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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



Appearances Milgaard Inquiry Vol 21 - Wednesday, February 23rd, 2005

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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



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	1	Transcript of Proceedings
	2	(Reconvened at 10:56 a.m.)
	3	COMMISSIONER MacCALLUM: Good morning.
	4	ALL COUNSEL: Good morning.
10:55	5	COMMISSIONER MacCALLUM: What follows are
	6	my reasons in the matter of the ruling on the
	7	scope of cross-examination of this witness.
	8	The issue here is to what
	9	extent may a witness be cross-examined on a
10:56	10	written statement, which she admits having
	11	signed, but of whose contents she has no present
	12	memory.
	13	The background is that the
	14	witness Daniels/Williams gave a statement to
10:56	15	police on the 20th of March, 1969 marked as
	16	006500. She has been shown this statement and
	17	acknowledges her signature, but does not recall
	18	making the statement. She admits some of the
	19	contents, but not all. Commission Counsel put
10:56	20	some of the statements to her, but not all.
	21	Mr. Fox, for Karst, attempted
	22	to put to her parts of the statement not covered
	23	by Commission Counsel not, as he said, in an
	24	effort to refresh her memory, but to demonstrate
10:57	25	that the police had information about Milgaard
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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, 1057 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 1057 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, 1058 15 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,
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17 the key. But some of the references relating to
18 legitimate police interest are relevant and
io
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
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	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
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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
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
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.
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
20	thus far but, in the exercise of my discretion to
21	consider documentary evidence, I should emphasize

11:00

11:01

11:01

11:01

that, although wide scope is permitted in
 cross-examination, relevance must be
 demonstrated. Where character and reputation are
 at stake, a higher standard of relevancy is

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required.

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	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

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	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 <u>R v Campbell,</u>
	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,
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Page 3853 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 5 importance is that almost all of the material 11:05 comprising the documentary record has been 6 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 10 court record. 11:05 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 15 of little or no relevance or probative value. 11:06 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 20 have had first-hand knowledge of the event, the 11:06 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 25 which these principles are elaborated include R v11:06

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		raye 3034
	1	Williamson, from the Ontario Court of Justice,
	2	<u>1992, OJ 2416, page 13 of 16</u> .
	3	Thus, for example, if the
	4	present disputed document were offered through
11:07	5	the police officer who took the statement and
	6	wrote it out, those factors would be important.
	7	And see as well in <u>R v Meddoui,</u>
	8	Alberta Court of Appeal, 61 Canadian Criminal
	9	Cases, 3rd, 375, pages 7, 8, and 9 of 24; and
11:07	10	<u>R v D.G., 2004, B.C.J. 1290, pages 5 and 6 of 10</u> ;
	11	and a work entitled <u>Witnesses</u> 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,
11:08	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
11:08	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
11:08	25	point of relevancy before putting the question.

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

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11:09

11:09

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11:10

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Where a witness, for lack of 4 5 memory, cannot confirm having made a statement, it speaks for itself, and it shall not be read 6 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 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.

It is recognized that the 15 public record contains some character references 11:09 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 20 because relevancy cannot always be predicted. 11:10 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.

The reach of such material cuts

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	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.
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	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
11:12	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,
11:13	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
11:13	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
11:14	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
11:14	25	statement are practically inseparable from the
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Page 3858 = 1 irrelevant material and, in view of her direct 2 evidence, of slight probative value. They may 3 not be read in. Consensual sex is described at 4 5 006504, and is irrelevant, and not to be read in. 11:14 The non-consensual sex 6 7 described at 006506 is relevant to police 8 interest, but may not be read in through this 9 witness, who disclaims memory. 10 References to consensual sex 11:15 are irrelevant and not to be read in. 11 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 15 reference to your own copy of the statement, you 11:15 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 20 probably what I need more than anything is some 11:15 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. 25 I think I appreciate what you 11:16 MR. FOX:

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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 5 see if she did have some independent recollection 11:16 of those subject areas, and I was proposing to 6 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 10 if her answer is she doesn't have any independent 11:16 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. 15 MR. FOX: But I did want to direct her to 11:16 16 those areas. So, umm --17 COMMISSIONER MacCALLUM: And my Yes. 18 statement of, as you will see when you get a 19 chance to look it over, does not speak to cross-examination at large. You can ask her 20 11:17 21 anything you want which is -- has an element of 22 relevance to it --23 MR. FOX: Right. 24 COMMISSIONER MacCALLUM: -- provided you 25 don't seek to confirm it by reading aloud the 11:17

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Page 3860 · 1 statements made --2 MR. FOX: Right. 3 COMMISSIONER MacCALLUM: -- and which I 4 have noted. Okay? 5 MR. FOX: Okay. Now I can tell you -- and 11:17 I'll raise this with you before I start, 6 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 about violence and abnormal behaviour. 10 11:17 COMMISSIONER MacCALLUM: 11 Uh-huh. 12 MR. FOX: And I was going to put the 13 somewhat general question to the witness in terms of the basis in which she would have acknowledged 14 15 that. 11:17 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 20 questioning. 11:18 21 My Lord, if I might be of MR. BERESH: 22 assistance, electronic fashion has it at page 23 3769. 24 MR. FOX: I appreciate that, because my 25 electronics aren't working very well this 11:19



1 morning, and I haven't been able to get it up. 2 COMMISSIONER MacCALLUM: Thanks, 3 I just wanted to find my own note Mr. Beresh. 4 and I can't understand where it's gone. 5 MR. BERESH: The answer appears there 11:19 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. 10 MR. BERESH: It starts at 3767. 11:20 COMMISSIONER MacCALLUM: 11 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, 15 and that's where the question came out of, and 11:20 that was March 22nd, '69. 16 17 COMMISSIONER MacCALLUM: Yes. Oh, I see 18 what's the problem here, just a 'sec. Just leave 19 that for a moment. 20 I have the following note to 11:21 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

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Page 3862 = 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? I think the --4 MR. FOX: 5 Mr. Commissioner --11:21 6 COMMISSIONER MacCALLUM: I guess I better 7 start over again, I don't think you heard me? 8 No, I -- I'm great at MR. FOX: 9 multi-tasking, I think I did hear you, 10 Mr. Commissioner. 11:22 COMMISSIONER MacCALLUM: The reference to 11 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 15 Commission Counsel, or parts of it. She couldn't 11:22 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 20 recording, "I think it kind of states how it 11:22 21 Is that the point you want to address? was". 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

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Page 3863 = 1 Detective Malanowich's conclusions. 2 COMMISSIONER MacCALLUM: Give me the line 3 numbers, please? MR. FOX: I think if you start, you have to 4 5 start about line 7, that was the portion of the 11:22 6 report that was put to her. 7 COMMISSIONER MacCALLUM: Yes. 8 MR. FOX: Okay. 9 COMMISSIONER MacCALLUM: All right. All 10 right. I'll tell you what went in and that I 11:23 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 15 recall what I thought". 11:23 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 20 cross-examination at large, you can go into that 11:23 21 if you want. 22 BY MR. FOX: 23 0 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 Meyer CompuCourt Reporting

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			Page 3004
	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	А	Yes, yes.
	11	Q	There were some times when it wasn't so good;
	12		would that be fair to say as well?
	13	А	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	А	Well it just like what you had said, you know,
11:25	25		sometimes it was good and other times it wasn't,
			Meyer CompuCourt Reporting

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	г		Page 3865
	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	А	Oh, I can't really particularly think of any
	9		particular one.
11:25	10	Q	Do you have any recollection at all?
	11	А	No. Of?
	12	Q	Why you would say that that statement was fair?
	13	А	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	А	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	А	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
			Certified Professional Court Reporters serving P.A. Regina & Saskatoon since 1980
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after that line of questioning that I have just

Page 3759.

her saying, asking her "is it true that you were

never sexually assaulted by David Milgaard" and

page 3758, My Lord, I think, which is up on the

she said that was true. Is that what you are

Thanks,

I have him saying at one point, or

It's starting at the bottom of

understand what that could imply.
Q Sure.

3 A Yeah, okay, yeah.

Let me ask you this question then. I think there 4 0 5 was a question asked of you that was sort of along 11:27 the lines if you had been, and I'm not sure if the 6 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 10 right, but -- and it was, and it would have been 11:27

COMMISSIONER MacCALLUM:

referred to.

Mr. Beresh.

looking for?

screen now.

MR. FOX:

MR. BERESH:

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11:28

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COMMISSIONER MacCALLUM: Okay.

MR. FOX: AND the question is asked at the bottom:

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Sharon Ann Daniels by Mr. Fox Vol 21 - Wednesday, February 23rd, 2005

Page 3867 = 1 "Did he ever act inappropriately or without your consent?" 2 3 COMMISSIONER MacCALLUM: Okav. 4 MR. FOX: Top of the page then: 5 "A I guess, yeah." 11:29 COMMISSIONER MacCALLUM: 6 Oh, it's a 7 different one. 8 BY MR. FOX: 9 " 0 And explain? Q 10 Α Well I guess he was just, just the way 11:29 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 Α Well I think that I can remember that there were 20 times that he would just be forcing himself on me 11:29 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 --25 Okay. So, in the end, you would agree to have --11:29 Q

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Page 3868 · 1 Yeah, uh-huh. Α 2 Agree to the activity and so, okay, if I agreed to 0 3 it, and then that's sort of the way it was? 4 I think for the most part, yeah, that I can Α 5 recall. 11:30 And would it be fair to say the fact that you were 6 Q 7 -- were you 16, 16-17 during --8 I was 17. Α 9 17 during that time period? Q 10 Α Uh-huh. 11:30 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 Oh yes, definitely, yes. Α 15 MR. FOX: Mr. Commissioner, there is 11:30 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 --20 COMMISSIONER MacCALLUM: Uh-huh, qo ahead? 11:30 21 MR. FOX: There is a reference made Okay. 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 25 list of proscribed pages, I believe. 11:31

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	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
		Mover CompuCourt Departing

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the first page or two.

1 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 5 that she made, which she independently related to 11:32 the Commission, to Commission Counsel before she 6 7 ever got to her statement, so there's -- that was 8 my only reason for wanting --9 COMMISSIONER MacCALLUM: What page is it 10 on? 11:32 Actually the reference to that is 11 MR. FOX: 12 found, Mr. Commissioner, in the 1969 statement --13 COMMISSIONER MacCALLUM: Yes. 14 MR. FOX: -- at page 505. It's also 15 found -- it's actually in all three statements, 11:32 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 --20 COMMISSIONER MacCALLUM: Well are you 11:33 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 25 11:33 than that, yes. Meyer CompuCourt Reporting

Page 3871 =

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 demonstrate that the police had information 4 5 available to them which would disclose a 11:33 legitimate interest as a suspect. 6 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 10 have been relying upon Shorty Cadrain, and his 11:33 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 15 seem to corroborate what Mr. Cadrain said, it's 11:33 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 20 little different category in the sense that it's 11:33 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 25 had in 1969, which is the significance of it, I 11:34 Meyer CompuCourt Reporting

Page 3872 = 1 guess. 2 COMMISSIONER MacCALLUM: Yes, it is, and 3 you are going to hear more about it, I'm sure, 4 later on. 5 MR. FOX: Yeah. 11:34 COMMISSIONER MacCALLUM: 6 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 10 read it in. 11:34 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 15 it. She has already said that she doesn't have 11:34 16 any, you know, any memory of this. 17 Actually, she hasn't. MR. FOX: 18 COMMISSIONER MacCALLUM: Well show me 19 where, then, please? 20 It's never been raised with her. MR. FOX: 11:34 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 25 remember from here on in," and that was from here 11:35

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Page 3873 : 1 Why don't you leave it alone, Mr. Fox, on in. 2 it's going to come back. 3 Fine. And, Mr. Commissioner, MR. FOX: 4 just -- there was a reference in --5 COMMISSIONER MacCALLUM: 11:35 Yes? MS. KNOX: Mr. Commissioner, I'm sure that 6 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 10 did remember it. So --11:35 COMMISSIONER MacCALLUM: 11 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 15 don't regard that as being authentic, authentic, 11:35 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. 20 MS. KNOX: But, Mr. Commissioner, I'll make 11:35 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 25 some points in time they don't remember things, 11:36

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	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
		Meyer CompuCourt Reporting

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

3 In 1993, I didn't bring my MS. KNOX: binder with me, I think Mr. Fox had the 4 5 reference, he gave the page number, if you would 11:37 take the time to look at that, and that's just 6 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 10 incident like that, and when they pursued 11:37 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 15 available. 11:37

16 And I appreciate the point that MR. FOX: 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

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COMMISSIONER MacCALLUM: So it goes down to

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Page 3876 = 1 "was the gun loaded", "I don't know"; that's the 2 end of your concern, is it? 3 Yeah. And then it's actually MR. FOX: 4 covered again in 1993, Mr. Commissioner, in 5 document --11:38 COMMISSIONER MacCALLUM: Now just a minute. 6 7 MR. FOX: Sorry. 8 COMMISSIONER MacCALLUM: And you say 9 Mr. Hodson referred this, yesterday, to the 10 witness? 11:38 11 I don't think the witness was MR. FOX: 12 specifically asked about that portion. 13 COMMISSIONER MacCALLUM: All right, yeah, 14 qo -- next, please? 15 MR. FOX: Then the other document is a 11:39 16 statement taken in 1993, Mr. Commissioner, 17 037204, and I'm -- and I think it's at pages 214 and 15. 18 19 MS. KNOX: Yeah, I just passed the pages 20 11:39 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 25 all right. She has been shown it, or it's 11:39 Meyer CompuCourt Reporting

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	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	А	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	А	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	А	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	А	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?
			Mayor CompuCourt Departing

1 А 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 Okay. 0 5 Yeah. 11:41 Α Now, Mr. Commissioner, if we can 6 MR. FOX: 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 10 of that statement, and I'm not -- and I'm not 11:41 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. 15 COMMISSIONER MacCALLUM: 216? 11:41 16 MR. FOX: 216, and I think it's the last, 17 second-last paragraph. 18 COMMISSIONER MacCALLUM: I don't have. Ι 19 thought it only went to 2 --20 MR. FOX: Sorry. If you have got the 11:41 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

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Page 3879 : 1 statement? 2 UNIDENTIFIED SPEAKER: Yes. 3 Then it would be on 006512. MR. FOX: 4 COMMISSIONER MacCALLUM: Yeah, I have noted 5 that in my remarks. 11:42 Was that -- I -- so --6 MR. FOX: 7 COMMISSIONER MacCALLUM: It's a reference, 8 I noted on that page statements implicating 9 Milgaard in criminal offences which I said I 10 could not particularize without --11:42 11 MR. FOX: Right. COMMISSIONER MacCALLUM: -- rendering 12 13 nugatory any exclusionary order I might want to 14 make. 15 So that's not something I'm to MR. FOX: 11:42 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 20 this is referenced on the pages that you have 11:43 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? 25 Actually, it's -- I wasn't going 11:43 MR. FOX:

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Page 3880 : 1 to ask, I wasn't going to identify any specific page, I was going to ask the question in general 2 3 terms. 4 COMMISSIONER MacCALLUM: Umm, yes, I think 5 you are entitled to ask general questions, as 11:43 6 long as they don't amount to a reading-in of the 7 pages that I have noted. 8 BY MR. FOX: 9 Mrs. Daniels, while in Winnipeg or Ottawa or Q 10 Toronto or Vancouver, or on the road to some of 11:43 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 Α I really don't know. I know that there were times 15 where we were, you know, panhandling, and that --11:44 16 that's all I can really remember, recall. 17 No other recollection, at this time, of any other Q source --18 19 Α No. 20 -- of income? 11:44 0 21 Α No. 22 Okay. And no idea of where money came from to Q 23 purchase things? 24 Α No. 25 11:44 MR. FOX: Umm, I must say,

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by Mr. Fox Vol 21 - Wednesday, February 23rd, 2005 Page 3881 : 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. 5 BY MR. FOX: 11:44 Do you have any -- and before you answer this, 6 Q 7 I'll, I'm going to ask the guestion, and before 8 you answer it, Ms. Williams, can you just wait in 9 case, Mr. Commissioner, you have any concerns with 10 the question -- but do you have any recollection, 11:45 Mrs. Daniels, of Mr. Milgaard purchasing drugs and 11 12 selling drugs while in those cities and --13 Α No recollection. 14 COMMISSIONER MacCALLUM: That's fair. Go 15 ahead. 11:45 16 Α No. Yeah, sorry, I'm sorry. 17 BY MR. FOX: 18 Sorry? Q 19 Α No I don't. 20 Do you know where you got the drugs from that you 11:45 0 21 used? 22 Α No I don't. 23 0 So you have no recollection of that at this time? 24 Α No. 25 Certainly, in 1969, you would have had a pretty 11:45 Q

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]		Page 3882
	1		good recollection of that at that time?
	2	А	Probably, yeah.
	3	Q	Sure.
	4	А	Yeah, according to that, that statement.
11:45	5	Q	And I don't want you to
	6	А	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	А	Yes.
	13	Q	Okay.
	14	А	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	А	Yes.
	21	Q	Okay. Do you have any recollection of the name
	22		Ken Pells?
	23	А	No.
	24	Q	Any recollection of the name Richard Bear?
11:46	25	А	No.

Page 3883 : 1 COMMISSIONER MacCALLUM: What was the first 2 name? 3 Pells, P-E-L-L-S. MR. FOX: 4 COMMISSIONER MacCALLUM: Oh. 5 MR. FOX: And Bear, Richard Bear. 11:46 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? 10 MR. ELSON: It was going to be me next, 11:46 11 Mr. Commissioner, I have no further -- I have no 12 questions. 13 COMMISSIONER MacCALLUM: Thanks, Mr. Elson. 14 No questions. MR. GIBSON: 15 COMMISSIONER MacCALLUM: Thank you. 11:46 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. 20 COMMISSIONER MacCALLUM: Oh, you do? 11:46 Okay. 21 Before you start I want to ask the -- are you 22 okay, Mr. Reporter? 23 COURT REPORTER: Yes. 24 COMMISSIONER MacCALLUM: Okay. 25 BY MR. WOLCH: 11:47



			by Mr. Wolch Vol 21 - Wednesday, February 23rd, 2005
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	1	Q	I won't be that long with you. I'm Hersh Wolch,
	2		I'm David Milgaard's lawyer.
	3	А	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	А	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	А	Umm, ex, yeah.
	14		COMMISSIONER MacCALLUM: This was in St.
11:48	15		Albert, was it, after the
	16	ВҮ	MR. WOLCH:
	17	Q	Yes sir.
	18	А	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	А	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
			Meyer CompuCourt Reporting

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	Ĩ		Page 3885
	1		
	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	А	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	А	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 M	IR. 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	А	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?
			Meyer CompuCourt Reporting

Page 3886 · 1 As far as I could remember, yes. Α 2 0 Yeah, but you didn't know of anything particular 3 _ _ 4 Α No. 5 -- to advance anything at all? Q 11:49 No. 6 Α 7 And the background was gone into at some length by Q 8 the officers, as you have seen from the statement? 9 Α Yes. 10 Now I won't bring it up, but I think the first 0 11:50 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? Now did she 14 COMMISSIONER MacCALLUM: 15 acknowledge that 2-1/2-hour business, I'm sorry, 11:50 I had my --16 17 BY MR. WOLCH: 18 I think she doesn't disagree or agree, I think she Q 19 accepts it. 20 I don't remember, yeah. 11:50 Α 21 COMMISSIONER MacCALLUM: You don't 22 remember? Okay. 23 Α Yeah, I don't remember how long. 24 BY MR. WOLCH: 25 11:50 Q If the statement says that, you are not going to

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			Page 3887
	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	А	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	А	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
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Page 3888 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 5 named Sharon Williams with whom I began a 11:52 6 steady relationship. We travelled together 7 to such places as Vancouver and Ottawa. Ι 8 recall that every time we would arrive 9 someplace we would get arrested or stopped 10 by the police. This would result in Sharon 11:52 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 15 Ottawa while I sold a Hippie newspaper 11:53 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? 20 Umm, yes, I would agree. 11:53 Α 21 Do you actually recall working in a boutique? Q 22 Yes, I do, yes. Α 23 0 And I noted in your statement there was a 24 reference to an underground newspaper being sold, 25 and I take it this is what you were probably 11:53

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	1		talking about, The Free Press on Spark Street?
	2	А	I don't particularly recall the newspaper.
	3	Q	Okay.
	4	А	But, if it was in Ottawa, then
11:53	5	Q	And you do recall working at a boutique in
	6		Ottawa,
	7	А	Yeah, yeah.
	8	Q	and I take it that was raising money, and David
	9		was making money?
11:54	10	А	Yes, I guess.
	11	Q	Did you have knowledge of David working for
	12		Maclean's magazine?
	13	А	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.
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	1		MR. BERESH: I object.
	2	В	Y 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	А	Yes.
	8	Q	Now do I understand that you don't remember the
	9		polygraph; is that correct?
11:55	10	А	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	А	I know that, but no, I don't recall.
11:56	15	Q	You don't recall that?
	16	А	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	А	Yes.
	22	Q	There was nothing else to be questioned about?
	23	А	No.
	24	Q	Okay. Now you see the conclusion, here,
11:56	25		incorporated in the Deputy Chief of Police letter
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Page 3891 = 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 5 prosecution of David Milgaard." 11:56 6 Do you see that? 7 Yes. Α 8 And obviously, knowing that David wasn't 0 9 responsible for it, that -- and what you know, 10 that's absolutely accurate; isn't it? 11:56 11 Α Yes. 12 Q Those are all my questions, sir. 13 COMMISSIONER MacCALLUM: Thanks. Any 14 redirect? 15 MR. HODSON: No, Mr. Commissioner. 11:57 16 COMMISSIONER MacCALLUM: Thank you, 17 Ms. Daniels, you are excused. 18 MR. FOX: Mr. Commissioner, if I might? 19 COMMISSIONER MacCALLUM: Yes? 20 MR. FOX: In the -- here's a little, I mean 11:57 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 25 the difficulty? 11:57 Meyer CompuCourt Reporting

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	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
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Page 3893 = 1 COMMISSIONER MacCALLUM: No, it's not 2 unfair. 3 Well I raise it, My Lord, that, MR. FOX: 4 where that issue was specifically addressed in 5 her statement, we should have been allowed to put 11:58 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 10 to proceed with our next witness, I'm in your 11:58 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. 15 (Adjourned at 11:58 a.m.) 11:58 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 20 our first witness this afternoon, Leonard 02:06 21 Gorgchuck, who will be continuing his testimony 22 from February 10th. 23 LEONARD JAMES GORGCHUCK, recalled: 24 COMMISSIONER MacCALLUM: Hello, Mr. 25 Gorgchuck. You acknowledge that you are still 02:06 Meyer CompuCourt Reporting

Page 3894 1 under oath, sir? 2 А I do. 3 COMMISSIONER MacCALLUM: Thank you. Have a 4 chair. 5 BY MR. HARDY: 02:06 Good afternoon, Mr. Gorgchuck. 6 Q 7 Good afternoon. Α 8 I want to thank you for returning to our hearings 0 9 to complete your testimony this afternoon, and I'm 10 going to pick up right where we left off on 02:06 February 10th. You will recall that I was 11 12 playing, for you, an audio clip from an interview between Mr. Albert Cadrain and Peter 13 Carlyle-Gordge from the, sometime in the early 14 15 '80s I understand. And I'm going to start that 02:06 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, Meyer CompuCourt Reporting



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 (Worchuck... Phonetic). And I used to play chess 6 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 millimiter 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

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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
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1 sudden they said you guys can't stay here. 2 CARLYLE-GORDGE: Uhmmm. 3 They said you could stay ALBERT CADRAIN: 4 in the city hall. We got a room for you in an 5 upstairs story of the city hall. Where did they get connections like that? It's kind of a story. 6 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 = Meyer CompuCourt Reporting

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: Uhmmm. 5 ALBERT CADRAIN: We bought a bag there. And a motorcycle gang was connected with those 6 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 suspious too, because you know. We stayed in a hotel next door. 11 12 CARLYLE-GORDGE: Uhmmm. 13 ALBERT CADRAIN: Asked us our room number. 14 Anyway, I hear a knock about three o'clock in the 15 I had a good feel then and Leonard did morning. 16 too cause we were working pretty hard eh. 17 CARLYLE-GORDGE: Uhmmm. 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: Uhmmm.

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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
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eh? . I.

CARLYLE-GORDGE: Uhmmm.

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

13 ALBERT CADRAIN: Everyone of them. And then from that day on boy, I was being followed, 14 15 I was being watched. The cops are in it, 16 The Mafia and I'm not fucking crazy. everybody. 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

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	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 M	R. 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	А	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	А	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
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Page 3902 : 1 think we even swore that much, generally. 2 0 And do you recall whether Mr. Cadrain was a bit of 3 a story-teller during your time together prior to 4 1969? 5 Α I don't, I don't believe he ever really, he might 02:15 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, 10 when I knew him. 02:15 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 15 wanted to ask you a few questions arising from 02:15 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 20 trip? 02:15 21 Α 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. 25 Did you recall that? 02:16 Q

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1 А 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	А	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	А	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	А	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
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Page 3904 : 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 and started doing that to us eh. 4 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 15 at the hippie house in Regina? 02:17 16 It's, it's possible that they were А Not exactly. 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. Ι 20 just can't, exactly, recall it. 02:18 21 You don't have a memory of that? Q 22 Α Not explicitly. 23 0 And what about some suggestion about staying in a 24 room upstairs in City Hall? 25 I don't recall that at all. It might have been 02:18 Α

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Page 3905 : 1 something they said to him directly, I don't 2 recall that. 3 And just that next portion: 0 Okav. 4 "I says geez, you know, I, Milgaard was 5 around, I said does anyone know David Milgaard from ahm, ah, Langenburg?" 6 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 10 you could not recall it, Albert had told you at a 02:18 11 later point in time that you had met David 12 Milgaard in Regina? 13 А Yeah, he had mentioned that, but I certainly didn't recall it, I'm -- and I'm not sure when we 14 15 would have met --02:18 16 Q Okay. 17 -- or where I would have met him. Α 18 Does this refresh your memory at all, do you Q 19 recall Albert asking for David Milgaard when you 20 were in Regina, specifically at the --02:18 21 I don't recall. Α Yeah. 22 Q -- hippie house? 23 Α I don't recall that at all. It could have 24 happened, I just can't recall it. 25 I'm going to move to the next page, please, 02:19 Q Okay.

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	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	А	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	А	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	А	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	А	Vague, but yes.
			1

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	1	Q	And was it 14 or 15 individuals, from your
	2		recollection?
	3	А	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	А	Yup, to crash.
	13	Q	And just moving on to page 040670, focusing in on
	14		that portion there, please.
02:21	15	А	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	А	I'm sorry, you want me to read it?
	19	Q	You don't have to read it out loud.
02:21	20	А	Oh, okay.
	21	Q	I just want you to take a look at that before I
	22		ask my question.
	23	А	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
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	1		night, trying to pick the lock on your camera case
	2		or trying to steal your camera?
	3	А	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	А	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	А	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	А	Correct.
	22	Q	And that was still in the middle of the night, was
	23		it?
	24	А	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 Α Uh-huh. 4 All right, you have given it a read? 0 5 02:23 Α Yup. What about this information; does this 6 Okay. Q 7 sound accurate, from the best of your 8 recollection? 9 Α Yeah. As far as my going, as I mentioned the last 10 time I was here, umm, it's not just that I decided 02:23 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 15 And as I mentioned, the primary having fun. 02:23 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 20 02:23 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? 25 Probably, yes, yeah, yeah. 02:23 Α

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	1	Q	Do you have a recollection of that?
	2	А	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	А	Right.
	22	Q	And we'll just play a short portion for you, it's
	23		clips LG1, LG2, LG3, and LG4, please.
	24	(Cli	p LG1 played)
	25		"CORPORAL JIM TEMPLETON: Okay, Albert we
			Certified Professional Court Reporters serving P.A., Regina & Saskatoon since 1980

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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
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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

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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 oooooooo 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

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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
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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
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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	accidently 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.
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1	
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.
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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
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	1 age 3720
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
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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

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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."
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	1	(Cl	ip 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	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	(En	d of clips LG1, LG2, LG3, LG4)		
02:36	15	ВҮ	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	А	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?		
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Page 3924 1 А Well just the fact that I think he was suggesting 2 that it was probably -- well, it wasn't 3 well-received. 4 And do you recall what he explained to you or how Q 5 he explained that? 02:36 6 Α 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 02:36 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, I don't think he or I planned to get as involved 15 02:37 16 as it turned out. 17 And again I asked you this question before, Mr. 0 18 Gorgchuck, but does this sound like the Albert 19 Cadrain that you knew prior to 1969 during your 20 friendship? 02:37 21 Α 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. Ι 25 considered him a very good friend and trusted him 02:37

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	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	А	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	А	Yeah, uh-huh.
	14	Q	And I was wondering what you meant when you said
02:38	15		that?
	16	А	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	А	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, 5 but I think basically definitely the basics of 02:39 what he described are things that I at least 6 7 vaquely recall. 8 And I'm going to challenge you a little bit, Mr. 0 9 Gorgchuck, on this. What about comments 10 respecting the Mafia and things of that nature? 02:39 11 Α 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 15 believe in it and people who don't. I have no 02:39 16 It suited, the word "suited" his intention idea. 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 20 generally I would say that, at that time, back in 02:39 21 '69, I would definitely believe anything he had to 22 His, as I said, his choice of words and say. 23 interpretations and everything were up to him, I 24 can't comment because I wasn't there. 25 And what about his comments in terms 02:40 Q Fair enough.

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Page 3927 : 1 of your activities together playing chess, eating 2 peanut butter sandwiches, drinking tea; is that 3 something you recall? 4 Α Absolutely. I was on welfare, my mother and us 5 were on welfare, that was our treat, peanut butter 02:40 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 What about smoking tea leaves? 0 10 We did that a couple of times. As I mentioned, we Α 02:40 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 I don't ever think we enjoyed it that close. 15 much, probably tried it a couple of times just to 02:40 16 see, but yeah, I actually remember doing that. 17 That was wild. 18 And do you have a recollection of Albert staying Q 19 in rooms above City Hall or of Albert telling you 20 about that in and around that time period? 02:41 21 Α 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 0 And what about Albert's account of running into 25 some individuals in expensive suits? 02:41

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	1	А	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	А	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	А	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
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	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	А	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	А	You're welcome.
	18	Q	My friends may have some questions for you.
	19	А	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
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Page 3930 : 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. Ι 5 don't know if there's anybody else in that same 02:43 boat. 6 7 COMMISSIONER MacCALLUM: Anybody else 8 without questions? 9 MR. ELSON: I don't have any questions, 10 Mr. Commissioner. 02:43 11 COMMISSIONER MacCALLUM: No, no. 12 MR. KENNEDY: I have no questions. 13 COMMISSIONER MacCALLUM: No. 14 MR. WATSON: Nor do I. 15 COMMISSIONER MacCALLUM: Thank you. 02:43 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? Ι 20 think I would extend that privilege to you if you 02:44 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. 25 So do I get three minutes to 02:44 MR. FOX: Meyer CompuCourt Reporting

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	1		consider my options? I'll still take a chance,
	2]	Mr. Commissioner.
	3	BY MR	. FOX:
	4	Q 1	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	А	It does.
02:45	10	Q	And do you know how you would have heard that name
	11		or how you
	12	А	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	Jmm, do you recollect any difficulties in dealing
	21		with the police you dealt with in 1969?
	22	A I	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
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	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	А	That's right.
	8	Q	than what you actually did use at that time?
	9	А	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	А	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	А	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
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	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	А	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	А	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
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	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	А	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?
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	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	А	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	А	Smoking tea, yeah.
	17	Q	Or smoking tea, sorry, yeah.
	18	А	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	А	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
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	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	А	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	А	Yeah.
	11	Q	Obviously you can't speak specifically. Those are
	12		all the questions I had, Mr. Gorgchuck, thank you.
	13	А	You're welcome.
	14	BY N	IR. 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	А	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	А	Only during the, only for the duration of the
02:51	25		effect.
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	1	Q	No flashbacks later or anything like that?
	2	А	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	А	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

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	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
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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 in the hearings, and she had indicated at that 4 5 time in the last sentence: 02:54 "... that Milgaard associated very closely 6 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 10 think it's an indication of an intention for 02:54 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 15 move to is Mr. Lapchuk's statement and that is 02:54 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 20 document and I don't propose to read anything 02:55 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

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02:55

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believe we've read from the relevant portion Mr.

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	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
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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. 5 G: But I don't like being lied to and 02:57 somebody is lying to me, Mrs. Milgaard. 6 7 J: I think so. 8 Something stinks." G: 9 And there are some editorial comments and I'll 10 just read those as parts of these passages. 02:57 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 15 all along, and is now nervous)." 02:57 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 20 the dirt, and I'm a Crown witness! 02:57 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, 25 054422, start focusing in on that portion: 02:58

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		Taye 3742
	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,
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	1	Mrs. Milgaard, cuz I like t	his whole
	2	weekend for me has been a comp	lete disaster.
	3	(Why? He must be awfully afra	id!)
	4	J: I'm sure.	
02:59	5	G: Like, that's all we've bee	n talking
	6	about. And this phone has bee	n going 24
	7	hours well, since 8 a.m., t	his 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 w	hat 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 k	now, if
	16	someone's trying to hide somet	hing, I'd like
	17	to know what it is. Becuz I h	appen to be
	18	very personally involved with	it.
	19	J: I can understand.	
02:59	20	G: And I'd like it over and d	one 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	
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	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
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	ĺ	Page 3945
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	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: Wellyeah
	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
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	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
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Page 3947 = 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 around his ankles. 4 He is going to know 5 exactly what he is talking about. 03:02 6 J: That's a good explanation, really. Ι 7 hadn't thought of it that way. 8 Well, that's the way I look at it G: 9 To me, well every place that we've been J: 10 today and yesterday looking for Nicky, the 03:02 11 police had already been there. Well, like I say. 12 G: Mm-hmm. You are sure 13 of your facts, Mrs. Milgaard. You've got 14 them down pat. Have you got a copy of the 15 transcript? 03:03 16 Uh, I haven't got the preliminary yet. J: 17 But you have the trial transcript? G: 18 J: I have the one trial transcript, yes. 19 G: With my testimony and Dale's and 20 everybody else's? 03:03 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 25 But I do have it and I do 03:03 what you mean.

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	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: WellI 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
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Page 3949 : 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. 5 G: Well, I realize that. That's what I 03:04 told everybody; I said 'Look, you either 6 7 talk to this lady now, or you talk to her 8 later -- but you're going to have to talk to 9 her.' 10 J: Yeah. Next week, the week after, 03:04 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 20 whole thing. 03:04 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 25 true." 03:05

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	Ī	Page 3950
	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
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	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
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Page 3952 : 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." Those are the only portions I'm going to read 4 5 from that conversation. 03:07 There is a conversation that 6 7 followed --8 COMMISSIONER MacCALLUM: Excuse me, 9 Mr. Hardy, do we know who the author of the 10 bracketed words are? You described them as 03:07 editorial comments. 11 12 MR. HARDY: Yes, I'm not certain, and I'm 13 not sure if anybody can help us here with that. I'm not certain who the author is. 14 15 COMMISSIONER MacCALLUM: Okay, thanks. 03:07 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 20 Mrs. Milqaard. The first one I read was January 03:07 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 25 number? 03:07

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	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,
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Page 3954 = 1 352-0812? 352 --2 GEORGE LAPCHUK: Oh, I'll make another note 3 of it. 4 MRS. JOYCE MILGAARD: Okay. 5 GEORGE LAPCHUK: Well anyway, I talked to 03:08 6 Dale this morning. 7 MRS. JOYCE MILGAARD: Did you? 8 GEORGE LAPCHUK: Yeah. 9 MRS. JOYCE MILGAARD: And? 10 GEORGE LAPCHUK: And he is not going to 03:08 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. 15 MRS. JOYCE MILGAARD: Did you --03:09 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 20 03:09 that any more, so there. 21 MRS. JOYCE MILGAARD: You're kidding? GEORGE LAPCHUK: Oh no, and that was it, no 22 23 more discussion about it, period. Like, not even 24 a "well, why", you know, just --25 MRS. JOYCE MILGAARD: Uh-huh. 03:09

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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? 5 GEORGE LAPCHUK: Not a damn thing. 03:09 He up I mean, short of, you know, grabbing 6 and out. 7 him by the throat and throttling him --8 MRS. JOYCE MILGAARD: Uh-huh. 9 GEORGE LAPCHUK: -- he said no, it's none 10 of your business and that's it. So I don't know. 03:09 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 15 this, he says "well, why the hell don't you talk 03:09 16 to him? What the hell is the matter with you?" 17 That's it. No. MRS. JOYCE MILGAARD: He wouldn't discuss 18 19 it in any way, shape or form? 20 GEORGE LAPCHUK: Nope. Not a word. 03:10 Ι 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 25 that's supposed to mean I don't know. 03:10 Meyer CompuCourt Reporting

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Page 3956 : 1 MRS. JOYCE MILGAARD: You remember Debbie? 2 Debbie Hall? GEORGE LAPCHUK: 3 MRS. JOYCE MILGAARD: Yeah. 4 GEORGE LAPCHUK: Yeah. She's a Wilson now. 5 MRS. JOYCE MILGAARD: 03:10 GEORGE LAPCHUK: A Wilson? 6 7 MRS. JOYCE MILGAARD: Yeah. 8 GEORGE LAPCHUK: Any relation? 9 MRS. JOYCE MILGAARD: I was going to ask 10 you that, George. 03:10 11 GEORGE LAPCHUK: I don't know. First I 12 heard of it. 13 MRS. JOYCE MILGAARD: Yeah, well --14 GEORGE LAPCHUK: I --15 MRS. JOYCE MILGAARD: Apparently her name 03:10 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, 20 because Dale's brother is much, much younger than 03:10 21 he is. 22 MRS. JOYCE MILGAARD: I see. 23 GEORGE LAPCHUK: He's only 22 and he's in 24 Edmonton. 25 MRS. JOYCE MILGAARD: 03:10 Oh, I see. So _ _ Meyer CompuCourt Reporting

1 GEORGE LAPCHUK: So it would have to be a 2 distant relative. It couldn't be his brother. 3 MRS. JOYCE MILGAARD: It seemed like Yeah. 4 such a shock when they said that her name was 5 Wilson and I thought, oh. 03:10 GEORGE LAPCHUK: The only thing that I 6 7 could find out was that Dale and Nicky are 8 supposed to go for a drink sometimes this week. 9 Sometime this week? MRS. JOYCE MILGAARD: 10 GEORGE LAPCHUK: He wouldn't tell me where 03:11 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 over and done with and I don't know what the 14 15 hell's going on. 03:11 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 20 point in, you know --03:11 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 25 everything, you know, I could do that, but --03:11 Meyer CompuCourt Reporting =

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Page 3958 : 1 Has she been in Regina all GEORGE LAPCHUK: 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 these years and I never ran into her? 10 03:11 11 MRS. JOYCE MILGAARD: Uh-huh. 12 GEORGE LAPCHUK: She must be laying awful 13 low. 14 MRS. JOYCE MILGAARD: Well --15 GEORGE LAPCHUK: Because I get around quite 03:11 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 20 knock on the door all her life. 03:11 21 GEORGE LAPCHUK: Really. 22 MRS. JOYCE MILGAARD: And yet she seemed to 23 indicate that Ron had done an awful lot for her, so I think he must have known where she's been 24 03:12 25 all this time.

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Page 3959 : 1 GEORGE LAPCHUK: According to him he 2 didn't. 3 MRS. JOYCE MILGAARD: Well --4 GEORGE LAPCHUK: He told me that he was 5 shocked as hell that she phoned and they are 03:12 supposed to go for a drink, and I said, "well, 6 7 what do you have to talk about that you can't 8 talk to Mrs. Milgaard about?" 9 MRS. JOYCE MILGAARD: Uh-huh. 10 GEORGE LAPCHUK: And that's when he said 03:12 "listen, it's none of your goddamn business, keep 11 12 your nose out of it" just like that. 13 MRS. JOYCE MILGAARD: They are sure hiding 14 something. 15 GEORGE LAPCHUK: It sounds like it, doesn't 03:12 16 it. 17 MRS. JOYCE MILGAARD: It really does. Well, I don't know 18 GEORGE LAPCHUK: Yeah. 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. I've been told, eh, like, 23 GEORGE LAPCHUK: 24 mind your own goddamn business or else. Now, 03:12 25 what the "or else" is supposed to mean I don't

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Page 3960 = 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. MRS. JOYCE MILGAARD: 4 Well, I'll tell you 5 03:12 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, 10 as I say, even Billy told him, "well talk to 03:12 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 15 I could get everybody together and we could hash 03:12 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 20 his mom because if that's what I get from him, 03:13 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 Meyer CompuCourt Reporting

Page 3961 = 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 --5 GEORGE LAPCHUK: I think if I pushed him 03:13 too far he would just quit. 6 7 MRS. JOYCE MILGAARD: Quit? Well, George, 8 if that's the case, then he's hiding something. 9 GEORGE LAPCHUK: Well --10 MRS. JOYCE MILGAARD: Because you don't 03:13 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. 15 GEORGE LAPCHUK: Well, I don't know, I'm 03:13 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 20 a little too strong and scared him, but --03:13 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 Meyer CompuCourt Reporting

Page 3962 · 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. 5 GEORGE LAPCHUK: Well, yeah, that would 03:14 probably be your best bet. If you could -- I 6 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. 10 GEORGE LAPCHUK: That's the impression I 03:14 get, because the impression I get is that Dale is 11 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. 15 MRS. JOYCE MILGAARD: Well then somehow or 03:14 16 other they must, you know, they must know 17 something. GEORGE LAPCHUK: Well, I don't know. 18 As I 19 say, like, this whole thing bothers me, like I 20 told you last night. 03:14 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. 25 GEORGE LAPCHUK: Oh, this damn phone. 03:14 I've

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Page 3963 = 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 --5 GEORGE LAPCHUK: Anyhow, are you going to 03:14 be around for a while? 6 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 10 Nicky again tonight, but I intend to come back, 03:14 11 you know. 12 GEORGE LAPCHUK: Mrs. Milgaard, listen, why 13 don't you try something. 14 MRS. JOYCE MILGAARD: What's that? 15 GEORGE LAPCHUK: Don't say that I said 03:15 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 20 phone Dale at home. 03:15 Phone him at home? 21 MRS. JOYCE MILGAARD: 22 GEORGE LAPCHUK: Catch him alone without 23 his mom around, see what happens. 24 MRS. JOYCE MILGAARD: What's his phone 25 number at home? 03:15

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Page 3964 = 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 --5 GEORGE LAPCHUK: Hang on, I'll get it. 03:15 352 - 1723. 6 7 MRS. JOYCE MILGAARD: 1723. Well, I'll 8 give it a shot. 9 No, just try it. GEORGE LAPCHUK: 10 MRS. JOYCE MILGAARD: Uh-huh. 03:15 GEORGE LAPCHUK: Just on the off chance 11 12 that maybe without mommy's influence around --13 MRS. JOYCE MILGAARD: Do you think it's his 14 mom that's influencing him? 15 GEORGE LAPCHUK: Well, okay, Mrs. Milgaard, 03:15 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. 20 GEORGE LAPCHUK: He said give me your phone 03:15 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 25 of a sudden he doesn't want to talk to, you know, 03:15 Meyer CompuCourt Reporting =

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Page 3965 = 1 so what do you think, you know. 2 MRS. JOYCE MILGAARD: Well --Like, he was -- when I 3 GEORGE LAPCHUK: 4 talked to him yesterday morning he was more than 5 willing to talk --03:15 MRS. JOYCE MILGAARD: 6 Uh-huh. 7 GEORGE LAPCHUK: -- you know, and like I 8 say, I just want to get this thing over with. 9 Well, I'll sure give MRS. JOYCE MILGAARD: 10 him a call and see what happens. He may not even 03:16 want to -- like, his wife might not want him to 11 12 talk to me or something. 13 GEORGE LAPCHUK: Well, all you can do is 14 try, you know. 15 MRS. JOYCE MILGAARD: Yeah, I'll try that, 03:16 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 qot 22 it here somewhere, but --23 MRS. JOYCE MILGAARD: 352 --24 GEORGE LAPCHUK: Yup. 25 MRS. JOYCE MILGAARD: -- 0812. And did you 03:16

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Page 3966 : 1 talk to Craig at all today? 2 GEORGE LAPCHUK: Nope. 3 Not yet, eh. MRS. JOYCE MILGAARD: GEORGE LAPCHUK: 4 Well, as I say, I Nope. 5 just got home, we had a rather long day today and 03:16 a little bit hectic. 6 7 MRS. JOYCE MILGAARD: Okay. 8 GEORGE LAPCHUK: So okey doke. 9 MRS. JOYCE MILGAARD: Thanks very much. 10 GEORGE LAPCHUK: You're welcome. 03:16 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 15 take a break, I have some further read-ins left, 03:16 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. 20 COMMISSIONER MacCALLUM: We'll take our 15 03:17 21 minutes then. 22 MR. HARDY: Okay. 23 (Adjourned at 3:17 p.m.) 24 (Reconvened at 3:36 p.m.) Mr. Commissioner, just to let 25 03:36 MR. HARDY: Meyer CompuCourt Reporting =

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		- Lige 2
	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
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	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
		Mayor CompuCaurt Paparting

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. KEN HOMENIUK: So it was actually Dale 5 03:37 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 10 nowhere, but Dale had given my name to Saskatoon 03:37 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 15 their names or what they looked like? 03:37 16 GEORGE LAPCHUK: One guy had blonde hair. 17 BOB GAGNE: A tall, husky guy? GEORGE LAPCHUK: 18 That I remember, yeah. 19 BOB GAGNE: Was he the same guy 20 that probably --21 Heavy-set fellow. GEORGE LAPCHUK: 22 KEN HOMENIUK: -- took the statement? Т 23 think that he's the guy that would have -- his 24 name is Eddie Karst? 25 GEORGE LAPCHUK: Could be. 03:37

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BOB GAGNE: Okay.

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

03:37

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03:38

KEN HOMENIUK: Oh, they were --GEORGE LAPCHUK: Very pleasant.

BOB GAGNE: How did they treat you? That's what I want to know next. They didn't -- you have always heard about the good cop/bad cop type 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 They didn't hustle me off the street or all. 15 They asked me if I would be willing to anything. 03:38 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.

BOB GAGNE: Uhum.

20 They didn't mention where. GEORGE LAPCHUK: 03:38 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 25 happened", verbatim, and I told them, because it 03:38

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	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
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Page 3972 = 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 pillow, saying "yeah, I stabbed her, I killed 4 5 her", and he scared the shit right out of me. 03:39 Because like the -- you know, it's just not 6 7 something -- you know, guys fuck around and fuck 8 around, but sometimes there is something the 9 matter with it. 10 BOB GAGNE: Uh-huh. 03:39 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 15 parted our ways. He went to work selling 03:39 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 20 all -- all his pickles weren't floating at the 03:40 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

was doing the stabbing?

25

03:40

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Page 3973 = 1 GEORGE LAPCHUK: No, he was just like 2 bare-assed naked. 3 He was bare-assed naked? BOB GAGNE: 4 GEORGE LAPCHUK: Yeah. Well he was 5 gang-banging Ute Frank. 03:40 BOB GAGNE: 6 Oh. 7 GEORGE LAPCHUK: What can I say, it was the 8 '70s, what can I say. 9 How about, were you there in BOB GAGNE: 10 the, when Ute gave evidence in the, at the court 03:40 11 hearings in Ottawa? GEORGE LAPCHUK: 12 No. 13 KEN HOMENIUK: You did not hear? 14 GEORGE LAPCHUK: I didn't hear anybody 15 They kept us all -- like else's testimony. No. 03:40 16 I haven't seen Ute in 15 years. KEN HOMENIUK: You saw her about -- you saw 17 18 here since then, though? 19 GEORGE LAPCHUK: No. 20 KEN HOMENIUK: Or I mean like you say 15 03:40 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. 25 GEORGE LAPCHUK: Yeah, like we saw each 03:40 Meyer CompuCourt Reporting =

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. 5 GEORGE LAPCHUK: And -- but no, her again, 03:41 6 she drifted away, and we all went our separate 7 ways as life went on. 8 My next thing I would like to BOB GAGNE: 9 know is that, during this reenactment, do you 10 remember who was in the room? 03:41 GEORGE LAPCHUK: Well, okay, there was me, 11 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, Craiq says he is not sure, 15 but I am sure Bobby Harris was in the room at the 03:41 16 time. 17 So chances are Debbie would BOB GAGNE: 18 have seen this reenactment, eh? 19 GEORGE LAPCHUK: Uh-huh. I can remember 20 where she was sitting. She was sitting right by 03:41 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 25 alcove here. 03:41

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Page 3975 1 BOB GAGNE: Uh-huh. 2 The TV is by the window GEORGE LAPCHUK: 3 here, and Debbie was sitting right here, the bed 4 is right there, I was sitting right there. 5 Debbie was right there, and he enacted it right 03:42 here. 6 7 BOB GAGNE: Okay. So --8 GEORGE LAPCHUK: Right by the little 9 bedside table. So, yeah, she saw the whole 10 thing. 03:42 What do you think of her 11 BOB GAGNE: 12 version of saying he was fluffing the pillow in a 13 jovial manner? 14 GEORGE LAPCHUK: What can I say. 15 BOB GAGNE: Yeah. 03:42 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. 20 You know. Like where she comes off with this 03:42 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

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Page 3976 = 1 until a year before I moved out, that's six years 2 ago. 3 Uh-huh. BOB GAGNE: 4 GEORGE LAPCHUK: And, you know, it came up 5 in conversation "I wonder when he is going to get 03:42 out" because he -- every now and then it would 6 7 come up, well she knew damn well he has doing 8 I hear -- what, she says she doesn't know life. 9 he was doing life, we talked about it. 10 KEN HOMENIUK: In Regina? 03:42 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 15 whole thing was about but -- because that's, that 03:43 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 20 Esmerelda's which was my watering hole. 03:43 A qood 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 25 the Craven festival was on. She used to have a 03:43

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Page 3977 = 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? 5 GEORGE LAPCHUK: Oh shit, I know she knew 03:43 about it, there is no pretty sure about it. 6 7 BOB GAGNE: Yeah. 8 GEORGE LAPCHUK: Because we had discussed 9 it. I remember when he escaped the one time back 10 in the '80s there when he got shot in the ass. 03:43 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? Не 15 comes for me I'm going to send him back in a box, 03:43 that's easy." And Ed Swayze phoned me up, he is 16 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. 25 03:44 Good cop. He was a real thieves cop, you

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Page 3978 = 1 could -- you know, I won this time, you won that 2 time sort of thing. 3 That's right. BOB GAGNE: 4 GEORGE LAPCHUK: But he phoned me up and he 5 says "yeah, they got him", and I says "oh, 03:44 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. 15 Well why would she be doing BOB GAGNE: 03:44 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. 20 BOB GAGNE: We'll get to that. 03:44 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 25 reenactment and all that, I gather some people 03:44 Meyer CompuCourt Reporting =

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. Uh-huh. 6 BOB GAGNE: 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. 03:45 But that's, I -- if I remember 11 BOB GAGNE: 12 right, though, in your Supreme Court testimony 13 you didn't -- you guys were straight that night? 14 GEORGE LAPCHUK: Yeah, we were, because 15 they had done it all by the time we got to the 03:45 16 By the time we got to the party they had room. 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 20 situation didn't -- but you brush it off. 03:45 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, --25 KEN HOMENIUK: Yeah. 03:45

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	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?
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Page 3981 = 1 GEORGE LAPCHUK: To Alberta? 2 BOB GAGNE: St. Albert, Alberta, or St. 3 Albert? 4 GEORGE LAPCHUK: I don't --5 BOB GAGNE: You don't recall anything? 03:46 GEORGE LAPCHUK: I don't recall driving. 6 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 --10 KEN HOMENIUK: Fort Saskatchewan? 03:46 -- Fort Saskatchewan and 11 GEORGE LAPCHUK: 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 20 Woody went to Edmonton. 03:47 21 KEN HOMENIUK: Woody would be? 22 GEORGE LAPCHUK: Wayne Wood. He's deceased 23 now, he's passed away. 24 KEN HOMENIUK: Oh. 25 GEORGE LAPCHUK: That was the last time 03:47 Meyer CompuCourt Reporting

Page 3982 : 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. 5 KEN HOMENIUK: 03:47 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 That's one of the --BOB GAGNE: 10 GEORGE LAPCHUK: That's not, that's -- I 03:47 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 15 stick out in my mind, that I lost a couple of 03:47 16 girls. 17 BOB GAGNE: Yeah. 18 KEN HOMENIUK: What was she like in those 19 days, Ute? 20 She, oh, she was all GEORGE LAPCHUK: 03:47 21 She was like the rest of us, overdrugged, right. 22 a little wild, a product of the '70s, eh. 23 BOB GAGNE: Yeah. 24 GEORGE LAPCHUK: Like we were bad kids, but 25 not really bad, you know like we, you know, 03:48

Page 3983 = 1 bounced a few cheques, steal a little of this, 2 steal a little of that, get pinched. 3 Get away with a few and --BOB GAGNE: 4 GEORGE LAPCHUK: Yeah, you win some, you 5 lose some. 03:48 6 BOB GAGNE: -- lose some, yeah. 7 GEORGE LAPCHUK: Yeah. 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 03:48 11 and --12 GEORGE LAPCHUK: Not --13 BOB GAGNE: -- you know, stuff like that 14 or --15 Not in a structured way, GEORGE LAPCHUK: 03:48 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 20 Hoppy around was weird, because he was, well, he 03:48 21 was a flaky kid. 22 BOB GAGNE: The girls all liked him, 23 though, eh? 24 GEORGE LAPCHUK: Yeah, 'cause he always had 25 He was a party animal, he had a lot of 03:48 drugs. Meyer CompuCourt Reporting =

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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 5 enough. We were hippies, we weren't rounders, 03:49 But he seemed to sort of drift in and out 6 right. 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. 10 KEN HOMENIUK: What else was he doing? 03:49 Now you say he was little off the wall, or, like --11 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 15 the string, he was getting him a lot of like 03:49 16 morphine, demerol, hospital drugs, and he was 17 sleeping with him from time to time, shit like 18 Which really didn't go over all that well that. 19 with the rest of us because, you know, being 20 brought up in Regina, Saskatchewan, I mean this 03:49 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. 25 GEORGE LAPCHUK: You know, it might have 03:49

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Page 3985 : 1 panned out for him here in Vancouver, but not all 2 Well, shit like that, he's just that well there. 3 He was doing shit that the rest of a flakv kid. 4 us, like we were borderline, he was on the other 5 side already. 03:50 KEN HOMENIUK: 6 Okay. 7 BOB GAGNE: One step ahead? 8 Yeah. Like he'd come back GEORGE LAPCHUK: 9 from Vancouver and talk about how -- what a great 10 high he got off heroin. Well, to us, heroin was, 03:50 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, 15 you know. 03:50 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. 20 KEN HOMENIUK: Yeah. 03:50 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 25 ever contacted again by either -- Mrs. Milgaard? 03:50

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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 5 than that, I could narrow it down to about two 03:50 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. 10 She would come out of nowhere. Like when she 03:51 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 15 expecting, eh. 03:51 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 20 she says "I would like to talk to you", and I 03:51 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 25 I don't know what the camera was there, to see me 03:51

Page 3987 = 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? 5 GEORGE LAPCHUK: You just mentioned it. 03:51 KEN HOMENIUK: Paul Henderson? 6 7 GEORGE LAPCHUK: Paul Henderson, I think 8 that was -- he was from the Christian miniseries. 9 BOB GAGNE: Yeah, that --10 GEORGE LAPCHUK: -- or miseries, or 03:51 11 whatever it was. He was a guy just --12 BOB GAGNE: Did they tape your conversation 13 like we're doing here? 14 He, yeah, he did as a GEORGE LAPCHUK: 15 matter of fact. He phoned me like on three 03:52 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 20 long distance telling me he's going to pay for my 03:52 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. 25 KEN HOMENIUK: 03:52 Yeah?

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Page 3988 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 You gotta do better than that, Jack, you scam. 5 know. BOB GAGNE: Yeah. Well Mr. Williams came 6 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 15 stop by and see you? 03:52 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 20 need 'em. 03:52 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 --

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Page 3989 = 1 GEORGE LAPCHUK: Well, I have a theory on 2 I think maybe about 23 years from now -that. 3 you know that Jeffrey Dahmer? 4 BOB GAGNE: Uh-huh. 5 GEORGE LAPCHUK: Well, 23 years from now 03:52 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 10 murdering cannibal, maybe he just came from a 03:53 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. BOB GAGNE: 14 Uh-huh. 15 GEORGE LAPCHUK: You know, like 23 years 03:53 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 20 Now I don't know whether he killed her 03:53 innocent. 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 25 testified to and that's what I stand by. 03:53 Meyer CompuCourt Reporting

Page 3990 = 1 BOB GAGNE: Now the, this Mr. Henderson, 2 Centurion Ministries, did they ever offer you any more, or anything like that, --3 4 GEORGE LAPCHUK: Nope. 5 BOB GAGNE: -- to change your testimony or 03:53 6 something, you know. 7 GEORGE LAPCHUK: Nope. 8 KEN HOMENIUK: Or anything? 9 GEORGE LAPCHUK: Nope. 10 BOB GAGNE: You know, besides the trip to 03:53 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 20 convention, right now. 03:54 21 BOB GAGNE: That kind of brings us to your 22 buddy, Mr. Wilson. 23 GEORGE LAPCHUK: Oh, Dale. 24 BOB GAGNE: He was --25 GEORGE LAPCHUK: What's, or Ron/Dale, 03:54 Meyer CompuCourt Reporting =



Page 3991 = 1 whatever. What name is he using now? 2 He's -- he changed his BOB GAGNE: Dale. 3 testimony. Do you have any, you know, knowledge why he would do that or --4 5 GEORGE LAPCHUK: Because Dale is Dale. 03:54 Oh, all right. 6 BOB GAGNE: 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 10 in Alumbe, British Columbia, and who should 03:54 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 15 drown me in the creek or bash my head in with a 03:54 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, --BOB GAGNE: 25 03:54 Uh-huh.

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Page 3992 : 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 --5 GEORGE LAPCHUK: No, no. 03:55 And as I say, I have no proof, this is -- but I have known Dale 6 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'11 10 give him a phone call, and you give me maybe 03:55 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 Is that right, eh. BOB GAGNE: 15 GEORGE LAPCHUK: He's been like that all 03:55 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 20 before, I had never done time. He named me as 03:55 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. 25 Did he ever tell you how it 03:55 BOB GAGNE:

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Page 3993 : came about that this Centurion Ministries got him 1 2 to change his story or, you know, was he -- he 3 never did say anything about it? 4 GEORGE LAPCHUK: I partied with him at the 5 wedding, that's when I was still drinking, for 03:56 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 10 "eh man, you make your bed, you are going to 03:56 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. 15 He probably would have told KEN HOMENIUK: 03:56 16 you. GEORGE LAPCHUK: 17 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", 20 and I says "how in the fuck should I know, I 03:56 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. 25 GEORGE LAPCHUK: You know. I have said my 03:56

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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 5 it was 23 years ago. He really -- he admitted to 03:56 me that he killed that nurse and he reenacted the 6 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 10 my own personal opinion, but that's mine. 03:57 But I 11 know what I saw, and that's what I saw, and 12 that's the end of the story.

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KEN HOMENIUK: Exactly.

13

14 GEORGE LAPCHUK: And Joyce Milgaard, Yeah. 15 and I don't give a good leaping Christ who 03:57 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 25 get hung with a rat jacket for a guy doing life, 03:57

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Page 3995 : and things can get rather tense, but I had some And I put up with all that shit, qood friends. and I didn't retract then, I'm sure as to hell am not going to do it now. BOB GAGNE: Now Mrs. Milgaard --GEORGE LAPCHUK: No matter how much of a thief and a con artist you are, sooner or later you gotta draw the line. Like, even I have to live with me, you know. KEN HOMENIUK: That's right. BOB GAGNE: One of Mrs. Milgaard's allegations is that, like Craig put it, you and Craig and Ute all got together and planned this whole story, and the main reason you guys did that is that, at the time, you guys were facing a number of charges on I can't remember what it was.

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03:58

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18KEN HOMENIUK: You had an armed robbery19charge, I think, around that time?

03:5820GEORGE LAPCHUK: Craig did, yeah. That was21the armed robbery he didn't do.

22KEN HOMENIUK: Oh, right, Craig.23GEORGE LAPCHUK: That was Craig, not me.24You must have read the book, see they screwed03:5825that all up in the book, too.

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1KEN HOMENIUK: Well, we read everything, we2read it somewhere anyway.

3

03:58

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GEORGE LAPCHUK: Yeah, well don't bother.

BOB GAGNE: Anyway, the bottom line is that you, you guys got a lighter sentence, or somebody 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 10 bringing up all these things, "you got this 03:58 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 15 and I, as the only child I was my mother's sole 03:59 16 support, and that was brought up in court. Ιt 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 20 purposes of trafficking, which even then was not 03:59 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 25 sentence when I maybe should have got three 03:59

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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 5 goes, well here again, he didn't do the armed 03:59 He didn't. We know who did it. 6 robbery. 7 BOB GAGNE: It's just that he was there 8 and --9 GEORGE LAPCHUK: Wrong place at the wrong 10 time. He got pinched in my car. I know who 03:59 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. 15 BOB GAGNE: He got a -- six months? 03:59 16 GEORGE LAPCHUK: A six-month sentence, 17 yeah. 18 BOB GAGNE: Well --19 GEORGE LAPCHUK: But everybody knew he 20 didn't do it, but they wanted to see Ray behind 04:00 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? 25 GEORGE LAPCHUK: Oh, Ray is still doing 04:00 Meyer CompuCourt Reporting =

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Page 3998 : 1 time, he did -- he got nine years for that, I 2 think. 3 BOB GAGNE: Yeah. Oh, wow. GEORGE LAPCHUK: He is still a -- but Ray 4 5 had shot, what, the Safeway manager in the holdup 04:00 6 before that so, I mean, it was time to put this 7 guy away. 8 Uh-huh. BOB GAGNE: Yeah. 9 GEORGE LAPCHUK: You might want to erase 10 part of these tapes later, you know. 04:00 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 15 around there. 04:00 16 That's right. BOB GAGNE: 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 20 live with that. 04:00 21 Back in '86, when Milgaard BOB GAGNE: 22 escaped, you were still in Regina I think, eh? 23 GEORGE LAPCHUK: Yes. 24 BOB GAGNE: And Mrs. Milgaard in one of her 25 other, in one of her many allegations, that you 04:00 Meyer CompuCourt Reporting

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	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	soshe 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
		Mayor CompuCaurt Departing

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	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	
		Mover CompuCourt Paparting	

Page 4001 = 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. 5 But once she got ahold of me I 04:02 said "sure, I'll talk to you, sure, turn on the 6 7 damn tape recorder, I don't care." 8 BOB GAGNE: You know, but I think what we 9 mean is that --10 GEORGE LAPCHUK: I don't remember Saskatoon 04:02 11 City Police, per se --12 BOB GAGNE: Okay. 13 GEORGE LAPCHUK: -- getting ahold of me. 14 BOB GAGNE: Yeah. 15 GEORGE LAPCHUK: You know. And then like 04:03 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. 20 GEORGE LAPCHUK: 04:03 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 25 writer, whoever she's got working for her, he's 04:03



Page 4002 = 1 good. 2 Sounds like they're going to BOB GAGNE: make a movie, I mean. 3 4 GEORGE LAPCHUK: Yeah, I hear that there's, 5 you know, there's been bits, but --04:03 Well who's going to play you? 6 BOB GAGNE: 7 GEORGE LAPCHUK: Well I was thinking Telly 8 Savalas would be good. 9 BOB GAGNE: Say, that's a good one. 10 GEORGE LAPCHUK: Well Yul Brynner's gone, 04:03 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 15 talk show. 04:03 16 Nobody asks, and she's making BOB GAGNE: 17 sure she doesn't. I would like to confront 18 GEORGE LAPCHUK: 19 her one to one on a talk show, like with somebody 20 good, like Dini Petty or somebody like that. 04:03 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. 25 GEORGE LAPCHUK: Like that book that came 04:04

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Page 4003 = 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 5 names mixed up, the charges mixed up, the dates 04:04 mixed up, and all this reference to me, 6 7 ex-motorcycle gang member. True, at one time I was a member of the Apollos, but that was a long 8 9 time after the Milgaard episode. I mean, you 10 know, that was eons after that I joined the club. 04:04 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 20 the bullshit that they have come across with on 04:04

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 104:05 25 honestly, I'm the kind of guy that, if I would

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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. GEORGE LAPCHUK: You know, to get, to wear 6 7 a rat jacket for nothing else, like I did that because that's what I thought I had to do, and I 8 9 stand by that, and that's the way it is. 10 BOB GAGNE: Judgement call, eh. 04:05 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, 15 I'd have clammed up tighter than a goddam 04:05 16 If I'd have known that 23 years later, tortoise. 17 I'd still be haunted with this bullshit, not a 18 chance. 19 BOB GAGNE: After that reenactment there, 20 when you and Ute and Craig were with Dave, did he 04:05 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 I can't remember him ever threatening 25 04:06 recall. Meyer CompuCourt Reporting

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KEN HOMENIUK: Well did you have much to do with him after that?

4 I tried, I -- like I GEORGE LAPCHUK: No. 5 say, he -- like he -- it's hard to -- going back 04:06 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 10 drifted away from him. Like he'd showed up in 04:06 town, and he'd want to party for two or three 11 12 days, and then he'd disappear again, and then sometimes one of us would see him, or two of us 13 14 would see him, and then other times we would "oh 15 yeah, Hoppy was in town", "oh yeah", well he 04:06 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 20 hanging out in hotel rooms and gettin' fucked up 04:06 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 25 "we're staying away from this guy", it just -- I 04:07

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Page 4006 = 1 He wasn't any fun any more, at least don't know. 2 not for me, I don't know about Ute. 3 BOB GAGNE: Oh, yeah. 4 GEORGE LAPCHUK: But I --5 BOB GAGNE: Yeah. Well Ute, when we were, 04:07 I know we talked to her here. 6 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, 10 was the fact that she says that he went into this 04:07 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 came up in the Supreme Court. that. 15 KEN HOMENIUK: Yeah. 04:07 16 And, to save my life, I GEORGE LAPCHUK: 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 of Debbie Hall. 23 I'd like, you know, I would like 24 to talk about that, and that Milgaard -- she must 25 have been at a different place than you guys were 04:07

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Page 4007 = 1 at during the reenactment? GEORGE LAPCHUK: Well it -- she certainly 2 3 must have, because she was sitting right there 4 and she saw the whole damn thing, and if she 5 figures that's fluffing a pillow, well, fuck me 04:08 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 10 that chair, right next to that TV set, she saw 04:08 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 15 Craig, Craig and I flew down there together, and 04:08 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 20 would that be, five years, well it would be five 04:08 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. 25 GEORGE LAPCHUK: -- you know, I really have 04:08

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Page 4008 a lot in common with her. 1 2 KEN HOMENIUK: So how about Launa, there? 3 Oh, boy, that one I could GEORGE LAPCHUK: 4 write a book on. 5 KEN HOMENIUK: A best seller. 04:08 Well when I heard that she 6 GEORGE LAPCHUK: 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 10 into it and I -- well she, she's often said that, 04:09 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 15 Justices, I mean, I wish you guys would do your 04:09 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 20 medical background. She has been in and out of 04:09 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 --25 You know, this thing, she --04:09

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	1 sł	e had the RCMP you guys, right
	2	BOB GAGNE: Uh-huh.
	3	GEORGE LAPCHUK: keeping her under
	4 pr	otective custody because somebody who the
04:09	5 fu	ick would want to bother to off her. I wish her
	6 a	long and miserable life, may she live to be 100
	7 ye	ears old, and never have a happy day. God.
	8	BOB GAGNE: And yet she keeps mentioning
	9 th	at she's a bit scared of you?
04:10 1	0	GEORGE LAPCHUK: Scared of me? Christ, if
1	1 I	saw her, I'd swim the Fraser to get away from
1	2 he	er. When Serious Crimes came to see me
1	3 ar	parently well, you see, I have been working
1	4 th	is job in White Rock since last May, this
04:10 1	5 sc	hool that I am doing for Craig, and I got a
1	6 li	ttle visit at the apartment I used to live.
1	7 ac	ross the way here before Jan and I moved in
1	8 to	gether and it was from the Sergeant from
1	9 Se	rious Crimes, he wanted to speak to me about
04:10 2	0 sc	omething, so I okay, I phoned him, I said
2	1 "у	eah, I'll meet you down there, I'll come right
2	2 do	wn". So I went down there, I come walking in,
2	3 ar	d I says "so what's this all about?" He says
2	4 " c	lo you know Launa Edwards", and I says "oh,
04:10 2	5 sł	it, what now?" Well apparently, like, there's

Page 4010 = 1 a little mall there right on the corner of 24th 2 and 152 up in White Rock --3 BOB GAGNE: Uh-huh. GEORGE LAPCHUK: -- not far from the school 4 5 where I work. Well I stopped in the mall to grab a pack of cigarettes, and she must have either 6 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. 10 BOB GAGNE: Oh, all right. 04:11 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 15 that's going to run when I see her, she's got 04:11 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 20 much more to ask you there, George, I know it's 04:11 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. 25 BOB GAGNE: 04:11 Know where.

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	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
		Meyer CompuCourt Reporting

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	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
		Mover CompuCourt Deporting

Page 4013 : 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 5 if necessary, but I don't want Craig 04:14 involved in this." He said that Melnyk was 6 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 10 adverse publicity surrounding (inter alia) 04:14 the Milgaard case. 11 12 When questioned concerning his 13 contacts with the Milgaard family, Mr. 14 Lapchuk said that he spoke to Mrs. Milgaard 15 approximately 6 years ago at Dionysus 04:14 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 20 Milgaard family since then. 04:14 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 25 with Ron Wilson after the trial. Wilson 04:14

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Page 4014 : 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 5 Lapchuk. Mr. Wilson attempted to offer an 04:14 explanation for his recent actions. 6 7 According to Mr. Lapchuk, he (Lapchuk) did 8 not want to hear any explanations from 9 Wilson. (From him long-term acquaintance 10 with Wilson, Lapchuk gave me some insights 04:15 into Wilson's character. 11 I am left me with 12 the impression that Ron Wilson had gotten 13 more than religion for changing his story.) (The writer was left with the 14 15 distinct impression that Lapchuk and Melnyk 04:15 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 20 there was a financial incentive for Mr. 04:15 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

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his recollection of the events today.

1 noted that the expression on Milgaard's face was so frightening that it remains vivid in 2 3 his memory to this day. Much the same 4 comment was echoed by Mr. Melnyk when I 5 spoke with him." 04:15 I'll move, now, to document 6 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 10 Ministries dated August 8th, 1991 respecting 04:16 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 15 way, he's also quite articulate. George has 04:16 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 20 government will never relent and agree to a 04:16 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 25 serious nervous disorder. During our talk 04:16

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	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.
		Mover CompuCourt Departing

			Vol 21 - Wednesday, February 23rd, 2005
			Page 4017
	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	(NO 1	TE: To the contrary, Lapchuk admitted
	14	duri	ng his trial testimony that he was
	15	faci	ng 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
			Mever CompuCourt Reporting

		Vol 21 - Wednesday, February 23rd, 2005
		Page 4018
	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
		Meyer CompuCourt Reporting

	r	Page 4019
	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
		Meyer CompuCourt Reporting
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	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
		Meyer CompuCourt Reporting

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1		police?
2	А	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	А	Yes, it is.
7	Q	I understand as well that that is the
8		very reason you are here today.
9	А	That is also very correct.
10	Q	And under subpoena of this Court to
11		testify?
12	А	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.

Page 4022 1 First of all, do you recall 2 giving evidence at that trial? 3 Oh, yes. Α 4 Did you tell the truth at that trial Q 5 based on what you recalled of the incident at the time? 6 7 I most certainly did." Α 8 If we could turn to page 044340, please, 9 beginning at the top: "In 1969 and 1970, did you have any 10 11 grudge against Mr. Milgaard or any 12 reason to lie in respect of your 13 testimony. This situation between Mr. 14 Α No. 15 Milgaard and I, up until that point, 16 is that we got along okay. We had --17 there was no animosity between us. Ι 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 Α No, I had no reason to lie 24 whatsoever. 25 Were you promised or did you receive 0

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George Lapchuk (deceased) Read-ins by Mr. Hardy Vol 21 - Wednesday, February 23rd, 2005

			Page 4023
	1		anything in return for your testifying
	2		at the trial?
	3	А	I certainly did not and no."
	4	If we cou	ld turn to the next page, please.
04:23	5	044341, b	eginning 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	А	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	А	That's right.
	23	Q	Do you know how it was that they got
	24		onto you as it were?
	25	А	To this day, I still do not know. I

= Page	4024
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		Page 4024 — Page 4
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	А	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."
		Meyer CompuCourt Reporting

Page 4025 1 Turn to the next page, please, 044343, the bottom 2 of the page: 3 " O All right? Did you have discussions with 4 5 Mr. Wilson about being a witness? 6 Α Oh, yes. 7 Can you relate those to us as best you 0 8 recall? 9 Well, now, we are getting into a real Α 10 -- I will tell you what I can 11 recall. 12 Q That's all we are asking you to do. 13 Α But please keep in mind that it was 22 14 years ago. 15 I am not suggesting that you shouldn't Q 16 tell us anything more than you 17 remember. 18 Α 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.

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= Page 4026 =

		——————————————————————————————————————
1	Q	Do you recall anything specific that was
2	×	told to you?
3	А	No. No, I couldn't swear to anything
4	A	specific. As I say, that was a lot of
5		years ago."
	T.E	
6		uld 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
		Meyer CompuCourt Reporting

		Page 4027
		1 dgt 4027
1		on this matter, I suppose?
2	А	No.
3	Q	Do you and she communicate at all?
4	А	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	А	No, I certainly do not.
9	Q	Do you know where she lives?
10	А	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	А	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

George Lapchuk (deceased) Read-ins by Mr. Hardy Vol 21 - Wednesday, February 23rd, 2005

г		Page 4028
		1 490 4020
1	Q	Did you ever tell anyone in her presence
2		that you had lied at the Milgaard
3		trial?
4	А	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?
		Meyer CompuCourt Reporting

Page 4029 1 A I can't see that. I mean, I am in the Vancouver 3 Q Could you just 4 A No, I don't believe I did. If 5 anything was said about the Mile 6 case, it may have been taken out 7 context or something. But seein 8 how I am listed in the Vancouver 9 telephone directory, I don't see 10 it would be all that hard to fin 11 If we could turn to the next page, please	gaard t of ng as
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 Mile 6 case, it may have been taken out 7 context or something. But seein 8 how I am listed in the Vancouver 9 telephone directory, I don't see 10 it would be all that hard to fin 11 If we could turn to the next page, please	gaard t of ng as
3 Q Could you just 4 A No, I don't believe I did. If 5 anything was said about the Mile 6 case, it may have been taken out 7 context or something. But seein 8 how I am listed in the Vancouver 9 telephone directory, I don't see 10 it would be all that hard to fin 11 If we could turn to the next page, please	t of ng as
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11 If we could turn to the next page, please	e how
	nd me."
12 044250 Designing of the normalized of	е,
12 044350. Beginning at the very bottom of	the
13 page:	
14 "Q Let me start again. It was sugg	gested in
15 testimony in this Court that	I
16 believe Mr. Wilson indicated that	at you
17 and he had had some conversation	n about
18 this matter in the fairly recent	t past.
A Yes, that's very true.	
Q Can you tell me about that, plea	ase?
21 A Yes. I went to his sister's wea	dding
22 in Alumbe, British Columbia, Gai	il, and
23 Ron/Dale was there along with hi	is
24 father and mother, who I am quit	te well
25 acquainted with, and we took a 1	little
Meyer CompuCourt Reporting	

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		-
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	А	No. Good god, no?
19	Q	Did you assault him?
20	А	Pardon?
21	Q	Did you assault him?
22	А	No.
23	Q	Did you threaten to assault him?
24	А	No. We went as a matter of fact,
25		we went on to party at the wedding."
		——— Meyer CompuCourt Reporting

Page 4031 = 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. It was supposed to be THC. 6 Α 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. Ι 10 think it was probably some veterinary 11 drug. 12 0 What would that be? 13 Α Lord knows. Mr. Williams' notes of the interview 14 0 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 Α Well, that's why I say I don't Yes. 22 think it was PCP. But here, again, 23 there was no label on the bottle. 24 0 It was in a bottle? 25 As I recall, yes, capsules? Α You see,

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Page 4032 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 about when I got there. 6 7 0 THC doesn't come in capsules, does 8 it? Back in 1970, just about everything 9 Α 10 came in capsules. 11 In any event, I am curious, when you Q 12 told Mr. Williams that it was 13 phencyclidine --14 That was an educated guess on Α 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 "Ο Do you now remember arriving with Craig 21 Melynk. 22 Α 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 = Meyer CompuCourt Reporting

Page 4033 : 1 what I said then. 2 This statement is dated January the 19th 0 3 of 1970 at three o'clock in Regina, and 4 that's a statement you gave to Eddie 5 Karst. That would have been the 6 Α Yes. statement taken in the motel room 7 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 0 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 time? 18 19 Α 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 Now, he may have been. the room.

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Page 4034 : 1 Here, again, we are going back 22 2 years. 3 We appreciate that and you are trying 0 4 your best. 5 Α But I do recall that Ute Frank was in the room." 6 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 "Ο Armed with the information you had, did 11 you go to the authorities? 12 Α 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 I did not. Α 17 The fact is you never went to the Q 18 authorities; they came to you. 19 Α That is correct? 20 As I understand it, sir -- you may agree 0 21 or not -- in 1968 in the St. Albert, 22 Alberta, you were convicted of forgery 23 and fined \$100? 24 Α That is correct. 25 In March 1969 in Regina, you were 0

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Page 4035 1 convicted of theft and fined \$35? 2 That is correct. Α 3 In June of 1969 in Regina, you were 0 convicted of possession of a sawed-off 4 5 rifle or shotgun and fined \$35? That is correct. 6 Α 7 In August 1969, you were convicted in 0 8 Edmonton of conspiracy to commit fraud 9 and sentenced to six months? 10 Α That is correct. Did that involve David's property? 11 0 12 Α No. In October 1969, in Innisfail, Alberta, 13 0 14 for forging and uttering, you were placed on a 12-month suspended 15 16 sentence. 17 That's correct. Α 18 Would it be fair, then, to say that you 0 19 were on probation when you testified in 20 this particular trial? 21 Yes, I believe I was on probation --Α 22 I should have got an abstract on no. 23 my record because -- here, again, we 24 are talking dates and times and this 25 I believe I was on is a long time.

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Page 4036 1 probation and also out on bail. 2 That's correct. You were on bail also 0 3 for forging and uttering. No, I was out on bail for breaking and 4 Α 5 entering and possession of burglary tools. 6 7 Yes, but that came in 1971, your 0 8 conviction. 9 That is when I was convicted. Α 10 You may have been on bail; you are 0 11 right. 12 Α 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. Just after you testified, you went to 18 0 19 Regina on a forging and uttering charge 20 and appeared on March the 19th. Do you 21 recall that? 22 If that is what my abstract says --Α 23 0 Yes. Your abstract says that you were 24 convicted on March 19th in Regina of 25 forging and uttering and got another

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Page 4037 : 1 suspended sentence. 2 Α Oh, yes, now I do recall that. 3 At that point in time, just after Ο testifying, which was very close, you 4 5 had served time before. Yes. 6 Α 7 You had just been convicted of forging 0 8 and uttering and had not gone to jail? 9 Right. Α 10 You were on probation for that and you 0 11 don't go to jail again? 12 Α No. 13 Q And you are saying that there was no consideration given here? 14 15 None whatsoever; none whatsoever. Α 16 You just walked in with that record just 0 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 Α That's correct. Let's just say I had 23 a better lawyer than they did a 24 prosecutor. 25 Was the fact that you had testified 0

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1		Page 4038
1		mentioned?
2	А	Pardon? No.
3	Q	Are you sure?
4	А	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	А	I cannot be bought is what I am trying
25		to say, not by favours or with money."

04:33

= Page 4039

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.
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George Lapchuk (deceased) Read-ins by Mr. Hardy Vol 21 - Wednesday, February 23rd, 2005

Vol 21 - W

	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.

		Page 4041
	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.)
	14	
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AS.

	Page 4042
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3	Reporter for the Province of Saskatchewan, hereby certify
4	that the foregoing pages contain a true and correct
5	
	transcription of my shorthand notes taken herein to the
6	best of my knowledge, skill, and ability.
7	
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9	
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11	, RPR, CSR
12	Donald G. Meyer, RPR, CSR
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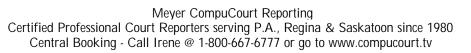
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