking - 3900:16, 3919:7, 3919:21, 3920:12, 3922:4, 3976:17, 4004:1, 4004:14 full - 3909:1, 3920:12, 3999:8 fun - 3909:14, 3909:15, 4006:1 funny - 3899:13, 3944:14 furthest - 3907:5</p> | <p>3983:13, 3983:22, 3985:7, 3985:21, 3987:9, 3987:12, 3988:6, 3988:18, 3988:21, 3988:25, 3989:4, 3989:8, 3989:14, 3989:23, 3990:1, 3990:5, 3990:10, 3990:15, 3990:21, 3990:24, 3991:2, 3991:6, 3991:25, 3992:14, 3992:25, 3993:14, 3993:22, 3993:24, 3994:20, 3995:5, 3995:11, 3996:4, 3996:23, 3997:7, 3997:15, 3997:18, 3998:3, 3998:8, 3998:11, 3998:16, 3998:21, 3998:24, 3999:13, 4000:5, 4000:11, 4001:8, 4001:12, 4001:14, 4001:19, 4001:21, 4002:2, 4002:6, 4002:9, 4002:12, 4002:16, 4002:21, 4002:24, 4003:2, 4003:15, 4004:5, 4004:10, 4004:12, 4004:19, 4006:3, 4006:5, 4006:18, 4006:20, 4006:22, 4007:7, 4007:24, 4009:2, 4009:8, 4010:3, 4010:10, 4010:19, 4010:25, 4011:8 Gail - 3848:11, 3885:10, 3918:5, 4017:6, 4017:25, 4023:6, 4029:22 Gail's - 3991:9 game - 3867:23, 3998:13, 3998:19 game-playing - 3867:23 gang - 3898:6, 3906:10, 3919:19, 3973:5, 4003:7, 4003:22 gang-banging - 3973:5 gangs - 3917:4 gangster - 3914:6 garbage - 3922:1, 3944:6, 3944:7 gather - 3978:25 gay - 3984:21 gees - 3912:3 geez - 3897:7, 3905:4 general - 3849:18, 3859:7, 3860:13, 3865:19, 3865:21, 3880:2, 3880:5, 3882:7, 3936:8 generally - 3901:18, 3901:20, 3901:23, 3902:1, 3902:8, 3924:6, 3925:19, 3926:20, 3934:13, 3935:2, 3937:9 Generally - 3928:19 gentle - 3924:22 George - 3846:17, 3846:19, 3846:21, 3938:15, 3938:17, 3939:7, 3940:8, 3946:8, 3948:18, 3949:2, 3953:5, 3953:6, 3953:7,</p> | <p>3953:8, 3953:10, 3953:15, 3953:20, 3953:23, 3954:2, 3954:5, 3954:8, 3954:10, 3954:13, 3954:16, 3954:19, 3954:22, 3955:1, 3955:5, 3955:9, 3955:14, 3955:20, 3955:24, 3956:2, 3956:4, 3956:6, 3956:8, 3956:10, 3956:11, 3956:14, 3956:18, 3956:23, 3957:1, 3957:6, 3957:10, 3957:18, 3958:1, 3958:4, 3958:7, 3958:9, 3958:12, 3958:15, 3958:21, 3959:1, 3959:4, 3959:10, 3959:15, 3959:18, 3959:23, 3960:6, 3960:9, 3960:14, 3960:18, 3960:25, 3961:5, 3961:7, 3961:9, 3961:12, 3961:15, 3961:19, 3961:24, 3962:5, 3962:10, 3962:18, 3962:22, 3962:25, 3963:5, 3963:12, 3963:15, 3963:19, 3963:22, 3964:1, 3964:5, 3964:9, 3964:11, 3964:15, 3964:20, 3964:23, 3965:3, 3965:7, 3965:13, 3965:18, 3965:20, 3965:24, 3966:2, 3966:4, 3966:8, 3966:10, 3967:17, 3967:20, 3967:24, 3968:6, 3968:11, 3969:7, 3969:16, 3969:18, 3969:21, 3969:25, 3970:2, 3970:6, 3970:11, 3970:20, 3971:20, 3971:25, 3972:11, 3973:1, 3973:4, 3973:7, 3973:12, 3973:14, 3973:19, 3973:22, 3973:25, 3974:5, 3974:11, 3974:19, 3975:2, 3975:8, 3975:14, 3975:16, 3975:19, 3976:4, 3976:11, 3977:5, 3977:8, 3977:12, 3977:21, 3977:23, 3978:4, 3978:11, 3978:17, 3978:21, 3979:3, 3979:7, 3979:14, 3980:1, 3980:15, 3981:1, 3981:4, 3981:6, 3981:11, 3981:16, 3981:22, 3981:25, 3982:7, 3982:10, 3982:20, 3982:24, 3983:4, 3983:7, 3983:12, 3983:15, 3983:24, 3984:12, 3984:25, 3985:8, 3985:13, 3985:18, 3986:1, 3986:16, 3986:18, 3987:5, 3987:7, 3987:10, 3987:14, 3988:1, 3988:8, 3988:16, 3988:19, 3988:23,</p> |
|--|--|--|--|---|



| | | | | |
|---|--|--|--|---|
| 3989:1, 3989:5, 3989:9, 3989:15, 3989:24, 3990:4, 3990:7, 3990:9, 3990:12, 3990:16, 3990:23, 3990:25, 3991:5, 3991:7, 3992:1, 3992:5, 3992:15, 3993:4, 3993:17, 3993:23, 3993:25, 3994:14, 3994:21, 3995:6, 3995:20, 3995:23, 3996:3, 3996:7, 3996:24, 3997:9, 3997:16, 3997:19, 3997:25, 3998:4, 3998:9, 3998:12, 3998:17, 3998:23, 3999:7, 3999:14, 4000:6, 4000:22, 4001:10, 4001:13, 4001:15, 4001:20, 4001:22, 4002:4, 4002:7, 4002:10, 4002:13, 4002:18, 4002:22, 4002:25, 4003:3, 4003:13, 4003:16, 4003:21, 4004:6, 4004:11, 4004:13, 4004:24, 4005:4, 4006:4, 4006:12, 4006:16, 4006:19, 4007:2, 4007:8, 4007:14, 4007:25, 4008:3, 4008:6, 4009:3, 4009:10, 4010:4, 4010:11, 4010:20, 4010:22, 4011:2, 4011:5, 4011:9, 4011:17, 4014:4, 4015:11, 4015:13, 4015:15, 4016:1 George's - 3941:16 gettin' - 4005:20 Gibson - 3845:10, 3883:14, 3930:4 girl - 3888:4, 3921:14, 3980:16 girlfriend - 3884:6, 3884:10, 3884:11, 3884:18, 3913:20, 3914:24, 3915:22, 3951:20, 3993:7 Girls - 3915:14 girls - 3982:16, 3983:22 given - 3850:11, 3850:13, 3851:20, 3853:1, 3855:12, 3893:11, 3909:4, 3909:19, 3924:6, 3939:17, 3939:23, 3969:10, 3994:2, 4023:18, 4037:14 glad - 3950:15 god - 4030:18 God - 3994:22, 4009:7 goddam - 3997:11, 4003:4, 4004:15, 4010:17 goddamn - 3959:11, 3959:24 Golden - 3975:25 gonna - 3997:12, 4004:22 gordge - 3894:14, 3894:19, 3894:21, 3895:4, 3895:18, 3895:20, 3896:16, 3896:20, 3896:23, | 3897:2, 3897:15, 3897:17, 3897:22, 3898:4, 3898:12, 3898:17, 3898:25, 3899:4, 3899:7, 3899:10, 3899:17, 3899:20, 3899:22, 3900:2, 3900:12, 3900:21, 3900:24, 3904:7, 3933:24 Gorgchuck - 3846:6, 3893:21, 3893:23, 3893:25, 3894:6, 3901:10, 3901:15, 3902:16, 3905:8, 3910:15, 3922:4, 3923:16, 3924:18, 3926:9, 3929:15, 3931:4, 3936:12, 3938:11 gotem - 3898:10 gotta - 3943:22, 3988:4, 3995:8 government - 4015:20 Government - 3845:4 grab - 3971:23, 4010:5 grabbed - 3915:9, 3919:22 grabbing - 3955:6 grace - 3994:22 Grace - 3976:21 grand - 3992:11 Gratuitous - 3848:14 gratuitously - 3848:3 Great - 3916:2 great - 3862:8, 3874:2, 3889:24, 3985:9, 3998:19, 4038:8 grief - 3946:3 grip - 3986:13 ground - 3987:19 group - 3933:20 grudge - 4022:11 guarantee - 3944:4 guess - 3862:6, 3865:23, 3867:5, 3867:10, 3872:1, 3875:22, 3889:10, 3906:11, 3935:20, 3972:16, 3979:22, 3986:4, 4024:5, 4032:14 guidance - 3849:2 guidelines - 3856:20 guilt - 3944:19, 3944:23 guilty - 3943:9, 3945:7, 3946:18 gun - 3868:23, 3871:21, 3875:13, 3876:1, 3877:13, 3996:21, 3999:1, 3999:2 guns - 3870:23, 3999:19 guy - 3898:22, 3898:23, 3899:24, 3900:3, 3902:9, 3913:18, 3913:25, 3919:21, 3925:2, 3946:18, 3950:16, 3955:12, 3969:6, 3969:16, 3969:17, 3969:19, 3969:23, 3987:11, 3987:18, 3987:19, 3992:22, 3994:25, 3997:13, 3998:7, 3999:11, 4003:25, 4005:25 guys - 3897:1, 3898:8, | 3899:9, 3899:13, 3899:18, 3899:24, 3904:5, 3914:2, 3914:3, 3919:17, 3972:7, 3979:13, 3985:23, 3986:22, 3995:14, 3995:15, 3996:5, 4004:21, 4006:9, 4006:25, 4008:15, 4009:1 H Hail - 3915:15 hair - 3915:10, 3969:16, 3975:24 hairly - 4000:7 half - 3875:23, 4016:3, 4026:22 half-way - 3875:23 Hall - 3874:4, 3904:24, 3927:19, 3956:2, 3974:12, 4006:23, 4012:21, 4031:18 hall - 3897:4, 3897:5, 3897:25, 3904:9, 3904:10, 3911:5, 3913:23, 3913:24 Hall's - 4012:18 hand - 3853:20, 3854:17, 3972:24, 3996:22 handgun - 3999:9, 3999:12, 3999:23 handguns - 3999:16 hands - 3893:11, 3913:13 Hang - 3964:5, 4006:21 hang - 3987:23 hanging - 3909:18, 3910:10, 3972:13, 4005:20 happier - 3972:18 happy - 3914:18, 4009:7 harassed - 4016:19 hard - 3898:16, 3901:25, 3961:12, 4005:5, 4024:6, 4029:10 hardcore - 4018:17 Hardy - 3844:3, 3846:7, 3893:9, 3893:17, 3893:18, 3894:5, 3901:8, 3923:15, 3929:21, 3929:22, 3938:9, 3938:13, 3938:18, 3952:9, 3952:12, 3952:16, 3953:1, 3966:13, 3966:22, 3966:25, 4011:13 harm - 3854:24 Harris - 3939:7, 3939:12, 3974:13, 3974:15 hash - 3960:15 haunted - 4004:17, 4016:19 head - 3895:2, 3912:8, 3912:23, 3915:10, 3922:13, 3976:21, 3991:15, 4006:11, 4030:11 heads - 3915:4, 3932:3 hear - 3862:9, 3872:3, 3898:14, 3898:19, 3899:24, 3920:13, 3939:3, 3973:13, | 3973:14, 3976:8, 3987:23, 3991:21, 4002:4, 4014:8 heard - 3862:7, 3869:3, 3882:18, 3885:5, 3898:21, 3899:19, 3899:23, 3900:3, 3900:6, 3931:10, 3937:5, 3956:12, 3968:16, 3969:1, 3970:9, 4007:17, 4008:6, 4017:12, 4017:25, 4026:22 hearing - 3848:15, 3853:14, 3873:24, 3882:19, 4007:13 hearings - 3853:3, 3894:8, 3939:4, 3973:11 hearsay - 3849:16, 3851:19 heart - 3915:13, 3915:14, 3948:21, 3951:5 heated - 4020:5 Heavy - 3969:21 heavy - 3970:3 Heavy-set - 3969:21 heavy-set - 3970:3 hectic - 3966:6 heels - 3961:24 hell - 3901:1, 3901:6, 3941:18, 3955:15, 3955:16, 3959:5, 3960:3, 3968:23, 3969:3, 3971:7, 3971:12, 3982:13, 3995:3, 3997:2, 4000:8 hell's - 3957:15 Hello - 3893:24, 3953:6, 3953:7 help - 3951:7, 3952:13 helped - 3935:14, 4000:2, 4000:4 helps - 3888:2 Henderson - 3987:6, 3987:7, 3990:1 hereby - 4042:3 herein - 4042:5 heroin - 3985:10 herself - 4040:15 Hersh - 3845:2, 3884:1 hesitated - 3935:4 Hi - 3953:10 hi - 3921:10 hidden - 3950:16 hide - 3943:16, 3987:2 hiding - 3945:20, 3959:13, 3961:8 high - 3979:18, 3985:10, 4018:5 higher - 3850:25, 3856:15 highlighting - 3859:8, 3888:1 hike - 3888:13 hill - 3977:2, 3994:8 himself - 3867:13, 3867:14, 3867:20, 3879:22, 3906:18, 3912:10, 3917:18 hip - 3901:3 hippie - 3895:14, 3895:24, 3901:3, 3903:3, 3904:15, 3905:22, 3912:18 Hippie - 3888:15 hippies - 3912:6, 3917:2, 3984:5 | history - 3938:4 hitch - 3888:13 hitch-hike - 3888:13 Hmm - 4010:19 hmm - 3945:13, 3947:12 Hmmm - 3897:22 ho - 3980:4 Hodson - 3844:2, 3861:7, 3863:25, 3876:9, 3883:17, 3891:15, 3929:24, 4040:19, 4041:12 hold - 3897:21, 3951:16 holding - 3959:19 holdup - 3998:5 hole - 3976:20, 3987:19 holy - 3980:2, 3983:10 home - 3888:11, 3900:20, 3900:23, 3913:14, 3920:23, 3921:2, 3921:4, 3922:22, 3963:20, 3963:21, 3963:25, 3966:5, 3989:11 Homeniuk - 3967:18, 3967:19, 3967:22, 3969:5, 3969:22, 3970:5, 3971:16, 3973:13, 3973:17, 3973:20, 3973:24, 3974:4, 3976:10, 3977:19, 3977:22, 3979:25, 3981:10, 3981:21, 3981:24, 3982:5, 3982:18, 3984:10, 3984:24, 3985:6, 3985:12, 3985:16, 3985:20, 3986:14, 3986:17, 3987:4, 3987:6, 3987:25, 3988:14, 3988:22, 3990:8, 3992:3, 3993:15, 3994:13, 3995:10, 3995:18, 3995:22, 3996:1, 3997:23, 4005:2, 4006:7, 4006:15, 4006:21, 4007:12, 4008:2, 4008:5, 4011:1, 4011:10 homework - 4008:16, 4027:20 honest - 3852:16, 3904:17, 3935:23, 3937:10 Honest - 3899:5 honestly - 3934:7, 3936:3, 4003:25 honey - 3927:6 Honourable - 3843:5 hooked - 3909:17 hooker - 3990:19 hope - 4026:18 hoping - 3858:21, 3859:2 Hoppy - 3983:20, 3989:16, 4001:2, 4005:15 horse - 3975:21 Hospital - 3984:14 hospital - 3984:16 hotel - 3895:11, 3898:2, 3898:9, 3898:11, 3968:22, 4005:20, 4006:9 Hotel - 3843:17 |
|---|--|--|--|---|



| | | | |
|--|---|---|--|
| <p>hour - 3967:12 hours - 3886:11, 3890:5, 3911:2, 3943:7 House - 3898:3 house - 3895:2, 3895:14, 3895:24, 3901:4, 3903:3, 3903:7, 3904:15, 3905:22, 3912:18, 3912:20, 3921:6, 3921:8, 3921:10, 3932:24, 3963:2, 3977:1 hum - 3980:4 hunch - 4016:8 hung - 3988:9, 3994:19, 3994:25 hungry - 3989:11 husky - 3969:17 hustle - 3970:14 hustling - 3984:12 hydra - 4031:9</p> | <p>inconsistencies - 3850:14 incorporated - 3890:25 independent - 3859:5, 3859:10, 3869:16 independently - 3857:22, 3870:5 Index - 3846:1 indicate - 3871:8, 3958:23, 4028:22 indicated - 3859:1, 3859:9, 3871:8, 3905:8, 3919:12, 3932:15, 3939:4, 4013:17, 4025:24, 4029:16 indicates - 3928:10 indicating - 3903:8, 3934:5 indication - 3939:10 indirectly - 3872:14 indispensable - 3889:22 individual - 3882:18 individual's - 3856:18 individuals - 3906:15, 3907:1, 3907:25, 3908:20, 3927:25, 4020:19 indulge - 4032:3 inflammatory - 3853:14, 3877:2 influence - 3910:13, 3964:12, 4017:24 influencing - 3964:14 informant - 4017:16, 4017:21 information - 3847:25, 3848:8, 3848:9, 3871:4, 3871:24, 3885:18, 3891:4, 3903:2, 3903:6, 3909:6, 4034:10, 4034:14 informer - 3914:11, 3917:9 informers - 3896:13, 3897:12 initial - 4012:24 Inland - 3844:12 Inn - 4024:16 Innisfail - 4035:13 innocence - 3917:10, 3944:19, 3944:23 innocent - 3988:24, 3989:20 Inquiry - 3843:1, 3843:24, 3849:5, 3849:12, 3856:7 inquiry - 3848:24, 3849:9, 3851:18, 3933:8 insane - 3978:18 inseparable - 3857:25 inside - 3907:3 insights - 4014:10, 4016:22 Insisted - 4017:4 insisted - 3908:6 insofar - 3903:7 Inspector - 3890:3, 3891:2 instead - 3953:13 instituted - 4026:21 intend - 3963:10 intention - 3926:16, 3939:10, 3942:16 intentions - 3961:25 inter - 4013:10 interest - 3848:1, 3848:10, 3848:18, 3850:18, 3851:6, 3855:18, 3857:11, 3857:21, 3858:8, 3871:6, 4027:6 interested - 3862:3, 3862:12, 3862:13, 3927:7 interesting - 3902:22 interests - 3856:1, 3967:8 interfere - 3850:4 internally - 3852:15 interpret - 3938:1, 3938:3, 3945:24, 3946:1 interpretations - 3902:8, 3926:11, 3926:23 interpreted - 3903:20 Interview - 3846:21, 3967:17 interview - 3874:8, 3875:8, 3894:12, 3910:17, 3928:11, 3933:23, 3966:19, 3967:6, 3967:11, 4000:24, 4011:17, 4016:18, 4018:20, 4031:14, 4031:15 interviewed - 3910:19, 3969:4, 3986:8, 4033:8 interviews - 3873:9, 3873:13 intimidated - 4018:24 introduce - 3870:21 introduced - 3927:13 introductory - 3849:21 investigate - 3967:25 investigation - 3910:18, 3910:20, 3931:6, 3938:22, 3939:12, 3945:15 investigator - 4019:18, 4019:20, 4020:1 investors - 3953:14 invitation - 3991:9 inviting - 3856:4, 3986:24 involve - 4035:11 involved - 3924:15, 3931:5, 3934:18, 3940:21, 3943:18, 3951:20, 3951:21, 3951:22, 4005:6, 4013:6, 4024:20, 4039:13, 4039:18, 4039:19, 4040:12 involvement - 4016:14 involves - 3991:21 Irene - 3844:9 irrefutably - 3941:1 irrelevant - 3855:17, 3857:18, 3858:1, 3858:5, 3858:11 Isabelle - 3844:6 issue - 3847:8, 3849:18, 3893:4, 4016:25 issues - 3849:14 itself - 3855:6, 3869:11</p> | <p>4000:2, 4000:4, 4037:8, 4037:11, 4037:21 James - 3846:6, 3893:23 Jan - 3967:21, 3967:22, 4009:17, 4011:5 January - 3916:19, 3918:7, 3928:12, 3932:17, 3939:18, 3940:11, 3952:20, 3952:21, 3968:5, 3985:23, 4021:4, 4023:21, 4033:2, 4033:15 Jay - 3845:7 Jeff - 3989:7 Jeffrey - 3989:3 Jerry - 3844:11 Jim - 3910:25, 3911:7, 3911:19, 3911:22, 3911:25, 3913:10, 3916:2, 3916:7, 3916:11, 3916:14, 3916:18, 3916:22, 3917:13, 3917:17, 3917:20, 3918:1, 3918:4, 3918:12, 3918:15, 3918:19, 3918:22, 3919:1, 3919:8, 3919:11, 3920:5, 3920:15, 3920:18, 3920:21, 3920:25, 3921:5, 3922:7, 3922:15, 3923:2, 3923:6, 3923:8 job - 3949:13, 3961:11, 4009:14 jobs - 3961:12 John - 3882:16, 3919:4, 4025:24 joined - 4003:10 joints - 3914:20 joking - 4030:10 Jordan - 3844:3 jot - 3965:21 jovial - 3975:13 Joyce - 3845:3, 3846:18, 3940:8, 3941:13, 3953:4, 3953:7, 3953:9, 3953:11, 3953:17, 3953:21, 3953:25, 3954:4, 3954:7, 3954:9, 3954:12, 3954:15, 3954:18, 3954:21, 3954:25, 3955:3, 3955:8, 3955:13, 3955:18, 3955:23, 3956:1, 3956:3, 3956:5, 3956:7, 3956:9, 3956:13, 3956:15, 3956:22, 3956:25, 3957:3, 3957:9, 3957:16, 3957:21, 3958:3, 3958:6, 3958:8, 3958:11, 3958:14, 3958:17, 3958:22, 3959:3, 3959:9, 3959:13, 3959:17, 3959:21, 3960:4, 3960:7, 3960:13, 3960:17, 3960:22, 3961:3, 3961:7, 3961:10, 3961:14, 3961:18, 3961:21, 3962:2, 3962:9, 3962:15, 3962:21, 3962:24, 3963:4, 3963:7, 3963:14, 3963:18, 3963:21, 3963:24, 3964:3, 3964:7, 3964:10, 3964:13, 3964:19, 3964:22, 3965:2, 3965:6, 3965:9, 3965:15, 3965:19, 3965:23, 3965:25, 3966:3, 3966:7, 3966:9, 3966:11, 3971:9, 3990:13, 3994:3, 3994:14, 4001:22, 4001:23, 4016:20, 4016:24, 4017:2, 4019:8, 4019:11, 4019:15 Judge - 4008:18, 4027:23 judge - 3994:9 judged - 3989:17 judgement - 3851:3 Judgement - 4004:10 July - 4018:11 jump - 3971:22 jumped - 3914:12 June - 4035:3 jury - 3994:9 Justice - 3843:5, 3854:1, 3988:12, 4003:3, 4019:7, 4019:18, 4039:3 Justices - 4008:15 justified - 3848:10 justify - 3851:7</p> | <p>K</p> <p>Kara - 3844:6 Karst - 3845:9, 3847:21, 3887:15, 3931:5, 3969:24, 4033:5, 4033:16 keep - 3959:11, 4025:13 keeping - 4009:3 keeps - 4009:8 Ken - 3882:22, 3967:18, 3967:19, 3967:22, 3969:5, 3969:22, 3970:5, 3971:16, 3973:13, 3973:17, 3973:20, 3973:24, 3974:4, 3976:10, 3977:19, 3977:22, 3979:25, 3981:10, 3981:21, 3981:24, 3982:5, 3982:18, 3984:10, 3984:24, 3985:6, 3985:12, 3985:16, 3985:20, 3986:14, 3986:17, 3987:4, 3987:6, 3987:25, 3988:14, 3988:22, 3990:8, 3992:3, 3993:15, 3994:13, 3995:10, 3995:18, 3995:22, 3996:1, 3997:23, 4005:2, 4006:7, 4006:15, 4006:21, 4007:12, 4008:2, 4008:5, 4011:1, 4011:10 Kennedy - 3845:6, 3930:12 Kenny - 3984:3 kept - 3973:15 key - 3848:17 kick - 3997:1 kicking - 3908:20, 3915:7, 4020:3</p> |
| <p>I</p> <p>Id - 3852:23, 3938:23, 3939:16, 4020:10 idea - 3880:22, 3910:9, 3924:7, 3924:14, 3926:16, 3926:18, 3927:23, 3928:1, 3934:13, 3967:14, 3978:17, 4027:10 identify - 3854:24, 3880:1 idiot - 4003:1 ifs - 4000:3 ignore - 3887:24 illegal - 3933:17 illness - 3934:24 illustration - 3874:3 imagine - 3969:14 immediate - 3856:22 immutable - 3856:25 impartially - 3850:1 implicating - 3857:6, 3872:8, 3879:8 implicitly - 3925:1 implied - 3935:8 imply - 3866:1 importance - 3853:5 important - 3852:20, 3854:6, 3929:6 impression - 3869:25, 3872:23, 3932:5, 3962:10, 3962:11, 4014:12, 4014:15, 4014:23 improvement - 3856:24 inaccurate - 3852:5 inappropriately - 3867:1 inaudible - 3957:22 incarcerated - 4024:1, 4037:19 incentive - 4014:20 incessantly - 4016:2 incident - 3875:10, 3877:8, 3877:11, 3878:9, 3908:3, 3908:18, 3980:23, 3983:8, 3985:21, 4022:6, 4023:17 include - 3853:25 including - 3852:12 inclusion - 3856:13 inclusive - 3854:13, 3854:15 income - 3880:20, 3892:2</p> | <p>J</p> <p>Jack - 3988:4 jacket - 3976:14, 3980:9, 3994:19, 3994:25, 4004:7 jail - 3915:24, 3975:21, 3981:8, 3982:14, 3994:24, 3996:17, 3963:24, 3964:3, 3964:7, 3964:10, 3964:13, 3964:19, 3964:22, 3965:2, 3965:6, 3965:9, 3965:15, 3965:19, 3965:23, 3965:25, 3966:3, 3966:7, 3966:9, 3966:11, 3971:9, 3990:13, 3994:3, 3994:14, 4001:22, 4001:23, 4016:20, 4016:24, 4017:2, 4019:8, 4019:11, 4019:15 Judge - 4008:18, 4027:23 judge - 3994:9 judged - 3989:17 judgement - 3851:3 Judgement - 4004:10 July - 4018:11 jump - 3971:22 jumped - 3914:12 June - 4035:3 jury - 3994:9 Justice - 3843:5, 3854:1, 3988:12, 4003:3, 4019:7, 4019:18, 4039:3 Justices - 4008:15 justified - 3848:10 justify - 3851:7</p> | | |



| | | | | |
|---|---|---|--|---|
| kid - 3895:7, 3983:21, 3985:3 kidding - 3954:21, 3958:7 kids - 3885:9, 3885:24, 3887:16, 3887:17, 3890:19, 3894:21, 3896:22, 3934:4, 3942:20, 3982:24 kill - 3914:11, 3915:9, 3919:25, 3941:2, 3980:18 killed - 3941:2, 3972:4, 3989:20, 3994:6 killing - 4017:5, 4017:25 kind - 3862:2, 3862:20, 3865:13, 3897:6, 3904:12, 3906:19, 3944:13, 3980:21, 3990:21, 3992:22, 4003:25, 4031:4 kinds - 3849:17, 3912:20, 3919:9 Kinsey - 3854:13 knee - 3972:2 kneeling - 4012:14 knees - 4012:15 knife - 3913:11, 3913:13, 3913:17 knives - 3896:5, 3896:6, 3903:8, 3913:8 knock - 3898:14, 3898:21, 3958:20 knocking - 3898:19, 3906:23 knowing - 3891:8, 3925:23, 3967:8, 3976:17 knowledge - 3853:20, 3889:11, 3991:3, 4016:21, 4042:6 known - 3856:1, 3901:5, 3902:6, 3958:24, 3977:24, 3992:6, 3992:7, 4004:13, 4004:16 knows - 3935:10, 3937:24, 4010:7, 4031:13 Knox - 3845:5, 3873:6, 3873:20, 3875:3, 3876:19, 3883:18 Krogan - 3845:4 Kujawa - 3845:7 | 3953:20, 3953:23, 3954:2, 3954:5, 3954:8, 3954:10, 3954:13, 3954:16, 3954:19, 3954:22, 3955:1, 3955:5, 3955:9, 3955:14, 3955:20, 3955:24, 3956:2, 3956:4, 3956:6, 3956:8, 3956:11, 3956:14, 3956:18, 3956:23, 3957:1, 3957:6, 3957:10, 3957:18, 3958:1, 3958:4, 3958:7, 3958:9, 3958:12, 3958:15, 3958:21, 3959:1, 3959:4, 3959:10, 3959:15, 3959:18, 3959:23, 3960:6, 3960:9, 3960:14, 3960:18, 3960:25, 3961:5, 3961:9, 3961:12, 3961:15, 3961:19, 3961:24, 3962:5, 3962:10, 3962:18, 3962:22, 3962:25, 3963:5, 3963:12, 3963:15, 3963:19, 3963:22, 3964:1, 3964:5, 3964:9, 3964:11, 3964:15, 3964:20, 3964:23, 3965:3, 3965:7, 3965:13, 3965:18, 3965:20, 3965:24, 3966:2, 3966:4, 3966:8, 3966:10, 3966:19, 3967:17, 3967:20, 3968:6, 3968:11, 3969:7, 3969:16, 3969:18, 3969:21, 3969:25, 3970:2, 3970:6, 3970:11, 3970:20, 3971:20, 3971:25, 3972:11, 3973:1, 3973:4, 3973:7, 3973:12, 3973:14, 3973:19, 3973:22, 3973:25, 3974:5, 3974:11, 3974:19, 3975:2, 3975:8, 3975:14, 3975:16, 3975:19, 3976:4, 3976:11, 3977:5, 3977:8, 3977:12, 3977:21, 3977:23, 3978:4, 3978:11, 3978:17, 3978:21, 3979:3, 3979:7, 3979:14, 3980:1, 3980:15, 3981:1, 3981:4, 3981:6, 3981:11, 3981:16, 3981:22, 3981:25, 3982:7, 3982:10, 3982:20, 3982:24, 3983:4, 3983:7, 3983:12, 3983:15, 3983:24, 3984:12, 3984:25, 3985:8, 3985:13, 3985:18, 3986:1, 3986:16, 3986:18, 3987:5, 3987:7, 3987:10, 3987:14, 3988:1, 3988:8, 3988:16, 3988:19, 3988:23, 3989:1, 3989:5, 3989:9, 3989:15, 3989:24, | 3990:4, 3990:7, 3990:9, 3990:12, 3990:16, 3990:23, 3990:25, 3991:5, 3991:7, 3992:1, 3992:5, 3992:15, 3993:4, 3993:17, 3993:23, 3993:25, 3994:14, 3994:21, 3995:6, 3995:20, 3995:23, 3996:3, 3996:7, 3996:24, 3997:9, 3997:16, 3997:19, 3997:25, 3998:4, 3998:9, 3998:12, 3998:17, 3998:23, 3999:7, 3999:14, 4000:6, 4000:22, 4001:10, 4001:13, 4001:15, 4001:20, 4001:22, 4002:4, 4002:7, 4002:10, 4002:13, 4002:18, 4002:22, 4002:25, 4003:3, 4003:13, 4003:16, 4003:21, 4004:6, 4004:11, 4004:13, 4004:24, 4005:4, 4006:4, 4006:12, 4006:16, 4006:19, 4007:2, 4007:8, 4007:14, 4007:25, 4008:3, 4008:6, 4009:3, 4009:10, 4010:4, 4010:11, 4010:22, 4011:2, 4011:9, 4011:18, 4011:23, 4011:25, 4012:9, 4012:17, 4012:23, 4013:3, 4013:14, 4013:18, 4013:20, 4013:24, 4014:1, 4014:5, 4014:7, 4014:10, 4014:15, 4014:23, 4015:11, 4015:13, 4015:23, 4016:3, 4016:8, 4016:13, 4016:18, 4017:13, 4018:4, 4018:16, 4018:19, 4018:21, 4018:24, 4019:12, 4019:19, 4019:22, 4040:17 Lapchuk's - 3939:15, 3940:1, 3942:11, 3967:4, 4019:25, 4020:11 large - 3849:13, 3859:20, 3863:20 Larry - 3844:12, 3845:11 last - 3878:16, 3878:17, 3879:18, 3889:18, 3909:9, 3923:16, 3930:19, 3930:22, 3939:5, 3962:20, 3964:2, 3981:25, 4009:14, 4018:20, 4020:6, 4027:21, 4039:1 lastly - 4020:10 late - 4028:21 lather - 3951:17 latter - 3873:13 Laughs - 3948:10 Launa - 4008:2, 4009:24, 4026:11 law - 4001:2, 4016:14 laws - 3989:18 lawyer - 3884:2, | 3931:4, 3936:16, 3968:2, 3996:9, 4026:25, 4037:23, 4038:18 lawyer's - 3996:9 lay - 3881:2 laying - 3958:12 lead - 3856:5, 3865:5 leader - 3919:18, 3992:21 leading - 3921:20 leaping - 3994:15 learned - 3910:18 least - 3873:16, 3926:6, 4000:9, 4006:1 leave - 3861:18, 3873:1, 3908:6, 3909:11, 3993:23, 4010:17 leaves - 3911:16, 3927:9 leaving - 3881:2, 3909:24, 3910:12, 3921:23 led - 3851:14, 3855:23 leery - 3960:2, 3960:19 left - 3850:15, 3883:16, 3892:25, 3894:10, 3915:17, 3919:1, 3919:6, 3921:12, 3922:21, 3924:9, 3928:4, 3966:15, 3967:1, 3979:1, 4014:11, 4014:14, 4014:23 leg - 4016:1 legal - 4017:1, 4038:5, 4038:9 legitimate - 3848:1, 3848:18, 3855:22, 3857:11, 3857:20, 3871:6, 3877:1 lend - 4028:11 length - 3886:7, 3986:6 Leonard - 3846:6, 3893:20, 3893:23, 3895:5, 3895:15, 3896:18, 3896:20, 3897:13, 3897:19, 3898:15, 3898:20, 3900:18, 3906:2, 3907:16, 3909:2, 3911:21, 3911:23, 3912:1, 3912:11, 3912:23, 3913:1, 3913:8, 3913:13, 3916:15, 3916:20, 3917:14, 3917:17, 3917:22, 3918:20, 3918:23, 3919:5, 3922:4, 3922:20, 3923:11 less - 3940:23, 3967:25, 3971:14, 3999:3 letter - 3889:17, 3890:5, 3890:25 level - 3924:9 Lg1 - 3846:11, 3910:23, 3910:24, 3923:14 Lg2 - 3846:12, 3910:23, 3920:4, 3923:14 Lg3 - 3846:13, 3910:23, 3922:6, 3923:14 Lg4 - 3846:14, 3910:23, 3923:1, 3923:14 Lg5 - 3846:8, 3894:17, 3894:18, 3901:7 Lg6 - 3846:9, 3894:17, | 3895:8, 3901:7 Lg7 - 3846:10, 3894:17, 3896:15, 3901:7 liability - 3849:6 liar - 4018:6 lie - 3852:14, 3978:14, 3980:8, 4016:9, 4017:4, 4022:12, 4022:23, 4024:24, 4028:5 lied - 3941:5, 3941:21, 3955:4, 3999:5, 4019:5, 4020:6, 4027:15, 4028:2, 4028:6, 4028:18 lies - 4016:10 life - 3910:3, 3924:12, 3958:20, 3974:7, 3976:8, 3976:9, 3976:17, 3980:4, 3992:16, 3994:25, 4006:16, 4009:6, 4013:7, 4014:18 lifestyle - 3929:14 light - 3869:10, 3898:19, 3900:9, 3996:13, 4041:3 lighter - 3996:5, 3996:6 line - 3863:2, 3863:5, 3866:11, 3995:8, 3996:4, 4038:11 lines - 3866:6, 3866:8 list - 3868:25 listed - 3934:3, 4029:1, 4029:8 Listen - 3940:21 listen - 3894:16, 3899:15, 3900:17, 3901:2, 3915:14, 3948:12, 3951:18, 3959:11, 3963:12 listened - 3900:11, 3925:22, 3940:19 litigation - 3856:9, 3856:11 live - 3898:8, 3950:8, 3995:9, 3998:20, 4009:6, 4009:16, 4021:16 lived - 3958:9, 3973:23 lives - 4027:9 living - 3895:2, 3999:17, 4016:1 loaded - 3876:1, 3877:14, 3996:21 locate - 3945:4 lock - 3900:4, 3908:1 locked - 3899:21 long-term - 4014:9 longest - 3982:4 Look - 3896:1, 3940:18 look - 3859:19, 3875:1, 3875:6, 3875:7, 3892:4, 3896:4, 3903:25, 3906:3, 3907:21, 3912:24, 3919:4, 3920:11, 3947:8, 3971:3, 4007:22, 4010:12 looked - 3875:7, 3897:9, 3948:3, 3969:15, 4000:9, 4027:20, 4030:1 looking - 3865:22, 3866:19, 3877:7, 3901:14, 3913:7, 3914:9, 3914:10, 3924:13, 3944:15, 3947:10, 3948:4, 3996:12 |
| L | | | | |
| label - 4031:23 Labeled - 4018:6 laced - 4020:1 lack - 3849:10, 3853:22, 3855:4 Ladd - 3844:13 ladies - 3984:9 lady - 3949:7, 3986:13 Lamer - 4039:3, 4039:4 Lana - 3845:4 Langenburg - 3878:9, 3897:9, 3905:6, 3984:14 Lapchuk - 3846:17, 3846:19, 3846:21, 3938:15, 3938:17, 3938:18, 3938:24, 3939:7, 3939:11, 3939:23, 3940:6, 3940:8, 3952:19, 3953:5, 3953:6, 3953:8, 3953:10, 3953:15, | | | | |



| | | | | |
|---|--|--|---|--|
| looks - 3861:13, 3948:23 looseleaf - 3854:11 loot - 4004:4 Lord - 3860:21, 3866:21, 3893:3, 4012:6, 4031:13 lose - 3908:16, 3983:5, 3983:6 lost - 3908:9, 3908:14, 3925:7, 3982:15 loud - 3906:2, 3907:19 love - 4003:19 lovers - 3989:13 low - 3958:13 lower - 3978:8 lowered - 4040:15 Lsd - 3936:18, 3992:18 luck - 4026:18 ludicrous - 3971:14 lunatic - 4000:2 lunch - 3893:14 Lying - 4016:2 lying - 3941:6, 3941:14, 3941:22, 3944:7, 3944:24 | 3938:16, 3952:8, 3952:15, 3952:24, 3953:3, 3966:20, 3967:16, 4040:18, 4041:10 macho - 4020:2 mackerel - 3983:10 Mackie - 3939:1 Maclean's - 3889:12, 3950:17 Mafia - 3900:16, 3926:10, 3926:14, 3926:18, 3933:11, 3933:13, 3933:14, 3934:4, 3934:6, 3937:19 Mafia-like - 3926:18 magazine - 3889:12 magazines - 3972:16, 4005:7 maiden - 3999:16 main - 3851:19, 3995:14 maintaining - 3874:9 Malanowich's - 3860:9, 3863:1 maligned - 3848:3 Mall - 3888:17 mall - 4010:1, 4010:5 man - 3895:25, 3940:20, 3948:12, 3989:16, 3993:10, 4030:12 Manager - 3844:5 manager - 3998:5 manner - 3855:2, 3856:6, 3975:13, 4030:10 mannerisms - 3925:5 mantle - 4011:5 marathon - 4010:21 March - 3847:15, 3857:23, 3861:16, 3861:21, 3862:13, 4034:25, 4036:20, 4036:24, 4040:25, 4041:4, 4041:7, 4041:10 Marcoux - 3921:14 marijuana - 3904:17, 3914:1, 3918:16, 3918:20, 3923:11, 3931:24, 3932:6 mark - 3934:2 marked - 3847:15, 3992:11 married - 3999:17, 4026:15 Mary - 3915:15, 3921:14 matches - 3896:8, 3903:13, 3903:19 material - 3848:2, 3849:17, 3851:4, 3853:1, 3853:5, 3853:14, 3855:19, 3855:21, 3855:25, 3858:1, 3874:17, 4021:17 matter - 3847:6, 3854:16, 3856:12, 3867:22, 3934:14, 3955:16, 3972:9, 3972:12, 3987:15, 3995:6, 4008:13, 4024:21, 4027:1, 4029:18, 4030:24, 4040:1, 4040:4, 4041:5 matters - 3849:22, 3850:17, 3929:1 | maximum - 4038:15 mean - 3877:22, 3891:20, 3901:21, 3925:4, 3942:5, 3944:25, 3945:16, 3945:19, 3947:25, 3948:14, 3950:12, 3950:23, 3951:7, 3955:6, 3955:25, 3959:25, 3970:12, 3972:21, 3973:20, 3982:11, 3984:20, 3985:18, 3989:16, 3990:11, 3994:1, 3998:6, 4000:8, 4001:9, 4002:3, 4003:9, 4003:12, 4007:23, 4008:13, 4008:15, 4008:16, 4008:19, 4022:18, 4023:10, 4029:1 meaning - 4028:24 means - 3934:13 meant - 3867:18, 3925:14, 3926:18, 3933:18, 3933:20, 3937:16 meat - 3917:11 Meddoui - 3854:7 media - 3853:9, 3853:13, 3947:2, 3948:6, 3988:23 medical - 4008:20 meet - 3916:24, 3917:15, 3939:11, 4009:21 meeting - 3939:2, 3951:19, 4020:1 Melnyk - 4013:6, 4014:15, 4015:4 Melynk - 4032:21, 4033:14, 4033:17, 4033:24 member - 4003:7, 4003:8, 4003:22 members - 3906:9, 3937:12, 4024:12 memo - 3967:1, 3967:2, 4011:15, 4015:8 memory - 3847:12, 3847:24, 3852:4, 3853:23, 3854:19, 3854:21, 3855:5, 3857:12, 3858:9, 3872:16, 3874:9, 3874:10, 3874:18, 3887:24, 3888:2, 3888:19, 3892:5, 3892:16, 3904:21, 3905:18, 3908:18, 4015:3, 4032:24 mental - 3934:24 mentally - 4008:24 mention - 3908:7, 3916:14, 3916:15, 3923:21, 3938:24, 3970:20 mentioned - 3905:13, 3908:9, 3909:9, 3909:15, 3917:22, 3924:10, 3925:3, 3927:10, 3928:7, 3929:8, 3932:23, 3933:2, 3933:3, 3933:10, 3936:20, 3969:1, 3971:17, 3987:5, 4038:1, 4039:7 mentioning - 3928:3, 4009:8 | mentions - 4000:11 mercy - 4000:14 messed - 3979:9 met - 3888:4, 3894:24, 3905:11, 3905:15, 3905:17, 4014:4 Mewett - 3854:12 Meyer - 3844:10, 4042:2, 4042:12 microphone - 3950:16 middle - 3896:9, 3903:13, 3906:22, 3908:22, 4005:21 might - 3852:13, 3852:15, 3856:24, 3857:8, 3860:21, 3863:14, 3868:12, 3877:16, 3879:13, 3891:18, 3897:19, 3902:5, 3904:25, 3907:3, 3926:2, 3928:7, 3929:7, 3931:23, 3931:25, 3932:21, 3934:9, 3935:21, 3936:2, 3937:6, 3937:8, 3937:18, 3937:23, 3938:1, 3938:2, 3960:23, 3965:11, 3984:25, 3998:9, 4015:22, 4034:14, 4038:15, 4040:3 Mile - 3975:25 miles - 3977:1 Milgaard - 3843:3, 3845:2, 3845:3, 3846:19, 3847:25, 3848:2, 3848:3, 3848:10, 3857:6, 3861:24, 3862:17, 3864:7, 3866:17, 3872:8, 3879:9, 3881:11, 3891:5, 3892:15, 3892:21, 3897:7, 3897:8, 3897:10, 3905:4, 3905:6, 3905:12, 3905:19, 3916:24, 3917:2, 3917:6, 3917:8, 3917:10, 3917:15, 3919:3, 3921:22, 3923:12, 3932:17, 3933:4, 3939:6, 3939:23, 3940:8, 3940:21, 3941:6, 3941:23, 3943:1, 3944:4, 3944:17, 3945:25, 3947:13, 3950:3, 3952:20, 3953:5, 3953:7, 3953:9, 3953:11, 3953:17, 3953:21, 3953:25, 3954:4, 3954:7, 3954:9, 3954:12, 3954:15, 3954:18, 3954:21, 3954:25, 3955:3, 3955:8, 3955:13, 3955:18, 3955:23, 3956:1, 3956:3, 3956:5, 3956:7, 3956:9, 3956:13, 3956:15, 3956:22, 3956:25, 3957:3, 3957:9, 3957:16, 3957:21, 3958:3, 3958:6, 3958:8, 3958:11, 3958:14, 3958:17, 3958:22, 3959:3, 3959:8, 3959:9, 3959:13, 3959:17, 3959:21, 3960:4, 3960:7, 3960:13, | 3960:17, 3960:22, 3961:3, 3961:7, 3961:10, 3961:14, 3961:18, 3961:21, 3962:2, 3962:9, 3962:15, 3962:21, 3962:24, 3963:4, 3963:7, 3963:12, 3963:14, 3963:18, 3963:21, 3963:24, 3964:3, 3964:7, 3964:10, 3964:13, 3964:15, 3964:19, 3964:22, 3965:2, 3965:6, 3965:9, 3965:15, 3965:19, 3965:23, 3965:25, 3966:3, 3966:7, 3966:9, 3966:11, 3968:1, 3971:9, 3985:25, 3993:8, 3994:3, 3994:14, 3995:5, 3998:21, 3998:24, 4000:13, 4000:25, 4001:23, 4003:9, 4003:11, 4003:16, 4006:24, 4011:7, 4011:17, 4012:11, 4012:20, 4013:11, 4013:13, 4013:14, 4013:16, 4013:20, 4014:2, 4015:18, 4015:21, 4016:7, 4016:15, 4016:20, 4016:23, 4017:2, 4017:5, 4017:18, 4017:25, 4020:19, 4022:11, 4022:15, 4027:15, 4028:2, 4028:19, 4028:23, 4029:5, 4031:18, 4034:15 Milgaard - 3941:12 Milgaard's - 3884:2, 3936:16, 3995:11, 4000:17, 4012:19, 4015:1, 4021:4, 4021:22 Milgaards - 3987:21 Miller - 3848:11, 3885:10, 3918:5, 4017:6, 4018:1, 4023:7 millimeter - 3895:22 mind - 3884:12, 3935:20, 3946:18, 3954:17, 3959:24, 3961:2, 3980:4, 3982:15, 4025:13 minds - 3896:12 mine - 3945:9, 3994:10 miniseries - 3987:8 Minister - 3887:22 Ministries - 3967:4, 3990:2, 3993:1, 4015:10 minute - 3858:14, 3876:6, 3934:2, 3991:13 minutes - 3930:25, 3966:21 mischievous - 3855:10 misconception - 3935:11 miserable - 4009:6 miseries - 3987:10 misgivings - 3968:20 misrepresent - 3931:23 Miss - 3891:3 mistake - 3897:10, |
|---|--|--|---|--|



| | | | | |
|---|--|---|--|---|
| <p>4034:8 mistaken - 3869:22, 4012:1 mixed - 4003:5, 4003:6 mom - 3884:24, 3921:10, 3960:19, 3960:20, 3963:23, 3964:14 mom's - 3964:24 moment - 3861:19, 3872:7, 3904:13, 3935:4 mommy's - 3964:12 money - 3879:22, 3880:13, 3880:22, 3889:8, 3889:9, 3898:1, 3900:22, 3911:18, 3929:9, 3935:13, 3990:13, 3990:17, 3991:21, 3992:11, 3992:24, 4005:18, 4017:19, 4038:25 month - 3911:11, 3997:16, 4020:17, 4023:19 months - 3912:4, 3971:11, 3981:19, 3992:19, 3997:1, 3997:2, 3997:15, 4004:2, 4019:18, 4035:9, 4039:13 morning - 3847:3, 3847:4, 3856:21, 3859:3, 3861:1, 3898:15, 3908:24, 3953:12, 3954:6, 3963:9, 3964:16, 3965:4 morphine - 3984:16 most - 3851:15, 3853:8, 3868:4, 3884:19, 3979:1, 4022:7, 4024:3 motel - 3940:2, 3970:17, 3970:23, 3972:12, 3974:24, 3980:23, 3983:8, 3985:22, 3989:22, 4018:4, 4020:20, 4024:14, 4033:7, 4033:21 Motel - 3968:18, 4023:11 mother - 3927:4, 3942:7, 3942:19, 3951:21, 3992:8, 4029:24 mother's - 3948:17, 3996:15 motion - 4012:13 motions - 3971:24, 3972:3 motivating - 3909:23 motive - 3852:14 Motor - 4024:16 motorcycle - 3898:6, 3899:9, 3906:9, 4003:7, 4003:22 Move - 3908:25 move - 3905:25, 3939:15, 3940:14, 3941:24, 3950:1, 4015:6, 4016:16, 4026:6, 4032:18, 4034:7 moved - 3976:1, 3976:23, 4007:19, 4007:21, 4009:17, 4010:12 moves - 3907:17</p> | <p>movie - 4002:3 movies - 3985:11 moving - 3907:13, 3949:13 multi - 3862:9 multi-tasking - 3862:9 murder - 3848:11, 3861:24, 3862:18, 3885:2, 3895:16, 3921:12, 3922:23, 4017:6, 4018:2, 4023:7 murdered - 3885:10 murderer - 3921:21 murdering - 3989:10 mushroom - 3957:13 Must - 3943:8 must - 3849:19, 3850:23, 3853:19, 3853:21, 3853:22, 3853:23, 3854:24, 3880:25, 3928:22, 3943:3, 3945:19, 3946:14, 3958:12, 3958:24, 3962:16, 3979:1, 3983:17, 3995:24, 4006:24, 4007:3, 4010:6, 4032:22</p> <p style="text-align: center;">N</p> <p>naa - 3898:1 naked - 3973:2, 3973:3 name - 3882:19, 3882:21, 3882:24, 3883:2, 3912:21, 3916:15, 3917:8, 3919:19, 3919:21, 3931:7, 3931:10, 3941:19, 3956:15, 3957:4, 3969:9, 3969:10, 3969:24, 3987:4, 3988:17, 3991:1, 3999:16, 3999:18, 4008:8, 4012:6, 4018:13, 4019:24, 4024:8, 4026:10, 4040:11 named - 3888:5, 3992:20 names - 3969:15, 4003:5 narrow - 3986:5 nary - 3960:12 nasty - 4018:16 national - 3992:13 naturally - 4016:9 nature - 3903:15, 3904:14, 3926:10, 3936:9, 3994:22, 4016:3 near - 3853:21, 3992:7 neat - 3913:2 necessarily - 3849:13 necessary - 4013:5 need - 3856:24, 3858:13, 3858:20, 3988:20 needed - 3849:11 nerd - 3912:10, 3912:11, 3912:15 nervous - 3941:15, 4015:25 Neufeld - 4020:14 never - 3861:23, 3862:16, 3866:17, 3872:20, 3896:2, 3902:6, 3912:14, 3917:7, 3923:9, 3923:13, 3923:23,</p> | <p>3935:6, 3944:11, 3958:10, 3978:6, 3990:12, 3992:3, 3992:20, 3993:3, 3993:8, 4003:4, 4003:23, 4005:16, 4007:16, 4007:17, 4009:7, 4011:3, 4015:20, 4017:22, 4025:19, 4028:25, 4030:15, 4033:9, 4034:17, 4038:4 Never - 3913:2 Nevertheless - 3853:11 new - 4015:21, 4015:22, 4026:25 news - 3920:12, 3921:19 newspaper - 3888:15, 3888:24, 3889:2, 3892:17 Next - 3949:10, 3980:6 next - 3876:14, 3883:9, 3883:10, 3893:10, 3895:9, 3895:11, 3898:2, 3898:11, 3903:24, 3905:3, 3905:25, 3907:17, 3907:24, 3908:15, 3915:21, 3920:3, 3938:14, 3939:8, 3939:14, 3940:5, 3941:24, 3942:22, 3944:10, 3950:1, 3970:8, 3974:8, 3997:1, 4007:10, 4023:4, 4025:1, 4029:11 nice - 3912:7, 3914:4, 3942:13 Nichol - 3919:4, 3942:18, 4025:24 Nicky - 3947:10, 3948:24, 3957:7, 3962:4, 3962:12, 3963:10 night - 3895:7, 3898:7, 3899:16, 3906:6, 3906:22, 3907:9, 3907:11, 3908:1, 3908:22, 3909:13, 3912:14, 3918:4, 3918:8, 3920:18, 3920:20, 3920:22, 3928:20, 3951:13, 3962:20, 3964:2, 3968:22, 3972:12, 3979:2, 3979:13, 3983:19, 4019:6, 4019:14, 4023:11 Night - 3920:17 nine - 3998:1 Nobody - 4002:16 nobody - 3901:4, 3948:7, 4040:7 nobody's - 3951:20 noise - 3914:7, 3914:16 non - 3857:20, 3858:6, 4016:14 non-consensual - 3857:20, 3858:6 non-stop - 4016:14 None - 3931:22, 4037:15 none - 3955:9, 3959:11, 3971:8, 4037:15 normal - 3885:25 north - 3973:23</p> | <p>nose - 3915:12, 3959:12 note - 3857:4, 3860:17, 3861:3, 3861:20, 3863:11, 3938:22, 3954:2, 3966:13 Note - 4017:13, 4018:3, 4018:15, 4019:12, 4019:25 noted - 3860:4, 3873:7, 3879:4, 3879:8, 3880:7, 3888:23, 4012:7, 4012:20, 4013:3, 4013:24, 4015:1, 4031:17 notes - 3940:11, 4031:14, 4042:5 nothing - 3874:5, 3890:22, 3892:21, 3934:15, 3940:23, 3970:13, 3978:14, 3987:1, 4003:11, 4004:7, 4010:16, 4018:18, 4040:14 Nothing - 3923:7, 3923:8, 3935:24 noticed - 3936:2 noticing - 3941:11 notwithstanding - 3853:1 Nova - 3852:18 nowhere - 3969:10, 3986:10 Nsj - 3852:18 nugatory - 3857:7, 3879:13 number - 3872:7, 3875:5, 3875:14, 3898:13, 3933:25, 3952:25, 3953:22, 3953:25, 3963:25, 3964:21, 3965:20, 3968:18, 3988:11, 3995:16, 3999:15 numbers - 3857:5, 3857:8, 3863:3, 3878:25 numerous - 4008:22 nurse - 3994:6</p> <p style="text-align: center;">O</p> <p>o'clock - 3898:14, 3920:19, 3920:22, 4033:3 oath - 3874:8, 3874:17, 3894:1 object - 3890:1 objected - 3848:2 observations - 4020:23 observed - 4016:12 obvious - 4007:23 Obviously - 3936:4, 3936:11, 3975:16 obviously - 3859:11, 3862:25, 3869:16, 3891:8, 3901:19, 3924:13, 3925:17, 3947:1, 4021:18, 4025:20, 4038:10 occasion - 4020:18 occasions - 3986:9, 3987:16, 4008:22, 4027:12 occurred - 3856:10 October - 4035:13 offences - 3857:6, 3872:8, 3879:9</p> | <p>offer - 3849:2, 3990:2, 4014:5 offered - 3854:4, 3856:20, 3990:13, 4017:19, 4038:19, 4038:20 offering - 3853:16 office - 3988:2, 4015:19 officer - 3852:8, 3854:5, 3854:19, 3869:9, 3931:13 Officer - 3844:11, 3887:14 officers - 3886:8, 3910:17, 3910:20, 3929:5, 3967:7 official - 3855:11 Official - 3844:10, 4042:1, 4042:2, 4042:13 often - 4008:10 Oj - 3854:2 Okey - 3965:18 okay - 3966:8 old - 3971:2, 3985:17, 3989:7, 4008:8, 4009:7, 4038:12 older - 4031:8 Once - 3903:16, 3928:17 once - 3936:21, 3975:24, 4001:5, 4033:11 one - 3848:19, 3851:14, 3865:9, 3866:15, 3867:7, 3872:7, 3873:21, 3874:12, 3875:7, 3885:8, 3885:12, 3888:4, 3888:13, 3889:14, 3889:25, 3899:16, 3899:24, 3906:14, 3906:16, 3907:25, 3909:12, 3911:3, 3913:18, 3913:25, 3924:11, 3928:10, 3931:5, 3933:1, 3936:19, 3937:13, 3943:10, 3943:22, 3944:9, 3947:18, 3952:18, 3952:20, 3952:21, 3953:24, 3962:7, 3962:8, 3966:18, 3968:4, 3972:19, 3974:24, 3975:16, 3977:9, 3978:23, 3981:18, 3982:6, 3982:9, 3984:14, 3984:22, 3989:19, 3992:17, 3993:8, 3996:13, 3997:21, 3998:24, 3998:25, 3999:15, 4000:11, 4002:9, 4002:19, 4003:7, 4005:13, 4008:3, 4008:11, 4010:14, 4016:8, 4032:2, 4039:14 One - 3943:20, 3969:16, 3985:7, 3995:11 ones - 3951:21 Ontario - 3854:1 oooooooo - 3914:17 open - 3899:16, 3951:23, 3986:7 opened - 3898:22, 3899:2, 3920:11,</p> |
|---|--|---|--|---|



| | | | | |
|--|--|---|---|---|
| <p>3986:21 opinion - 3891:2, 3991:22, 3994:7, 3994:10 Opp - 3978:6, 4000:8 opposed - 3859:7, 3861:12 opted - 4024:25 option - 3909:13 options - 3931:1 order - 3850:3, 3857:8, 3879:13, 3929:20, 3929:22, 3929:25, 3930:2, 4036:16 ordered - 4039:22 organization - 3933:19, 3937:22, 4012:3, 4012:4 organized - 3926:18, 3933:16, 3933:17, 3933:20, 3934:4, 3937:20 original - 3909:12, 3931:6, 3931:12, 3994:2 originally - 3885:2 otherwise - 3858:16, 3929:2, 3951:5 Ottawa - 3880:9, 3882:10, 3888:7, 3888:15, 3888:17, 3889:4, 3889:6, 3892:2, 3973:11, 3978:19, 3988:2, 3988:9, 3996:9, 4007:13, 4019:8, 4019:10, 4019:13, 4019:14, 4019:21 ourselves - 3865:3 outside - 3907:4, 3928:20, 3937:15 outstanding - 3924:24, 4020:8 overdrugged - 3982:21 overnight - 3890:11 overtones - 4020:2 overturned - 4039:17 own - 3850:18, 3852:2, 3852:3, 3857:24, 3858:15, 3861:3, 3874:24, 3884:12, 3892:5, 3913:12, 3940:24, 3951:4, 3954:17, 3959:24, 3961:2, 3980:5, 3994:10, 4005:18, 4012:10, 4016:7, 4016:10, 4030:12 owner - 3999:9, 3999:12, 3999:23</p> | <p>3907:17, 3907:24, 3908:25, 3909:1, 3939:8, 3940:11, 3940:15, 3941:24, 3942:22, 3950:1, 4020:14, 4022:8, 4023:4, 4025:1, 4025:2, 4026:6, 4029:11, 4029:13, 4031:2, 4032:18, 4034:7, 4034:9, 4039:2 pages - 3854:9, 3854:10, 3854:13, 3854:15, 3868:25, 3874:8, 3876:17, 3876:19, 3879:20, 3880:7, 4012:24, 4021:25, 4042:4 Pancake - 3898:2 panhandling - 3880:15 panned - 3985:1 pants - 3935:22, 3947:3 papers - 4040:6 paragraph - 3859:8, 3878:17, 3887:25, 3906:5, 3939:9 paragraphs - 3887:24 Pardon - 3958:3, 4030:20, 4038:2 parents - 3920:23, 3921:1 parking - 3929:24 Parklane - 4023:11 part - 3852:21, 3855:24, 3868:4, 3868:11, 3906:6, 3929:13, 3934:1, 3998:10, 3998:19, 4006:22, 4031:15, 4032:15 parted - 3972:15 particular - 3856:3, 3859:8, 3865:9, 3865:15, 3886:2, 3906:3, 3966:18, 4020:24, 4035:20 particularize - 3857:7, 3879:10 particularly - 3865:8, 3889:2 partied - 3993:4 parties - 3850:15, 3851:6, 3853:7, 3855:22, 3856:1, 3856:2 partner - 3867:15, 3867:21, 3992:23 parts - 3847:22, 3854:22, 3862:15, 3941:10, 3945:17 party - 3976:22, 3979:16, 3983:25, 4005:11, 4030:25 passages - 3941:10 passed - 3876:19, 3938:18, 3981:23, 3996:14 Passed - 3896:24, 3904:3 passing - 3904:17, 3914:20 passive - 3910:4 past - 3851:17, 3853:17, 4014:22, 4029:18, 4039:10, 4039:12 pat - 3947:14, 3947:24 patch - 4003:23 Paul - 3987:6, 3987:7</p> | <p>pause - 3904:13, 3905:7 pay - 3935:14, 3987:17, 3987:20 Pcp - 4031:22 peace - 4010:17 peanut - 3912:13, 3927:2, 3927:5 Pells - 3882:22, 3883:3, 3984:3 pending - 4017:11 people - 3895:15, 3903:7, 3912:18, 3912:19, 3913:4, 3913:6, 3913:15, 3914:9, 3915:2, 3917:1, 3919:16, 3924:24, 3926:14, 3926:15, 3932:25, 3933:21, 3934:18, 3937:20, 3941:17, 3942:1, 3943:9, 3946:2, 3951:1, 3951:12, 3951:20, 3958:16, 3978:25, 3980:11, 3980:18, 3980:19, 3993:19, 3994:23, 3998:14, 4016:8, 4024:20, 4032:16, 4033:21 People - 3944:7 per - 4001:11 perceive - 3877:1 perceives - 3851:5 perception - 3936:22 perchance - 4028:5 perhaps - 3884:21, 3893:13, 3901:24, 3904:1, 3925:7, 3925:18, 3929:5, 3937:22, 3938:21, 3940:10, 3967:13, 4027:13 period - 3868:9, 3877:22, 3927:20, 3954:23, 3979:24, 4014:18, 4039:25, 4040:9 permits - 3851:19, 3856:23 permitted - 3850:22 person - 3848:1, 3852:6, 3863:13, 3864:17, 3869:7, 3882:16, 3884:20, 3890:4, 3908:4, 3924:23, 3925:6, 3935:6, 3942:18, 3944:9, 3944:10, 4000:25, 4020:4, 4026:10, 4026:14 personal - 3991:22, 3994:7, 3994:10 personality - 4015:24 personally - 3943:18 perspective - 3924:14, 4015:17 pertinent - 3996:12 Peter - 3854:12, 3894:13 Peters - 3967:21, 3967:22 Petty - 4002:20 phencyclidine - 4012:22, 4031:19, 4032:13 Phone - 3896:11, 3963:21 phone - 3896:14, 3943:6, 3943:7, 3945:9, 3951:14, 3953:18,</p> | <p>3960:18, 3962:25, 3963:20, 3963:24, 3964:20, 3964:21, 3988:11, 3988:17, 3992:10, 4020:5 phoned - 3915:19, 3942:8, 3942:10, 3959:5, 3964:16, 3977:16, 3978:4, 3986:9, 3987:15, 3988:2, 3988:8, 4009:20 phonetic - 3919:20 phoning - 3960:19, 3987:19 photography - 3924:11 pick - 3888:12, 3894:10, 3900:4, 3908:1, 3915:19, 3922:19, 3968:10 picked - 3915:21, 3920:3, 3968:12, 3969:14 picking - 3929:12, 3931:13 pickles - 3972:20 picture - 3913:2 pictures - 3895:23, 3896:17, 3897:19, 3903:3, 3913:3, 3922:5, 3923:18 piece - 3994:1 pig - 3894:25 pile - 3914:1, 3914:19 pillow - 3971:23, 3972:1, 3972:2, 3972:4, 3975:12, 4007:5, 4012:12, 4012:13, 4012:14 pinched - 3983:2, 3992:16, 3997:10 pity - 4040:14 place - 3898:23, 3900:19, 3912:17, 3913:21, 3913:22, 3921:17, 3940:7, 3947:9, 3964:24, 3976:24, 3997:9, 4006:25, 4011:5 placed - 3874:7, 4035:15 places - 3880:11, 3888:7, 3924:6 plan - 3850:4, 3909:12, 3950:9 plane - 4010:23 planned - 3906:17, 3924:15, 3995:13 play - 3894:17, 3895:6, 3910:22, 3912:13, 3918:13, 3952:22, 3967:10, 3980:7, 3992:11, 4002:6 played - 3868:11, 3894:18, 3895:8, 3896:15, 3910:24, 3920:4, 3922:6, 3922:13, 3923:1, 3934:1, 3993:12, 3998:13 Played - 3846:8, 3846:9, 3846:10, 3846:11, 3846:12, 3846:13, 3846:14 playing - 3867:23, 3877:12, 3877:13, 3894:12, 3915:4, 3927:1 pleasant - 3970:4,</p> | <p>3970:6 Pm - 3893:16, 3966:23, 3966:24, 4011:19, 4011:22, 4033:15, 4041:13 pockets - 4004:4 point - 3854:25, 3862:21, 3866:15, 3872:24, 3873:7, 3873:21, 3874:3, 3874:15, 3874:19, 3875:16, 3877:4, 3888:13, 3905:11, 3930:4, 3932:2, 3939:21, 3940:4, 3948:2, 3951:15, 3957:20, 3967:15, 3974:14, 4022:15, 4037:3, 4041:6 points - 3873:25, 3874:1 Police - 3845:8, 3889:17, 3890:25, 3919:14, 3939:18, 3968:9, 3969:11, 3969:13, 4000:15, 4001:11, 4017:20, 4024:13 police - 3847:15, 3847:25, 3848:5, 3848:8, 3848:18, 3852:8, 3854:5, 3854:18, 3857:11, 3857:21, 3857:23, 3858:7, 3861:12, 3861:13, 3861:21, 3862:14, 3862:24, 3869:9, 3871:4, 3871:9, 3871:24, 3884:5, 3885:14, 3885:20, 3888:10, 3911:8, 3922:8, 3929:5, 3931:12, 3931:21, 3944:15, 3945:10, 3946:1, 3947:11, 3948:5, 4017:16, 4021:1, 4023:20 political - 4015:17 polygraph - 3886:12, 3887:3, 3887:11, 3890:9, 4013:4 poor - 3902:22, 3927:11 popular - 3984:8 portion - 3863:5, 3864:15, 3876:12, 3892:9, 3902:13, 3902:16, 3903:12, 3903:25, 3905:3, 3906:1, 3907:14, 3909:2, 3910:22, 3928:10, 3939:25, 3940:10, 3941:25, 3950:2, 4011:18 portions - 3901:11, 3938:25, 3940:4, 3940:14, 3952:4 position - 3889:23 possess - 3996:18 possession - 3992:17, 3992:18, 4035:4, 4036:5 possible - 3903:5, 3904:16, 3907:6, 3948:23, 3952:1, 3982:11 possibly - 3884:25, 3907:7, 3970:23, 4016:22, 4023:13 pot - 3898:23,</p> |
|--|--|---|---|---|

P



| | | | | |
|--|--|--|---|---|
| <p>3911:14, 3985:14 Potential - 3851:6 practical - 3853:4 practically - 3848:25, 3857:25 practice - 3849:2, 3849:23 pray - 3915:15 predicted - 3855:20, 4015:19 prefer - 3868:19 Prehodchenko - 3844:12 prejudicial - 3849:20, 3851:8, 3853:14 preliminary - 3947:16 prepared - 3930:1 presence - 4027:14, 4028:1, 4028:18 present - 3847:11, 3849:25, 3850:2, 3850:9, 3853:22, 3854:4, 3854:19, 3868:19, 3967:23 presentation - 3850:5 press - 4016:25 Press - 3888:16, 3889:1 pressure - 3852:15, 3932:11, 3932:18 presumably - 3854:18 pretty - 3881:25, 3890:12, 3898:16, 3932:10, 3974:12, 3977:3, 3977:6, 3979:9, 4037:20 Pretty - 4024:5 previous - 3928:21, 3987:16, 4019:6, 4039:11 previously - 3850:11, 3859:12 primarily - 4016:4 primary - 3909:15, 3910:12 principles - 3848:21, 3853:25, 3950:24 prison - 4024:3, 4024:17 privacy - 3856:19 privilege - 3930:20 probation - 4035:19, 4035:21, 4036:1, 4036:13, 4036:16, 4037:10, 4037:18 probative - 3849:19, 3851:9, 3853:15, 3858:2 problem - 3856:22, 3861:18, 4000:8, 4015:24 problems - 3942:20, 3948:13 procedure - 3849:22, 3850:19, 3874:14 proceed - 3893:10, 3893:19 proceedings - 3850:12, 3968:2, 4026:21, 4026:25 Proceedings - 3843:13, 3843:24, 3846:1, 3847:1 process - 3856:9, 3856:11, 3945:16 product - 3982:22 Professed - 4016:21 professes - 3852:4, 4015:16 professional -</p> | <p>4008:16, 4027:18, 4027:24, 4039:7 promised - 4022:25 proof - 3992:6 propaganda - 4001:23, 4003:17 proper - 3906:12 property - 4035:11 propose - 3939:20, 3940:3, 3967:9 proposing - 3859:6, 3938:14 proposition - 3882:8 proscribed - 3868:25, 3892:23 prosecution - 3848:9, 3891:5, 4017:15 prosecutor - 3848:6, 3948:2, 4037:24 protection - 3999:3 protective - 4009:4 proud - 3912:9 prove - 3917:10, 3941:1, 3951:5, 3991:24 provided - 3853:7, 3859:24 Province - 4042:3 proximity - 3885:10 psych - 4008:21 public - 3848:15, 3848:24, 3849:9, 3851:18, 3852:25, 3853:3, 3853:8, 3853:13, 3855:2, 3855:15, 3856:7 public's - 3856:18 publication - 3848:14, 3852:23, 3853:9, 3853:13, 3855:11 publicity - 3968:16, 4013:10 published - 3856:22, 4003:1 pulled - 3887:19, 3913:8, 3915:10, 3968:13 pumped - 4016:1 punched - 3915:5 punching - 3865:24, 3915:7 punks - 3914:6 purchase - 3880:23, 3906:18 purchased - 3906:14 purchasing - 3881:11 pure - 3944:6 purpose - 3870:21, 3870:24, 3871:2, 3874:18, 3909:16, 4011:24 purposes - 3874:13, 3996:19, 3996:20 pursue - 3879:16, 3934:12 pursued - 3875:10 pushed - 3961:5 pushes - 4017:2 put - 3847:19, 3847:22, 3852:9, 3852:16, 3860:7, 3860:12, 3861:7, 3861:14, 3862:25, 3863:6, 3864:14, 3869:22, 3874:23, 3877:21, 3877:24, 3891:22, 3892:7, 3892:8, 3892:15, 3892:18, 3893:5, 3913:10, 3913:23,</p> | <p>3913:25, 3915:24, 3932:1, 3932:18, 3946:19, 3981:17, 3994:17, 3995:2, 3995:12, 3998:6, 3999:25, 4000:2, 4000:4, 4014:19 putting - 3854:25, 3874:17, 3932:11</p> <p style="text-align: center;">Q</p> <p>Qb - 3844:10 Qc - 3845:2, 3845:9 quarter - 3966:14 Queen's - 4042:1, 4042:2, 4042:13 queers - 3884:13 questioned - 3887:4, 3890:4, 3890:18, 3890:22, 4013:12 questioning - 3860:20, 3866:11, 3882:16, 3885:7, 3885:14, 3887:11, 3891:22, 3931:13 questions - 3852:9, 3864:14, 3875:11, 3880:5, 3882:9, 3883:7, 3883:12, 3883:14, 3883:18, 3887:15, 3889:15, 3891:12, 3892:6, 3902:15, 3929:16, 3929:18, 3930:4, 3930:8, 3930:9, 3930:12, 3930:17, 3933:11, 3936:12, 3936:15, 3938:9, 3943:12, 3946:22, 3952:3, 4000:19, 4039:2 quick - 3856:21, 3915:15 quickly - 3952:1 quiet - 3924:22, 4010:17 quit - 3961:6, 3972:13, 3987:22 Quit - 3961:7 quite - 3874:5, 3874:10, 3884:4, 3902:22, 3911:11, 3958:15, 3979:23, 4015:15, 4029:24 quitting - 3949:12 quote - 3852:10, 3852:17, 3864:1</p> <p style="text-align: center;">R</p> <p>racist - 4020:2 radio - 3968:17 railroaded - 3941:4 raise - 3859:4, 3859:7, 3860:6, 3875:18, 3893:3 raised - 3872:20 raising - 3868:16, 3879:22, 3889:8 ram - 4007:6 ran - 3936:19, 3958:10 range - 3849:15 rape - 3885:3, 3914:24, 4039:19 rapist - 3885:1 rat - 3976:14, 3980:9, 3994:19, 3994:25, 4004:7 rate - 3902:23 rather - 3922:9,</p> | <p>3930:19, 3930:22, 3966:5, 3995:1 Ray - 3997:20, 3997:21, 3997:22, 3997:25, 3998:4 Rcmp - 3845:10, 3846:21, 3875:9, 3910:17, 3910:19, 3966:18, 3967:6, 3967:17, 4009:1, 4010:9, 4011:6 re - 4012:23, 4013:7 re-establishing - 4013:7 re-read - 4012:23 reach - 3855:25 reaction - 3945:22 reactions - 4032:15 read - 3850:6, 3851:3, 3851:8, 3851:22, 3853:2, 3854:22, 3855:6, 3855:8, 3857:14, 3857:18, 3858:3, 3858:5, 3858:8, 3858:11, 3864:1, 3864:15, 3872:9, 3872:10, 3872:13, 3904:2, 3906:2, 3907:16, 3907:18, 3907:19, 3909:2, 3909:4, 3938:14, 3939:19, 3939:20, 3939:25, 3940:13, 3940:16, 3941:10, 3952:4, 3952:20, 3966:15, 3971:21, 3995:24, 3996:1, 3996:2, 4003:4, 4011:18, 4011:21, 4012:23, 4015:11, 4040:16, 4041:2, 4041:5, 4041:6 read-in - 4041:2, 4041:5, 4041:6 read-ins - 3938:14, 3966:15, 4040:16 readily - 3875:14 reading - 3848:6, 3848:13, 3856:3, 3859:25, 3880:6, 3925:18, 3931:24, 3947:1, 3947:22, 4016:17, 4020:15 reading-in - 3880:6 ready - 3893:9, 3893:19 real - 3895:14, 3895:21, 3897:18, 3898:19, 3900:18, 3911:14, 3914:5, 3915:15, 3974:13, 3977:25, 4025:9 realize - 3949:5, 4038:6 really - 3863:14, 3865:8, 3865:25, 3878:1, 3880:14, 3880:16, 3885:7, 3885:20, 3901:5, 3902:5, 3902:7, 3909:18, 3910:5, 3912:9, 3913:6, 3914:22, 3924:8, 3924:21, 3926:13, 3927:12, 3928:3, 3928:8, 3929:9, 3929:13, 3932:3, 3938:5, 3944:14, 3946:7, 3947:6, 3948:20, 3949:12,</p> | <p>3949:19, 3950:12, 3951:24, 3957:21, 3959:17, 3960:1, 3960:7, 3972:13, 3978:6, 3978:19, 3981:13, 3982:25, 3983:18, 3984:18, 3984:22, 3989:11, 3991:20, 3994:5, 4001:24, 4005:19, 4007:25, 4024:6, 4030:7, 4031:8 Really - 3958:21 reason - 3869:1, 3870:8, 3871:16, 3909:20, 3910:7, 3910:12, 3933:22, 3943:13, 3948:5, 3991:20, 3995:14, 3996:17, 4010:12, 4021:8, 4022:12, 4022:23, 4040:10 reasonable - 3856:17, 3942:18, 3946:25, 3948:12 reasonably - 4015:14 reasons - 3847:6, 3869:7, 4007:23, 4032:2 rec - 3865:18 Recalled - 3846:6 recalled - 3893:23, 4022:5 recant - 4012:5, 4014:21 recantation - 4018:10, 4018:12 recanted - 4012:8, 4030:14 recanting - 4019:1, 4019:4 recants - 3994:16 receive - 3996:13, 4022:25 received - 3924:3, 3996:13 receiving - 4017:17 recent - 4014:6, 4029:18 Recently - 4014:4 receptive - 4019:15 recognized - 3855:14 recollect - 3931:20 recollection - 3850:10, 3851:17, 3853:17, 3859:5, 3859:11, 3864:6, 3865:10, 3865:19, 3865:22, 3869:16, 3871:23, 3877:4, 3878:13, 3880:17, 3881:10, 3881:13, 3881:23, 3882:1, 3882:11, 3882:18, 3882:21, 3882:24, 3904:18, 3906:23, 3907:2, 3909:8, 3910:1, 3910:2, 3927:18, 3932:11, 3932:14, 3933:5, 3934:5, 3934:7, 3934:10, 4014:25 recollections - 3864:7 Reconvicted - 3847:2, 3893:16, 3966:24 record - 3852:13, 3852:22, 3852:24, 3853:6, 3853:10, 3855:11, 3855:15, 3999:11, 4008:14, 4013:1, 4026:8,</p> |
|--|--|--|---|---|



| | | | | |
|---|---|--|---|---|
| <p>4035:23, 4037:16, 4037:20, 4038:11 recorded - 3851:17, 3853:18, 3854:20, 4012:25 recorder - 3852:7, 3922:18, 4001:7 Recording - 3846:20, 3846:22 recording - 3852:5, 3862:20, 3966:12, 4011:12 redirect - 3883:16, 3891:14, 3938:10 reenact - 4017:6, 4018:1 reenacted - 3994:6 reenactment - 3971:19, 3972:22, 3974:9, 3974:18, 3978:25, 3985:22, 4004:19, 4007:1 refer - 3848:23, 3851:3, 3874:25, 3887:22 reference - 3857:17, 3857:23, 3858:15, 3862:11, 3868:16, 3868:21, 3869:5, 3870:11, 3873:4, 3875:5, 3878:8, 3879:7, 3888:24, 3892:17, 3933:11, 3938:20, 3939:9, 3967:5, 4003:6, 4018:9, 4020:12, 4021:23, 4039:4 Reference - 3851:5, 4021:25 referenced - 3879:20, 3882:17 references - 3848:16, 3848:17, 3855:15, 3857:24, 3940:6 References - 3858:10 referred - 3866:12, 3868:23, 3871:21, 3872:7, 3876:9, 3879:21, 3882:15, 3931:17, 3938:25 referring - 3871:14, 3903:11, 3906:8, 3933:13, 3937:9, 3937:18, 4031:15 refers - 3850:10, 3864:16 reflected - 4013:2 refresh - 3847:24, 3892:16, 3905:18 refreshes - 3887:23, 3888:2, 3892:5 refreshing - 3874:18 refusal - 3851:7 refuse - 3950:9 regard - 3873:15 regarding - 3885:19 Regina - 3878:2, 3888:4, 3888:12, 3894:24, 3902:18, 3904:15, 3905:12, 3905:20, 3911:13, 3912:1, 3912:16, 3912:25, 3916:20, 3916:23, 3917:14, 3918:17, 3919:13, 3919:14, 3922:3, 3922:23, 3923:20, 3929:11, 3939:2, 3939:19, 3949:13, 3958:1, 3958:4, 3968:13, 3974:3,</p> | <p>3976:10, 3984:20, 3998:22, 4000:15, 4013:9, 4013:16, 4017:20, 4020:20, 4033:3, 4033:16, 4034:25, 4035:3, 4036:19, 4036:24 registered - 3999:8, 3999:12, 3999:23 Registrar - 3999:20 regret - 4019:1 regular - 3936:3 Reiterated - 4017:23 relate - 3865:4, 3869:12, 4025:7 related - 3870:5 relating - 3848:17, 3929:1, 4016:4 relation - 3869:2, 3956:8 relations - 3862:1, 3862:19 relationship - 3888:6, 4016:5 relative - 3902:21, 3957:2 relatively - 3927:13 relaxed - 3849:4, 3901:23, 3925:16 relay - 3882:9 released - 4024:2, 4024:17 relent - 4015:20 relevance - 3849:15, 3850:23, 3851:23, 3853:15, 3859:22 Relevance - 3848:16 relevancy - 3850:25, 3854:25, 3855:20, 3856:13, 3856:16 relevant - 3848:18, 3851:4, 3852:11, 3857:10, 3858:7, 3939:25 reliability - 3849:10, 3871:11 reliable - 3848:19 religion - 4014:13 religious - 4012:3 relying - 3871:10 remained - 3999:18 remains - 3944:22, 4015:2 remarks - 3849:21, 3879:5 remember - 3852:20, 3861:22, 3862:16, 3867:19, 3869:25, 3872:25, 3873:8, 3873:10, 3873:18, 3873:25, 3874:23, 3875:2, 3880:16, 3882:19, 3886:1, 3886:20, 3886:22, 3886:23, 3887:7, 3887:9, 3890:8, 3901:25, 3902:16, 3902:19, 3903:16, 3906:5, 3918:10, 3924:22, 3927:16, 3927:21, 3928:2, 3935:12, 3935:13, 3937:7, 3944:17, 3956:1, 3969:14, 3969:18, 3970:3, 3971:2, 3974:10, 3974:19, 3977:9, 3979:11, 3980:22, 3981:12, 3981:18, 3982:7, 3987:4,</p> | <p>3995:16, 4000:20, 4000:24, 4000:25, 4001:10, 4004:25, 4006:13, 4006:17, 4019:24, 4024:10, 4025:17, 4025:18, 4032:20, 4036:14 remembered - 3874:2, 3875:9, 3925:11 remembers - 3872:14, 3873:12, 3980:21, 3980:24 reminds - 4014:17 rendering - 3857:7, 3879:12 rendition - 3903:10 repeat - 4017:8 repercussions - 4019:3 report - 3857:24, 3860:9, 3861:12, 3861:14, 3861:21, 3862:14, 3862:24, 3863:6, 3864:2, 3864:16, 3938:23, 3939:12 reporter - 3893:12 Reporter - 3844:10, 3883:22, 3883:23, 4042:3, 4042:13 Reporter's - 4042:1 representative - 4012:2, 4012:4, 4012:7 representing - 3934:15 reputation - 3850:24, 3854:24, 3856:15, 3950:8, 3950:20 required - 3851:1, 3856:16 reread - 3940:3 reschedule - 4040:23 research - 3946:24 residence - 4011:23 respect - 3870:2, 3875:12, 3910:16, 3938:14, 3939:13, 3940:1, 4022:12, 4028:10 respectful - 3941:12 respecting - 3926:10, 4011:16, 4015:10 response - 3903:7 responsibility - 3849:25 responsible - 3891:9 rest - 3948:25, 3982:21, 3984:19, 3985:3, 4033:12 Restaurant - 4013:16 restaurant - 3986:7 result - 3851:21, 3888:10, 3916:4 resulted - 4020:24 retain - 3889:23 retired - 3977:22, 3977:23 retract - 3995:3 retracting - 4013:22 retraction - 4014:17 return - 3920:16, 3951:10, 4017:17, 4023:1 returned - 3917:18, 3920:6 returning - 3849:23, 3894:8 revealed - 3856:9 review - 3859:12 reviewed - 3875:20</p> | <p>revive - 3854:20 revived - 4028:23 reward - 3920:13, 3921:19 Richard - 3882:24, 3883:5, 3919:19, 3984:3 Rick - 3845:8, 3894:20 rid - 3978:8 ride - 3979:4 rifle - 4035:5 rights - 3849:11 rights-based - 3849:11 ring - 3949:24, 3992:21 ringing - 3943:8 rings - 3896:11, 3931:7 ritual - 3903:17 river - 4010:14, 4030:9 road - 3880:10, 3982:1, 4004:3, 4005:8 robbed - 3997:11 robbery - 3995:18, 3995:21, 3997:6 Robert - 3845:6 Roberts - 3890:4, 3891:2 Rock - 4009:14, 4010:2 rock - 3991:16 roll - 3908:9, 3908:14, 3908:16, 3911:15 rolling - 3914:20 Ron - 3919:3, 3958:23, 4013:25, 4014:4, 4014:12, 4016:6, 4018:6, 4040:24 Ron/dale - 3990:25, 4029:23 room - 3896:9, 3897:4, 3898:2, 3898:13, 3899:3, 3903:14, 3904:9, 3904:24, 3908:20, 3914:8, 3915:5, 3937:13, 3937:15, 3940:2, 3968:18, 3970:17, 3970:23, 3972:12, 3974:10, 3974:15, 3974:21, 3974:22, 3974:24, 3979:16, 3989:22, 4006:9, 4016:1, 4018:5, 4024:15, 4031:5, 4033:7, 4033:21, 4033:23, 4033:25, 4034:6 rooms - 3927:19, 4005:20, 4027:23 rough - 3986:3, 3986:4, 3994:18 roulette - 3877:13 rounders - 3984:5 Rpr - 3844:10, 4042:2, 4042:11, 4042:12 rubbing - 3899:25 ruckus - 3908:19 Rudy's - 3975:25 rule - 3849:16, 3849:19 rules - 3849:1, 3849:8, 3849:10 ruling - 3847:6, 3858:23 run - 4010:15 running - 3927:24 Russian - 3877:13</p> | <p>safe - 3890:17 safeguards - 3849:7, 3849:9 Safeway - 3998:5 Sandra - 3844:5 sandwiches - 3912:13, 3927:2 Sankoff - 3854:12 Saskatchewan - 3843:18, 3845:4, 3848:25, 3981:10, 3981:11, 3984:20, 4020:9, 4042:3 Saskatoon - 3843:18, 3845:8, 3911:24, 3914:13, 3917:18, 3917:21, 3918:18, 3919:2, 3920:6, 3924:12, 3939:17, 3949:15, 3968:9, 3969:10, 4000:14, 4001:10, 4014:3, 4024:12, 4033:11, 4033:22 sat - 3887:14, 3896:5, 3896:6 Savalas - 4002:8 save - 3850:3, 3938:21, 3946:2, 3979:10, 4006:16 saved - 3994:24 saw - 3877:23, 3913:2, 3932:19, 3933:6, 3936:2, 3973:17, 3973:25, 3975:9, 3975:19, 3985:11, 3989:21, 3994:11, 3994:17, 4000:6, 4007:4, 4007:8, 4007:10, 4009:11, 4012:10, 4012:16, 4013:23, 4014:1, 4017:12, 4018:11 sawed - 4035:4 sawed-off - 4035:4 scam - 3988:4 scared - 3896:7, 3900:19, 3913:6, 3913:15, 3943:9, 3960:18, 3960:19, 3961:20, 3961:22, 3969:3, 3971:1, 3971:5, 3972:5, 3984:2, 4009:9 Scared - 4009:10 scary - 3897:18 scheduled - 4040:21 school - 3912:9, 3921:15, 4009:15, 4010:4, 4040:22 scope - 3847:7, 3850:22 score - 3984:7 Scotia - 3852:18 scramble - 3929:24 screen - 3861:8, 3862:23, 3866:22, 3901:12 screwed - 3912:22, 3995:24 script - 4001:24 scrutiny - 3855:3 se - 4001:11 Seattle - 3987:17, 3987:21, 3990:11, 4012:2 sec' - 4006:21 second - 3878:17, 3886:12, 3910:15, 3917:21, 3952:16, 4016:2</p> |
|---|---|--|---|---|

S



| | | | | |
|--|---|---|---|--|
| second-last - 3878:17 secretary - 3988:10 Section - 4011:17 section - 4039:1 Security - 3844:11 See - 3877:6, 3982:6, 4006:12 see - 3854:7, 3859:5, 3859:18, 3861:17, 3874:19, 3887:23, 3890:6, 3890:24, 3891:6, 3892:5, 3896:12, 3896:13, 3897:16, 3907:4, 3908:4, 3909:19, 3914:16, 3914:18, 3917:5, 3927:16, 3928:4, 3932:22, 3932:25, 3933:1, 3935:23, 3938:24, 3939:9, 3943:12, 3945:8, 3953:17, 3956:22, 3956:25, 3960:17, 3963:9, 3963:23, 3964:17, 3965:10, 3968:9, 3979:3, 3986:25, 3988:7, 3988:15, 3995:24, 3997:20, 3999:10, 4005:13, 4005:14, 4007:14, 4007:16, 4009:12, 4009:13, 4010:15, 4026:18, 4029:1, 4029:9, 4031:25 seeing - 3975:22, 4017:5, 4029:7 seek - 3856:17, 3859:25, 3874:14 seeking - 3854:22, 3856:4, 3870:21 seeks - 3856:8 seem - 3864:20, 3867:11, 3871:15, 3884:19, 3942:11, 3960:25, 4018:25 sell - 3992:8 seller - 4008:5 selling - 3881:12, 3934:18, 3972:15, 4005:7 send - 3977:15 sense - 3864:8, 3871:20, 3910:10, 3951:18, 3962:23 sensed - 4018:23 sent - 3888:11, 3971:11 sentence - 3939:5, 3996:5, 3996:6, 3996:11, 3996:13, 3996:25, 3997:4, 3997:16, 4035:16, 4036:15, 4037:1 sentenced - 4035:9 separate - 3974:6 separated - 3999:18 September - 4007:21 Serge - 3845:7 Sergeant - 3939:1, 4009:18 series - 3870:4 serious - 4015:25 Serious - 4009:12, 4009:19, 4011:6 seriously - 4028:13 serve - 3874:18 served - 4037:5, 4040:5 Service - 3845:8 | serving - 4036:14 set - 3915:20, 3916:9, 3916:11, 3920:2, 3951:19, 3969:21, 3970:3, 3974:21, 3974:22, 4007:10 setting - 3851:18 seven - 3963:17 Seven - 3920:19, 3920:21 sex - 3857:17, 3857:20, 3858:4, 3858:6, 3858:10, 3914:8, 3980:17 sexual - 3861:25, 3862:19 sexually - 3866:7, 3866:17 shall - 3855:1, 3855:6 shape - 3955:19 Sharade - 3894:20 shared - 4022:18 Sharon - 3846:3, 3858:17, 3888:5, 3888:10, 3888:14 sharp - 3913:16 shed - 3869:10 sheep - 4007:6 Sheraton - 3843:17 Sherry - 3999:14 shirt - 3925:1 shit - 3896:10, 3900:7, 3911:12, 3912:4, 3915:23, 3920:14, 3922:2, 3922:10, 3971:1, 3971:5, 3972:5, 3975:22, 3977:5, 3980:2, 3984:17, 3985:2, 3985:3, 3993:18, 3994:9, 3995:2, 3999:8, 4009:25 shock - 3957:4 shocked - 3959:5, 3986:24, 4012:16 shook - 4030:11 shoot - 3978:7 shop - 3975:24 shopping - 3906:16, 3906:17 short - 3910:22, 3939:9, 3955:6, 3959:19, 3967:1, 3974:2, 3996:18, 4039:24 shorter - 3952:18 shorthand - 4042:5 Shortly - 3971:10 shortly - 3996:14 Shorty - 3869:3, 3869:13, 3870:22, 3871:10 shot - 3964:8, 3977:10, 3998:5, 4000:8 shotgun - 4035:5 shoved - 3915:11 show - 3872:18, 3877:1, 3899:12, 3912:5, 4002:15, 4002:19 showed - 3968:3, 3986:11, 4005:10, 4013:18, 4019:15, 4040:11 showing - 3854:21 shown - 3847:16, 3855:1, 3862:14, 3876:25 shows - 3986:19 | shriner - 4003:14 Shriners - 3990:19 shuffling - 3899:25 shut - 4011:10 side - 3858:22, 3906:19, 3911:1, 3911:3, 3972:2, 3985:5, 4010:13, 4038:11 sides - 3970:12 sign - 4012:24 signature - 3847:17, 3852:1 signed - 3847:11, 3854:17, 4032:23 significance - 3871:25 similar - 3856:4, 3928:8 Similarly - 3939:22 simple - 3877:3, 3925:5 simply - 3848:19, 3869:2, 3872:24, 3926:3, 3938:21 sincere - 3940:20, 3941:14 sincerely - 3951:8, 4040:10 sister's - 3991:9, 4029:21 sit - 3873:21, 3948:19, 3951:12, 3983:9, 3983:16, 4041:4 sitting - 3843:16, 3896:4, 3971:8, 3974:20, 3974:23, 3975:3, 3975:4, 4007:3, 4007:9 situation - 3865:2, 3903:9, 3910:6, 3979:20, 4022:14 six - 3976:1, 3981:19, 3992:19, 3997:15, 3997:16, 4004:2, 4035:9 six-month - 3997:16 skill - 4042:6 slam - 3987:1 slamming - 4019:13 slay - 4030:13 sleep - 3993:11 sleeping - 3898:21, 3984:17 slept - 3899:16 slight - 3858:2, 3926:1 slightly - 3902:6 slip - 4018:3 slipped - 3976:13 small - 3899:3, 3937:16, 3974:3, 4023:14 smart - 3912:15, 3915:1, 3984:4 Smart - 3901:1 smarter - 3990:13 smell - 3949:23 Smittys - 3898:2 smoke - 3911:14, 3911:16, 3918:15, 3918:23 smoked - 3918:18, 3918:24 Smoking - 3935:16, 3985:14 smoking - 3927:9, 3935:17 social - 4015:23 socialized - 3974:1 sofa - 3896:5 sold - 3888:15, 3888:24, 3898:23, | 3918:19, 3935:8, 3999:19, 4027:24 sole - 3996:15 solid - 3980:12 solution - 3856:21 someone - 3946:17, 3967:3, 3989:6, 4015:9, 4020:7 someplace - 3888:9 sometime - 3894:14, 3916:19 Sometime - 3957:9 sometimes - 3864:20, 3864:25, 3874:16, 3957:8, 3972:8, 4005:13 somewhat - 3860:13, 3940:12, 4018:24 somewhere - 3884:11, 3965:22, 3996:2 son - 3968:3 soon - 3856:23, 3920:7, 3921:9, 3944:15, 3945:8, 3945:15, 3946:21 sooner - 3995:7 sorry - 3863:23, 3865:14, 3870:16, 3877:16, 3881:16, 3885:15, 3886:15, 3901:13, 3907:18, 3930:16, 3935:17, 3944:12, 3968:7, 3988:13, 4028:9, 4034:7 Sorry - 3876:7, 3876:22, 3878:20, 3881:18 sort - 3865:21, 3866:5, 3866:7, 3867:18, 3868:3, 3933:7, 3934:5, 3934:18, 3934:24, 3955:14, 3968:15, 3972:14, 3978:2, 3984:6, 3986:11, 3994:1, 4001:16, 4005:9, 4005:22, 4015:14, 4028:11 soul - 4027:25 sound - 3898:19, 3901:16, 3909:7, 3924:18, 3961:21 sounded - 3925:10 soundly - 3848:14 Sounds - 3942:10, 4002:2 sounds - 3899:25, 3959:15, 3961:22 source - 3857:13, 3880:18, 3892:2 Spark - 3888:16, 3889:1 Speaker - 3879:2 speaking - 3902:14, 3969:12, 4040:1 speaks - 3855:6, 3869:11 specific - 3880:1, 3903:21, 4026:1, 4026:4 specifically - 3875:12, 3876:12, 3878:12, 3893:4, 3905:20, 3936:11 speech - 3925:5 spend - 3907:8, 3907:10, 3927:8, 3981:7 spends - 4008:18 spent - 3918:2, | 3918:7, 3925:16, 3950:7, 4027:22 split - 3884:20 spoken - 3970:18, 3980:20, 4024:19, 4027:4, 4027:14 spotted - 4010:7 sprees - 3906:17 St - 3884:14, 3885:9, 3981:2, 3981:7, 4034:21 stabbed - 3972:4, 4012:12 stabbing - 3971:23, 3972:3, 3972:23, 3972:25, 4012:13 stabs - 3980:16 Stadnyk - 4008:9, 4040:20 Staff - 3844:1, 3844:8 stage - 3949:12 stake - 3850:25 stalking - 4010:9 stand - 3989:25, 4004:9, 4032:25 standard - 3850:25, 3856:15 standing - 3850:16, 3851:6, 3853:8, 3856:2, 3986:22, 3991:11, 4027:18 start - 3860:6, 3862:7, 3863:4, 3863:5, 3864:5, 3883:21, 3894:15, 3941:19, 3941:25, 3946:19, 3946:22, 3991:19, 4020:13, 4029:14 Start - 3950:1, 4020:15 started - 3874:15, 3896:25, 3904:4, 3911:1, 3914:20, 3921:21, 3921:23, 3921:25, 3922:1, 3944:15, 3945:4, 3945:16, 3972:3, 3986:2 starting - 3866:20, 3906:1, 3940:15, 3957:12, 3960:2, 4015:11, 4026:6, 4031:3 starts - 3861:10, 3862:24 State - 3854:14 statement - 3847:10, 3847:14, 3847:16, 3847:18, 3847:22, 3848:6, 3850:7, 3854:5, 3854:17, 3855:1, 3855:5, 3855:13, 3857:2, 3857:22, 3857:25, 3858:15, 3859:9, 3859:12, 3859:18, 3861:12, 3864:21, 3864:23, 3865:12, 3868:22, 3869:9, 3869:10, 3869:13, 3870:4, 3870:7, 3870:12, 3870:17, 3870:18, 3870:19, 3870:23, 3871:3, 3871:21, 3872:24, 3874:22, 3874:24, 3875:1, 3875:19, 3875:21, 3875:22, 3876:16, 3878:7, 3878:8, 3878:10, 3878:21, 3878:23, 3879:1, |
|--|---|---|---|--|



| | | | | |
|---|---|---|---|---|
| <p>3882:4, 3882:17, 3886:8, 3886:11, 3886:25, 3888:23, 3892:5, 3892:13, 3892:14, 3892:18, 3892:20, 3892:23, 3893:5, 3904:19, 3928:14, 3928:25, 3929:3, 3931:15, 3931:17, 3931:25, 3932:5, 3932:15, 3939:15, 3939:17, 3939:21, 3968:3, 3968:10, 3969:22, 4018:18, 4019:19, 4019:22, 4032:23, 4033:2, 4033:4, 4033:7, 4033:14</p> <p>statements - 3847:20, 3850:11, 3857:5, 3857:10, 3857:14, 3860:1, 3868:23, 3870:15, 3871:22, 3875:8, 3879:8, 3923:4, 3928:22, 3936:20, 3937:10, 3994:2</p> <p>states - 3862:2, 3862:20</p> <p>station - 3922:8</p> <p>status - 3884:12</p> <p>stay - 3897:1, 3897:3, 3897:25, 3904:6, 3904:8, 3909:12, 3909:20, 3913:19, 3919:12, 3943:23, 3944:3, 3979:1, 4023:12</p> <p>stayed - 3897:24, 3898:11, 3901:2, 3914:15, 3953:12, 3976:24, 3993:6</p> <p>staying - 3895:13, 3898:9, 3904:23, 3909:13, 3927:18, 4005:25, 4024:15</p> <p>steady - 3888:6, 3943:8</p> <p>steal - 3908:2, 3983:1, 3983:2</p> <p>step - 3851:24, 3985:7, 3989:12</p> <p>stick - 3914:14, 3982:15</p> <p>sticking - 3940:25</p> <p>still - 3871:8, 3884:10, 3893:25, 3898:20, 3908:22, 3931:1, 3944:22, 3948:25, 3951:17, 3993:5, 3997:25, 3998:4, 3998:22, 4004:17, 4023:25, 4026:14, 4028:14</p> <p>stinks - 3941:8, 3941:22, 3949:22</p> <p>stole - 3980:18</p> <p>stone - 3932:3</p> <p>stone-heads - 3932:3</p> <p>stoned - 3914:22</p> <p>stop - 3950:9, 3988:15, 4016:14</p> <p>stopped - 3888:9, 4010:5</p> <p>stopping - 3915:13, 3915:14</p> <p>store - 3997:11</p> <p>stories - 3913:24</p> <p>story - 3897:5, 3897:6, 3897:20, 3902:3, 3904:10, 3904:12,</p> | <p>3924:21, 3925:3, 3925:12, 3925:18, 3926:4, 3978:22, 3992:12, 3993:2, 3994:4, 3994:12, 3995:14, 4001:17, 4014:13</p> <p>Story - 3916:7</p> <p>story-teller - 3902:3</p> <p>straddled - 3972:2</p> <p>straight - 3896:1, 3923:3, 3979:13, 4001:17, 4002:23</p> <p>strange - 3945:3, 3945:14, 3960:6</p> <p>Street - 3888:16, 3889:1, 3912:17</p> <p>street - 3915:2, 3970:14, 3984:4</p> <p>streets - 3970:13</p> <p>stress - 3924:21, 3925:3, 3925:12, 3925:19, 3929:6</p> <p>stretched - 3929:7</p> <p>strictly - 3849:3, 3853:18, 4033:13, 4040:13</p> <p>strike - 3856:17, 3945:14</p> <p>string - 3984:15</p> <p>strong - 3910:2, 3961:20, 4014:24</p> <p>structured - 3983:15</p> <p>stuff - 3899:13, 3902:7, 3927:11, 3928:7, 3935:12, 3971:19, 3978:16, 3983:13</p> <p>stumble - 3998:18</p> <p>stupid - 3901:5, 3974:22</p> <p>subconsciously - 4005:9</p> <p>subject - 3849:24, 3852:22, 3856:13, 3859:3, 3859:6, 3915:17, 3993:7</p> <p>subpoena - 4010:23, 4021:10</p> <p>subpoenaed - 3968:24, 4021:3</p> <p>subsequent - 3868:22, 3874:1</p> <p>subtle - 3961:17</p> <p>sudden - 3897:1, 3898:18, 3899:24, 3904:5, 3913:5, 3914:23, 3957:12, 3962:22, 3964:25, 4010:8</p> <p>suddenly - 3874:10</p> <p>sue - 4003:19</p> <p>suffering - 3934:23</p> <p>suggest - 3864:18, 3874:12, 3903:5, 3904:19, 3929:5, 3932:19, 3933:18, 3935:24, 3937:21, 4041:3</p> <p>suggested - 3864:19, 4014:19, 4029:14</p> <p>suggesting - 3924:1, 3931:22, 4025:15</p> <p>suggestion - 3904:23, 3909:21</p> <p>suggests - 3887:11</p> <p>suit - 4003:18, 4011:1</p> <p>suited - 3926:16</p> <p>suits - 3914:4, 3914:5, 3919:17, 3927:25,</p> | <p>3937:21</p> <p>summary - 4015:12</p> <p>Support - 3844:8</p> <p>support - 3879:22, 3996:16</p> <p>supported - 3880:12</p> <p>supporting - 3857:11, 3887:16</p> <p>supports - 3857:20</p> <p>suppose - 3927:12, 4027:1</p> <p>supposed - 3955:25, 3957:8, 3959:6, 3959:25, 3981:14, 4031:6</p> <p>Supreme - 3854:14, 3967:5, 3979:12, 4006:14, 4007:13, 4008:14, 4020:12</p> <p>sureness - 3948:17</p> <p>surprise - 3978:18</p> <p>surprised - 4016:12</p> <p>surprisingly - 3848:22</p> <p>Surrey - 3967:23</p> <p>surrounding - 4013:10</p> <p>Susan's - 3953:19</p> <p>suspect - 3848:10, 3871:6</p> <p>suspecting - 3967:12</p> <p>suspended - 3996:11, 3996:24, 4035:15, 4037:1</p> <p>suspicious - 3898:10</p> <p>Swayze - 3977:16, 4001:1</p> <p>swear - 4026:3, 4033:20</p> <p>swim - 4009:11</p> <p>swine - 3979:10</p> <p>swore - 3902:1, 4019:22</p> <p>syrup - 3927:6</p> <p>system - 4033:13, 4038:5, 4038:9</p> | <p>4029:9</p> <p>teller - 3902:3</p> <p>Telly - 4002:7</p> <p>Templeton - 3910:25, 3911:7, 3911:19, 3911:22, 3911:25, 3913:10, 3916:2, 3916:7, 3916:11, 3916:14, 3916:18, 3916:22, 3917:13, 3917:17, 3917:20, 3918:1, 3918:4, 3918:12, 3918:15, 3918:19, 3918:22, 3919:1, 3919:8, 3919:11, 3920:5, 3920:15, 3920:18, 3920:21, 3920:25, 3921:5, 3922:7, 3922:15, 3923:2, 3923:6, 3923:8</p> <p>ten - 3986:3</p> <p>tend - 3884:19</p> <p>tense - 3995:1</p> <p>term - 4014:9</p> <p>terms - 3858:21, 3860:13, 3864:6, 3871:11, 3879:21, 3880:3, 3885:23, 3887:3, 3903:2, 3903:12, 3906:21, 3908:18, 3926:25, 3935:2, 3935:19</p> <p>Terms - 3851:4</p> <p>testified - 3989:25, 3994:1, 4017:11, 4027:11, 4035:19, 4036:18, 4037:25</p> <p>testify - 4021:3, 4021:11, 4021:16</p> <p>testifying - 4023:1, 4037:4, 4037:17, 4039:8</p> <p>Testimony - 3843:15</p> <p>testimony - 3849:14, 3850:8, 3850:12, 3893:21, 3894:9, 3902:17, 3905:9, 3928:15, 3928:21, 3939:22, 3940:1, 3947:19, 3967:5, 3971:22, 3973:15, 3979:12, 3985:24, 3990:5, 3991:3, 3991:8, 4007:18, 4012:6, 4013:1, 4013:22, 4014:21, 4016:7, 4017:8, 4017:14, 4017:18, 4017:23, 4019:1, 4019:23, 4020:11, 4021:21, 4022:13, 4028:12, 4029:15, 4039:5, 4040:3</p> <p>tetra - 4031:9</p> <p>Thanksgiving - 4007:22</p> <p>Thc - 3979:9, 4012:22, 4031:6, 4031:20, 4032:7</p> <p>theft - 4035:1</p> <p>theirs - 3850:12</p> <p>theory - 3989:1, 4019:12</p> <p>therefore - 3947:22</p> <p>Therefore - 3849:14, 3855:21</p> <p>they've - 3945:4</p> <p>thief - 3995:7</p> <p>thieves - 3977:25</p> | <p>thinking - 3921:22, 3921:24, 3921:25, 3922:2, 3931:14, 3940:18, 4002:7</p> <p>thinks - 3980:24</p> <p>third - 3909:18</p> <p>thirtieth - 3918:7</p> <p>thirty - 3895:22</p> <p>thirty-five - 3895:22</p> <p>thoroughness - 3855:18</p> <p>threat - 3950:14</p> <p>threaten - 3941:17, 4004:21, 4030:17, 4030:23</p> <p>Threatened - 4017:1</p> <p>threatening - 4004:25</p> <p>three - 3870:15, 3871:22, 3889:18, 3898:14, 3901:9, 3930:25, 3932:24, 3966:14, 3971:7, 3982:3, 3987:15, 3992:19, 3996:25, 4005:11, 4027:11, 4033:3, 4039:14</p> <p>threw - 3972:1</p> <p>throat - 3913:11, 3913:17, 3955:7, 3959:20</p> <p>throttling - 3955:7</p> <p>throughout - 3873:23</p> <p>thrown - 4039:20</p> <p>thumb - 3942:11</p> <p>ticket - 4000:7</p> <p>tickets - 4010:23</p> <p>tighter - 4004:15</p> <p>til - 3963:19</p> <p>today - 3868:13, 3947:10, 3949:24, 3961:1, 3966:1, 3966:5, 4014:25, 4021:8</p> <p>together - 3879:23, 3888:6, 3902:3, 3927:1, 3928:16, 3960:15, 3976:22, 3981:17, 3995:13, 3999:17, 4007:15, 4009:18</p> <p>tomorrow - 3951:12, 3951:15, 3963:8, 4040:19, 4041:2, 4041:4</p> <p>tone - 3960:23</p> <p>tongue - 4018:3</p> <p>tonight - 3898:24, 3951:16, 3963:8, 3963:10, 3965:17</p> <p>took - 3854:5, 3869:10, 3896:5, 3903:8, 3940:7, 3969:22, 3971:25, 3989:12, 4019:21, 4029:25</p> <p>tools - 3992:18, 4036:6</p> <p>top - 3907:24, 3940:10, 3972:21, 3977:1, 4011:4, 4011:20, 4015:7, 4020:15, 4022:9, 4023:5</p> <p>Top - 3867:4</p> <p>Toronto - 3878:2, 3880:10, 3882:11</p> <p>tortoise - 4004:16</p> <p>tortured - 3922:11, 3922:12</p> <p>toss - 3980:8</p> <p>total - 3904:18</p> <p>totally - 3903:9,</p> |
|---|---|---|---|---|

T

t'other - 3943:21
table - 3914:19, 3963:3, 3975:9
tale - 3926:3
talks - 3934:3
tall - 3969:17
tape - 3911:2, 3911:3, 3922:18, 3934:1, 3952:18, 3952:22, 3953:1, 3966:12, 3966:18, 3967:10, 3987:12, 4001:7, 4011:10, 4011:13
Tape - 3846:18, 3846:20, 3846:21, 3846:22, 3953:4, 3967:17, 4011:12
taped - 3933:23, 3952:17, 4000:24
tapes - 3998:10
tasking - 3862:9
Tdr - 3845:5
tea - 3911:16, 3912:12, 3918:18, 3918:20, 3918:23, 3927:2, 3927:9, 3935:9, 3935:15, 3935:16, 3935:17
tear - 3983:16
Technicians - 3844:12
teeth - 3951:24
telephone - 3940:7, 3952:17, 4028:21,



| | | | | |
|--|--|--|---|-------------------------|
| 3907:6, 3935:6 touch - 3915:22, 3964:18 touched - 3876:22, 3885:7 town - 3919:6, 3921:23, 3972:17, 3974:3, 4005:11, 4005:15, 4023:14 track - 3940:18 trafficking - 3996:19, 3996:20 train - 3914:12 Transcript - 3843:13, 3847:1 transcript - 3901:12, 3934:3, 3947:15, 3947:17, 3947:18, 3953:2, 4012:25, 4021:14, 4021:20 transcription - 3940:6, 4042:5 transcripts - 3946:12, 3946:13, 3947:1 trap - 3915:23 travelled - 3888:6, 3985:19 travels - 3870:4 treat - 3927:5, 3970:7 treated - 3864:8 treatment - 3856:4, 3856:14 trial - 3849:2, 3939:23, 3947:17, 3947:18, 3973:21, 3994:2, 4012:25, 4013:25, 4014:24, 4015:21, 4016:7, 4017:14, 4021:4, 4021:22, 4022:2, 4022:4, 4023:2, 4027:15, 4028:3, 4028:19, 4035:20, 4039:21 trick - 3950:11 tricked - 3950:10 tried - 3927:15, 3942:14, 3942:17, 3946:17, 3955:11, 3989:17, 3993:13, 4005:4, 4019:9, 4023:11 trip - 3888:4, 3902:18, 3902:20, 3906:17, 3917:14, 3920:10, 3921:23, 3981:18, 3982:1, 3987:17, 3987:21, 3990:10 tripped - 3998:18 trips - 3924:11 trouble - 3897:10, 3935:25, 3936:1, 4016:13 troubled - 3881:1 true - 3866:16, 3866:18, 3934:14, 3949:25, 4029:19, 4042:4 True - 4003:7 trusted - 3924:25, 3935:5 trusting - 3868:18 trustworthiness - 3852:11 truth - 3852:16, 3887:12, 3942:23, 3942:25, 3944:8, 3944:9, 3944:22, 4013:4, 4014:24, 4018:23, 4022:4, 4024:24, 4024:25, | 4027:17 truthful - 3902:9, 3935:2, 4019:23 try - 3935:12, 3950:15, 3951:14, 3951:19, 3951:22, 3961:16, 3961:17, 3962:4, 3963:9, 3963:13, 3964:9, 3965:14, 3965:15, 3966:17, 4018:22 trying - 3896:12, 3900:4, 3908:1, 3908:2, 3925:17, 3926:17, 3941:13, 3942:15, 3943:16, 3946:7, 3950:8, 3950:10, 3981:17, 3987:16, 4034:3, 4038:7, 4038:24 Trying - 3889:23 turn - 3854:16, 3902:11, 3903:24, 3910:14, 3939:8, 3980:8, 3997:13, 4001:6, 4011:14, 4020:10, 4020:14, 4022:8, 4023:4, 4029:11, 4031:2, 4039:1 Turn - 4025:1 turned - 3924:16, 3990:18, 3990:19, 4024:18 turning - 3978:13 Turning - 3848:21 Tv - 3921:19, 3944:16, 3968:16, 3974:21, 3975:2, 3992:13, 4003:21, 4007:10 twice - 4033:11 twist - 4003:17 two - 3868:22, 3870:1, 3879:22, 3885:7, 3885:20, 3890:18, 3909:22, 3911:1, 3915:24, 3928:15, 3986:5, 3992:17, 3993:6, 3993:7, 4005:11, 4005:13, 4013:8, 4026:17, 4027:5, 4033:10, 4033:22, 4038:12, 4039:10 type - 3848:7, 3863:12, 3864:17, 3925:2, 3925:5, 3933:16, 3935:6, 3937:22, 3970:9 | 4006:20 umm - 3859:16, 3886:12, 3909:10 unadulterated - 3944:7 uncomfortable - 3910:6 uncovered - 4015:22 under - 3852:14, 3874:7, 3874:17, 3894:1, 3899:19, 3908:5, 3915:11, 3942:11, 4009:3, 4015:11, 4017:24, 4021:10, 4038:16 underground - 3888:24, 3892:17 understood - 3884:24, 3932:16 undisputed - 3851:12 uneventful - 3928:19 unfair - 3893:2 unfairness - 3892:24 unfettered - 3848:25, 3851:10 Unidentified - 3879:2 unintelligible - 3894:22, 3895:3, 3895:10, 3895:16 unless - 3851:12 unstable - 4008:24 unsuccessful - 3854:22 unusual - 3890:12 up - 3861:1, 3861:7, 3862:23, 3866:21, 3874:15, 3875:23, 3876:20, 3886:10, 3887:19, 3888:12, 3889:14, 3894:10, 3897:24, 3901:12, 3902:7, 3908:19, 3909:17, 3911:14, 3911:15, 3911:16, 3912:22, 3912:25, 3913:4, 3913:15, 3913:25, 3915:19, 3915:20, 3915:21, 3916:10, 3916:11, 3920:2, 3920:3, 3920:11, 3921:16, 3922:19, 3926:23, 3929:12, 3931:13, 3934:11, 3938:21, 3940:8, 3941:13, 3944:1, 3946:7, 3946:24, 3946:25, 3949:4, 3950:25, 3951:19, 3951:23, 3955:5, 3960:11, 3965:16, 3968:10, 3968:12, 3969:3, 3969:14, 3971:11, 3974:21, 3974:22, 3975:25, 3976:4, 3976:7, 3976:23, 3977:12, 3977:16, 3978:4, 3978:19, 3979:8, 3979:9, 3981:8, 3981:19, 3982:2, 3983:18, 3984:20, 3986:2, 3986:11, 3986:19, 3986:21, 3987:24, 3988:9, 3989:6, 3993:8, 3993:18, 3994:9, 3994:17, 3995:2, 3995:25, 3996:10, 3996:16, 4000:13, 4003:5, 4003:6, | 4004:15, 4005:10, 4005:20, 4006:13, 4006:14, 4007:22, 4010:2, 4017:8, 4019:16, 4021:15, 4022:15, 4038:4, 4040:11 upset - 3942:1 upstairs - 3897:5, 3904:10, 3904:24, 3913:23 urging - 4012:5 urn - 4011:4 useful - 3873:16 useless - 4018:22 usual - 3853:19 Ute - 3973:5, 3973:10, 3973:16, 3974:12, 3980:20, 3981:12, 3982:8, 3982:19, 3983:9, 3995:13, 4004:20, 4006:2, 4006:5, 4012:20, 4031:18, 4033:23, 4034:5 uttering - 4035:14, 4036:3, 4036:19, 4036:25, 4037:8 | vulgar - 4015:14 |
| W | | | | |
| wait - 3881:8 Wait - 3963:19 waited - 3906:19 waiting - 3958:19, 4010:22 waitress - 3976:21 waking - 3908:19 walk - 3963:1, 3991:13, 4030:1, 4030:2 walked - 3899:12, 3920:7, 3921:5, 3921:9, 3950:4, 3950:6, 3953:16, 3970:12, 4030:3, 4037:16, 4038:10 walking - 3998:14, 4004:3, 4009:22, 4024:9, 4024:10 wall - 3944:1, 3984:11, 4006:11 Walters - 3939:2, 3939:11 wandering - 3968:12 wards - 4008:21 warning - 3946:4 warrants - 4020:9 watch - 3945:11 watched - 3900:15 watching - 3910:4 watering - 3976:20 Watson - 3845:7, 3930:14 Wayne - 3981:22 ways - 3945:25, 3972:15, 3974:7 weakling - 4018:6 wear - 4004:6 wearing - 3906:11, 3976:14 weasel - 3992:8 wedding - 3991:9, 3991:11, 3993:5, 4029:21, 4030:25 Wednesday - 3843:22, 4019:14 week - 3949:10, 3957:8, 3957:9, 4005:21, 4040:21 weekend - 3940:12, 3943:2, 3952:21 weeks - 3915:25 Weeks - 3911:5 weighed - 3852:12 weight - 3849:18, 3851:20, 3855:17 weird - 3900:18, 3909:11, 3983:19, 3983:20 Weird - 3896:7 weirdos - 3896:3 welcome - 3889:25, 3929:17, 3936:13, 3938:12, 3966:10 welfare - 3927:4, 3927:5 well-received - 3924:3 Well...i - 3948:9 Well...yeah - 3945:21 West - 3999:21 west - 4013:8 Westward - 3968:18, 4024:16 whatsoever - 4022:24, 4028:12, 4037:15, 4039:13 | | | | |
| V | | | | |
| Vagabond - 3977:13 vagrancy - 3915:25 Vague - 3906:25 vaguely - 3926:7, 3927:21, 3928:2 Vaguely - 3906:16 value - 3849:19, 3851:9, 3853:15, 3858:2 Vancouver - 3880:10, 3882:10, 3888:7, 3985:1, 3985:9, 3986:11, 4010:12, 4011:23, 4018:21, 4019:21, 4029:2, 4029:8 various - 3873:24 vast - 4021:17 verbatim - 3970:25 verification - 3848:20 verify - 3857:13, 3928:9 version - 3975:12 veterinary - 4031:10 vibes - 3895:14 vibrations - 3900:19 Victoria - 3968:12, 4024:11 view - 3858:1, 3868:12, 3909:1 violence - 3860:10 violent - 3863:12, 3864:16, 3865:20, 3865:23, 3865:25, 3945:22, 4012:13 visit - 3906:6, 3909:16, 3910:7, 3962:4, 4009:16, 4011:25 visiting - 3906:22 vital - 4034:13 vivid - 4015:2 voice - 3901:18, 3987:23 Volume - 3843:23, 4021:24 Volunteered - 4018:25, 4020:4 vouch - 3853:23, 3855:9 | | | | |
| U | | | | |
| Uhhmm - 3895:18, 3895:20, 3896:23, 3897:2, 3898:4, 3898:12, 3898:17, 3898:25, 3899:4, 3899:10, 3899:17, 3899:20, 3900:2, 3900:12, 3900:21, 3904:7 Uhum - 3970:19 Umm - 3880:4, 3880:25, 3884:13, 3885:22, 3888:20, 3907:3, 3908:3, 3910:3, 3925:6, 3928:17, 3931:20, 3933:10, 3936:19, 3937:22, 3977:18, 3981:15, | | | | |



| | | |
|--|---|--|
| wheel - 3909:18 White - 4009:14, 4010:2 whole - 3855:24, 3895:17, 3899:2, 3920:10, 3921:4, 3940:22, 3943:1, 3949:20, 3960:16, 3962:19, 3971:10, 3971:14, 3971:18, 3975:9, 3976:12, 3976:15, 3979:19, 3980:23, 3983:17, 3985:21, 3985:22, 3995:14, 4007:4, 4007:11, 4033:12 wide - 3850:22, 3933:19 wife - 3896:11, 3942:4, 3951:21, 3965:11, 3978:18, 3999:14, 4001:2, 4013:8, 4026:13, 4039:6, 4040:2 wife's - 4040:2 wild - 3927:17, 3982:22 Wilde - 3844:11 will - 3944:10 Williams - 3863:23, 3867:17, 3881:8, 3888:5, 3888:11, 3891:3, 3893:8, 3967:2, 3988:6, 3994:3, 4011:15, 4032:12 Williams' - 4031:14 Williamson - 3854:1 willing - 3867:15, 3867:21, 3965:5, 3968:14, 3970:15 willingly - 4024:14 Wilson - 3919:3, 3956:5, 3956:6, 3956:16, 3957:5, 3968:25, 3969:6, 3990:22, 4012:7, 4013:25, 4014:4, 4014:5, 4014:9, 4014:10, 4014:12, 4014:16, 4014:21, 4016:6, 4018:6, 4018:11, 4018:12, 4018:15, 4018:20, 4018:23, 4018:25, 4025:5, 4025:23, 4029:16, 4040:24 Wilson's - 4014:11, 4018:9, 4018:18 win - 3912:14, 3983:4 window - 3919:24, 3975:2 Winnipeg - 3880:9, 3951:10 wiser - 4031:8 wish - 3930:21, 3946:9, 4008:15, 4009:5 Witness - 4039:10 witness - 3847:7, 3847:9, 3847:14, 3850:13, 3851:14, 3851:15, 3851:25, 3852:13, 3853:19, 3853:22, 3853:23, 3854:18, 3854:19, 3855:2, 3855:4, 3855:7, 3855:9, 3855:13, 3857:12, 3857:21, 3858:9, 3859:4, 3860:8, 3860:13, 3861:14, | 3862:25, 3868:17, 3868:18, 3869:15, 3869:23, 3871:13, 3873:8, 3874:16, 3876:10, 3876:11, 3878:11, 3879:19, 3891:22, 3893:10, 3893:20, 3941:20, 3970:22, 4008:17, 4025:5, 4027:19, 4027:24, 4028:8, 4039:7 witness' - 3849:14, 3850:7, 3871:3 witnessed - 3971:22, 4013:2, 4018:1 Witnesses - 3854:11 witnesses - 3849:12, 3850:9, 3851:3, 3873:24, 4000:17, 4007:17, 4021:16 Wolch - 3845:2, 3846:5, 3846:16, 3883:19, 3883:25, 3884:1, 3884:16, 3885:15, 3885:17, 3886:17, 3886:24, 3889:20, 3889:24, 3890:2, 3930:19, 3930:22, 3936:14, 4031:1, 4038:6 woman - 3921:16, 4008:16, 4008:23, 4010:18 women - 4022:19 won - 3978:1 wonder - 3887:19, 3976:5, 3980:22, 3986:14, 3991:8, 4000:22 wondered - 3956:16 wondering - 3925:14 wonders - 3991:8 Wood - 3981:22 Woody - 3981:20, 3981:21 Wopner - 4008:18, 4027:23 Worchuck...phonetic - 3895:6 word - 3866:7, 3926:16, 3937:5, 3937:7, 3955:20, 3960:12, 3971:19, 4013:22 words - 3868:12, 3902:14, 3926:22, 3933:13, 3937:3, 3938:6, 3941:16, 3952:10, 4003:18, 4008:17, 4012:10 wore - 3980:9 works - 3942:24, 3955:12, 3957:24, 3960:23 world - 3919:22 worldwide - 3933:19 worried - 3976:14 worry - 4010:16 worst - 3919:21, 3948:23 worth - 3869:9, 3979:17 worthwhile - 3849:23 would've - 3901:5, 3901:6 Wow - 3917:7 wow - 3895:25, 3896:1, 3911:17, 3912:24, 3913:2, | 3980:6, 3998:3 Woytowich - 3911:21, 3911:23, 3912:1, 3916:16, 3916:23, 3917:23, 3918:8, 3918:16, 3918:20, 3919:5, 3922:20 wrestling - 3915:6 write - 3978:22, 4008:4 writer - 4001:25, 4014:14 writing - 3852:2, 3852:3, 3855:1 written - 3847:10, 3849:16, 3854:17, 3854:18 wrongdoing - 3855:16 Wrongful - 3843:2 wrongful - 3932:2 wrote - 3854:6 Wyspianski - 3939:3 |
| Y | | |
| year - 3938:19, 3976:1, 3979:21, 4018:20, 4020:6, 4026:22 years - 3873:17, 3946:23, 3948:3, 3950:7, 3958:10, 3971:2, 3971:4, 3973:16, 3973:21, 3976:1, 3985:17, 3986:3, 3986:6, 3989:2, 3989:5, 3989:15, 3993:18, 3994:5, 3994:18, 3994:19, 3998:1, 4004:16, 4007:20, 4007:21, 4008:8, 4009:7, 4013:15, 4016:20, 4025:14, 4026:5, 4026:17, 4027:5, 4027:22, 4032:25, 4034:2, 4039:10, 4039:11 yesterday - 3863:25, 3864:15, 3873:8, 3874:13, 3876:9, 3882:16, 3947:10, 3964:16, 3965:4 young - 3914:6, 3934:4 younger - 3956:20 yourself - 3884:6, 3884:10, 3887:16, 3889:22, 3918:22, 3999:1, 4000:16, 4028:10 yourselves - 3880:12 Yul - 4002:10 Yup - 3907:12, 3909:5, 3917:19, 3917:25, 3920:24, 3965:24 yup - 3907:23 | | |
| Z | | |
| zoom - 3904:1 | | |

