

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

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

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On Tuesday, March 8th, 2005

Volume 23

Inquiry Proceedings



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*Mr. Hersh Wolch, Q.C.,*            **for** Mr. David Milgaard  
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*Mr. Garrett Wilson, Q.C.,* **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  
*Mr. Stephen McLachlin, Esq.,* **for** Minister of Justice  
   Canada, The Hon. Irwin Cotler  
*Mr. Dino Bottos, Esq.,*        **for** Justice Calvin Tallis  
   (Retired)



**INDEX OF PROCEEDINGS**

<b><u>DESCRIPTION:</u></b>	<b><u>PAGE:</u></b>
<b><u>NICHOL JOHN, CONTINUED</u></b>	
- BY MR. HODSON	4283
- EDITED CONVERSATION BETWEEN NICHOL JOHN, LARRY LESLIE, ANTHONY MERCHANT AND MRS. MILGAARD, CONTINUED	4283
- (END OF CONVERSATION)	4316
- TAPE OF HYPNOTIST INTERVIEW	4411
- END OF TAPE	4442



**Transcript of Proceedings**

(Reconvened at 10:00 a.m.)

**NICHOL JOHN, continued:**

**BY MR. HODSON:**

MR. HODSON: Good morning, Mr.

Commissioner. Yesterday when we adjourned,  
Mr. Commissioner, we were partway through a taped  
interview and just for the record for those here  
today, this was an interview that took place on  
May 9, 1981, involving the witness Nichol John,  
her lawyer Larry Leslie, Mrs. Joyce Milgaard and  
her legal counsel at the time Tony Merchant, and  
so we'll carry on, I think there's about another  
30 or 40 minutes on this audio tape.

**(EDITED CONVERSATION BETWEEN NICHOL JOHN, LARRY  
LESLIE, ANTHONY MERCHANT AND MRS. MILGAARD,  
continued)**

MRS. MILGAARD: Just that you waited there  
until the tow truck came, like that you'd come in  
to get warm and you were sitting on the steps in  
there and they didn't indicate, you know, they,  
they were, they just couldn't believe that any of  
you would have been involved in something like  
this and this is about 20 to, it's between, oh,  
about 20 to eight in the morning. Now this girl,



1 all the terrible things that happened to her.  
2 She was raped, she was stabbed multi, multi,  
3 multi times. Whoever did it must have had a  
4 great deal of blood on him and must have spent a,  
5 a great deal of time doing what was done because,  
6 like, they found a one boot buried and it's  
7 wrapped up in her sweater, buried in one spot.  
8 They found something else buried somewhere else,  
9 something somewhere else, you know. The time.  
10 There just isn't enough time. And that would  
11 mean that you, if you were out of the car, would  
12 have had to been out of the car for an awful long  
13 time for all this to have taken place in the car.  
14 Now the car was taken apart by the R.C.M.P.  
15 thoroughly. They got Ron's car and they just  
16 stripped it right down and took it all apart.  
17 There wasn't one hair or one bit of blood or  
18 anything that they could tie into it. I mean we  
19 talked to the -- the detective, so even  
20 investigated that part, if there had, certainly  
21 it would have appeared in court. But they found  
22 nothing in that car. Now in forty below zero  
23 weather, for that, you almost, the -- the  
24 sergeant describing it that day, said that his  
25 hands and his face, you know, throughout for any



1 length of time you would freeze because you had  
2 to have gloves in your hand and stuff like that.  
3 So that I guess just strictly from watching Nicky  
4 when I, Nichol I'm sorry, when I go back over  
5 this, I just, it just doesn't add up. So when we  
6 came to this other fellow that was also convicted  
7 of a similar crime at this, his victim was killed  
8 by a paring knife. He heard voices telling him  
9 to kill her, you know. The police didn't find  
10 out about him until after David was picked up and  
11 charged and all the rest of it. And we are still  
12 following through on that one. That's why it  
13 came to me in going over the scene of the crime  
14 that in fact maybe you did really see something  
15 and if you did see the real murder happen, no  
16 doubt that's what's inside and that's what's  
17 terrifying you. And naturally you would have  
18 assumed in hearing about a purse snatching, you  
19 would have assumed it was David. You know. And  
20 you would 'a, all these years, you felt it must  
21 have been him. But if you could even go through  
22 the transcripts and read all the stuff that's  
23 there, yourself. And that, I mean, it's a  
24 terrible experience going back into it and I know  
25 what I'm asking you to go back, that you would



1           see that it was literally impossible to have  
2           happened the way it is there. The time is not  
3           there.

4           NICHOL: What time was she killed.

5           MRS. MILGAARD: Well, she, they claim that  
6           she had to have been killed between, well, in  
7           order for him to have done it, it would have had  
8           to have been before 20 to eight in the morning.  
9           They're saying it was between seven and eight  
10          o'clock that morning. That's as close as they  
11          could pinpoint it cause she was seen at the house  
12          near seven. But you see, the Danchuks said  
13          definitely he was at T Street where they were,  
14          which is on Avenue T, at between 7:30 and 20 to  
15          eight. And it was at that point apparently you  
16          guys were driving there, still looking for  
17          Shorty's place and now your testimony and Ron's  
18          mention that David said hey let's give em a hand.  
19          Ron didn't want to stop. He said. Because he  
20          was afraid he'd get stuck. But David said come  
21          on come on we'll help. The guys going to work.  
22          And you even agreed. Do you remember that part  
23          of it?

24          NICHOL: I remember. Yes.

25          MRS. MILGAARD: Now just from the point of





1 view of logic. If you had just murdered a girl  
2 two and a half blocks away and raped her and  
3 murdered her, would you stop and help? I, I'm  
4 just trying not to look at it emotionally. I'm  
5 just trying to look at it logically. Would you  
6 stop and help somebody else that was stuck?  
7 You'd be long gone. That doesn't make sense.  
8 But those Danchuks testified and they're willing  
9 to testify again (unintelligible) you know, that  
10 and Mrs. Danchuk says you know they didn't ask me  
11 half the questions that I'd like them to ask me  
12 because she said I could 'a told them there was  
13 no way they could have been involved in it. She  
14 said I talked to the girl. She said I talked to  
15 David and he, you know, we had a long  
16 conversation with her on the telephone. They're  
17 out in Alberta now. And she said he, I wouldn't  
18 have let someone like that in to use my bathroom.  
19 If and you know she said the light was really  
20 good in her apartment. She could certainly have  
21 seen if he had blood on his clothes because he  
22 took his, you know, he had his coat open and  
23 everything when he went in. And this is at 20  
24 to, between seven thirty and 20 to eight. And  
25 from that time on you were all together you see.



1           There's only a matter of minutes that you  
2           weren't. And these are the minutes the Crown  
3           would have us believe. That David did this. Can  
4           you think of anything that you would like to ask  
5           me?

6           NICHOL: Just one question. Why did you  
7           wait so long.

8           MRS. MILGAARD: Well you asked me that that  
9           day?

10          NICHOL: And I don't remember the answer  
11          you gave me.

12          MRS. MILGAARD: Uh-huh. It, it's a hard  
13          question and Nichol I've asked myself a thousand  
14          times. I guess we, we tried the various legal  
15          steps first, you know. One time after time after  
16          time. Nothing seemed to happen for the first two  
17          or three years. David absolutely refused to  
18          settle down in prison and we had one heartache  
19          after another in prison. It wasn't until he got  
20          to Prince Albert and he met Mr. O'Sullivan, the  
21          warden there, who was really good with him, that  
22          he said now David, you did this, this, and this.  
23          And this is what will happen. And we'll get you  
24          to Stony Mountain. And this was after five years  
25          and you know, he tried to break out any number of



1 things. He just said.

2 NICHOL: I didn't know that he had tried to  
3 break out.

4 MRS. MILGAARD: Oh yeah, oh yeah. From the  
5 word, he -- he tried to jump out of a window and  
6 he -- he had so many terrible things happen. It  
7 was just a nightmare for five years and all the  
8 time we're appealing and we're trying to get new  
9 evidence. Think of it this way, I was in a small  
10 town and we were deep in debt. We had no money,  
11 okay. I had three other children. You have, you  
12 know what it's like with kids. You have your  
13 daily life to live. Okay. You have to look  
14 after your kids. You've got to feed them and  
15 send them off to school and do all the mundane  
16 things as a mother that you have to do and I had  
17 to do all those. It wasn't until we moved out of  
18 Langenburg and we got into the city and that I  
19 got a bit of money ahead that I started going  
20 back and doing a little bit of investigating.  
21 Then I started reading. And David had always at  
22 that point, we always felt well soon he'll be  
23 getting out because he'd been taking these  
24 University courses and I just felt well if he can  
25 sit there for you know, soon you'll be eligible



1           for parole. But it doesn't work that way in this  
2           system and every time we turned around they were  
3           sort of holding a carrot in front of you and  
4           saying well next month or next, you know, six  
5           months down the line this will happen. Then the  
6           parole officer told us if David would only admit  
7           that he had done this, then when he went to the  
8           parole board, there might they wouldn't be  
9           bothered by this you see and they would say okay.  
10          You did it, you're sorry, you're rehabilitated,  
11          he would get out. But because he insisted on his  
12          innocence and always has insisted on being  
13          innocent, right away they would send him off for  
14          a psychiatric evaluation. They'd go, they'd give  
15          him his psychiatric evaluation, they'd come back  
16          and he had a piece of paper that says he's not in  
17          need of a psychiatric evaluation. Then at that  
18          point you asked me a question too. Why did he  
19          escape the last time? Why didn't he just stay  
20          there and get paroled?

21               L. LESLIE: Did he escape once?

22               MRS. MILGAARD: Oh he had escaped once down  
23          east and then he escaped on August the 22nd. It  
24          was on my other son's birthday and we were having  
25          a get together at the house and he was allowed



1 out for it. And at that time he left and he got  
2 as far as Toronto and he was working in Toronto  
3 and that's when he was shot, in Toronto.

4 L. LESLIE: Oh. All right.

5 MRS. MILGAARD: And he's now back in  
6 custody. At the time. But what had happened,  
7 the Tuesday prior to our -- our getting him out  
8 for that Friday, we went and we had a meeting of  
9 his parole officer, his confiscation officer and  
10 everything and they had indicated to us, okay,  
11 David we're going to let you out for this T.A.,  
12 as they call it, with your family for this  
13 afternoon. We'll let you have another three  
14 within the next year, okay? One every three  
15 months. Year after that, one every two months.  
16 The year after that, once a month. And then  
17 maybe the year after that, farm camp. We were  
18 looking at another four years. He had already  
19 done 12. He just could not handle the fact of  
20 doing more time, that much time. Now I believe  
21 because David is intelligent and he has settled  
22 in and he's done really well with his studies and  
23 everything like that that he would have, if he  
24 had enough time, even to sit with it a week or  
25 two weeks, you know, he would have been able to



1 say okay. Just because they say four years it  
2 doesn't necessarily mean it's going to be four  
3 years. But he didn't have enough time. He just  
4 went back to his house or cell as they call them  
5 and -- and I guess just made arrangements so that  
6 he could leave when he was out on that Friday and  
7 he took off. And then, as I said, he had a job  
8 in Toronto, and someone saw him, recognized him  
9 from the inside, that had been inside, tipped off  
10 to the police to where he was going to be. They  
11 surrounded the area and he was crossing the  
12 parking lot, like he met these two detectives  
13 there and he ran and unfortunately or fortunately  
14 he ran in the direction of where the police were  
15 around, surrounding this parking lot. And he  
16 said he heard them say freeze. And he froze. He  
17 said Mama, and I just froze. But they shot him  
18 anyhow. And he was shot in the back by both  
19 barrels of the shotgun. Now he has to go back  
20 inside. There's no way we're going to pursue  
21 legal aspects against anyone for the simple  
22 reason that it's very difficult to prove exactly  
23 what happened in that parking lot. For awhile it  
24 looked like he would never walk.

25 L. LESLIE: Sort of 10 to one against you



1 kind of thing.

2 MRS. MILGAARD: That's right.

3 L. LESLIE: And you can bet your bottom  
4 dollar they the police all saw it the same way.

5 MRS. MILGAARD: They would do nothing.

6 L. LESLIE: Particularly after a couple of  
7 meetings they will.

8 MRS. MILGAARD: Yeah. The thing was he was  
9 not armed or anything. He hadn't been in any  
10 trouble all the time he was down there. Um, as I  
11 sat by his bedside waiting to know whether from  
12 the operation he would walk or not, okay, Nicky,  
13 or Nichol, that was the time that the thought  
14 came to me then. You can't go on. They're going  
15 to throw the key away on him now. He's never  
16 going to get out after this. He's never going to  
17 get out. We've got to do something. That's when  
18 the thought came about offering a reward. Now a  
19 lot of people have said, you know, you must be a  
20 very wealthy woman. I'm not. I work hard for  
21 the money that I get. And that \$10,000  
22 represents an awful lot to me, but that's the  
23 reward that I put up and I would put up  
24 everything, my, just everything because I really  
25 believe he's innocent. Until -- when you asked



1 me why did you wait so long, I guess that's all I  
2 can tell you. We went from day to day thinking  
3 that something was going to happen, that he'd get  
4 out, that he'd be paroled, that this would  
5 happen, that that would happen, but it never  
6 happened. And now we're looking back at 12 years  
7 where a young boy's life has been completely  
8 taken away from him.

9 NICHOL: I want to ask you a question.

10 MRS. MILGAARD: Okay.

11 NICHOL: Do you have one of your children  
12 work in the Chateau Towers?

13 MRS. MILGAARD: Chateau Towers?

14 NICHOL: Do you have one of your children  
15 in Regina here?

16 MRS. MILGAARD: Oh, I have two of them. I  
17 have a daughter Susan. She's a legal secretary.  
18 But when you ask me where she works, you know  
19 where she works. Is that in the Chateau Towers?

20 L. LESLIE: What law firm?

21 MRS. MILGAARD: Oh, she just. I, I don't  
22 know. She, I thought she told you the name of  
23 the --

24 NICHOL: And was your other --

25 L. LESLIE: I don't think there are any





1           legal, there are no law firms in the Chateau  
2           Towers.

3           NICHOL:   What does the other one do?

4           MRS. MILGAARD:   Chris.   He is, he works for  
5           Stockton Serving Company.

6           NICHOL:   That's the one.

7           MRS. MILGAARD:   Are you sure.   It's in the  
8           Chateau Towers?

9           NICHOL:   No, but that's the name -- the  
10          name was told that it was Chris.   See, he made a,  
11          a big spectacle out of me.

12          MRS. MILGAARD:   Oh no.   No I know who  
13          you're talking about.   You're talking about Chris  
14          O' Brian.

15          NICHOL:   No I'm not.   I'm talking about  
16          your son Chris.

17          MRS. MILGAARD:   Chris Milgaard?

18          NICHOL:   Yes.

19          MRS. MILGAARD:   What does he look like?

20          NICHOL:   I don't know what he looks like  
21          but there was people coming into Bartlebys asking  
22          who Nichol is and please point her out.   Her --  
23          his co-workers.

24          MRS. MILGAARD:   His co-workers?

25          NICHOL:   His co-workers.



1 MRS. MILGAARD: Well, I know --

2 NICHOL: And I wasn't very pleased about  
3 that.

4 MRS. MILGAARD: No, I can imagine.

5 L. LESLIE: Chris O'Brien's actions in my  
6 mind are actionable.

7 MRS. MILGAARD: He was a radio announcer  
8 that had tried to help in a --

9 L. LESLIE: Unfortunately, Tony, he, he, he  
10 did it --

11 MRS. MILGAARD: Unfortunately he did it in  
12 the wrong way.

13 L. LESLIE: Did it in the wrong way.

14 MRS. MILGAARD: And I'm very sorry.  
15 (Unintelligible).

16 L. LESLIE: He tried to intercede for Mrs.  
17 Milgaard but he, the very tone, and unfortunately  
18 he's done it writing and we have it, the very  
19 tone of his intercession was threatening. If you  
20 don't do this, if you don't phone Mrs. Milgaard,  
21 I'm going public, I'm going to do this. This is  
22 going to happen to you. We'll expose you.

23 A. MERCHANT: He does some kind of an  
24 action line program there.

25 L. LESLIE: I don't know, but it was



1           unfortunate that he did that because that was the  
2           very thing that triggered --

3           MRS. MILGAARD: Uh-huh.

4           L. LESLIE: Perhaps as far as --

5           MRS. MILGAARD: The reaction on your part  
6           too.

7           L. LESLIE: Well, that it triggered  
8           certainly my involvement. I think there are two  
9           things though that Nichol does know that she, but  
10          kind of skipped over. Whether they're of any  
11          relevance to you or not. With regard to the  
12          person that was stopped on the street.

13          MRS. MILGAARD: Uh-huh.

14          NICHOL: She was, she was wearing white.

15          L. LESLIE: All right.

16          MRS. MILGAARD: She was wearing white?

17          NICHOL: She was wearing white.

18          MRS. MILGAARD: Okay. Now --

19          L. LESLIE: And one other thing, just a  
20          second.

21          MRS. MILGAARD: Okay.

22          L. LESLIE: Then you can ask any questions  
23          you want to arising from them. But when the boys  
24          got out of the car.

25          NICHOL: Car.



1 L. LESLIE: They went in which direction  
2 from the front or the back of the car?

3 NICHOL: They went, they went, we were,  
4 they went behind the car and went opposite  
5 direction.

6 L. LESLIE: That's right. Did they?

7 NICHOL: It wasn't in the front of the car.

8 L. LESLIE: So they went to the street, in  
9 other words?

10 NICHOL: Uh-huh. Uh-huh.

11 A. MERCHANT: Not downhill.

12 L. LESLIE: And then they split and went in  
13 other directions where the street and the alley  
14 intersected.

15 NICHOL: Uh-huh.

16 L. LESLIE: They then split out of the view  
17 of Nichol from the car. Do you follow me?

18 MRS. MILGAARD: I do. Let me show you  
19 something here. Here's the street. Here's the  
20 alley. Here's the incline where they say you  
21 were stuck. This is the house where Gail Miller  
22 came from. And the Crown says she walked down  
23 here and down the street. She walked down here  
24 about a third of the way down the block is when  
25 you people talked to her, asked the directions to



1 Pleasant Hill.

2 (END OF ONE SIDE. START OF SIDE TWO)

3 L. LESLIE: ...back. Cause that's the fact  
4 why she came to see me. So she wouldn't have to  
5 go through all of this again. From what I know,  
6 I have some doubt in my mind that the person on  
7 the street, I think it's a long coincidence  
8 perhaps.

9 NICHOL: Uh-huh.

10 L. LESLIE: I have some doubt in my mind  
11 that the person on the street was the same person  
12 in the alley.

13 NICHOL: Okay.

14 L. LESLIE: If the deceased -- I don't know  
15 anything about the case, assuming that the  
16 deceased was found in the alley.

17 MRS. MILGAARD: The film that we made shows  
18 this girl walking down here, Shows her walking  
19 all the way down the street, someone talking to  
20 her in a car. It shows what a car would do and  
21 how the car would come down, try to make a U-turn  
22 at the intersection, get hung up, get back here  
23 and end up stuck on the incline up into the alley  
24 behind the funeral home. This person would be  
25 long gone. If you could just see it in action,



1           You can see that by the time the car is down to  
2           here and starting to make the U-turn, the person  
3           was here, right at the corner and would be beyond  
4           the alley and that entrance when the boys left  
5           the car. So if in fact David went that way and  
6           Ron went this way, she would have been long gone  
7           by the time they had done any of this turning  
8           around and getting stuck or any of the things.  
9           She could have been long gone in a bus, but if in  
10          fact, here's the Church over here and this is the  
11          T-shaped alley that runs down. If in fact this  
12          girl was in this car that we contend, like there  
13          was a maroon car. It was parked all night up  
14          there.

15                A. MERCHANT: Mrs. Milgaard, your theory is  
16                about what happened (unintelligible).

17                L. LESLIE: Yeah right. Yeah right.

18                A. MERCHANT: I would like to ask you some,  
19                I would like to ask you some questions if you  
20                don't mind. You said that you'd gotten, got out  
21                of the car. Do you know if it were, did it feel  
22                cold when you got out? Was it a windy day or was  
23                it not that windy?

24                NICHOL: What do you mean I said I got out  
25                of the car.



1 MRS. MILGAARD: Today.

2 NICHOL: No. At which point in time.

3 A. MERCHANT: Oh.

4 NICHOL: I never ever said that I got out  
5 of the car. I said I remember being in the car.  
6 The next thing I remember is getting back into  
7 the car.

8 A. MERCHANT: I see. You don't remember  
9 getting out.

10 NICHOL: That's what I said.

11 A. MERCHANT: But you remember --

12 NICHOL: Right.

13 A. MERCHANT: Getting back in.

14 MRS. MILGAARD: I see.

15 A. MERCHANT: You, you don't remember a  
16 knife at all in the car?

17 NICHOL: No, I don't.

18 A. MERCHANT: Of any sort.

19 NICHOL: Like, my memory now, place  
20 yourself back 11 years. Do you remember a lot  
21 after 11 years? Do you?

22 MRS. MILGAARD: No. I have a terrible  
23 memory. That's why, you know, I like to tape  
24 everything because you and I could, will come out  
25 of here with a different concept of what was said



1 I'm sure. Because we'll both remember and take  
2 out of it what we remember, you know.

3 L. LESLIE: It's particularly difficult too  
4 because here you're trying to remember not only  
5 11 years but details, fine detail, because that's  
6 what's important in this case.

7 MRS. MILGAARD: Sir, it is.

8 A. MERCHANT: If, if David broke the car  
9 aerial off the car, isn't that the kind of thing  
10 you'd remember?

11 NICHOL: You would think so.

12 A. MERCHANT: But you don't remember that?

13 NICHOL: I -- this is what we're getting  
14 back at again. It's been 11 years. I don't  
15 remember too much. And there was a lot I didn't  
16 remember when they talked to me 11 years ago.  
17 And there's even less I remember now. I, I can't  
18 answer your questions, Not because -- I can't  
19 explain.

20 A. MERCHANT: But, but that, that's a very  
21 strange thing to do if somebody did it.

22 NICHOL: Exactly.

23 A. MERCHANT: Yeah, don't say anything,  
24 Mrs. Milgaard.

25 MRS. MILGAARD: No.





1 A. MERCHANT: I want to talk to her.

2 MRS. MILGAARD: I understand.

3 A. MERCHANT: Did, you know, it's a long  
4 time ago and, and nobody cares and I'm sorry to  
5 ask you personal questions, if you were David's  
6 girlfriend?

7 NICHOL: No, I was never David's  
8 girlfriend.

9 A. MERCHANT: I see. You, you, you were  
10 never going out with him?

11 NICHOL: May I tell you something?

12 A. MERCHANT: Yes.

13 NICHOL: Which I don't think I even told  
14 you. Okay?

15 A. MERCHANT: Yeah.

16 NICHOL: And which I think will, will hurt  
17 you.

18 MRS. MILGAARD: Okay.

19 NICHOL: I don't know if it was ever  
20 brought up in the trial because I don't remember.  
21 I, at that time, I was working at the Chance  
22 Hotel. I had met David through friends, whoever,  
23 I don't know who it was, all right? I ran into  
24 him on the street one day, casual acquaintance,  
25 met, had known the name once or twice, all right?



1           16 years old, stupid, which I'll admit. And  
2           David says, just maybe joking around whatever,  
3           serious, do you want to go to Calgary? Great.  
4           Go to Calgary, okay? I skipped work that day.  
5           He was staying at a hotel. I can't remember  
6           which one. We went up to his room and he raped  
7           me, all right? That's what it was.

8           A. MERCHANT: But then you went to Calgary  
9           with him?

10          NICHOL: Yes.

11          A. MERCHANT: Did you have sexual relations  
12          with him again on the way to Calgary?

13          NICHOL: I don't remember. I don't think  
14          so. Can't remember.

15          A. MERCHANT: Did you have --

16          NICHOL: At the point of rape, what I  
17          classify rape is when I say no and I'm forced  
18          into it. Okay? That's my classification of  
19          rape. Okay?

20          A. MERCHANT: Okay. Did you, did you ever  
21          have sexual relations with him again?

22          NICHOL: I don't remember if I did or if I  
23          didn't. I have to answer you truthfully, okay.

24          A. MERCHANT: Oh did, did you pack his  
25          clothes and, and shorts?



1                   NICHOL: I don't know. Like I said,  
2                   there's too many things that I don't remember.

3                   A. MERCHANT: Well, so going, when going to  
4                   Calgary you were sort of going with him, weren't  
5                   you?

6                   NICHOL: I knew Ron, okay? We ended up at  
7                   Ron's place. I went with Ron and David was  
8                   along, okay? That's what I'm saying.

9                   A. MERCHANT: Had you ever gone out with  
10                  Ron?

11                  NICHOL: No, but I had known him through  
12                  school.

13                  A. MERCHANT: Had you, had you ever had  
14                  sexual relations with Ron?

15                  NICHOL: No, I didn't.

16                  A. MERCHANT: Did you ever go out with  
17                  Shorty?

18                  NICHOL: Uh, I ended up with Shorty, yes.

19                  A. MERCHANT: Like six months later or --

20                  NICHOL: No. No.

21                  A. MERCHANT: A week later, what?

22                  NICHOL: On, on the trip to Calgary.

23                  A. MERCHANT: I see. So -- well did you  
24                  have sexual relations with Shorty on the trip to  
25                  Calgary?



1                   NICHOL:   Once I think.

2                   A. MERCHANT:   In Calgary?

3                   NICHOL:   I don't remember that.   No, pardon  
4                   me.

5                   A. MERCHANT:   Or in the car?

6                   NICHOL:   In Edmonton.   We ended up in  
7                   Edmonton.

8                   A. MERCHANT:   Did you see --

9                   NICHOL:   With -- what was her name?

10                  MRS. MILGAARD:   Sharon Williams.

11                  NICHOL:   Sharon.   Okay.

12                  MRS. MILGAARD:   That was David's  
13                  girlfriend.   They were going to pick her up.

14                  A. MERCHANT:   Did you stay with Sharon  
15                  Williams or something?

16                  NICHOL:   No.   I think we all stayed at a  
17                  motel. (Unintelligible).

18                  A. MERCHANT:   Okay.   So --

19                  NICHOL:   What was the question you asked me  
20                  to start with before I interrupted you?

21                  A. MERCHANT:   Well no, that's fine, that  
22                  you did -- I was trying to -- you said that you  
23                  got to Edmonton.   So did you sleep with Shorty in  
24                  Edmonton?

25                  NICHOL:   Yes, I did.



1                   A. MERCHANT:   And where did the other guys  
2                   sleep?

3                   NICHOL:    I don't remember.

4                   A. MERCHANT:   Did you spend a night in  
5                   Calgary?

6                   NICHOL:    (Unintelligible) in Calgary?   I  
7                   don't think we did.   I think we got to Calgary  
8                   and it was dark.   And I think we left that day.  
9                   It was very early in the morning when we got  
10                  there.

11                  A. MERCHANT:   So you, you left that day to  
12                  come back to Regina?

13                  NICHOL:    From Calgary?

14                  A. MERCHANT:   Yeah.

15                  NICHOL:    No.   We went to Calgary first and  
16                  then ended up in Edmonton.

17                  A. MERCHANT:   A funny way to go.

18                  NICHOL:    I know.   Because apparently I  
19                  think we took a wrong turn leaving Saskatoon or  
20                  something.   I don't know.   I can't remember  
21                  exactly.

22                  A. MERCHANT:   You said that you remembered  
23                  that you didn't want to have anything to do with  
24                  David.

25                  NICHOL:    Right.



1 A. MERCHANT: What did you mean by that?

2 NICHOL: I, I was scared of him.

3 A. MERCHANT: Why?

4 NICHOL: I don't know why. Not to do with  
5 if you understand with the, with the murder or  
6 the trial or anything. I was just scared of him.

7 A. MERCHANT: After Saskatoon you were  
8 afraid of him?

9 NICHOL: Uh-huh.

10 MRS. MILGAARD: You weren't before though?

11 NICHOL: No.

12 MRS. MILGAARD: Going up you weren't  
13 frightened of him?

14 A. MERCHANT: So like whatever happened  
15 near the Church is what made you frightened of  
16 him?

17 NICHOL: To me, yeah.

18 A. MERCHANT: You weren't frightened of him  
19 after he raped you?

20 NICHOL: David forces his will on people.  
21 Excuse the pun, but David's a con artist.

22 A. MERCHANT: He is?

23 NICHOL: If you get my meaning. He  
24 makes -- I have trouble, I have trouble  
25 explaining myself.



1 MRS. MILGAARD: I think the word you're  
2 looking for is manipulates.

3 NICHOL: Okay. David manipulates, okay?  
4 He -- whether you think something or not, he can  
5 make you believe the other.

6 MRS. MILGAARD: Usually talking.

7 A. MERCHANT: Yeah, yeah. Mrs. Milgaard,  
8 I'm really not --

9 MRS. MILGAARD: I'm sorry.

10 A. MERCHANT: -- Interested in what you  
11 think.

12 MRS. MILGAARD: Okay.

13 A. MERCHANT: I'm interested in what Nichol  
14 thinks. Is he a strong person?

15 NICHOL: Yes, he is.

16 A. MERCHANT: Is he a, a big person? Tall?

17 NICHOL: He's a lot taller than I am.

18 A. MERCHANT: Everybody is, you stupid.

19 MRS. MILGAARD: (Laughs)

20 A. MERCHANT: Why would you, like you say  
21 he raped you at Chance Hotel, did he, did he  
22 really rape you?

23 NICHOL: Maybe the wrong word.

24 A. MERCHANT: Or did he just push you  
25 pretty hard?



1                   NICHOL:   Maybe, okay.   I was just going to  
2                   say, maybe the word rape is too strong, okay?   He  
3                   forced me, okay.

4                   A. MERCHANT:   Yeah.   But, but you might  
5                   have had sexual relations with him again after  
6                   that?

7                   NICHOL:   I might have, yes.   That, that  
8                   I'll admit to.

9                   A. MERCHANT:   And you agreed to go with him  
10                  after?

11                  NICHOL:   Right.   Right.

12                  A. MERCHANT:   After he forced you?

13                  NICHOL:   I have a tendency of -- maybe I  
14                  should explain myself.   I have a tendency of  
15                  doing things that I don't want to do, okay.

16                  A. MERCHANT:   Okay.   Can I also talk to you  
17                  about --

18                  NICHOL:   Sure.

19                  A. MERCHANT:   -- having Mr. Leslie arrange  
20                  perhaps with me that the doctor or hypnotist  
21                  probably take you back through this.   As I  
22                  understand it, I don't think that that then  
23                  creates problems for you.   They, whatever is in  
24                  the subconscious if it's creating problems for  
25                  you, it's creating problems for you whether you,





1           whether you work on it or not. And, in fact,  
2           that's what psychiatrists do all the time, is  
3           they, they would describe it as sort of releasing  
4           the subconscious, because when it's released,  
5           people can handle it better than when it's  
6           suppressed. And Mr. Leslie had talked to me  
7           about it, but I think, I don't think that would  
8           hurt you. From what I know of the work of  
9           psychiatrists, I don't think you'll find that  
10          that's troublesome.

11                 L. LESLIE: I think the only way we would  
12          do it though is if, as suggested, Mrs. Milgaard  
13          was prepared to pay for it, would be on the basis  
14          that in spite of the fact that she might be  
15          paying for it, it would be in my presence and  
16          therefore privileged as between whoever this  
17          doctor might be, Nichol and myself.

18                 A. MERCHANT: Sure.

19                 L. LESLIE: So that the privilege would  
20          exist with me and if there was something I would  
21          not hesitate to tell Nichol that she can't  
22          suppress evidence which is resulting in an  
23          innocent person being incarcerated. If I find,  
24          if, all right, and if I found that in fact the  
25          experience simply resolved the issue the way it



1 has been resolved by the courts, I would ask that  
2 for the sake of Nichol and perhaps for your sake,  
3 that you would then respect my comment that as a  
4 result of this, the decision of the court has  
5 been verified and leave it at that without any  
6 details whatsoever to, in other words, perhaps  
7 save you, but perhaps at this time you want the  
8 details, but my feeling is that in order to save  
9 Nichol certainly and not to allow those details  
10 to go out of that room, so that they would ever  
11 come back to her, I would --

12 MRS. MILGAARD: (Unintelligible) public is  
13 what you say.

14 L. LESLIE: I would not give them to you  
15 either.

16 A. MERCHANT: I guess that's fine. I, I --

17 MRS. MILGAARD: I think that's fair.

18 A. MERCHANT: With, with two cautions. My  
19 impression is that Mrs. Milgaard has a pretty  
20 clear and (unintelligible) details as you might  
21 appreciate she and some others are very  
22 interested in it, mull it over and they probably  
23 got it more clearly in their head than the  
24 defense counsel did it, the prosecutor, anybody  
25 else. It's more than job to them and I think



1           that she would have to describe to you a bit, not  
2           now, describe to you a bit, and maybe even to the  
3           psychiatrist, what to look for because different  
4           things are significant or not depending.

5           L. LESLIE: Oh, I'd have no objection to  
6           Mrs. Milgaard meeting with the psychiatrist  
7           beforehand.

8           A. MERCHANT: Right.

9           L. LESLIE: But at the time in question,  
10          well Mrs. Milgaard you would be paying for the  
11          psychiatrist, or if indeed the psychiatrist is  
12          the best answer, I'm not certain. I'm a member  
13          of a, of a group of the Canadian Bar,  
14          Saskatchewan subsection had a very interesting  
15          speaker not too long ago, this chap in Saskatoon  
16          who does the -- no, the lie-detector work and  
17          claims to be very effective with it and he claims  
18          that the, because the lie detector works on pulse  
19          rate, on blood pressure, aberrations of the body  
20          in response to questions that are asked and  
21          answers that are given, That it will also delve  
22          into the subconscious even though an individual  
23          thinks they are answering it properly, believes  
24          it when they say no I did not do that, no I did  
25          not see that, that if in fact there is something



1 subconscious, their pulse and their blood  
2 pressure and these other factors which determine,  
3 and I think there are four --

4 A. MERCHANT: Uh-huh.

5 L. LESLIE: -- total factors on a lie  
6 detector will take off and go. I don't know what  
7 you might look into that. If you're wanting the  
8 name of the individual contact John Stacer. He's  
9 the head of the criminal law subsection for the  
10 Canadian Bar in Saskatchewan and he arranged the  
11 speaker. I'm very impressed by that individual.  
12 I'm saying to you that -- that I'm impressed with  
13 him while I was very impressed by a situation  
14 where a person was wrongfully committed,  
15 convicted. That's the book and movie and true  
16 story, Death in Caanon, in Connecticut and I am  
17 not particularly a great believer in the lie  
18 detector as a machine. I guess I am as a  
19 machine. I'm very concerned about, because it  
20 came out in that case, that it's up to the  
21 operator. The operator can manipulate the  
22 individual who is going to answer and make their  
23 answers which are true appear untrue and their  
24 answers which are untrue appear true.

25 MRS. MILGAARD: This is what Ron Wilson



1           claims that they did with him.

2           L. LESLIE:   See I --

3           MRS. MILGAARD:   They put him through a  
4           lie-detector test and he said he just didn't know  
5           whether up was down or down was up.

6           L. LESLIE:   Yeah.   So I, in any event,  
7           would want an opportunity, as you would want to  
8           prepare the background with whoever this  
9           specialist would be, I would want the opportunity  
10          to assess in my own mind this individual's  
11          background, capabilities, expertise before saying  
12          to Nichol you go ahead.   I don't have the  
13          absolute control over Nichol.   She is simply my  
14          client.   In fact, if, there is that time when she  
15          says no, I am going to do what I want to do, she  
16          instructs me, But it's a strange relationship  
17          between a lawyer and their client; while the  
18          client is the boss, there's a time when the  
19          client can't stop this person using his expertise  
20          because the client doesn't understand the  
21          expertise.

22          MRS. MILGAARD:   I know what you're saying.  
23          How do you feel about it, Nichol?   Would you like  
24          to get it resolved?

25          L. LESLIE:   Okay.



1 MRS. MILGAARD: I really thank you for  
2 coming.

3 NICHOL: Okay.

4 (END OF CONVERSATION)

5 BY MR. HODSON:

6 Q Now, Ms. John, you've had an opportunity to listen  
7 to this tape and review the transcript as we went  
8 through it. Do you recall this interview with  
9 your counsel Larry Leslie at the time, Mrs. Joyce  
10:40 10 Milgaard and Mr. Tony Merchant?

11 A No.

12 Q You have no recollection of the interview?

13 A No.

14 Q Is that your voice that we heard on the tape?

10:40 15 A Yes, that's my voice.

16 Q Do you have any reason to believe that the tape  
17 and transcript that we played for you does not  
18 reflect the entire discussion between the parties  
19 to that interview?

10:40 20 A No.

21 Q Now, I appreciate that you do not recall today  
22 that interview. Would you have told the truth at  
23 that time when asked those questions and giving  
24 that information?

10:40 25 A Yes.



1 Q And you would have answered the questions to the  
2 best of your recollection at the time?

3 A I would believe so.

4 Q And would you agree that your recollection of the  
5 events in 1969 and '70 were generally better at  
6 the time of this interview in 1981 than they are  
7 today?

8 A Yes.

9 Q I would like to go through just parts of this  
10 transcript and ask you a few questions if I may.  
11 If you could call up page 048647, please, and our  
12 screen I don't think is still not working today,  
13 Mr. Commissioner, so we'll have to forge ahead  
14 without it. At the bottom, if you could call out  
15 the last, about the fourth last question, Mrs.  
16 Milgaard, right there, and you'll see here,  
17 Ms. John, you are asked to describe the lady that  
18 you stopped for directions on the street and you  
19 say, "All I remember was that she was young.  
20 That's all I remember." Does that assist in your  
21 recollection of that woman at the time?

22 A No.

23 Q Go to page 048649 and at the top Mrs. Milgaard  
24 asks you about "What do you remember when you were  
25 stuck?" and you say, "I remember seeing what I



1 thought was a church at the end of an alley."

2 Listening to that interview and this part, does  
3 that refresh your memory at all about seeing a  
4 church that morning?

10:42 5 A No.

6 Q Go to page 048651, please, and if you could  
7 just -- where it starts Mrs. Milgaard right near  
8 the top, top half, and Mrs. Milgaard I think  
9 describes for you or puts a question to you about  
10:43 10 what you were doing in the police cell that you  
11 became very hysterical, actually had to call a  
12 woman officer to come in, etcetera. Does that  
13 assist you in your recollection at all, Ms. John,  
14 about any stay you may have had in the police  
10:43 15 cells in May of 1969?

16 A No.

17 Q Go to page 048652 and halfway down where it says  
18 do you remember anything, if you could call out  
19 that and the next question and answer as well.  
10:43 20 You are asked here by Mrs. Milgaard, "Do you  
21 remember anything that like you're obviously  
22 frightened about? There must be something that's  
23 really blocking this out of your mind. Do you  
24 think you're subconsciously blocking it out  
10:43 25 because you don't remember," and you answer here,





1 "I know something happened." Now, I appreciate  
2 you don't recall this interview, but I'm asking  
3 you today, is that what you think today, that  
4 something happened?

10:44 5 A No.

6 Q You don't think that or --

7 A Well, I know that a girl was murdered.

8 Q Yes.

9 A That's what I know.

10:44 10 Q Okay. And let's go on -- I'm sorry?

11 A Does that answer your question?

12 Q Not quite yet, but let me forge ahead.

13 A Okay.

14 Q You then go on to say, "I know that I saw  
10:44 15 something, but I don't know what I saw." Today do  
16 you think you saw something that morning?

17 A I think I did.

18 Q Okay. And what do you think you saw?

19 A I don't know.

10:44 20 Q Okay. Would it have been in relation to the death  
21 of Gail Miller that you think you saw something?

22 A I don't know.

23 Q Would it be in relation to David Milgaard and Ron  
24 Wilson, your travelling companions, that you think  
10:44 25 you saw something?



1 A I don't know.

2 Q And so just so that I'm clear on this, you think  
3 you saw something the morning of January 31, 1969  
4 when you were with David Milgaard and Ron Wilson?

10:45 5 A Yes.

6 Q And you think you saw something bad or unusual?

7 A I don't know. It's like a gut feeling. I can't  
8 describe it.

9 Q So it would be something out of the ordinary then;  
10:45 10 is that fair?

11 A Yes.

12 Q Are you able to elaborate any further on that at  
13 this time?

14 A No.

10:45 15 Q If I can go to page 048654, if you could go down  
16 about a third of the way down where it says Nichol  
17 and call out those five lines, the very first  
18 reference to Nichol where it says, "I would  
19 consider it, yeah," and here you are asked some  
10:45 20 questions by Mrs. Milgaard about I think hypnosis  
21 or getting some counselling. In fairness,  
22 actually, if you could just scroll up, please. In  
23 fact, if you can go back to the previous page, let  
24 me just read the question right down at the  
10:46 25 bottom. Mrs. Milgaard says, "I'm just throwing



1           this out as a remark, but if we got a very eminent  
2           doctor in the business would you be willing if we  
3           like I would be willing to pay for everything,  
4           would you be willing to go back through and find  
10:46 5           out what happened that night? They can take a  
6           person back through memory and find out what  
7           happened." And then carrying on down to where it  
8           says, you say, "I would consider it," and then you  
9           went, "I've considered it for a lot of years."  
10:46 10          "Have you really?" "Yes, I have."

11                           And I take it from this, Ms.  
12           John, that before your interview in 1981 this had  
13           bothered you, had it; is that fair?

14       A           I don't remember this conversation, so I can't  
10:46 15           really comment on --

16       Q           Let me ask you about what you were thinking at the  
17           -- let me ask you this question. Have you ever  
18           thought about getting medical help to assist you  
19           with your memory or your thoughts about the Gail  
10:47 20           Miller murder?

21       A           Yes.

22       Q           And when did you start thinking about that?

23       A           I couldn't give you a date, but I have at certain  
24           times through the years.

10:47 25       Q           Would you agree with me it certainly says here in



1 May of 1981, and you've already told me that you  
2 would have told the truth at this interview, would  
3 it be fair to say at this time, 1981, that you had  
4 considered getting help, medical help?

10:47 5 A I would agree with that.

6 Q Did you ever on your own go and get medical help  
7 or other help to deal with any issues relating to  
8 the Gail Miller murder?

9 A No.

10:47 10 Q And I'll go through a bit later, you did go  
11 through some sessions at the request of the  
12 Federal Justice Minister department; is that  
13 correct?

14 A Uh-huh, I believe so.

10:48 15 Q And we'll get to those later. So just so that I'm  
16 clear here, at the time of this interview, 1981,  
17 do you agree that you would have at least  
18 considered getting some outside help to deal with  
19 the Gail Miller incident, the Gail Miller murder?

10:48 20 A Well, it states that I was considering it, so I  
21 would agree with that.

22 Q Now, the page 048656, right at the very first  
23 Mrs. Milgaard, if you could call out those four or  
24 five lines, Mrs. Milgaard asks you, "Can you  
10:48 25 remember on the trip were you frightened of him?"



1 She's talking about David Milgaard. You answer,  
2 "I can, I can remember, I didn't want anything to  
3 do with him, with David in particular." Does that  
4 assist your recall at all, Ms. John?

10:48 5 A No.

6 Q Do you have any recollection of being afraid or  
7 frightened of David Milgaard on this trip?

8 A No.

9 Q If we could go to page 048658 -- or 657, and about  
10:49 10 two-thirds of the way down, Mrs. Milgaard is  
11 asking you about a compact and you recall the  
12 compact. Is a compact different than a cosmetic  
13 bag, are they the same thing?

14 A Not the same thing.

10:49 15 Q What's the difference?

16 A The cosmetic bag holds materials, a compact is  
17 something that closes. You could have powder in  
18 it, whatever you want in it.

19 Q So I think what you were saying here, that it was  
10:49 20 a cosmetic bag, is that correct, not a compact?

21 A From what it states here, I'm saying it's a  
22 compact.

23 Q Well, I think if you go down to the bottom, sorry,  
24 I can't show you on the screen, you say "it was  
10:50 25 more than a compact" and right there, "I'm sure,



1 I'm positive it was a cosmetic case."

2 A Okay.

3 Q And then you say "and there was some  
4 identification in it" and if you go to the next  
10:50 5 page it says "there was identification in it" and  
6 you say "as far as I can remember," and I believe  
7 this is the first reference to you talking about  
8 seeing identification in the cosmetic -- or in the  
9 cosmetic bag. Do you recall that at all?

10:50 10 A No.

11 Q Page 048662, please, and here, if we go halfway  
12 down where it starts, "Nichol: My impression --"  
13 and you say "at the time my impression of mine to  
14 do with the police is that they treated me good,  
10:51 15 okay. I don't think they ever believed that I had  
16 anything to do with it." And Mrs. Milgaard, "And  
17 they treated you very well? Yes, as much as I can  
18 remember." Does that assist your recollection at  
19 all about how you were treated by the police?

10:51 20 A No.

21 Q Do you have any recollection of being treated in  
22 any way inappropriately by the police in 1969 or  
23 1970?

24 A No.

10:51 25 Q And again if you could go down to the bottom, or



1 actually right there Mrs. Milgaard says, "So then  
2 the statement that was read to the court," and  
3 that's the May 24th statement she's referring to  
4 which is the second statement, "in that they  
5 pointed that you signed on every page and there  
6 was, if we look at it logically, you would say  
7 that probably that statement could have been  
8 true," and you answer "yeah, okay. It depends,  
9 the circumstances that the statement was made. I  
10 am no dummy, I'm 28 years old," and then to the  
11 next page, "if a person is emotionally upset or  
12 mentally or under stress or strain, let's face it,  
13 you would probably say anything. Do you think  
14 that was the case? I don't know, because there's  
15 too much that I don't remember, there's too much I  
16 don't want to remember." Now, if I can pause  
17 there, and I appreciate, Ms. John, that you don't  
18 recall this interview, but these are your words,  
19 we heard them on the tape. Are you able to tell  
20 us -- let's just take the first part, "If a person  
21 is emotionally upset or mentally under stress or  
22 strain, let's face it, you would probably say  
23 anything." Can you tell us what you might have  
24 meant with those words?

A No.



1 Q Let me ask you today when you read those words, is  
2 that what you think today?

3 A Could you embellish a little bit? I'm not sure  
4 what you are --

10:52 5 Q In 1981 you were asked the question about the May  
6 24th, 1969 statement, you answered at that time to  
7 the question "if a person is emotionally upset or  
8 mentally under stress or strain, let's face it,  
9 you would probably say anything," and that was in  
10:53 10 answer to a question from Mrs. Milgaard about  
11 whether probably that statement could have been  
12 true, okay? Do you understand?

13 A Okay.

14 Q And I'm asking for -- I want you to tell me today  
10:53 15 if this is what you think.

16 A As in do I think that this could happen or did  
17 happen or --

18 Q No. Let me try this again.

19 A Yes, please.

10:53 20 Q Let's go back to the previous page, please. Go  
21 down to the bottom. No, I'm sorry, page 20, the  
22 next page, and you'll see at the bottom, Mrs.  
23 Milgaard asked you, talks about the May 24th  
24 statement and --

10:53 25 A Right.





1 Q And you know which statement we're talking about;  
2 right?

3 A Right.

4 Q And she asked you would you say that probably that  
10:54 5 the statement could have been true, and you answer  
6 "it depends on the circumstances that the  
7 statement was made," and then to the next page,  
8 please, you say "if a person is emotionally upset  
9 or mentally under stress or strain, let's face it,  
10:54 10 you would probably say anything," and so my  
11 question is today, put aside the interview --

12 A Okay.

13 Q -- I want to ask you today if this is what you,  
14 Nichol John, think today in answer to that  
10:54 15 question.

16 A That's a good question.

17 Q My first one so far.

18 A Yeah, umm, I probably believe that statement that  
19 I made that -- how can I say -- that people, when  
10:55 20 they are in a corner, could say things, could mean  
21 different things, yes. Is that enough answer to  
22 your question --

23 Q Right?

24 A -- or --

10:55 25 Q Do you think that would that have happened on May



1 24th, 1969 when you gave the statement?

2 A I would tend to think not.

3 Q Okay. And why do you say that?

4 A I'm only going upon how I am now.

10:55 5 Q Yes?

6 A That's why I would say not.

7 Q Okay. I'm sorry, when you say how you are now?

8 A Right, the type of person I am now.

9 Q All right; and what do you mean by that?

10:55 10 A I deal with stress every day, --

11 Q Yes?

12 A -- so I handle stress every day, so I don't think  
13 I would let it affect me. Okay. But we're  
14 talking a 16-year-old.

10:56 15 Q Okay.

16 A I don't know, you know, do you remember what you  
17 were like when you were 16?

18 Q Sometimes, yes. So what you are saying is, today,  
19 you are saying -- just this answer that you gave  
10:56 20 in 1981, you are saying, "Yes, that could happen",  
21 but you are saying based on the person you are  
22 today --

23 A Uh-huh.

24 Q -- you don't think it would have happened?

10:56 25 A Right.



1 Q And then in 1981 Mrs. Milgaard asked you, "Do you  
2 think that was the case", and you answer, "I don't  
3 know, because there's too much that I don't  
4 remember, there's too much I don't want to  
10:56 5 remember." And let me ask you, today, is there  
6 too much that you don't want to remember?

7 A I would like to forget the whole thing.

8 Q Right. But are there things, now, that you don't  
9 wish to remember?

10:57 10 A No.

11 Q Are there things that you don't remember?

12 A Yes.

13 Q And is that -- are you able to tell us; is that  
14 because you can't remember or you don't want to  
10:57 15 remember?

16 A Because I can't remember.

17 Q I think, though, you just told me that you would  
18 like to forget it all; was that true?

19 A Of course.

10:57 20 Q Now to page 047674, please, and just the second --  
21 Mr. Leslie, where you tried to intercede and down  
22 about half-way down, and on the tape is recorded  
23 an exchange between Mr. Leslie and Mr. Merchant,  
24 and that was about Chris O'Brien from the radio  
10:58 25 station and Mr. Leslie expressed his concerns



1           about how Chris O'Brien went about it. And I  
2           think his words were, "If you don't do this, if  
3           you don't phone Mrs. Milgaard I'm going public",  
4           etcetera; does that assist your memory at all  
10:58 5           about what happened back then?

6           A           Not at all.

7           Q           And I think you had told us yesterday at that time  
8           you were upset and didn't want to --

9           A           Yeah.

10:58 10          Q           -- meet with Mrs. Milgaard; is that fair?

11          A           Yes.

12          Q           Now next, Ms. John, I want to deal with I have  
13           some questions regarding the exchange of questions  
14           and answers between you and Tony Merchant that  
10:58 15          regarding -- regarded your relationship with David  
16           Milgaard, and I appreciate that these are probably  
17           sensitive, but there are some questions that I  
18           need to ask you about that.

19                       If you could go to page 048678,  
10:58 20          please, and I won't go through this all in detail,  
21           but here you are asked a question by Mr. Merchant  
22           about your relationship with David Milgaard and  
23           you tell him, I think your words were, on the next  
24           page, that he raped you. And then I think if we  
10:59 25          actually go to 048679, the next page, right in the



1 middle there you say , "I can't remember which one"  
2 , just right down at the -- if you go right in the  
3 middle of the page right before A. Merchant you  
4 say, "I can't remember which one, we went up to  
10:59 5 his room and he raped me, all right". And then if  
6 we go to page 048683, and again about a third to  
7 half-way down where it says A. Merchant, "Why  
8 would you ...", and there at the bottom  
9 Mr. Merchant asks again, "Why would you, you say  
11:00 10 he raped you at the Chance Hotel, did he, did he  
11 really rape you". And you answer, "Maybe the  
12 wrong word". Question, "Or did he just push you  
13 pretty hard". Answer, "Maybe, okay. I was just  
14 going to say, maybe the word rape is too strong,  
11:00 15 okay? He forced me, okay".

16 Now do you recall this incident  
17 that you talk about in this interview with  
18 Mr. Merchant?

19 A No.

11:00 20 Q Do you have any recollection at all of that event?

21 A No.

22 Q Would the description that you provided in the  
23 interview have been accurate, then, and truthful  
24 at the time?

11:00 25 A Yes. It would be my words. Just, my thoughts on



1 rape are if you -- if someone tells you "no" and  
2 they proceed to do that, that is rape.

3 Q So you have absolutely no recollection of the  
4 incident?

11:01 5 A No.

6 Q Do you have any recollection of talking about it  
7 later?

8 A No.

9 Q Later today and tomorrow we will be dealing with  
11:01 10 interviews that you did with Eugene Williams in  
11 1989, and some subsequent interviews in which you  
12 are asked about that, and in fairness to you I  
13 know you haven't read those, but you do talk about  
14 it again, so it appears that at least in the late  
11:01 15 '80s you talk about it; do you have any  
16 recollection of talking about this --

17 A No.

18 Q -- with anybody? Do you have any recollection of  
19 this bothering you?

11:01 20 A No.

21 Q Is it possible that this incident may have  
22 affected you on your trip to Saskatoon on January  
23 31st of 1969?

24 A What do you mean?

11:01 25 Q Pardon me?



1 A What do you mean?

2 Q Well, and again I appreciate you stated today that  
3 you don't recall the incident, but what you told  
4 here is of an incident with David Milgaard, I  
11:02 5 believe, shortly before your trip to Saskatoon in  
6 January of 1969. My question is whether that  
7 incident with David Milgaard would have affected  
8 you on your trip to Saskatoon?

9 A Would it have affected me?

11:02 10 Q Yes?

11 A If that --

12 Q I'll ask the --

13 A If that happened?

14 Q Yeah?

11:02 15 A Yes, it would have affected me.

16 Q How would it have affected you?

17 A I would have been upset.

18 Q And would you have been frightened of him?

19 A Possibly so, yes.

11:02 20 Q And would the fact that you went on a trip with  
21 him after the incident; would that have bothered  
22 you?

23 A Umm, I'm not sure what you are asking.

24 Q Okay. Well if -- as you say, you have described  
11:02 25 this incident a couple of days before the trip and



1           you then went on the trip with him; correct?

2       A       Uh-huh.

3       Q       With Mr. Milgaard? And my question is whether the  
4           fact that you went on a trip after this incident;  
11:03 5           would that have bothered you?

6       A       I can't answer that question because I'm not --  
7           it's not clear enough to me. I'm sorry.

8       Q       Okay. Well Mr. Williams asked you the question in  
9           1989 and, when we get to that transcript, maybe  
11:03 10          that will assist your recollection.

11      A       Okay.

12      Q       Okay. Now if you could call up document 219489,  
13           and I think yesterday, Ms. John, when I was asking  
14           you about whether Mr. Leslie was your lawyer --

11:03 15      A       Uh-huh.

16      Q       -- I think you said that he kind of was, although  
17           you didn't pay him?

18      A       Uh-huh.

19      Q       And it looks to be an invoice May 20th, 1981 from  
11:04 20          Mr. Leslie to Joyce Milgaard relating to  
21           attendances with you, so that it appears from this  
22           document that Mrs. Milgaard may have paid  
23           Mr. Leslie; does that sound right? Do you know?

24      A       I don't know.

11:04 25      Q       Okay. Did you pay Mr. Leslie for his services?





1 A I don't believe so.

2 Q Okay. Now the next document I want to show you is  
3 a letter from Tony Merchant to Larry Leslie, it's  
4 216041, and this is a letter dated May 26th, 1981.  
11:04 5 And this would be about 15 days after the  
6 interview that we listened to yesterday and today.  
7 Do you know if Mr. Leslie would have provided you  
8 with a copy of this letter? I'll go through it in  
9 a minute but would --

11:04 10 A You would think so, that, you know, lawyers are to  
11 provide copies to their clients.

12 Q So, I'll go through it in a moment, but do you  
13 recall that Mr. Leslie would, as a matter of  
14 course, provide you with copies of correspondence?

11:05 15 A I have no idea.

16 Q Well let's go through this. If you could go to  
17 the second full paragraph -- and the first  
18 paragraph again Mr. Merchant just says thanks for  
19 the meeting and, again, Mr. Merchant says:

11:05 20 "I met with Dr. Charlie Messer about ten  
21 days later, specifically for the purpose  
22 for discussing the situation. I know  
23 that Dr. Messer is extremely busy and I  
24 am satisfied he would not misdirect us  
11:05 25 for the purposes of increasing his



1 workload."

2 Let me just pause there. At the end of the  
3 interview that we listened to you said that you  
4 would consider going to see a doctor; correct?

11:05 5 A Yes.

6 Q Or someone to help you with your memory or the  
7 incidents; is that correct?

8 A Yes.

9 Q And it looks as though Mrs. Milgaard's lawyer is  
11:05 10 following up with your lawyer about this. Now the  
11 next, if you could scroll down to the next  
12 paragraph, please. Mr. Merchant writes, again he  
13 is talking about Dr. Messer:

14 "He has indicated that it would be  
11:06 15 relatively easy for a person to continue  
16 to suppress a factual situation,  
17 notwithstanding hypnosis if the person  
18 was subconsciously frightened or  
19 reluctant to indicate what was seen. He  
11:06 20 indicated that the reason for your  
21 client's ...",

22 and, again, this is Mr. Merchant talking to your  
23 lawyer, so:

24 "... that the reason for your client's  
11:06 25 suppression of a memory, could be that



1 she was in a rage about Mr. Milgaard,  
2 she could fear Mr. Milgaard, she could  
3 fear the other person involved if there  
4 is someone else involved, there could be  
5 a repression because of the displeasure  
6 of what she saw, or because she felt  
7 manipulated or used in some way and is  
8 subconsciously getting back at Mr.  
9 Milgaard or someone else."

11:06 10 Do you recall getting this letter from Mr. Leslie  
11 or discussing this with him?

12 A No.

13 Q As I think we'll get to later, you never did meet  
14 with Dr. Messer, did you?

11:06 15 A I don't believe so.

16 Q Okay. And would you have had discussions with  
17 your lawyer about the session with Dr. Messer that  
18 was being set up?

19 A I recall a conversation with Mr. Leslie, I'm not  
11:07 20 exactly sure what it was, but I think it all  
21 boiled down to that he didn't believe that there  
22 was enough guarantee that I would come out fine  
23 after the session.

24 Q Okay. And is that why you didn't go ahead with  
11:07 25 the session?



1 A I believe so.

2 Q Can I conclude from that, Ms. John, that you would  
3 have at least discussed with Mr. Leslie who the  
4 session would be and what were some of the things  
11:07 5 that would be delved into?

6 A I would think so, I would think so.

7 Q And would it be fair to say that that would be  
8 something that would be of great interest to you?

9 A I'm not sure what you are getting at?

11:07 10 Q Well let me put it this way; would it not be of  
11 interest to you, if you were going to go to meet  
12 with a doctor arranged by Mrs. Joyce Milgaard,  
13 would you not take interest in what it is they  
14 were going to do to you and --

11:08 15 A Yes, right.

16 Q And, in fact, that was a concern of yours; was it  
17 not?

18 A Uh-huh.

19 Q Yes?

11:08 20 A I would believe so.

21 Q And just scroll down to the next paragraph,  
22 Mr. Merchant writes:

23 "One of the investigative techniques  
24 related to the use of a lie detector and  
11:08 25 similar equipment would certainly not be



1 of assistance. He has no doubt, and  
2 neither do I, about the fact that your  
3 client is telling the truth because she  
4 remembers it and the lie detector  
5 equipment goes no farther than to  
6 protect against perfidy. It is not an  
7 aid to drawing forth responses which  
8 would otherwise been suppressed."

9 Do you recall any discussion about a lie detector  
10 test at the time?

11 A No.

12 Q If you could go to the next page, please, and the  
13 top paragraph, please. The letter states:

14 "He ...",

15 being Dr. Messer:

16 "... is prepared to undertake the  
17 counselling and attendances which would  
18 be required to draw forth her memories  
19 of the incident. This is not, however,  
20 going to be a quick matter. He believes  
21 that he might have to see her on a  
22 number of occasions."

23 And if I could pause there, and I appreciate what  
24 you said about the advice from Mr. Leslie and the  
25 effect it may have on you, but is this -- is this



1           what you were looking at doing when we -- I think  
2           earlier I asked you about whether you had ever  
3           thought about getting outside help to assist you;  
4           would it be precisely for this, to draw forth her  
11:09 5           memories of the incident, is that one of the  
6           things you were thinking about doing?

7           A       Yes.

8           Q       And then if you could scroll down to the third  
9           paragraph, please, Mr. Merchant writes:

11:09 10                   "The question as far as the Milgaards is  
11                   concerned is whether she made the  
12                   initial statement to the police because  
13                   it was true or because she was pressured  
14                   into making a statement over the period  
11:09 15                   of time that they had her in custody."

16           Is that what you understood, Ms. John, as to what  
17           it was that Dr. Messer, or whoever that the  
18           Milgaards were going to retain, were looking to  
19           get?

11:10 20           A       No.

21           Q       What --

22           A       I had no idea, actually.

23           Q       What did you understand?

24           A       I believed that she wanted me to do that to see if  
11:10 25           she could bring forth something, but I had -- I



1 didn't know what her reasoning was.

2 Q To bring forth something; whatever it was that was  
3 in your memory?

4 A Right, right.

11:10 5 Q Now scroll down to the second-last paragraph,  
6 please, and Mr. Merchant writes:

7 "I neglected to mention earlier that Dr.  
8 Messer's recommended treatment includes  
9 the use of small doses of pentathol. I  
11:10 10 understand that this is fairly common  
11 treatment in such circumstances and that  
12 there are no problems regarding the use  
13 of the drug."

14 Do you recall that being discussed with  
11:11 15 Mr. Leslie?

16 A How can I put this. I remember him saying that he  
17 didn't think it was such a good idea.

18 Q This would be the drug?

19 A Right.

11:11 20 Q And did you know what this drug was, pentathol?

21 A No.

22 Q How about the words "truth serum", were that --  
23 were those words used with Mr. Leslie?

24 A I'm not sure.

11:11 25 Q Now next if I could call up document 025339,



1           please, and unfortunately this has been  
2           highlighted a bit so that we can't see it well.  
3           It's a letter dated June 10th, 1981 from your  
4           lawyer to Mr. Gibbon, the chief of police, and if  
11:11 5           we can go to the second page, please, you will  
6           see, if you could draw -- call out the c.c. there,  
7           it says "Mrs. Nichol Demyen", it appears that  
8           Mr. Leslie would have given you a copy of this  
9           letter; is that right?

11:12 10        A           According to this, yes.

11        Q           Does this letter look familiar?

12        A           No.

13        Q           If we could just go back to the first page,  
14           please, and call out the first paragraph. And he  
11:12 15           says:

16                    "We have corresponded before regarding  
17                   Nichol Demyen and the lengthy efforts by  
18                   Mrs. Joyce Milgaard to re-open the trial  
19                   of her son wherein he was convicted of a  
11:12 20                   murder in your city. We ultimately had  
21                   forced upon us an interview with Mrs.  
22                   Milgaard and her lawyer, Tony Merchant  
23                   of Regina. My client and Mrs. Milgaard  
24                   spoke for about an hour and a half and  
11:12 25                   Mrs. Milgaard taped the interview. I





1                   also taped it."

2                   Now Mr. Leslie says "we ultimately had the  
3                   interview forced upon us"; is that your  
4                   recollection? And I appreciate you don't  
11:12 5                   remember the meeting but --

6           A           No idea.

7           Q           No idea?

8           A           No idea.

9           Q           Were you aware that --

11:13 10          A           You --

11          Q           I'm sorry?

12          A           You would have to ask Mr. Leslie.

13          Q           I may have that opportunity.

14          A           Okay.

11:13 15          Q           It also says that Mr. Leslie taped the interview;  
16                   do you remember that?

17          A           No.

18          Q           Okay. Go down to the third paragraph, please, at  
19                   the bottom. Mr. Leslie writes:

11:13 20                   "Because of the co-operation that we  
21                   have had with you and with Detective  
22                   Sergeant Karst, I thought it was  
23                   imperative that I pass this information  
24                   on to you. Mr. Merchant seems to be  
11:13 25                   well versed regarding police involvement



1 with Nichol Demyen prior to the taking  
2 of a statement from her. He seems to be  
3 alleging that the Saskatoon City Police  
4 Department coerced a statement out of  
11:13 5 Nichol Demyen which may not have been  
6 the truth."

7 Do you recall any discussion with Mr. Leslie  
8 about this?

9 A No.

11:13 10 Q Next, if you could go to document 216067, please.  
11 And this is a letter dated February 9, 1982, so  
12 this is about nine months after the May interview,  
13 okay. So a letter from Mr. Merchant to  
14 Mr. Leslie, and if you could call out the first  
11:14 15 two paragraphs, please. And he says in the second  
16 paragraph:

17 "I gather Nichol simply did not show  
18 up."

19 And just scroll down to the next paragraph:

11:14 20 "We are relying on you to do everything  
21 you can to get her to attend to be  
22 examined. As you know, Mrs. Milgaard  
23 has invested quite a bit of money in the  
24 matter. She has not paid me anything  
11:14 25 but on a modest income, she has



1                   undertaken a significant expense  
2                   including the necessary cost of your  
3                   services and everything that can be done  
4                   to conclude the matter will, I hope, be  
11:14 5                   done as soon as possible."

6                   Next paragraph:

7                   "Please advise when you expect Nichol  
8                   might be prepared to attend once again  
9                   for an interview. Dr. Messer advises  
11:15 10                  that they are prepared to proceed  
11                  whenever an appointment can be  
12                  arranged."

13                  Do you recall, from this, that an appointment was  
14                  set with Dr. Messer and you didn't show up; is  
11:15 15                  that correct?

16           A           I have no idea.

17           Q           Did you ever meet with anybody named Dr. Messer?

18           A           I don't believe so.

19           Q           And I think you said, earlier, that Mr. Leslie;  
11:15 20                  did he advise you against meeting with this Dr.  
21                  Messer?

22           A           I think what he said was that they could not  
23                  guarantee that I would be fine after the session.

24           Q           And did he, therefore, advise you not to --

11:15 25           A           I can't remember if he advised me not to or he



1           advised me to, okay, I can't remember.

2           **Q**       Just to assist the Commission; Mr. Leslie, there  
3                   was a waiver of solicitor/client privilege  
4                   provided some time ago and Mr. Leslie was  
11:15 5                   interviewed by the RCMP, and we have that  
6                   transcript, so that is why I am asking those  
7                   questions.

8                               So, ultimately, was it your  
9                   decision or was it Mr. Leslie's, or both of your  
11:16 10                   decision, not to attend with Dr. Messer?

11          **A**       I couldn't tell you.

12          **Q**       Next we have --

13                           COMMISSIONER MacCALLUM: Could we have a  
14                   break, counsel?

11:16 15                           MR. HODSON: Sure.

16                                       *(Adjourned at 11:16 a.m.)*

17                                       *(Reconvened at 11:35 a.m.)*

18          BY MR. HODSON:

19          **Q**       Just before the break, Ms. John, we were dealing  
11:35 20                   with the time period in I think early 1982 and  
21                   discussions with your legal counsel about the  
22                   request to meet with Dr. Messer. I would just  
23                   like to call up a few more documents here. The  
24                   first is 216068 and this is a letter February 22nd  
11:35 25                   from your lawyer to Mr. Merchant and just if you



1           could call out the last four lines, please, and  
2           earlier on in the letter Mr. Leslie tells Mr.  
3           Merchant that he wrote to you, but he ends up  
4           saying:

11:35 5           "I am hopeful that she will contact me  
6           shortly after the 18th of March next and  
7           that we will then be able to arrange for a  
8           time to meet with Dr. Messer and resolve  
9           these issues once and for all."

11:35 10          It looks like from this letter, Ms. John, you are  
11          still considering the request, is that right, or  
12          do you -- you don't know?

13       A          I don't know.

14       Q          Next I'm going to show you a letter, call up  
11:36 15          218146, please, and this is a letter from  
16          Mrs. Joyce Milgaard to Mr. Leslie. There's no  
17          date on the document, but a subsequent letter puts  
18          it at March 1, 1982. Do you know if Mr. Leslie  
19          would have sent this letter off to you?

11:36 20       A          I'm not sure.

21       Q          Now, in this letter, if you can just go down about  
22          the fifth line, please, and call out -- that's  
23          fine. You'll see there Mrs. Milgaard talks about,  
24          about the fifth line down, "I have no wish to  
11:36 25          harass her, but do feel if she had a chance to



1 speak to David this month (or in January) --" do  
2 you remember being asked whether you would speak  
3 to David Milgaard about this matter?

4 A No.

11:37 5 Q You don't remember that?

6 A I don't recall, no.

7 Q Would you have talked to him if asked do you know?

8 A I don't know. At this point -- at this point in  
9 time I probably would, but back then I don't know.

11:37 10 Q I'm sorry, this point in time being today you  
11 probably would?

12 A Right.

13 Q Back then you don't think you would have?

14 A I would guesstimate, yeah.

11:37 15 Q And for the record, next, 216069, there's a letter  
16 from Mr. Leslie to Mr. Merchant and you'll see  
17 there he refers to the letter from Joyce Milgaard  
18 on March 1, and it looks at this date there has  
19 been no agreement to attend. The last document I  
11:38 20 wish to show you is a letter from David Milgaard  
21 to you and it's 219542 and this is a letter dated  
22 May 18th, 1982 and it's to you care of your  
23 lawyer. If you could just call out the text part,  
24 please. It says:

11:38 25 "Dear Nichol: I don't know what you are



1           doing... I'm told that all the arrangements  
2           were made for you to see this doctor and you  
3           were trying to help me and yet somehow you  
4           didn't get to Saskatoon. What is the  
11:38 5           matter? Let me know. (even through your  
6           lawyer) This place I'm in is bad enough  
7           with its garbage games; I live on and on and  
8           all I need and ask for is the truth.

9                        You know how your mind felt the  
11:38 10           first time anyone asked you about some  
11           murder, "you didn't know what they were  
12           talking about." Well those impressions stay  
13           in your mind and that is all the doctor will  
14           be looking for. The truth. Get back to me.  
15           David Milgaard."

16           Do you recall getting this letter?

17       A           No.

18       Q           I think you had mentioned yesterday that  
19           Mr. Leslie had told you about a letter that he  
11:39 20           received, but he didn't think you should read it,  
21           and I can't recall whether you said it was a  
22           letter from David Milgaard or from Joyce Milgaard?

23       A           I don't know who it was from, I don't remember,  
24           but I remember that he had suggested that I not  
11:39 25           read it.



1 Q And was it a letter from either David or Joyce  
2 Milgaard?

3 A I would assume so.

4 Q And he told you it's not a good idea for you to  
5 read it?

6 A Right.

7 Q And so did he provide you with the letter do you  
8 know?

9 A I don't think so.

10 Q Now, according to the documents that I've  
11 reviewed, Ms. John, this appears to be the end of  
12 the line as far as discussions between Mr. Leslie  
13 and Mr. Merchant about you attending a session  
14 with Dr. Messer. This would be early to mid 1982.  
15 Had you moved out of Regina by that time?

16 A I believe so.

17 Q Do you recall anything further about efforts -- I  
18 mean, did the efforts at that time stop?

19 A I don't know.

20 Q Now, I think again what I went through was 1981,  
21 early 1982. The next involvement that I see from  
22 the documents that the Commission has been  
23 provided is in 1989 when Mr. Eugene Williams from  
24 the federal Department of Justice interviews you  
25 and I would like to ask you, between 1981 and 1989





1 do you recall whether you were contacted by  
2 anybody about this, about the David Milgaard  
3 matter?

4 A Don't recall.

11:40 5 Q How about the media, were there press people  
6 trying to get a hold of you do you remember?

7 A I don't recall. I was contacted by several  
8 people, but I don't know what the time line was.

9 Q Okay. Tell me who you remember contacting you?

11:41 10 A Some person came to my door, they were writing a  
11 book, I don't know their name. A professor.  
12 Another person I believe something to do with news  
13 or whatever.

14 Q The book, someone came to see you, does the name  
11:41 15 Carlyle-Gordge ring a bell?

16 A No.

17 Q So someone came to your door to ask you about the  
18 Gail Miller murder; is that right?

19 A Yes.

11:41 20 Q And they said they were writing a book on it?

21 A I believe so, yeah.

22 Q And they wanted to talk to you?

23 A Uh-huh.

24 Q Yes?

11:41 25 A Yes.



1 Q And you said what?

2 A I don't know what I said. I would have said  
3 probably no.

4 Q And then I think you said a professor. Would that  
11:41 5 be the names Rossmo and Boyd, do those ring a  
6 bell?

7 A No.

8 Q From British Columbia? No?

9 A No.

11:42 10 Q Then, I'm sorry, I think you said the last one  
11 was --

12 A Some media person.

13 Q And I take it in each of these cases, Ms. John,  
14 you declined to talk to them; is that right?

11:42 15 A Yes, because I never did talk to any of them.

16 Q Okay. And why not? Did you have a reason for  
17 that?

18 A I didn't feel that it was any of their business.

19 Q Now, do you recall a gentleman by the name of  
11:42 20 Eugene Williams?

21 A Yes.

22 Q And I believe at the time he was employed by the  
23 federal Minister of Justice; is that correct,  
24 or -- I'm sorry, go ahead?

11:42 25 A I'm not sure what his title was.



1 Q What did you understand, where did you think he  
2 fit in in the scheme of things?

3 A I think he was a government person.

4 Q And federal government, Government of Canada; is  
5 that --

6 A I think so, yeah.

7 Q And what do you recall about him contacting you?

8 A I don't remember.

9 Q Do you remember it being in relation to an  
10 application by David Milgaard to review his  
11 conviction for the murder of Gail Miller?

12 A I'm not sure.

13 Q I'll call up document 125206, please, and if you  
14 could just zoom in the top part, please, call out.  
15 This is a transcript, Ms. John, dated November  
16 7th, 1989, interview of Nichol Demyen conducted by  
17 Eugene Williams and Sergeant Tidsbury. Do you  
18 know Sergeant Tidsbury?

19 A I know the name, yes.

20 Q And I believe he's an RCMP officer, at least was,  
21 in the Kelowna area; is that correct?

22 A Yes.

23 Q And it also has Dale Miller present. Did you know  
24 Dale Miller at the time?

25 A Yes.



1 Q And he was -- that's a he is it?

2 A Yes.

3 Q And he was an acquaintance of yours at the time?

4 A Yes.

11:44 5 Q Do you recall meeting with Eugene Williams,  
6 Sergeant Tidsbury and Dale Miller?

7 A No.

8 Q You have no recollection of the interview?

9 A No.

11:44 10 Q Do you acknowledge that an interview took place  
11 with Eugene Williams?

12 A I would say so, yes.

13 Q And you were aware that Mr. Williams taped the  
14 interview; is that correct?

11:44 15 A I don't know.

16 Q And although you tell us today you can't recall  
17 the interview, you acknowledge that you met with  
18 Mr. Williams and answered questions?

19 A Yes.

11:44 20 Q And would you have answered his questions  
21 truthfully and to the best of your recollection?

22 A Yes.

23 Q If you could scroll down to the bottom of the  
24 first page, and here's what's in the transcript,  
11:45 25 Ms. John, Mr. Williams states:



1 "The reason I'm here is because David  
2 Milgaard has applied to the Minister of  
3 Justice looking for a review on a 1969  
4 conviction for non-capital murder. He  
11:45 5 alleges that he has been wrongfully  
6 convicted and has asked the minister to  
7 review his case. My job is to determine  
8 whether he was wrongfully convicted or  
9 whether there's any merit in his application  
11:45 10 and it's for that reason that I came to see  
11 you, because from my review of the  
12 transcript you were a crown witness and you  
13 were an important witness in the case in  
14 fact. Judicial history was made as a result  
11:45 15 of your testimony and some of the activities  
16 that occurred during the trial. Now, I  
17 understand you now have the name Nichol  
18 Demyen, is that correct."

19 And it carries on. This is what the transcript  
11:45 20 says, Ms. John. Do you recall that being  
21 Mr. Williams' purpose in interviewing you? Does  
22 that sound right?

23 A It sounds reasonable.

24 Q You knew he was trying to get information from you  
11:46 25 in connection with a review of Mr. Milgaard's



1 conviction; is that fair?

2 A Yeah, that's fair.

3 Q Go to page 125207, please, and right at the  
4 bottom, please. Just the last there. Actually,  
11:46 5 scroll down to the third last line, please, it  
6 says "well --" this is Mr. Williams. On the  
7 transcript EFW is Eugene Williams. He says "A  
8 number of years ago you made a statement to  
9 Detective Mackie. Do you recall that?" And your  
11:46 10 answer is "no" laughing, and then the next page,  
11 "Okay, I'd ask you to take a few minutes and read  
12 this to yourself." And then he says "Now you've  
13 read the entire 11 pages."

14 Do you recall Mr. Williams  
11:46 15 providing that May 24th statement and reading it?

16 A No.

17 Q I take it you acknowledge that you would have done  
18 it?

19 A Yes.

11:47 20 Q In fact, Mr. Williams says, "Now, you've read the  
21 entire 11 pages?" Yes is your answer. If we  
22 could then go to 125209 and if we could go the top  
23 seven or eight lines, please. Mr. Williams says,  
24 "I understand about the time that the statement  
11:47 25 was taken you were also interviewed and spoke with



1 a Mr. Roberts, a fellow who ran a lie detector  
2 test. Do you remember that?" Your answer, "I  
3 don't remember that." His question, "You don't  
4 remember that?" Your answer, "I don't remember  
11:47 5 half this statement. I see. I don't."

6 Do you recall those discussions  
7 with Mr. Williams?

8 A No.

9 Q Is it fair to say that at this time, at least  
11:48 10 November of 1989, it appears that you had no  
11 recollection of meeting with Mr. Roberts; is that  
12 fair?

13 A Yes.

14 Q Go down to the bottom of that page, please, it  
11:48 15 says here, Mr. Williams says, "Okay, you  
16 mentioned, when you, when you came in that you had  
17 been harassed," and your answer is yes. Question,  
18 "What was the nature of that harassment?" Answer,  
19 "It was by Mrs. Milgaard." Question, "And when  
11:48 20 did that start? Answer, "The first time in 1980  
21 or '81." Question, "And what was the nature of  
22 this harassment?" Answer, "I was living by myself  
23 at the time and I was at home one evening and  
24 there was a knock at my door but I was living in a  
11:48 25 security building in which you have to buzz



1 people." "To get in?" "Right. And there was a  
2 knock on my door and I was kind of like taken  
3 aback like nobody should be knocking on my door  
4 unless they live in the building, and I open,  
11:48 5 opened the door and there was Mrs. Milgaard."

6 Now, do you recall telling  
7 Mr. Williams about that?

8 A No.

9 Q Did you view -- and again this is referring to the  
11:49 10 incident in 1981; is that correct?

11 A Yes.

12 Q Do you now feel that Mrs. Milgaard was harassing  
13 you at that time in 1981?

14 A I think so.

11:49 15 Q And why do you say that?

16 A Just from this situation. When someone lives in a  
17 security building, proper etiquette is to buzz up  
18 to the person's apartment, ask for entrance and  
19 then come in. What's the point of having a  
11:49 20 security building.

21 Q Okay. When you say -- was it that incident, the  
22 first time when she contacted that you construed  
23 as harassment?

24 A I would believe so, yeah.

11:49 25 Q What about the following meetings then with your





1           counsel and Mr. Merchant and Mrs. Milgaard, did  
2           you view that as harassment or do you?

3       A       I wouldn't call that harassment.

4       Q       So it was -- would it be the first contact then  
5           that concerned you?

6       A       I would say so.

7       Q       Go to page 125211, please, and in this interview  
8           with Mr. Williams you go on to describe the  
9           interview with Mrs. Milgaard and Mr. Merchant and  
10          Mr. Leslie, I don't propose to go through that,  
11          there are certain parts I wish to draw to your  
12          attention, and if you can go on this page down  
13          about halfway, please, and this is your answer,  
14          and if you could actually scroll down to the line  
15          that starts with -- there, it says, "And also  
16          David had contact -- had written a letter and had  
17          sent it to my lawyer and he advised me not to read  
18          the letter and I said, okay, fine Larry, if you  
19          advise me not to read it I won't read it. And he  
20          told me he would dispose of it. Okay, I said,  
21          fine."

22                               So does that assist your  
23          recollection, Ms. John, about --

24       A       No.

25       Q       Is it fair to say you would have told Mr. Williams



1           your truthful recollection in 1989 when you told  
2           him about --

3           A       Yes.

4           Q       And then the bottom of the page there, you will  
11:51 5           see where it starts ND, you answer, "He advised me  
6           not to go through with it," and again this is  
7           talking about the meeting with Dr. Messer, "and I  
8           said, okay, fine, so I didn't. About never heard  
9           nothing for the longest time, I lived, I moved  
11:51 10          back to Saskatchewan with my ex-husband and one  
11          day there was, it was the springtime, it was in  
12          about 1983 there was, the door bell rang hey, and  
13          I went to the door and there's this lady standing  
14          there that I've never seen before in my life and  
11:51 15          she said, hi, I'm -- I can't even remember her  
16          name, but she said I'm writing a book on murders  
17          in Western Canada, and I said, excuse me, I got  
18          nothing to say. I don't want to talk to you.  
19          Sorry. And, oh come on, you know, just have a few  
11:52 20          questions. No, I don't want nothing to do with  
21          this no more. So that was fine. She went away."

22                               Is that the incident you told me  
23          about earlier about this writer coming to the  
24          door?

11:52 25          A       Yeah, I think so.



1 Q And so 1983 springtime, does that sound about  
2 right?

3 A If that's what I said back then, then that's what  
4 it was, but I don't remember, you know, today if  
11:52 5 that was the date.

6 Q If you could just scroll down there to the next  
7 full paragraph where it starts, "Yeah, she had,  
8 Mrs. Milgaard had gone to Fifth Estate, they  
9 wanted to talk to me and I said no, I've got  
11:52 10 nothing to say. Sorry. So anyway last, I think  
11 it was the end of January or the beginning of  
12 February, my brother was getting strange phone  
13 calls, he lives in Winfield, and my last known  
14 address was in Winfield. Okay. And he said  
11:52 15 Nichol, he said like something is wrong here. If  
16 they were posing as people from Chatelaine or  
17 whatever or McLeans, the first couple of phone  
18 calls, hey, and then anyway, they continued for I  
19 don't know, maybe a week or something, then it was  
11:53 20 brought out that it was this woman again that  
21 wants to write this book again." Etcetera. So do  
22 you recall any of that, Ms. John?

23 A No.

24 Q Would it be fair to say that what you told Eugene  
11:53 25 Williams at the time was truthful?



1       A       Yes.

2       Q       Go to page 125214 and if you can go down about the  
3               10th line where it starts EFW, okay. This is  
4               Mr. Williams asking you about the May 24th  
11:54 5               statement and he says, "Now, can I take you back  
6               to the statement a little more? On page 2, just  
7               after the first line --" actually, maybe what we  
8               can do is call up the handwritten statement,  
9               please, it's 018593, side by side, if you could  
11:54 10              leave the transcript up, please, and if you could  
11              go to the second page of that, please, to 018594.  
12              If we could just go, if we can, on the transcript,  
13              the part I was reading with Mr. Williams, if you  
14              are able to call that out, please, about the 10th  
11:55 15              line down, and just maybe down at the bottom so we  
16              can see the statement. Mr. Williams says, "Now,  
17              can I take you back to the statement a little  
18              more? On page 2, just after the first line, on  
19              the second line of page 2 you said - on the way to  
11:56 20              Saskatoon they spoke of wanting to snatch a purse.  
21              I didn't like the idea of the B & E and of  
22              snatching the purse. That's, does that ring a  
23              bell with you? No, there's very, I read this  
24              whole statement, there's very few things that I  
11:56 25              can pick out and say yeah, I remember saying



1           that."   Question, "Okay."   Answer, "You know, and  
2           that isn't one of them."   Question, "All right.  
3           Well why don't we do it this way, what can you  
4           tell me you can recall?"   Answer, "Okay, I  
11:57 5           remember being stuck in the alley.   Yeah.   I have  
6           to read this over again, in spots."   Question, "Go  
7           to page, page 3 I think that's where the --"  
8           Answer, "I remember stopping and talking to the  
9           girl."   Question, "Yes."   Answer, "Okay, I  
11:57 10          remember that part."   Question, "That's at the  
11          bottom of page 2, the last little paragraph?"  
12          Answer, "Yeah, I remember that part, okay.   I  
13          don't remember him --"

14                               Just on the left-hand side we'll  
11:57 15          see at the bottom on the statement -- sorry, the  
16          bottom left-hand side on the statement.   I think  
17          that's where you are referring to -- again, if you  
18          can go back, go to the next page on the  
19          transcript, please, and actually if you can call  
11:58 20          out about the fourth line down where Mr. Williams  
21          starts off, "Okay.   At the time --" and  
22          Mr. Williams says, "Okay.   At the time, Detective  
23          Mackie was investigating a murder and he had  
24          spoken with you and he also spoke with Ron  
11:58 25          Wilson?"   Answer, "Uh-huh."   Mr. Williams, "Okay?"



1 And at that time I imagine it was impressed upon  
2 you that it was a serious thing." Scroll down,  
3 please. Answer, "Exactly." "Is it fair to say  
4 that what you told him then would be your best  
11:58 5 recollection?" Answer, "Yes." "And that you  
6 didn't fib or lie?" "No, absolutely not."  
7 Question, "Okay. Now, what you're saying to me  
8 today is that you have no present recollection of  
9 some of it?" Answer, "Right." Question, "Okay.  
11:58 10 Is it fair to say that what you told him then as  
11 best as you recalled it then was true?" Answer,  
12 "Yes." Question, "On that date? Right. And  
13 although you didn't remember certain parts of it  
14 later..." Answer, "Right." Question, "...what  
11:59 15 you said to him then was true?" Answer, "Right.  
16 And what I remember, what I, how can I say it,  
17 like, I, I put myself back there many, many,  
18 times." Question, "Yes." Answer, "To the whole  
19 thing that I went through because how --" next  
11:59 20 page, "-- how can I say I don't remember the  
21 murder supposedly. I was put there, I was placed  
22 at that time, I don't remember those things, I  
23 only remember certain things that lead up to and  
24 after the fact, okay."

11:59 25 Do you recall that discussion or



1 discussions of that nature with Mr. Williams?

2 A No.

3 Q Now, in there, you tell him that you would have  
4 told Mr. Mackie the truth on May 24th, '69; is  
12:00 5 that correct?

6 A Yes.

7 Q And I believe you told me yesterday, but I'll ask  
8 you again, have you ever been able to recall what  
9 it was that you told Sergeant Mackie on May 24th,  
12:00 10 1969?

11 A No.

12 Q You don't have a recollection today?

13 A No.

14 Q So what you told Mr. Williams is that whatever you  
12:00 15 would have told him would have been the truth; is  
16 that fair?

17 A Yes.

18 Q If you could scroll down on the right-hand side,  
19 please, it says, "Okay. Let's take it one at a  
12:00 20 time then. If you turn with me to page 2 about  
21 the seventh line from the bottom". Answer,  
22 "Uh-huh". Question, "Ron was driving the car at  
23 the time," you agree. "He drove to the curb where  
24 Dave spoke to this girl", you agree. Mr.  
12:01 25 Williams, "Does that ring a bell". Answer, "Yes,



1 I remember that". Question, "You recall that".  
2 Answer, "Yes, I remember that". Question, "Okay.  
3 That Dave was on the outside passenger seat and",  
4 answer, "Exactly". "And he opened the door and  
12:01 5 spoke to this girl as she approached along the  
6 sidewalk". Answer, "Uh-huh". Question, "I get  
7 the impression that you were in the middle; is  
8 that right". Answer, "Yes". Question, "And that  
9 Ron was driving". Answer, "Right". Question,  
12:01 10 "You had been driving all night"? Answer,  
11 "Right". Question, "'Cause you were on your way  
12 to Edmonton". Answer, "Uh-huh". Question, "Okay.  
13 Now, I understand that Dave asked the girl for  
14 directions". Answer, "Right". Next page,  
12:01 15 question, "And apparently she didn't know where  
16 she wanted to go". Answer, "Okay, I don't  
17 remember that, but I remember, like I said, the  
18 reason we had stopped her was to find out where  
19 this place was. Okay, I don't remember exactly  
12:01 20 what, what he said. Okay?"

21 It appears from this, well let  
22 me ask you, Ms. John, does this refresh your  
23 memory at all?

24 A No.

12:02 25 Q It would appear, on November 7th, 1989, that you





1 remembered stopping a girl for directions; is that  
2 fair?

3 A Yeah, that's what it says here.

4 Q Yeah. And, today, you don't remember that?

12:02 5 A No.

6 Q Go down on the transcript to the bottom, about  
7 tenth line from the top, where it starts -- tenth  
8 line from the bottom, I'm sorry, there where  
9 Mr. Williams says, "Okay. I'd ask you to go down  
12:02 10 the balance of that page and tell me what, if any,  
11 portion of it you recall". And your answer,  
12 "Okay, I remember getting stuck, I don't remember  
13 the funeral home, I remember a church". Question,  
14 "Yes". And you answer, "Okay. Don't remember the  
12:02 15 funeral home. I remember the boys getting out of  
16 the car. I remember one going one way, one going  
17 the other way. Okay."

18 If we can pause there, does that  
19 assist your recollection at all?

12:02 20 A No.

21 Q Okay. So it appears, in 1989, you didn't remember  
22 the funeral home but you remembered the church; is  
23 that fair?

24 A Yes.

12:03 25 Q And, today, do you remember the funeral home?



1 A No.

2 Q Do you remember the church?

3 A No, but I remember church bells.

4 Q Okay. And church bells being in the morning when  
12:03 5 you were in the car with Mr. Milgaard --

6 A Right.

7 Q -- and Mr. Wilson?

8 A Yes.

9 Q All right. And then if we could go to the next  
12:03 10 page -- I'm sorry, it says here, "I don't remember  
11 the funeral home. I remember the boys getting out  
12 of the car. I remember one going one way, one  
13 going the other way. Okay." And I think you told  
14 us yesterday you don't recall that today?

12:03 15 A No.

16 Q Okay. To the next page, please, and top 15 lines,  
17 please. Mr. Williams asked, question, "Sure",  
18 and then it looks like Sergeant Tidsbury, "When  
19 you say, Nichol, that on the bottom of page 2 you  
12:04 20 recall him talking to this girl". Answer,  
21 "Right". "I'm curious; do you still have a  
22 picture of him doing that". Answer, "Yes I do,  
23 very much so, I". Question, "Can you elaborate  
24 on that". Answer, "I can, I can, I can see the  
12:04 25 car stopped, I can see, it's dark, I can see a



1 woman that's bundled up with, I don't know why  
2 but I have got her scarf in my mind, I don't know  
3 why, and I can see, there's buildings on this  
4 side but they are set far back and they are big  
12:04 5 building, like three stories, you know, it's just  
6 something I have in my mind, okay".

7 Does that assist your  
8 recollection at all?

9 A No.

12:04 10 Q Okay. It appears from this, Ms. John, that you,  
11 at least according to what's written here, that  
12 you have quite a vivid recollection of that at  
13 least in 1989, which would be 20 years after the  
14 fact; is that -- would you agree with that?

12:04 15 A I would agree with that.

16 Q And you are now telling us today that you no  
17 longer have that recollection?

18 A No.

19 Q Go to the next page on the transcript, 125219  
12:05 20 please, and the top eight lines or so please. And  
21 you answer, "Now how can I, how can I say this.  
22 There is something in my mind that goes from  
23 really dark to an hour or two hours of daylight,  
24 like I have got nothing between there, do you know  
12:05 25 what I mean? No, no, no recollection. No, like,



1                   it's dead space."

2                               Does that assist your  
3                   recollection of what you would have told  
4                   Mr. Williams?

12:05 5           A           No.

6           Q           What you say in 1989, Ms. John, do you feel that  
7                   today?

8           A           Yes.

9           Q           So that when you told Mr. Williams, on November  
12:05 10           7th, 1979, "There is something in my mind that  
11           goes from really dark to an hour or two hours of  
12           daylight, like I have got nothing between there",  
13           is that what you recall today or is that what you  
14           say today?

12:05 15          A           It just feels like it.

16          Q           Can you explain that a bit further, please?

17          A           Umm, how can I explain. It just feels like a  
18           void, there -- I can't describe it any other way.

19          Q           A void in your memory?

12:06 20          A           Yes.

21          Q           And about the morning of January 31, 1969?

22          A           Yes.

23          Q           In you could scroll down the transcript to about  
24           the line that starts, "ND I'm trying". It says,  
12:06 25           "I'm trying. There's been so many times that I



1 thought, okay, maybe he isn't guilty, maybe what I  
2 said I picked out of the air but -- I don't know  
3 if you can understand but there's time missing in  
4 my life, I don't know where it went to".

12:06 5 And, again, is that what you  
6 have just described for us today?

7 A Yes.

8 Q And have you thought, it says here, "There's been  
9 so many times that I thought, okay, maybe he isn't  
12:06 10 guilty", I presume you are referring to David  
11 Milgaard?

12 A I would assume so, yes.

13 Q And have there been times when you thought that?

14 A Yup. You know, you are a human being, right.

12:07 15 Q Yes. And what have you thought?

16 A Just wondering if he really did it or not.

17 Q And have you thought about what, what role, if  
18 any, you would have played in that?

19 A No.

12:07 20 Q Not, not in the incident, but in the trial and the  
21 conviction?

22 A Umm, I didn't know what my role was.

23 Q Okay. Go to the next page, please, 125220, and  
24 about the sixth line down where it starts, Mr.  
12:07 25 Williams, "I apologize for that", he says, "I



1 apologize for that. Okay. Can I turn your  
2 attention back to page 3 again. Okay, you, you  
3 have told us that you remember the, the boys  
4 going, Ron going towards the funeral home, past  
12:08 5 the funeral home, and Dave going in the other  
6 direction". Answer, "Yes". Question, scroll down  
7 please, "Is there anything else after that that  
8 you recall". Answer, "No". Question, "Okay."  
9 Answer, "The next thing I remember that I could  
12:08 10 say to you right now that I can remember from  
11 being stuck in that alley is that it's daylight,  
12 and I remember getting back in the car, and I  
13 don't understand why, and it's daylight".  
14 Question, "Okay". Scroll down, "And it's in an  
12:08 15 alley and I have been walking cause I remember  
16 being cold, I don't remember anything else any  
17 more". Question, "Do you remember Dave coming  
18 back to the car". Answer, "No". Question, "All  
19 right". Answer, "Nothing". Question, "Okay."  
12:08 20 Okay. Now, let me get one thing clear. If, if  
21 you take a look at, at what's on page 3, 4 and 5",  
22 answer, "Okay". Question, "You have just read  
23 that". Answer, "Yeah". Question, "Do you have,  
24 do you have any present recollection of anything  
12:09 25 that says what is recorded on pages 3, 4 and 5",



1           answer, "Umm", question, "Is not correct".  
2           Answer, "Is not correct". Question, "Yeah".  
3           Answer, "My recollection now of what I said here  
4           is not correct, is that what you are telling me".  
12:09 5           Mr. Williams says, "No, no". And you say, "What I  
6           remember". Question, "Do you remember anything  
7           today which, in your mind, says that what is  
8           written down isn't right". And you say, "Isn't  
9           right". And he says, "Is not right". Answer,  
12:09 10          "Well I'm going to tell you right now I don't  
11          remember any of this". Mr. Williams, "okay". Ms.  
12          John says, "I don't remember starting from that  
13          bottom paragraph". Question, "On page 3".  
14          Answer, "That's right, that's the one from seeing  
12:09 15          Dave in the alley". Answer, "Right". Question,  
16          "Okay". "From the b, last paragraph there and  
17          then down "to almost the last, the bottom of the  
18          next page". Question, "And when you say the  
19          bottom of the next page", you say, "The one, two,  
12:10 20          three, four, fifth line from the bottom", "Of page  
21          4", "Yeah, must be 4". "Well it's written on the  
22          front here", "yeah, 4, okay".  
23                            If we could just pause there,  
24          and just go back on the statement, if we can go on  
12:10 25          the statement and just identify that, if we go to



1 page 3 of the statement, and you say that you  
2 don't remember starting from that bottom paragraph  
3 on page 3, from seeing Dave in the alley -- right  
4 there, if we could highlight -- and then you say,  
5 "To almost the last, the bottom of the next page",  
6 if you go to page 4, please, and highlight all the  
7 way down to the fifth line from the bottom. Right  
8 there.

9 So just for the record, Ms.

10 John, I have identified what you told  
11 Mr. Williams; now do you recall that discussion  
12 with Mr. Williams?

13 A No.

14 Q But I take it you would agree that you would have  
15 told Mr. Williams --

16 A Yes.

17 Q -- your truthful recollection at the time? And if  
18 you go back to the transcript, if we can go to the  
19 next page of the transcript please, and I think at  
20 the top, page 125222, please, just start scrolling  
21 from the top, please. I think that part we've  
22 identified you say "Four. Okay. I don't remember  
23 any of that". Question, "Okay, fine". Answer,  
24 "The only thing I can remember is seeing garbage  
25 cans, okay, and that isn't even on this page".





1 Question, "Okay". And you say, "I can, I can even  
2 remember sitting in the alley with the church at  
3 the end with the headlights on and there was two  
4 garbage cans about half-way down the alley".

12:12 5 I'm going to pause there; does  
6 that assist your recollection at all?

7 A No.

8 Q Do you have any recollection, today, of garbage  
9 cans in the alley?

12:12 10 A No.

11 Q Mr. Williams continues, "And you say, at the  
12 bottom of page 4, I seem to recall seeing Dave  
13 putting a purse into a garbage can". And we don't  
14 have to, but on the bottom left of the screen you  
12:12 15 will see the statement where you say that, and you  
16 say, "That's not page 4, is it. Okay, yeah".  
17 Question, "Second to the last line from the  
18 bottom". Answer, "Yes". Question, "Do you recall  
19 that". Answer, "I don't remember, remember seeing  
12:12 20 him do that right now. I can't, okay, I remember  
21 the garbage cans though. I can". Question,  
22 "Okay". "As plain as day".

23 Let me pause there. So on  
24 November 7th, 1989, you are telling Mr. Williams  
12:13 25 you remember the garbage cans as plain as day; is



1           that correct?

2       A       Yeah, that's what it says, yeah.

3       Q       Yeah. And, today, you have no recollection?

4       A       No.

12:13 5       Q       Okay. And then Mr. Williams carries on, "Okay",  
6           "then on page 5, this second paragraph".  
7           Question, "What, what about this second  
8           paragraph". Answer, "Just wait a minute. I don't  
9           remember that either. This is so confusing. I  
12:13 10          don't, I don't understand why I even would have  
11          said this last paragraph on page 5. I don't  
12          remember that. Like I said, I remember it from  
13          being stuck in the alley, being dark, and I can  
14          remember getting back in the car and it was broad  
12:13 15          daylight".

16                               If we could maybe go on the  
17          statement to page 5, last paragraph, and this  
18          statement says:

19               "The next thing I recall is when we were  
12:14 20               driving down an alley behind some apartment  
21               blocks when we turned into another alley and  
22               got stuck behind a ...",  
23          and if we just go to the next page:  
24               "... a convertible."

12:14 25          So you were telling Mr. Williams, in November of



1 1989, you don't know why you would have said that  
2 part that we just identified; is that right?

3 A Yeah, that's what it says.

4 Q And I think you have told us, or told us yesterday  
12:14 5 or today, you do not have any recollection of  
6 being stuck behind the Danchuk's vehicle, the red  
7 convertible?

8 A No, not at all.

9 Q Go to the next page, please, 125223. And if you  
12:15 10 could just -- it's talking about, maybe you can  
11 start that lengthy answer of Nichol in the middle  
12 there, you were asked a question about the  
13 cosmetic case and you answer, "I remember David  
14 grabbing it. Nobody would answer where this thing  
12:15 15 came from. I remember opening it up, I don't  
16 remember right now exactly, how can I say, what  
17 was exactly in it, okay, but I remember going into  
18 the glove box and finding this make-up bag, this  
19 cosmetic bag and saying like, whose is this,  
12:15 20 'cause this was supposed to be Ron's car, okay,  
21 and Ron wasn't dating anybody, and I said 'whose  
22 bag is this', nobody answered, and David grabbed  
23 it and threw it out the window, I remember that.  
24 And I, first of all I started going through it,  
12:15 25 and I have something in my mind saying that there



1 was ID in it, I don't know why, okay, there is  
2 something in there saying that there was ID and if  
3 I, if I remember correctly I even read it. Okay?  
4 Like sometimes women will use a little make-up bag  
12:16 5 and keep stuff in it, eh, and I remember face  
6 make-up but that's it, I don't remember what else  
7 was in it, but I remember distinctly going into  
8 that glove box and finding that make-up case and  
9 it shouldn't have been there".

12:16 10 Pause there. Does that assist  
11 your recollection at all, Ms. John?

12 A No.

13 Q And I think you told us, yesterday, you do  
14 remember the cosmetic bag?

12:16 15 A Yes, what --

16 Q You don't remember anyone throwing it out?

17 A Right.

18 Q Do you have any explanation why the cosmetic bag  
19 you would still recall today and some of the other  
12:16 20 things that you've recalled earlier, in earlier  
21 years, you don't recall today?

22 A I have no idea.

23 Q Go to page 125225, please. Actually, we can just  
24 go to the transcript, the main document, I don't  
12:17 25 think we need the statement up any further. Just



1 go down, about two-thirds of the way down, where  
2 it starts off about EFW about two-thirds of the  
3 way down. He asks you the question, "About  
4 two-thirds of the way down where it recites Ron  
12:17 5 was driving crazy with the car and I told him to  
6 pull over, he did, and I took the keys and ran  
7 about a block and then walked a block, I'd ask you  
8 to read from there on to the bottom of the page".  
9 Answer, "I remember that vividly". Question, "You  
12:17 10 remember". Answer, "Very vividly. I don't  
11 remember what, how can I say, I remember myself  
12 sitting, it was an apartment block, I remember  
13 sitting inside on the steps 'cause it was light,  
14 there was lights on and it was warm inside, and I  
12:17 15 don't remember the things what led up to why I was  
16 there".

17 If we can pause there --  
18 actually just go to the next page, please, and you  
19 are asked by Mr. Williams at the top, "Okay. What  
12:18 20 about the conversation, umm, between you and Ron".  
21 Answer, "I don't remember that either".

22 Does that assist your  
23 recollection today at all, Ms. John?

24 A I remember something about sitting in some steps  
12:18 25 in an apartment block, but that is about it.



1       Q       Okay. Now you told Mr. Williams, in November of  
2               1989, that you vividly remembered Ron driving  
3               crazy and you told him to pull over and that you  
4               took the keys and ran a block; do you have any  
12:18 5               recollection of that today?

6       A       No.

7       Q       Go to page 125226, please, just down at the  
8               bottom, third-last line, Mr. Williams asks, "Sure.  
9               Do you remember a coat that Mr. Roberts showed  
12:19 10              you". Answer, "No. Question, "Okay". The next  
11              page, answer, "I don't remember". Question,  
12              "Okay. There's one thing that's been bothering  
13              me", this is Mr. Williams, "There's one thing  
14              that's been bothering me a little bit, and it's  
12:19 15              nothing to do with this, but I know that some of  
16              the cases I have tried there has been pressure  
17              bought -- brought to bear on the witnesses, or  
18              potential witnesses, and I wondered if any  
19              pressure had been brought upon you during that  
12:19 20              course of time to tailor your recollections".  
21              Answer, "No". Question, "One way or the other".  
22              Answer, "No, to -- to, maybe to -- what can I say,  
23              really wasn't pressure, not at all. I had, I  
24              remember, how can I say, saying take your time,  
12:19 25              take your time, we don't wanna, we don't wanna put



1 words in your mouth, we don't wanna do this, we  
2 don't wanna do that. I remember that. I would  
3 say no, no pressure". Question, "All right",  
4 Answer, "You are referring to the police when you  
12:20 5 say that", Mr. Tidsbury. Answer, "Right".  
6 Question, "Yeah". Answer, "Right". Question,  
7 "Because I know", this is Mr. Williams, "I read  
8 the transcript and I remember when you went up to  
9 Saskatoon for interviews on the 23rd and the 24th,  
12:20 10 the accommodations that you got weren't the best".  
11 Answer, "I remember that, a little bit of that,  
12 not much".

13 Do you recall that discussion  
14 with Mr. Williams?

12:20 15 A No.

16 Q If you could go to page 125229, please. Half-way  
17 down, please, just after the pause. And this is  
18 after some questions that, I won't go through it  
19 on the transcript, but it's identified that you  
12:21 20 have something that you may not want to tell  
21 Mr. Williams, and yet here you do. You say, "I'm  
22 going to look like a fool anyway, may as well tell  
23 them", and this is DM who I believe is Dale  
24 Miller, your acquaintance at the time, "You are  
12:21 25 not going to look like a fool". You answer, "I



1 think so. David raped me before we left Regina,  
2 okay, and I still went with him anyway. There you  
3 go". And DM says, "Still what". Answer "I still  
4 went with him anyway, him and Ron. There you go".  
12:21 5 And Miller says, "Well so, so what". Mr. Williams  
6 says, "I see. I'm sorry to hear that. My  
7 information was that there was an intimate  
8 relationship but I didn't realize that it was  
9 that, that", and you say, "Stupid, so stupid".  
12:21 10 Question, "Yeah". Tidsbury says, "Was there  
11 another incident too". You answer, "Yes, after  
12 that". Mr. Williams, "When was". Answer, "On the  
13 way to Saskatoon, too, he tried to and I resisted  
14 him". Next page. Mr. Williams says, "In the  
12:22 15 car". Answer, "Yes. I don't know if Ron  
16 remembers but I -- David was driving at the time  
17 and I remember cuddling up to Ron, like, get me  
18 away from this guy. (Upset and crying)", in  
19 brackets. "It happened one time after that, I'm  
12:22 20 not sure if it was after Calgary or before".  
21 Tidsbury, "This was on the trip". Answer, "Yeah".  
22 Tidsbury says, "After the incident that happened  
23 at Saskatoon". You say, "Now you can say to me,  
24 how come you didn't say anything before, right".  
12:22 25 Answer -- or Willams says, "You didn't, you





1           didn't, obviously you didn't report it to the  
2           police". Answer, "No".

3                       Does that assist your  
4           recollection at all, Ms. John, about this  
12:22 5           incident?

6           A           No.

7           Q           It appears from what I read to you, they were your  
8           words "stupid", "so stupid", that you were upset  
9           about the incident and upset about going with Mr.  
12:23 10          Milgaard on the trip after this happened; is that  
11          --

12          A           It appears to be, yeah.

13          Q           Do you recall if you were angry at him?

14          A           I don't recall.

12:23 15          Q           Go down to the bottom of this page, please, when  
16          you go down to describe it you say, about eight  
17          lines from the bottom, "I was never, ever alone  
18          with him before that, there was always people  
19          around, and I can tell you exactly where it was".  
12:23 20          Question, "Where was that". Answer, "It was in a  
21          motel room, it was called the -- just let me think  
22          a minute, they tore it down, it's not even there  
23          any more, it was on Rose Street, the corner of  
24          Rose and now it's called Saskatchewan Drive".

12:23 25          Question, "It wasn't the Park Lane". Answer, "No,



1           it's across from the old -- where the Champ's used  
2           to be". And then just scroll down to where --  
3           about the middle of the page there where GTT,  
4           which is Tidsbury, said, "And you had a sexual  
12:24 5           relation with him prior to that rape". Answer,  
6           "No". "How about after the rape". Answer, "Yes".  
7           Question, "I'm sorry". Answer, "Yes, forcible,  
8           not given". Question, "Relax, relax". And you  
9           say, "I just want to punch something".

12:24 10                       Do you recall that discussion  
11           with Mr. Williams?

12       A       No.

13       Q       Does that assist in your recollection of this  
14           incident?

12:24 15       A       No.

16       Q       Page 125236, please, and about the fourth line  
17           down it starts with EFW, he says, "I understand  
18           that when, when you got to Cadrain's place there  
19           was an argument, argument between Wilson and  
12:24 20           Milgaard about the car, remember when the car, you  
21           got there, Milgaard went in, motioned you and  
22           Wilson into the house". Answer, "Okay, I remember  
23           that, yeah".

24                       Does that assist your  
12:25 25           recollection at all?



1 A No.

2 Q So it appears, at least in November of 1989, you  
3 had a recollection of an argument at the Cadrain  
4 house; is that right?

12:25 5 A Yeah.

6 Q And you don't have any recollection today?

7 A No.

8 Q And then scroll down to middle of the page of  
9 Tidsbury, GTT, he says, "I know one thing we were  
10 mentioning between us and I was asking Nichol in  
11 the coffee room which may be of interest to you.  
12 I was asking her if she ever experienced any  
13 flashbacks of this incident, either in her sleep  
14 or in the daytime, and, and Nichol did tell me  
12:25 15 that you do experience flashbacks of the  
16 incident". Answer, "But I don't know, like I  
17 don't, what can I say, I have these things that  
18 pop into my head but I don't know if they are  
19 real". Question, "Like what kind of things".

12:26 20 Let me just pause there. Do you  
21 experience flashbacks of any incidents, Ms. John?

22 A Now?

23 Q Yes?

24 A No.

12:26 25 Q Have you experienced flashbacks in the past?



1 A I don't think so.

2 Q You don't think so?

3 A No. I don't recall having any.

4 Q And right now you don't have any flashbacks, and  
12:26 5 when I say of an incident, of anything happening  
6 in an alley, --

7 A No.

8 Q -- a church, garbage cans, anything of that  
9 nature?

12:26 10 A No.

11 Q Mr. Williams says, "What kinds of things", and you  
12 answer, "Just, I can't I can see some, like I  
13 can't even say that it's him doing it, I can see  
14 somebody stabbing a woman, do you know what I  
12:26 15 mean, I can, I can, I can see somebody, okay,  
16 taking a purse and putting it in the garbage can,  
17 and I don't know if those things are -- if I  
18 really saw them or I, from hearing people, do you  
19 know what I mean". Question, "Now if I could just  
12:26 20 go back, you say you have flashbacks of seeing  
21 someone stabbing a woman". Answer, "Right, but I  
22 can't tell you if for sure that that's what I  
23 really saw". Question, "You can't tell us that  
24 today". Answer, "No". Question, "But you have  
12:27 25 memories of that happening". Answer, "Right,



1 right". Question, "You have", answer, "But how  
2 can I say, I am very analytical". "Yes". "Myself,  
3 through my lifetime since this, I was that age.  
4 Okay". Mr. Williams says, "Yes". "When, how can  
12:27 5 I say, there always to me, there always has to be  
6 a reason for something". Answer, "Yes". Nichol  
7 says, "I mean I always have to take this thing and  
8 pick it apart and". Question, "Okay, let's, let's  
9 play with this one for a bit", and this is  
12:27 10 Mr. Williams talking. Answer, "You know".  
11 Question, "Have you seen any movies with that type  
12 of scene". Answer, "Well for sure". Question,  
13 "You have". Answer, "Well for sure, have you  
14 never, have you never". Question, "No, but  
12:28 15 exactly the scene that flashes back". Answer,  
16 "No". Mr. Williams says, "Have you ever seen a  
17 movie like that". Answer, "No". "Have you ever  
18 seen a play like that". Answer, "No". "Have you  
19 ever read a book which had precisely that scene".  
12:28 20 Next page, "No", at the top, "has anyone ever told  
21 you about that". Answer, "No". And then  
22 Mr. Miller says, "What are you getting upset  
23 about". Mr. Williams says, "Okay, no books, no  
24 movies, no plays, no conversations". Sergeant  
12:28 25 Tidsbury says, "Did you just have a flashback



1 right now? Can you describe for Gene the  
2 flashback you just had this very minute". You  
3 say, "Could see a woman laying on the ground and a  
4 guy straddled over her and he, he", brackets  
12:28 5 "(upset and crying)". Sergeant Tidsbury,  
6 "Stabbing her with a knife? Okay. Can you  
7 describe that scene for us". And you say, crying,  
8 "He's on, he's on his knees and he's straddling  
9 over her". Mr. Williams says, "What is she  
12:29 10 wearing". You say, "No faces, no". Question,  
11 "Just a dark object". Answer, "Yes".  
12 Mr. Williams, "Is she face down". Answer, "No,  
13 she's up. I can, I can't, it's almost like I can  
14 feel her terror". Question, "Is she shouting".  
12:29 15 Answer, "She's screaming". "Carry on, I'm sorry,  
16 go ahead. You say you -- the faces are blank  
17 right now", "can, can hear her, I can hear her, I  
18 can't see her but I can hear her". Tidsbury says,  
19 "Okay. Do you associate either person in that  
12:29 20 flashback right now to any person in particular".  
21 Answer, "No, I can't see, I can't see the guy's  
22 face. His back is towards me". Next page.  
23 "Okay. What kind of setting are we at", your  
24 answer, "There is a garage, there is a fence".  
12:29 25 Question, "What's the weather like", answer, "That



1 I can't tell you either, okay, I know it was  
2 wintertime, I know there was snow, I can't",  
3 question, "Okay, I'm not, I'm not trying to  
4 confuse the". Answer, "I know". "The flashback  
12:30 5 at all, Nichol, I'm just asking you if there's  
6 weather in your flashback". Answer, "No, it's  
7 like a tunnel or it's like tunnel focusing on one  
8 thing and just". And Tidsbury says, "Yeah, I  
9 don't mean to interrupt, Gene, when we were  
12:30 10 describing different flashbacks but could I see  
11 something, but I could see something was happening  
12 here, but if we're talking, what other type of  
13 flashbacks, not this one in particular, do you  
14 get".

12:30 15 I'll pause there. Does that  
16 assist your recollection at all, Ms. John?

17 A No, no recollection of this.

18 Q How about of having flashbacks similar to what you  
19 described --

12:30 20 A No.

21 Q -- to Mr. Williams?

22 A They sound vaguely familiar, but I couldn't  
23 specifically say that that's what it was.

24 Q Okay. When you say "they sound vaguely familiar"  
12:30 25 are you talking about the description of the



1 flashbacks?

2 A Yes.

3 Q Okay. How familiar?

4 A Umm, what do you mean "how familiar?"

12:31 5 Q Well you told me earlier you had no recollection  
6 of flashbacks, I read you this part, you now say  
7 "they sound vaguely familiar", I think were your  
8 words?

9 A Yeah, just -- I don't know how to describe it.

12:31 10 Q You, would it be fair to say that, I mean, you  
11 don't --

12 A I more feel like, when you were reading this out I  
13 could just feel my body starting to cringe. Okay.  
14 That's the familiarity. Okay.

12:31 15 Q But as far as a recollection, it --

16 A No.

17 Q According to this, it says you had flashbacks?

18 A Yeah, but no recollection.

19 Q This might be an appropriate time to break,  
12:31 20 Mr. Commissioner.

21 COMMISSIONER MacCALLUM: 2:00.

22 *(Adjourned at 12:32 p.m.)*

23 *(Reconvened at 2:00 p.m.)*

24 BY MR. HODSON:

02:01 25 Q Good afternoon, Mr. Commissioner. At the break,





1 Ms. John, we were going through parts of a  
2 transcript and just to refresh your memory, it was  
3 a transcript of an interview November 7th, 1989  
4 with Eugene Williams from the Department of  
02:02 5 Justice, federal, and Sergeant Tidsbury from the  
6 Kelowna detachment of the RCMP. If we could call  
7 up that document, 125206 and go to page 125239  
8 which is where we left off, and I think where we  
9 left off, Ms. John, was talking about these  
02:02 10 flashbacks and I believe you told us that, when I  
11 read you portions from this transcript, you said  
12 that you had some type of reaction; is that right?

13 A Yes.

14 Q And are you able to -- anything further on that,  
02:02 15 any further recollection about flashbacks or  
16 anything else you can tell us?

17 A No.

18 Q If we can go back again, if you could call out  
19 about half-way down where it says, starts with  
02:02 20 Tidsbury, "Did you have a flashback --" further  
21 down, about two-thirds down. There, yes. And  
22 this is again talking about the flashbacks and  
23 Tidsbury says, "Did you have a flashback  
24 occasionally of a man carrying a woman?" Answer,  
02:03 25 "I didn't say that." Question, "No?" Answer,



1 "no."

2 And just pause there. Do you  
3 have any recollection of any flashbacks of a man  
4 carrying a woman?

02:03 5 A No.

6 Q Tidsbury goes on, "Okay, do you have a flashback  
7 of a man stabbing a woman?" Answer,  
8 Yeah." Question, "Is it always the same?"  
9 Answer, "Yeah. It's always the same. And I have,  
02:03 10 and the one with the church all the time, it's  
11 just, it's always there, that that one is so  
12 predominant in my mind." Question, and I think  
13 this is Mr. Miller, "The church at the end of  
14 the --" answer, "Yeah." Question, "Street."  
02:03 15 Answer, "So predominant." Question, "Would you  
16 like to elaborate a bit more?" Answer, "In the  
17 alley, long alley, at the very end there's a big  
18 steeple, like, it's so vivid in my mind, like I  
19 was there yesterday, and it's dark out."  
02:04 20 Question, "With the garbage cans, right?" Answer,  
21 "Yeah, the garbage cans halfway down the --"  
22 question, "Yeah. She's told me that a dozen  
23 times." And this is DM. That's -- I'm sorry,  
24 again who is that?

02:04 25 A Dale Miller.



1 Q And do you recall talking to Dale Miller about  
2 these flashbacks?

3 A No.

4 Q And then carrying on you say, "On the, my  
5 left-hand side as I'm walking, or I'm looking down  
6 the alley. I don't, I don't know if I'm in the  
7 car, if I'm out of the car, I don't remember  
8 anybody being with me. That's what I see, a  
9 church." And here Mr. Williams says, "Often?"

10 Answer, "Often. Lots. That has got to be the  
11 most vivid out of that whole, I don't know why,  
12 out of that whole scene." Question, "Is it fair  
13 to say it haunts you sometimes?" Answer, "Yeah,  
14 you betcha. Like, it seems like I go partway to  
15 something and I stop, do you know what I mean, do  
16 you understand what I'm saying? Like, to me how  
17 can I say when I see that there should be  
18 something after that." Question, "Yes."

19 Does that assist your  
20 recollection at all?

21 A No.

22 Q And it sounds from what I just read you, Ms. John,  
23 that these were quite significant events at the  
24 time were they, flashbacks?

25 A Sounds like it, yeah.



1 Q And you say sounds like it. That doesn't trigger  
2 any memory now about --

3 A No.

4 Q Do you know when you would have had your last  
5 flashback?

6 A No.

7 Q Go to page 125241, please, and go partway down to  
8 two-thirds where it says GTT, "I've never seen the  
9 scene --" and Tidsbury asks you, "I have never  
10 seen this scene in Saskatoon, I'm very intrigued  
11 by the flashbacks that you are having and I, in  
12 speaking with Gene --" who I believe is Eugene  
13 Williams, "-- having never seen the scene, I want  
14 to try and associate it, I want to be able to  
15 picture this for myself. I, I've never seen  
16 pictures of it, I've never seen the scene itself.  
17 This flashback that you are getting of this  
18 church, can you describe that for me?" Answer,  
19 "Like I said, it's at the end of the alley. We're  
20 stuck in the alley, okay, at one end, okay, we're  
21 here, okay. Now, if I can remember correctly  
22 there's a, it's like a "T", okay, we're right  
23 here," and he says, "Okay." Answer, "Okay. Now  
24 if I can remember correctly, we came off the  
25 street here." "Okay." "And there's, it was, what



1 do you call it, like, there's a boulevard right  
2 here, okay, and if I remember correctly we came  
3 around the corner, we were going to stop here and  
4 then back up and then go this way."

02:06 5 And if I can just pause there.

6 I believe there's a document that you are  
7 referring to, a sketch. If I could just call up  
8 side by side document 125250, it's the last page  
9 of that document -- the one before, 250 -- and  
02:07 10 you'll see at the top, it says Nichol's drawing,  
11 November 7, '89, 6:50, and it says E. Williams.  
12 Does this document look familiar?

13 A Not at all.

14 Q It's attached to the transcript of Mr. Williams'  
02:08 15 interview. If we can just go back on the  
16 left-hand side, if we could just -- I think about  
17 a third of the way down, just call that out and  
18 we'll scroll down, and you are asked, "And I'm  
19 just, what I can remember, I don't know."  
02:08 20 Question, "You're doing great." Answer, "This is  
21 exactly --" Tidsbury, "You're doing great."  
22 Answer, "Correct, or what we did." Tidsbury,  
23 "Just, just let your mouth go with your mind  
24 showing you, okay." Scroll down. "Okay. Now end  
02:08 25 of this alley, okay, there's a church, okay, it's



1 I remember seeing brick." Williams says, "Put a  
2 "C" for church." Answer, "Okay."

3 And you'll see on the diagram,  
4 Ms. John, there's a "C" there. Is that something  
02:08 5 you would have put on that drawing?

6 A If I was asked to, oh, yes.

7 Q Okay. It seems to make sense that that would be  
8 your drawing doesn't it?

9 A Yes.

02:09 10 Q And then you say, "Okay." Tidsbury says, "Or a  
11 steeple?" Answer, "Like, okay, I remember, it was  
12 made out of brick, okay, and there was this  
13 steeple, like, I remember this big tall thing and  
14 it seems to me like it had one, and then a couple  
02:09 15 of little ones. Okay, that's it. And okay, then  
16 there was garbage cans somewhere in around here,  
17 okay."

18 And I'm afraid I can't show on  
19 that map anything that says garbage cans, that may  
02:09 20 be a "G" on the left, but do you recall where you  
21 would have pointed out the garbage cans may have  
22 been?

23 A No.

24 Q Pardon?

02:09 25 A No.



1 Q And then carrying on, Tidsbury says, "Now these  
2 are the garbage cans that keep, that keep popping  
3 up in your flashback? Answer, "Right. Right."  
4 Question, "Okay." Answer, "Okay, two of them. To  
02:09 5 me somehow it seems to me that they're on this  
6 wooden --" scroll to the next page, "-- they're on  
7 this wooden built up thing or something, that's  
8 what I'm thinking, okay, but I remember that they  
9 were steel garbage cans."

02:10 10 Can we just pause there. Does  
11 that assist your recollection at all, Ms. John?

12 A No.

13 Q It's a fairly detailed description, this would be  
14 20 years after the event; would you not agree?

02:10 15 A I would agree.

16 Q And today your mind is drawing a blank?

17 A Yeah.

18 Q Carrying on, "Now, my distance might be all  
19 screwed up, I'm not good on that anyway."

02:10 20 Question, "Fair enough, no problem." Answer,  
21 "Okay." Question, "What is the significance in  
22 your flashbacks of the garbage cans, do you know?"  
23 Answer, "I don't know. I don't know." Question,  
24 "Are you --" answer, "It's like, like this, this  
02:10 25 tunnel thing down here and it's, how can I say I



1 have, I have, what would you call peripheral  
2 vision, okay, I can see my hand over here --"  
3 question, "Uh-huh," and you answer, "Okay, but yet  
4 I've got this tunnel vision, but yet there's  
02:11 5 something that I, it's like I can pick right over  
6 here, I don't know why, it just --" and then  
7 Mr. Williams says, "Garbage cans." And you say,  
8 "Sticks into my head. "Sure, okay." Answer, "And  
9 at the very end there's the big church with this  
02:11 10 big steeple." And Tidsbury says, "Now, this  
11 flashback that you get of this scene, does this  
12 coincide with the flashback you've described of  
13 this man stabbing, a faceless man stabbing a  
14 faceless woman?" Answer, "I don't know because  
02:11 15 they never co -- they are never together."  
16 "Okay." "Okay?" "Okay." "They're never  
17 together, they're never, you know, it's not like  
18 one happens and then the other one happens, it  
19 doesn't --" next page. "Do you ever, in your  
02:11 20 flashbacks, associate the two of them or connect  
21 the two of them together?" Answer, "Yeah, I feel  
22 like around here is where it's happening."  
23 Question, "Okay. So --" answer, "Okay?" "This is  
24 where it's happening is what you feel?" Answer,  
02:12 25 "Right." Question, "And would you put an X where





1           that is?"   Answer, "Right here."   Question,  
2           "Okay."

3                       If I can pause there, Ms. John,  
4           you'll see on the right-hand side of the sketch  
02:12 5           there's an "X".   Do you see that?   I'm sorry, I  
6           can't -- our telestrator is not working but --

7       A       There you go.

8       Q       Actually, to the right I think.   That appears to  
9           be the "X"; is that right?

02:12 10      A       It looks like an "X", yeah.

11      Q       Do you recall marking this diagram with an "X"?

12      A       Not at all.

13      Q       And so carrying on with the transcript, "I feel,  
14           that's what I feel, but I never, how can I say,  
02:12 15           there's never a, there's never me walking down  
16           here and coming around here and --" question, "And  
17           observing it?"   Answer, "Right."   Question, "But  
18           you hear it?"   Answer, "Yeah, but I'm also seeing  
19           it too, okay."   "Okay."   "But I'm not seeing a  
02:12 20           face and I'm not -- do you know what I mean?"

21           Tidsbury, "Sure, okay, what do you hear?"   Answer,  
22           "I hear screams.   That's what I hear.   Like,  
23           terror.   Like, like and I can, in my mind I can  
24           picture her mouth being this big just screaming,  
02:13 25           screaming, hollering."   Question, "That's screams



1 coming from that "X"?" Answer, "Right. But I'm  
2 already, it almost feels like I'm over here." And  
3 Williams says, "Okay, put --" answer, "Do you  
4 understand, like, it's not that I've walked, went  
02:13 5 from here and stood there." Answer, "Right." Or  
6 question, "Right." Answer, "There's nothing,  
7 there's nothing in between here." Question,  
8 "Okay." Answer, "All of a sudden it's this and  
9 all of a sudden there's this --" next page, "--  
02:13 10 and this is happening and all I can see is the  
11 person on top, their back, okay." Question,  
12 "Okay. What do you see happening on the picture  
13 frame before this?" Answer, "Before this?"  
14 Question, "Yeah." "There's nothing there."  
02:13 15 Question, "What do you see ever happening in  
16 here?" Answer, "Nothing. It's like I see from  
17 here to here, okay, do you know what I mean?"  
18 If I can pause there, Ms. John.  
19 Is that able to assist your recollection at all?  
02:14 20 A No.  
21 Q And again on the map, and the transcript doesn't  
22 say it very well, but it's from here to here, can  
23 you help us out at all as to where on this map you  
24 might have been referring in this interview?  
02:14 25 A No, couldn't. Sorry.



1 Q That's fine. Carrying on, it says, "Nothing.  
2 It's like from here to here. Okay. Do you know  
3 what I mean?" And question, "Do you ever see any  
4 activity with the garbage cans?" Answer, "No.  
02:14 5 No. None whatsoever. But their, their --"  
6 question, "Do you recall your statement?" Answer,  
7 "But they're there." Tidsbury, "In your  
8 statement, in your statement --" answer, "Yeah. I  
9 read that statement and I've said this, this,  
02:14 10 this, this and this, but like I said, I told you  
11 when we were in the thing, I read this thing and I  
12 go boy, that kid was mixed up."

13 If I can pause here. Does that  
14 assist your recollection?

02:14 15 A No.

16 Q Do you know, would that kid being mixed up, would  
17 that be referring to you do you know?

18 A I would guesstimate.

19 Q Carrying on, it says, "But you know, like, not  
02:15 20 saying that that, what was said at that time  
21 wasn't true, yeah, I believe what I said at that  
22 time was true, but I don't remember saying that  
23 stuff." Question, "Now you don't remember it?"  
24 Answer, "Right." Mr. Williams says, "It comes  
02:15 25 back repeatedly?" Answer, "Right, repeatedly,



1 through the last 20 years it's, you know, and --"  
2 question, "Just, just --" answer, "And I just, I  
3 can remember telling those police I remember that  
4 church, I remember being stuck in that alley --"  
02:15 5 next page, "-- I remember that church plain as  
6 day." Tidsbury, "And while you were there you  
7 remember the screams?" Answer, "Right, you know,  
8 like I said, and I'm, and I'm here somewhere. I  
9 don't know if I'm in that vehicle or if I'm  
02:15 10 outside that vehicle, but I can feel that there's  
11 something going on around that corner. I don't  
12 know why, but I can feel it."

13 If I can pause there. Does that  
14 assist your recollection at all?

02:16 15 A No.

16 Q Carrying on, scroll down, "I don't know if it's, I  
17 can't tell you if those screams are what's  
18 attracting me, okay, I don't know that, but I  
19 know, all of a sudden I'm here. I don't know how  
02:16 20 I got there. It's the same with, it's the same  
21 with the dark, being stuck, and I don't remember  
22 anything, till, till over here and it's light and  
23 we're in an alley somewhere. And I remember  
24 getting into the car and I don't know why the "h"  
02:16 25 I've been out of the car. Okay?" Tidsbury says,



1 "Okay." Answer, "There's something missing in  
2 between."

3 If I can pause there. And I  
4 believe you told me earlier today that there is  
02:16 5 something missing. Is that in your memory,  
6 Ms. John?

7 A Yes.

8 Q And Mr. Williams says, "That bothers you?"

9 Answer, "Oh, bothers me." Question, "It has been  
02:16 10 bothering you for a while?" Answer, "Since it  
11 happened. You know. How can you, you can't, you  
12 can't lose time, especially time that, that is  
13 considered to be so crucial considering what I  
14 went through, you can't lose that and not have it  
02:17 15 not bother you. Do you understand what I'm  
16 getting at? Repercussions were that David  
17 Milgaard went to jail, he's in there for his life,  
18 okay?"

19 If I can pause there. Do you  
02:17 20 have those feelings now?

21 A Which feelings?

22 Q The ones that I just read to you?

23 A This last --

24 Q Yes.

02:17 25 A -- paragraph?



1 Q The screen that's up there now, yes.

2 A Yes, I do.

3 Q That's what you think today then?

4 A Yes.

02:17 5 Q And have you, are you able to help us out, have  
6 you been able to figure out or explain why there  
7 may be these --

8 A No.

9 Q I don't want to use, I'll use your words, blanks  
02:17 10 or something missing, you haven't been able --

11 A No.

12 Q Scroll down and you say, "Right? You going to  
13 tell me that losing that time isn't going to  
14 bother you? Yeah, it's going to bother."  
02:18 15 Question, "Okay. I was just curious, have you  
16 ever sought any counselling to help you to deal  
17 with the flashbacks?" Answer, "No, how, how do I  
18 tell somebody. How do I, how do I, how do I do  
19 that and, you know --" next page. Question, "Why  
02:18 20 not?" Answer, "Yeah, then I have to go through  
21 the whole thing again. Oh, that's a lot of fun.  
22 Just like what happened tonight, this is a whole  
23 lot of fun."

24 If I can pause there, Ms. John.

02:18 25 As I read this, is it fair to say that your



1 reluctance, at least what you are stating here,  
2 tell me if I'm wrong, that you are reluctant to  
3 get help to deal with the flashbacks because you  
4 don't want to go through the whole thing again?

02:18 5 A That's what I'm getting from this, yes.

6 Q Okay. And that's what you said at the time?

7 A Yes.

8 Q And is that what you feel today, believe today?

9 A To a certain degree I would say, yeah.

02:18 10 Q And can you explain that a bit further, what you  
11 feel today about that?

12 A About seeking help for that?

13 Q Yes.

14 A I would agree that dealing with traumatic issues  
02:19 15 would not be an easy thing to do, okay, that's all  
16 about all I have to say about that.

17 Q And then the part that I just read you there, does  
18 that assist you at all in refreshing your memory  
19 of any of the flashbacks?

02:19 20 A No. I don't remember any of this conversation.

21 Q Okay.

22 A Sorry.

23 Q No, that's fine. Go to page 125249 and this is  
24 the last page of the interview. If you could just  
02:19 25 call out the third line starting with



1 Mr. Williams, and Mr. Williams states, "I  
2 appreciate your coming down and I saw how much of  
3 an effort you gave in recounting this, and it, it  
4 moved me and I'm grateful for that and if I can do  
02:20 5 something in return it, it is just a suggestion  
6 that you consider counselling because there are  
7 professionals I, I'm certain who can help you with  
8 this and help you get on with the rest of your  
9 life and put an end to the flashbacks." And then  
02:20 10 Mr. Miller says, "Yeah, well, I think we're doing  
11 okay and I think it's good that she can talk to me  
12 finally and that was like pulling nails wasn't it,  
13 but --" and then Mr. Williams, "Well, I'm very  
14 grateful and I thank you for that."

02:20 15 If I can pause there. Do you  
16 recall having some discussions either at the  
17 interview or at this time with Mr. Williams about  
18 Mr. Williams arranging for you to get some  
19 counselling or medical help?

02:20 20 A No.

21 Q Now, and I apologize if I've already asked you  
22 this question, but are you able to tell us -- it  
23 certainly appears here, you would agree, that in  
24 November of 1989 you were having flashbacks; is  
02:21 25 that fair?





1 A It would appear, yes.

2 Q And you are telling us today that you don't have  
3 flashbacks?

4 A No, I don't.

02:21 5 Q And you can't remember having the flashbacks; is  
6 that right, or are you --

7 A That's correct.

8 Q And are you able to help us out as to when and how  
9 and why you may have stopped having flashbacks?

02:21 10 Let's start with when.

11 A When I can't tell you. Why? I believe they  
12 stopped because other things were happening in my  
13 life, okay, personal issues, so it was likely that  
14 the focus was now on something else.

02:21 15 Q And I won't -- these other matters were unrelated  
16 to this matter?

17 A Yes, unrelated.

18 Q And so you think that may have caused you to --

19 A Yes.

02:21 20 Q And are you able to tell us when -- I'm sorry,  
21 maybe I've asked that. So no indication as to  
22 when the flashbacks may have -- let's say -- go  
23 back to 1999, you testified at the Larry Fisher  
24 trial. Do you remember that?

02:22 25 A Vaguely.



1 Q Do you recall at that time whether you were  
2 experiencing flashbacks?

3 A Don't recall, no.

4 Q Okay.

02:22 5 A But around -- if I'm going from the time frame  
6 that you are telling me here, it was at this point  
7 in time that I was going through these other  
8 issues, okay, and it had to do with that person  
9 that was with me.

02:22 10 Q Mr. Miller?

11 A Yes.

12 Q Now, in fairness, and I'll be going through these  
13 transcripts with you a bit later, there's a  
14 hypnosis in '91 and an interview in 1993 with the  
02:22 15 RCMP and I believe those reflect -- and I'll go  
16 through those with you -- I think they indicate  
17 that at that time you either were experiencing  
18 flashbacks or could recall them, so sometime after  
19 '93 but before today, but you can't pinpoint when;  
02:22 20 is that fair?

21 A That's fair.

22 Q Now, it's my understanding, and again -- that  
23 document can come off the screen. But after you  
24 were interviewed by Eugene Williams in November of  
02:23 25 1989, that a couple of years later, September,



1 1991 you were at a session with a Dr. Lee Pulos,  
2 P-U-L-O-S, and he attempted to hypnotize you. Do  
3 you remember that?

4 A I remember Mr. Pulos.

02:23 5 Q And what do you remember about him?

6 A I remember, if I remember correctly, he's a tall,  
7 slender man.

8 Q And what else do you recall about him?

9 A That's about it.

02:23 10 Q And what did you know -- did you know what Mr.  
11 Pulos did?

12 A I think he might have been a psychologist. I  
13 could be wrong.

14 Q And you met with him in your home I believe or  
02:23 15 somewhere?

16 A No, it wasn't in my home.

17 Q Do you remember being asked by Eugene Williams if  
18 you would agree to be hypnotized?

19 A No.

02:23 20 Q Do you remember being hypnotized or having a  
21 session where Dr. Pulos attempted to hypnotize  
22 you?

23 A I remember being with Dr. Pulos and I think he  
24 tried to hypnotize me.

02:24 25 Q Yes.



1 A And that's about it.

2 Q And there's evidence of this elsewhere, but would  
3 it be fair to say that this hypnosis was not  
4 arranged at your initiative or wasn't arranged by  
02:24 5 you, it was arranged by someone else, is that --

6 A Probably someone else.

7 Q And would you -- you comment -- I believe it was  
8 Eugene Williams or Federal Justice that arranged  
9 for it. Are you able to verify that?

02:24 10 A No, I can't.

11 Q Mr. Commissioner, next is the tape, and before we  
12 play the tape, this is an interview with Dr. Lee  
13 Pulos, psychologist, September 25, 1991, and the  
14 document ID of the video tape is 054558, it's  
02:24 15 about an hour long. I should caution everybody  
16 the tape is poor quality in spots, it's a video  
17 tape. I'm not sure who did it, it's a document we  
18 received I believe from the RCMP who received it  
19 from Federal Justice. There's a transcript that  
02:25 20 is prepared that goes along with the tape. There  
21 are parts that are inaudible. I think there's two  
22 segments of about five or six minutes where you  
23 can see what's happening, you can't hear anything  
24 and there's no transcript, so I propose to fast  
02:25 25 forward through those. Obviously if anybody would



02:25

1           like to view that tape they may do so, but we've  
2           had our staff listen to it and there's parts there  
3           that are not audible and there's no transcript,  
4           and this document, and I believe the transcript,  
5           was filed as an exhibit, or part of the Supreme  
6           Court reference as well.

7                        So, Ms. John, if you could just  
8           watch the tape and the transcript and then I'll  
9           have some questions for you.

10           **(TAPE OF HYPNOTIST INTERVIEW)**

11                       LEE PULOS: I can't tell if this is on or  
12           not. It doesn't seem to be moving. Do you want  
13           to turn that off for just one moment just to make  
14           sure we get this?

15                       I am Dr. Lee Pulos and I am  
16           here with Nichol Demyen. Did I pronounce that  
17           correctly?

18                       NICHOL DEMYEN: Demyen.

19                       LEE PULOS: It's Wednesday, September 25th,  
20           1991, and we are doing a hypnotic interview for  
21           an event that took place 20 some odd 22 years  
22           ago.

23                       For the record, I have already  
24           taken a history from Nichol, I have already  
25           explained hypnosis, what it is, what it isn't,



1 and I have already established ideomotor  
2 questioning. It's a communications system with  
3 the subconscious through her fingers so that  
4 anyone watching this is wondering what we are  
5 doing, it's simply communicating with her  
6 subconscious through her fingers.

7 All right, let us begin,  
8 Nichol. And what I'd like you to do is to hold  
9 that chain just like that. Are you a good  
10 visualizer, by the way? Fairly good?

11 NICHOL DEMYEN: Yeah.

12 LEE PULOS: Okay. I'd like you to close  
13 your eyes. Oh, by the way, do you mind if I put  
14 my hand on your shoulder and touch you from time  
15 to time, Is that okay, or do you prefer --

16 NICHOL DEMYEN: Okay.

17 LEE PULOS: Hmm, or would you rather I  
18 didn't?

19 NICHOL DEMYEN: No, that's okay.

20 LEE PULOS: All right. And the reason I'm  
21 doing that is because it provides a sense of --  
22 hypnosis can be a somewhat fragile state, and it  
23 provides a sentry for you.

24 Close your eyes and I'd like  
25 you to imagine a candle with a flickering flame,



1           and the moment you can see it or sense it or feel  
2           it, Nichol, just nod your head to let me know that  
3           you can see the candle. Now you don't have to  
4           visualize it, you can just sense it. Can you  
5           sense it? Good.

6           NICHOL DEMYEN: Uh-huh.

7           LEE PULOS: Now keep your imagination on  
8           the candle as I count slowly from 1 to 10. With  
9           each successive count you'll find yourself going  
10          into a easier and easier state of relaxation.  
11          Once your subconscious mind has taken you deep  
12          enough where you can use hypnosis effectively, it  
13          will signal to us by relaxing your thumb and  
14          index finger of your right hand holding the  
15          chain, and the chain will slip through your  
16          fingers and I will try to catch it before it hits  
17          your lap. Okay. Keep focusing on the candle  
18          now. 1, beginning to relax and let go in your  
19          own way; 2, deeper and deeper and deeper; 3,  
20          really relaxing, really letting go; 4, even  
21          deeper, even further, that's right; 5, deeper,  
22          deeper, deeper. That's right, Nichol, so easy,  
23          so gentle, good.

24          NICHOL DEMYEN: (Sighs).

25          LEE PULOS: You okay?



1 NICHOL DEMYEN: (Sighs).

2 LEE PULOS: Did you want to talk about it  
3 or --

4 NICHOL DEMYEN: (Faint weeping) No.

5 LEE PULOS: Want me to get you a Kleenex?  
6 (Long pause).

7 LEE PULOS: Here you go. Kind of shaky,  
8 huh? How are you feeling?

9 NICHOL DEMYEN: I'm tired.

10 LEE PULOS: Tired? Do you feel like  
11 inching ahead a little bit at a time until we see  
12 how it goes?

13 NICHOL DEMYEN: Hmm.

14 LEE PULOS: Are you sure? Okay. Try  
15 again? We'll do it a little differently this  
16 time. Just put your -- there we go, keep right  
17 there, I need to see your fingers.

18 NICHOL DEMYEN: Eh.

19 LEE PULOS: This time let's do it a little  
20 bit differently. I'd like you to find a spot on  
21 the ceiling or wall and at the count of 1 I'd  
22 like your eyes open, on even numbers I'd like  
23 your eyes closed, odd numbers open, even numbers  
24 closed. Okay? 1, 2 that's right, closing your  
25 eyes on even numbers, that's right; 3 open, even





1 deeper now with each time you close your eyes; 4  
2 that's right; 5, and finding it more and more  
3 difficult each time to open your eyes, and there  
4 will come a time that's just much easier to let  
5 your eyes close and drift off into a nice deep  
6 relaxing -- 6, that's right; 7, 8, even deeper  
7 now; 9, so much effort to open your eyes, Nichol;  
8 10 even deeper, even further, even deeper; 11,  
9 12, I'm going to put my hand on your shoulder and  
10 you can just use my touch to go even further; 14,  
11 16, 18, 20, 22, 24, 26, even deeper now with each  
12 number; 28, 30, 32, you're doing great; 34, 36,  
13 38, 40, even deeper, even further.

14 And I'd like you to imagine a  
15 blanket of magnetic relaxation being placed on  
16 the top of your scalp and wave after wave of the  
17 soothing, cleansing, healing, magnetic relaxation  
18 penetrating your scalp muscles and loosening up  
19 any tightness you have so that there will be  
20 greater blood flow; wave after wave of this  
21 magnetic relaxation now flowing down the back of  
22 your scalp into the sides of your head and into  
23 your face, forehead, eyebrows, eyelids, cheeks,  
24 nose, lips and chin; wave after wave of this  
25 magnetic relaxation line moving down the sides of



1           your neck, the back and the front, along the tops  
2           of your shoulders, upper arms, elbows, loosening  
3           any tightness or stress or strain; wave after  
4           wave of this magnetic relaxation flowing into  
5           your forearms, into your wrists, hands, fingers  
6           and thumbs. Deeper and deeper with each wave of  
7           relaxation, Nichol. Now moving into your upper  
8           back muscles, your subconscious retains a lot of  
9           tension, Loosening those muscles up so you have  
10          greater blood flow, greater relaxation. And wave  
11          after wave of this magnetic relaxation flowing  
12          into your chest muscles, solar plexus, into your  
13          middle back muscles and lower back, loosening any  
14          tightness there, flowing into your groin, into  
15          your buttocks, into your pelvic girdle, in your  
16          thigh muscles; wave after wave of this soothing  
17          magnet relaxation, now, especially flowing into  
18          your knees. Believe it or not, that's where we  
19          tie up most of the tension in our bodies,  
20          loosening up any tightness in your knees, flowing  
21          into your calves your muscles, ankles and  
22          (Inaudible). Deeper, deeper, deeper and deeper.  
23          I'd like you to imagine another blanket of  
24          magnetic relaxation, only this time penetrating  
25          your skull and very gently permeating into your



1 brain, soothing and calming any unnecessary fears  
2 or apprehension, gently relaxing your mind even  
3 more so, and stimulating the memories of the  
4 event you witnessed back in 19 -- January 31,  
5 1969 in Saskatchewan. Wave after wave of this  
6 magnetic relaxation inside your neck, inside all  
7 the organs of -- in the body are slowing and  
8 strengthening your heart, cleansing your lungs in  
9 case you were ever a smoker, cleansing your liver  
10 and stomach and kidneys, all your inner organs  
11 soothing, cleansing them, healing, and calming.  
12 Deeper, deeper, and deeper inside your hips,  
13 inside your pelvic wall, inside your legs, inside  
14 your arms and inside your lungs, deeper, deeper,  
15 deeper, and deeper.

16 Now, Nichol, once your  
17 subconscious mind has oriented you to get optimum  
18 depth level for you, and your subconscious knows  
19 what that is, it will signal to us that we have  
20 achieved that depth level by raising your yes  
21 finger, your left index finger. And I'm going to  
22 put my hand on your left shoulder once more. Now  
23 you can use my touch to deepen your awareness, to  
24 deepen your consciousness, deeper, deeper,  
25 deeper, deeper. And let your subconscious mind



1 now at you -- at your optimum depth level for  
2 you, and once it has taken you there it will  
3 signal to us by twitching your left index finger,  
4 the yes finger. And the moment you can sense it,  
5 the twitch. In case I can't see it, you might  
6 just move your finger a little bit to let me know  
7 that you've experienced it. Deeper, deeper,  
8 deeper, deeper, that's right, even further, even  
9 deeper now. As your subconscious mind takes you  
10 into that special zone, that special place where  
11 you can feel safe and protected, having full  
12 control, full control of all that you are  
13 experiencing or sensing or thinking, and of  
14 course at any time should you want to stop you  
15 have the control to do that, and all you have to  
16 do it open your eyes, you will remember  
17 everything that is being said. And again,  
18 letting your subconscious mind take you down,  
19 take you in, and the moment, the moment it gets  
20 you to the right level for you, and only you know  
21 that, it will signal by raising the yes finger,  
22 and if you feel it before I can see it just move  
23 it consciously to let me know that you sensed it.  
24 Deeper, deeper, deeper, deeper, and deeper,  
25 that's right. You're doing fine, excellent.



1                   Now just take yourself a little  
2           deeper now so that we can get that finger signal  
3           from your subconscious, so we can begin. Even  
4           deeper, even further, even deeper. I am  
5           beginning to see just a little bit of a tendon  
6           pull on that finger now which means were getting  
7           pretty close. Deeper, that's right. And when  
8           your subconscious mind has taken you to the best  
9           level for you, the most comfortable level for  
10          you, it will signal by raising your yes finger.  
11         There we go - almost there now. I'm seeing just  
12         a little bit of movement in your finger, good,  
13         even deeper, there we go, good for you,  
14         excellent. And now I would like the most trusted  
15         part of your subconscious, Nichol to begin  
16         orienting you back in time, back in time, which  
17         it can do very quickly, very quickly, very easily  
18         and very gently without any discomfort. It would  
19         be like watching a movie. Going back in time  
20         now, going back in time, going back in time,  
21         through the 1970s, back to January 31st, 1969 to  
22         about 6:00 or 6:30 in the morning.

23                   You were in a car with two men.  
24           Just for the sound, I'm -- Nichol oriented  
25           herself back, which is quite all right. What did



1                   your sensors see when you were going back?

2                   NICHOL DEMYEN:   It was too dark.

3                   LEE PULOS:    Hmm?

4                   NICHOL DEMYEN:   It was too dark.

5                   LEE PULOS:    Too dark?   Hmm.

6                   NICHOL DEMYEN:   (Sighs).

7                   LEE PULOS:    But something seemed to cause  
8                   you to want to open your eyes?

9                   NICHOL DEMYEN:   Umm.

10                  LEE PULOS:    Any idea to what that might  
11                  have been?

12                  NICHOL DEMYEN:   Eh, eh.

13                  LEE PULOS:    Okay.

14                  NICHOL DEMYEN:   (Inaudible).

15                  LEE PULOS:    Hmm?

16                  NICHOL DEMYEN:   I don't feel very good.

17                  LEE PULOS:    I'm sorry?

18                  NICHOL DEMYEN:   I said I don't feel very  
19                  good.

20                  LEE PULOS:    Don't you?   Uh-huh.   What do  
21                  you feel like doing?

22                  NICHOL DEMYEN:   I feel so numb.

23                  LEE PULOS:    Uh-huh?

24                  NICHOL DEMYEN:   The feeling is so numb.

25                  LEE PULOS:    Well that's a sign that you're



1 in pretty good state of hypnosis, you know. When  
2 you develop numbness like that, that's a good  
3 sign. Are you numb in your -- do you feel that?

4 NICHOL DEMYEN: No, but my fingers were  
5 tingling.

6 LEE PULOS: Are you kind of numb?

7 NICHOL DEMYEN: No.

8 LEE PULOS: Huh, are they? Would you like  
9 to do it in a way that might be a little easier  
10 for you where I can just ask your fingers the  
11 questions? In that way your conscious mind can  
12 be out of the way.

13 NICHOL DEMYEN: Uh-huh, uh-huh, Okay.

14 LEE PULOS: Would that be all right? Okay.  
15 Just put your fingers there and there and, for  
16 the camera, we have already established  
17 ideomotorically that this is Nichol's yes finger,  
18 this is her no finger, and this is her I don't  
19 want to answer finger, none of your business; is  
20 that correct?

21 NICHOL DEMYEN: This one.

22 LEE PULOS: I'm sorry, that one there.  
23 Okay, so it's yes, no, none of your business.

24 Now I'd like to ask your  
25 subconscious mind through your fingers, does it



1 know? First of all, always get permission.  
2 Would it be all right for us to know, on a  
3 conscious level, what happened the morning of  
4 January 31st, 1969 about 6:00 o'clock in the  
5 morning? And that's your no finger signaling  
6 that it would not be all right.

7 Would it be all right for just  
8 me to know but not you? For you. Would it be  
9 all right for just you to know and for me not to  
10 know? I am asking your subconscious, would it be  
11 all right for just you to know and for me not to  
12 know at this point? We'll see what your  
13 subconscious says to that. Would it be all right  
14 for just me to know and for you not to know?  
15 Would it be all right for just me to know and for  
16 you not to know? Why not? Both fingers go, is  
17 it the no finger or both fingers go for that one,  
18 Kind of a yes/no. Any idea of which one you'd  
19 like to go with? That's right, just let yourself  
20 go in if it feels comfortable, only if it feels  
21 comfortable. Just let yourself go. Would you  
22 like to take another crack at it through your  
23 fingers?

24 NICHOL DEMYEN: Uh-huh.

25 LEE PULOS: Let's ask your subconscious,





1           would it be all right for us to inch ahead a  
2           little bit more, would it be all right for us to  
3           get a little closer to what happened the morning  
4           of January 31st, 1969? If the answer is yes your  
5           yes finger will go up, if the answer is no your  
6           no finger will go up. Would it be all right for  
7           us to get a little closer to the truth of what  
8           happened that morning? And I would like your  
9           subconscious to answer through your fingers  
10          unless you already have a conscious answer what  
11          you would like to share. Would it be all right  
12          for us to get a little closer to what happened  
13          the morning of January 31st, 1969? And if you  
14          can feel one of your fingers tingling or  
15          twitching, Nichol, just raise that finger to let  
16          me know which one it is. Good.

17                   I'm going to ask your  
18          subconscious, without anything else, does your  
19          subconscious mind know what happened the morning  
20          of January 31st, 1969? Does your subconscious --  
21          and for the camera it's her yes finger that is  
22          moving -- do you feel like taking it a little  
23          further or --

24                   NICHOL DEMYEN: Sigh.

25                   LEE PULOS: I don't want to push.



1 (Long pause).

2 LEE PULOS: All right?

3 NICHOL DEMYEN: Yeah.

4 LEE PULOS: Take it a little further? Do  
5 you want to do it with your eyes closed or open?

6 NICHOL DEMYEN: Closed.

7 LEE PULOS: Closed? Whenever you're ready,  
8 and you're a pretty good subject, by the way.

9 NICHOL DEMYEN: (Inaudible).

10 LEE PULOS: Hmm.

11 NICHOL DEMYEN: I just want to go to sleep.

12 LEE PULOS: I know. I don't blame you.  
13 Well one thing we could do is to have you recall  
14 it under hypnosis, then we could induce amnesia  
15 again, so that it doesn't bother you. How does  
16 that sound to you; Does that sound okay?

17 NICHOL DEMYEN: Yeah.

18 LEE PULOS: Okay. Let's do it that way  
19 then. Just take yourself down once more, and  
20 take yourself deep enough where you can access  
21 those memories, and I assure you I will induce  
22 amnesia for you. Whenever you're ready. Use the  
23 blinking of your eyes to begin taking yourself  
24 down, deeper, deeper, deeper, deeper, deeper.  
25 That's right. Does it help if I put my hand on



1           your shoulder, Nichol, or would you rather not?

2           NICHOL DEMYEN: (Inaudible).

3           LEE PULOS: Okay. Even deeper, even  
4 further, even deeper, that's right. Just do it  
5 in your own way. Just taking yourself down.  
6 Good. Excellent. That's right. Coming in,  
7 going out, up and down, taking your time, doing  
8 it in your own way, your own speed, making sure  
9 that you are completely comfortable with whatever  
10 you are doing and once more orienting yourself  
11 down, and once you have achieved a comfortable  
12 level -- I want to be able to see both your  
13 fingers -- sorry about that, once you have  
14 achieved a comfortable level, it doesn't have to  
15 be too deep, your subconscious mind will signal by  
16 raising your yes finger. Just take yourself into  
17 that level. And whatever you recall, I will  
18 induce some amnesia for you so that you won't  
19 have to deal with any troubling memories should  
20 they come up, and I will let your subconscious  
21 mind know in advance that whatever it shares with  
22 us, it will go right back into the sub again, and  
23 I will close the trap door until you are ready to  
24 look at it on a conscious level.

25           So take yourself in, now,



1 deeper and deeper and deeper, and further and  
2 deeper, and once you've gone just deep enough,  
3 Nichol, your yes finger will signal to us again  
4 that you are there. And if you can sense it  
5 before I can see it, just move your finger to let  
6 me know that you are there, and I'll just talk  
7 very gently, very slowly, using my words in your  
8 own way. You don't even have to listen to what I  
9 am saying if you choose not to, if you have got  
10 some other thoughts going on in your mind that  
11 you'd rather follow, feel free to do so because  
12 there will always be a part of you that is  
13 monitoring and checking what's going on. Even  
14 deeper now, and the moment your subconscious mind  
15 takes you to the optimum depth level and connects  
16 with the memories of what happened the morning of  
17 January 31st, 1969, your subconscious will raise  
18 your little finger and, with it, will come the  
19 memories that you will be able to share. And the  
20 moment you've shared those memories your  
21 subconscious will seal over again, seal over the  
22 memories, allowing you to enjoy the peace and  
23 comfort without being disturbed by those memories  
24 until you are ready to look at them on a  
25 conscious level. Deeper and deeper and deeper,



1           that's right, that's right. And once you've gone  
2           to that level where the memory of what happened  
3           that morning is buried, and the moment your  
4           subconscious touches on that memory it will  
5           signal to us by raising your yes finger or  
6           sending a little tingle through it that you can  
7           experience, and then you raise it to let me know  
8           you've connected. Even deeper now, even further,  
9           deeper, further, deeper, further, deeper, further  
10          into the subconscious, into your memory bank that  
11          you'll be able to view dispassionately without  
12          any great --

13          (END OF SIDE ONE OF TAPE)

14                 LEE PULOS: Would you rather I do it just  
15                 by asking your fingers; would that be easier for  
16                 you?

17                 NICHOL DEMYEN: Hmm hmm.

18                 LEE PULOS: Okay, let's just do that. Your  
19                 subconscious did say it knows what went on that  
20                 morning and I would like to ask it; do you know  
21                 at a subconscious level who killed that nurse  
22                 that morning? Do you know, at a subconscious  
23                 level, who killed that nurse that morning, the  
24                 person in question, and the answer is yes. Would  
25                 it be all right for you to share, on a conscious



1 level, who it was that did it? I am asking your  
2 fingers. Would it be all right for you to share  
3 on a conscious level who did it? And the moment  
4 your subconscious connects with one of your  
5 fingers it will twitch and let us know. Would it  
6 be all right for you to share on a conscious  
7 level, and release that information, and then  
8 we'll mask it over with a repression so that you  
9 don't remember. Would it be all right for your  
10 to share on a conscious level providing you are  
11 hypnotized to forget it after you share it, After  
12 you share it? The answer is yes, your yes finger  
13 goes up, and here we go.

14 And I would like your  
15 subconscious mind, now, to connect with that  
16 memory, the knowledge in your subconscious as to  
17 who killed that woman the morning of January  
18 31st, 1969, and the moment you are certain in  
19 your subconscious, the release of your conscious  
20 mind, your yes finger will go up, and with it  
21 will come the recollection and memory, and then  
22 we will see what it will bring afterwards.  
23 That's right, just letting your subconscious do  
24 all the work. Nichol, your conscious mind  
25 doesn't have to do anything of importance for



1           now. That's right, that's right, that's right,  
2           Good. And the moment you connect with the  
3           knowledge of who killed that woman that morning  
4           your yes finger will go up and with it will come  
5           the memories and the associations. That's right.  
6           Just allow it to happen in your own way, your own  
7           style, deeper and deeper into the well of that  
8           memory. Then you will be able to share without  
9           feeling badly or guilty or upset and I will seal  
10          it over for you. But I'd like your subconscious  
11          mind, mind to signal the moment it connects with  
12          that memory. It will raise your yes finger, and  
13          the moment your yes finger twitches, with it will  
14          come the memory of who it was who killed that  
15          young woman the morning of January 31st, 1969 in  
16          Sa -- Saskatchewan. That's right, just letting  
17          it happen, letting it happen, letting it happen.  
18          Your subconscious has already indicated that it  
19          does know, and all we are asking it to do is to  
20          release that information to your conscious mind  
21          through your yes finger, giving it permission.  
22          What happened?

23                NICHOL DEMYEN: I can't see anything.

24                LEE PULOS: Nothing at all?

25                NICHOL DEMYEN: I can't see a face.



1 LEE PULOS: And what about --

2 NICHOL DEMYEN: (Inaudible) I'm lost.

3 LEE PULOS: Hmm?

4 NICHOL DEMYEN: Now it's too dark.

5 LEE PULOS: Okay, let me just check the, I  
6 think we are almost out of film, we should get  
7 another film in there just to make sure. Where's  
8 the pause button here? Oh, here we go.

9 (SIDE TWO OF TAPE ONE ENDED)

10 (TAPE TWO BEGINS)

11 LEE PULOS: (Inaudible) -- it's playing.

12 LEE PULOS: Hmm, how are you doing? While  
13 you were drifting there was there anything that  
14 came to you?

15 NICHOL DEMYEN: Yes. I could see an arm.

16 LEE PULOS: Hmm?

17 NICHOL DEMYEN: I just see an arm being  
18 raised up, just, It was so dark, I --

19 LEE PULOS: You could see an arm being  
20 raised then?

21 NICHOL DEMYEN: Uh-huh.

22 LEE PULOS: Could we ask your subconscious  
23 mind if it knows whose arm that was, or do you  
24 already know?

25 NICHOL DEMYEN: I don't know.





1                   LEE PULOS:   Okay.   Does your subconscious  
2                   mind -- did the arm have anything in it, was it  
3                   holding anything, or just an arm being raised?  
4                   Uh-huh?   Let's ask your subconscious mind, does  
5                   it know whose arm was being raised that you just  
6                   saw -- (Inaudible), does it know whose arm was  
7                   being raised that you saw?   If the answer is yes  
8                   your yes finger will go up, if the answer is no  
9                   your no finger will go up.

10                  (LONG PAUSE).

11                  NICHOL DEMYEN:   (Inaudible).

12                  LEE PULOS:    Hmm -- (Inaudible).

13                  NICHOL DEMYEN:   I don't want to know.

14                  LEE PULOS:    Uh-huh.

15                  NICHOL DEMYEN:   No, I don't want to know.

16                  LEE PULOS:    Uh-huh.   Would it be all right  
17                  if you shared with us and then we sort of  
18                  hypnotize it away?

19                  NICHOL DEMYEN:   (Inaudible).

20                  LEE PULOS:    Would it be all right?

21                  NICHOL DEMYEN:   (Inaudible).

22                  LEE PULOS:    Hmm, let's ask it, or do you  
23                  already know?   Let's ask it.   Would it be all  
24                  right?   Let me ask.   Was it, was it Ron Wilson's  
25                  arm that was being raised?   Was it Ron Wilson's?



1           If the answer is yes, it's already a no. Was it  
2           Dave Milgaard's arm that was being raised? The  
3           answer is yes. Did Dave Milgaard's arm have  
4           anything in it? Was he moving it? If the answer  
5           is yes, (Inaudible).

6           LEE PULOS: The answer is yes.

7           NICHOL DEMYEN: (Inaudible). Crying. He  
8           killed her -- the pain.

9           LEE PULOS: Do you want to stop here?

10          NICHOL DEMYEN: (Inaudible), (crying), the  
11          pain.

12          LEE PULOS: Do you want to say something  
13          about it? What's happening? Share. What's  
14          happening right now? Where are you now?

15          NICHOL DEMYEN: No more hurt -- don't do it  
16          to her -- someone help. He's, he's, he's,  
17          (crying).

18          LEE PULOS: What's happening? Share what's  
19          happening now with us -- (Inaudible) -- where are  
20          you now?

21          NICHOL DEMYEN: He stabbed her.

22          LEE PULOS: Who is stabbing her? Who?

23          NICHOL DEMYEN: My head hurts. My -- oh.

24          LEE PULOS: Who is stabbing her?

25          NICHOL DEMYEN: My head hurts. Is he --



1 (crying).

2 LEE PULOS: Who's doing it? Who is it?

3 NICHOL DEMYEN: Oh. Oh -- Oh. Oh, my.

4 LEE PULOS: Give us a name, who is the  
5 name? Who's stabbing?

6 NICHOL DEMYEN: Oh -- my head hurts.

7 LEE PULOS: Hmm?

8 LEE PULOS: Who's stabbing her?

9 NICHOL DEMYEN: I ca -- Ah.

10 LEE PULOS: We'll take this all away, but  
11 we've got to get it out. We're almost there.

12 Who is stabbing her? Who is stabbing her?

13 NICHOL DEMYEN: Crying -- (sigh).

14 LEE PULOS: Who is stabbing her? If you  
15 can just get it out we can get you back in.

16 NICHOL DEMYEN: (Crying, moaning).

17 LEE PULOS: Huh? Hmm.

18 NICHOL DEMYEN: (Inaudible) -- Oh -- Oh --  
19 (composes herself).

20 NICHOL DEMYEN: (Sigh) -- (Inaudible).

21 LEE PULOS: Beg your pardon?

22 (Pause).

23 NICHOL DEMYEN: I thought my head was going  
24 to explode.

25 LEE PULOS: I'm sure. I'm sure that if you



1           just let it out, whatever it is, I don't even  
2           know what you saw, if you just let it out I think  
3           it would help you relieve a lot of the pressure  
4           inside your head. What were you seeing? Why are  
5           you hurt?

6           NICHOL DEMYEN: (Sobbing). I was feeling  
7           things. It was like I can't, I can't visualize  
8           it, I can just, I can feel it.

9           LEE PULOS: And what do you feel? What  
10          were you feelings (Inaudible).

11          NICHOL DEMYEN: So helpless. (Sob).

12          LEE PULOS: You were so helpless, or she  
13          was?

14          NICHOL DEMYEN: Both of us.

15          LEE PULOS: And who is doing what? Who was  
16          it, what --

17          NICHOL DEMYEN: Sobbing. (Inaudible) -- I  
18          don't want to know.

19          LEE PULOS: Hmm, (Inaudible). Try to give  
20          us a name and identification as to who it was,  
21          what he was doing to who.

22          (VERY LONG PAUSE).

23          NICHOL DEMYEN: (Blows her nose).

24          LEE PULOS: (Inaudible) Would it help you  
25          if you (Inaudible) without seeing yourself?



1                   NICHOL DEMYEN:   (Inaudible).

2                   LEE PULOS:    Hmm (Inaudible).

3                   NICHOL DEMYEN:   (Inaudible) It was like  
4 something I had gone through before, I felt like  
5 I was being strangled.

6                   LEE PULOS:    You felt like you were  
7 strangled?

8                   NICHOL DEMYEN:   Yes.

9                   LEE PULOS:    Being choked, like? Do you  
10 feel it would help you if you shared what you  
11 went through, Get it off your chest, and then we  
12 can get back and put you under and take the  
13 memory away. Feel a little better --  
14 (Inaudible).

15                  NICHOL DEMYEN:   I don't know if I can do  
16 that.

17                  LEE PULOS:    Don't push yourself, whatever  
18 you feel comfortable, I don't want you to do  
19 anything that could make you feel uncomfortable.

20                  NICHOL DEMYEN:   (Inaudible).

21                  LEE PULOS:    (Inaudible). Hmm. And just do  
22 it in your own way, just reconnect with those  
23 feelings. (Cough).

24                  LEE PULOS:    Reconnect with those feelings,  
25 the morning of January 31st, 1969 you were seeing



1           someone put (Inaudible), go back to that time  
2           unless you know the killer. I'd like you to  
3           share who was doing what, and we would have it on  
4           tape, and then we will go from there --  
5           (Inaudible) and that's all you have to worry  
6           about. (Inaudible).

7           NICHOL DEMYEN: (Inaudible) I don't want to  
8           go back.

9           LEE PULOS: Uh-huh? Hmm?

10          NICHOL DEMYEN: I don't want to go back.

11          LEE PULOS: Can you do it sort of out of  
12          your body? (Inaudible) of off to one side so you  
13          won't be inside your body then? So let's do it  
14          that way. A young girl, a frightened little  
15          girl, and you're here today to learn from her, to  
16          observe what went on, whatever, and to share with  
17          the person back here observing here today.  
18          (Inaudible) you may -- in a moment you are going  
19          to share. (Inaudible) Just try to close your  
20          eyes. (Inaudible)

21          (Inaudible for a very great length on the tape).

22          NICHOL DEMYEN: (Inaudible).

23          LEE PULOS: Hmm.

24          NICHOL DEMYEN: (Inaudible).

25          LEE PULOS: (Inaudible). Would it help if



1                   you used your fingers to connect?   Hmm?

2                   NICHOL DEMYEN:   (Inaudible).

3                   LEE PULOS:   I would like you to use your  
4                   subconscious mind, through your fingers, to  
5                   reconnect the past experience the morning of  
6                   July -- or January 31st, 1969.   The moment your  
7                   subconscious mind connects (Inaudible) what that  
8                   little girl saw in Saskatoon -- (Inaudible).

9                   NICHOL DEMYEN:   (Inaudible).

10                  LEE PULOS:   Do you mind if I put my hand on  
11                  your shoulder?

12                  NICHOL DEMYEN:   No.

13                  LEE PULOS:   (Inaudible). (Inaudible).

14                  NICHOL DEMYEN:   Cold.

15                  LEE PULOS:   Cold?

16                  NICHOL DEMYEN:   Uh-huh.

17                  LEE PULOS:   (Inaudible) -- and was that  
18                  Dave Milgaard?   Was that Dave Milgaard?   Would  
19                  you -- was it?

20                  NICHOL DEMYEN:   (Crying).

21                  LEE PULOS:   Hmm?

22                  NICHOL DEMYEN:   (Crying).

23                  LEE PULOS:   Just say it.

24                  NICHOL DEMYEN:   I don't know.   I don't  
25                  feel.



1                   LEE PULOS: (Inaudible) Your subconscious  
2 seems to say.

3                   NICHOL DEMYEN: I have more feelings than I  
4 have thoughts.

5                   LEE PULOS: Beg your pardon?

6                   NICHOL DEMYEN: I have more feelings than I  
7 have thoughts. (Weeps) I can't put a conscious  
8 thought into my head.

9                   LEE PULOS: How about your feelings? What  
10 were you feeling when that happened? As I was  
11 asking questions about someone doing something to  
12 somebody your yes finger said, yes, that's  
13 exactly what happened.

14                  NICHOL DEMYEN: (Inaudible) (weeps).

15                  LEE PULOS: What were you feeling when I  
16 was asking you those questions?

17                  NICHOL DEMYEN: (Inaudible).

18                  LEE PULOS: Can you put those feelings into  
19 thoughts? For instance, what were you seeing,  
20 What was that little girl feeling?

21                  NICHOL DEMYEN: I can see, I can see an arm  
22 coming down, person's back, the back, the  
23 person's back. I can see an arm being raised up,  
24 there's something in the arm, but I can't see any  
25 more.





1                   LEE PULOS: And whose arm was it, Whose arm  
2 was being raised?

3                   NICHOL DEMYEN: I don't know. (Weeps).

4                   LEE PULOS: (Inaudible).

5                   NICHOL DEMYEN: (Weeps).

6                   LEE PULOS: Who's arm was that?  
7 (Inaudible).

8                   NICHOL DEMYEN: I don't remember. Make  
9 them go away.

10                  LEE PULOS: We'll make it go away for sure  
11 as best as we can. If you could put those  
12 feelings into words; whose arm was that?  
13 (Pause).

14                  NICHOL DEMYEN: I want to see a face but I  
15 can't see one.

16                  LEE PULOS: Was David Milgaard there; do  
17 you remember?

18                  NICHOL DEMYEN: (Inaudible).

19                  LEE PULOS: Pardon?

20                  NICHOL DEMYEN: I want to --

21                  LEE PULOS: Pardon?

22                  NICHOL DEMYEN: I don't want to go back.

23                  LEE PULOS: You don't want to go back?

24 Well can I review sort of what we've got for you.  
25 In establishing what we call any ideomotor



1 questions, subconscious questioning, We had you  
2 go back, and of course each time we went back was  
3 a very upsetting experience for you. And you  
4 began connecting with images, and then earlier  
5 you said you saw something that was very painful,  
6 and you said you saw someone's arm going up, your  
7 fingers said it was a knife in that arm, and that  
8 the girl's back was --

9 NICHOL DEMYEN: His back was turned.

10 LEE PULOS: His back was turned? How far  
11 away was he --

12 NICHOL DEMYEN: (Inaudible).

13 LEE PULOS: -- from where you were? Were  
14 you sitting in the car or?

15 NICHOL DEMYEN: No.

16 LEE PULOS: Where were you?

17 NICHOL DEMYEN: I don't know why I wasn't  
18 in the car.

19 LEE PULOS: Oh, and then what happened when  
20 this person attacked this woman, what happened to  
21 the woman?

22 NICHOL DEMYEN: She was down on the ground.

23 LEE PULOS: Was she moving about or did  
24 she -- was she crying out or anything?

25 NICHOL DEMYEN: (Inaudible).



1                   LEE PULOS: Did it look like she died  
2 immediately or did she --

3                   NICHOL DEMYEN: (Inaudible).

4                   LEE PULOS: Now, after she fell to the  
5 ground, this person that did what he did to her  
6 must have turned around?

7                   NICHOL DEMYEN: (Inaudible).

8                   LEE PULOS: You ran. Now was there another  
9 man with you, one of the two men with you, when  
10 this happened?

11 (Pause) (Inaudible).

12                  LEE PULOS: Remember, there were two  
13 people, Ron Wilson and Dave Milgaard; were you  
14 with one of the people -- (Inaudible).

15                  NICHOL DEMYEN: (Inaudible).

16                  LEE PULOS: Any comments?

17                  NICHOL DEMYEN: No.

18                  LEE PULOS: But do you have any sense --  
19 your fingers, according to your subconscious, say  
20 that it was David Milgaard that did the stabbing,  
21 and you can look back at it now; how do you feel  
22 about what your subconscious says, does that make  
23 sense to you?

24                  NICHOL DEMYEN: It doesn't.

25                  LEE PULOS: It doesn't? Why do you say



1           that?

2           NICHOL DEMYEN: It doesn't know.

3           (Inaudible) I have no memory.

4           LEE PULOS: But there are subconscious  
5 memories, of course, that are coming through --  
6 (Inaudible) -- and your subconscious says it does  
7 know, pointed out who did it -- hmm?

8           NICHOL DEMYEN: I know. It's so hard to go  
9 back and --

10          LEE PULOS: Yeah, I know. Did you want to  
11 try it again? Hmm?

12          NICHOL DEMYEN: I am exhausted.

13          LEE PULOS: Exhausted.

14          NICHOL DEMYEN: (Inaudible).

15          LEE PULOS: Why don't I call?

16          **(END OF TAPE)**

17          MR. HODSON: Mr. Commissioner, that's the  
18 end of the videotape.

19                   I think, yesterday, we said we  
03:28 20 were going to retire early today so, without an  
21 afternoon break, so this may be an appropriate  
22 time for the day.

23          COMMISSIONER MacCALLUM: Thank you very  
24 much. 10:00 tomorrow morning.

03:28 25                   *(Adjourned at 3:25 p.m.)*



**OFFICIAL QUEEN'S BENCH COURT REPORTERS' CERTIFICATES:**

We, Karen Hinz, CSR, and Donald G. Meyer, RPR, CSR,  
Official Queen's Bench Court Reporters for the Province of  
Saskatchewan, hereby certify that the foregoing pages  
contain a true and correct transcription of our shorthand  
notes taken herein to the best of our knowledge, skill,  
and ability.

\_\_\_\_\_, CSR

Karen Hinz, CSR

Official Queen's Bench Court Reporter

\_\_\_\_\_, RPR, CSR

Donald G. Meyer, RPR, CSR

Official Queen's Bench Court Reporter



<b>\$</b>	<b>19</b> - 4417:4 <b>1969</b> - 4317:5, 4318:15, 4320:3, 4324:22, 4326:6, 4328:1, 4332:23, 4333:6, 4355:3, 4365:10, 4370:21, 4417:5, 4419:21, 4422:4, 4423:5, 4423:13, 4423:20, 4426:17, 4428:18, 4429:15, 4435:25, 4437:6 <b>1970</b> - 4324:23 <b>1970s</b> - 4419:21 <b>1979</b> - 4370:10 <b>1980</b> - 4357:20 <b>1981</b> - 4283:10, 4317:6, 4321:12, 4322:1, 4322:3, 4322:16, 4326:5, 4328:20, 4329:1, 4334:19, 4335:4, 4342:3, 4350:20, 4350:25, 4358:10, 4358:13 <b>1982</b> - 4344:11, 4346:20, 4347:18, 4348:22, 4350:14, 4350:21 <b>1983</b> - 4360:12, 4361:1 <b>1989</b> - 4332:11, 4334:9, 4350:23, 4350:25, 4353:16, 4357:10, 4360:1, 4366:25, 4367:21, 4369:13, 4370:6, 4375:24, 4377:1, 4380:2, 4385:2, 4391:3, 4406:24, 4408:25 <b>1991</b> - 4409:1, 4410:13, 4411:20 <b>1993</b> - 4408:14 <b>1999</b> - 4407:23	<b>26th</b> - 4335:4 <b>28</b> - 4325:10, 4415:12 <b>2:00</b> - 4390:21, 4390:23	4320:12, 4325:19, 4329:13, 4347:7, 4362:14, 4365:8, 4391:14, 4394:14, 4400:19, 4404:5, 4404:6, 4404:10, 4406:22, 4407:8, 4407:20, 4410:9, 4425:12, 4426:19, 4427:11, 4429:8 <b>absolute</b> - 4315:13 <b>absolutely</b> - 4288:17, 4332:3, 4364:6 <b>access</b> - 4424:20 <b>accommodations</b> - 4381:10 <b>According</b> - 4342:10, 4390:17 <b>according</b> - 4350:10, 4369:11, 4441:19 <b>accurate</b> - 4331:23 <b>achieved</b> - 4417:20, 4425:11, 4425:14 <b>acknowledge</b> - 4354:10, 4354:17, 4356:17 <b>acquaintance</b> - 4303:24, 4354:3, 4381:24 <b>action</b> - 4296:24, 4299:25 <b>actionable</b> - 4296:6 <b>actions</b> - 4296:5 <b>activities</b> - 4355:15 <b>activity</b> - 4401:4 <b>add</b> - 4285:5 <b>address</b> - 4361:14 <b>adjourned</b> - 4283:6 <b>Adjourned</b> - 4346:16, 4390:22, 4442:25 <b>admit</b> - 4290:6, 4304:1, 4310:8 <b>advance</b> - 4425:21 <b>advice</b> - 4339:24 <b>advise</b> - 4345:7, 4345:20, 4345:24, 4359:19 <b>advised</b> - 4345:25, 4346:1, 4359:17, 4360:5 <b>advises</b> - 4345:9 <b>aerial</b> - 4302:9 <b>affect</b> - 4328:13 <b>affected</b> - 4332:22, 4333:7, 4333:9, 4333:15, 4333:16 <b>afraid</b> - 4286:20, 4308:8, 4323:6, 4396:18 <b>afternoon</b> - 4291:13, 4390:25, 4442:21 <b>afterwards</b> - 4428:22 <b>age</b> - 4387:3 <b>ago</b> - 4302:16, 4303:4, 4313:15, 4346:4, 4356:8, 4411:22 <b>agree</b> - 4317:4, 4321:25, 4322:5, 4322:17, 4322:21, 4365:23, 4365:24, 4369:14, 4369:15, 4374:14, 4397:14, 4397:15, 4405:14, 4406:23, 4409:18 <b>agreed</b> - 4286:22, 4310:9 <b>agreement</b> - 4348:19 <b>ahead</b> - 4289:19, 4315:12, 4317:13, 4319:12, 4337:24,	4352:24, 4388:16, 4414:11, 4423:1 <b>aid</b> - 4339:7 <b>air</b> - 4371:2 <b>Albert</b> - 4288:20 <b>Alberta</b> - 4287:17 <b>alleges</b> - 4355:5 <b>alleging</b> - 4344:3 <b>alley</b> - 4298:13, 4298:20, 4299:12, 4299:16, 4299:23, 4300:4, 4300:11, 4318:1, 4363:5, 4372:11, 4372:15, 4373:15, 4374:3, 4375:2, 4375:4, 4375:9, 4376:13, 4376:20, 4376:21, 4386:6, 4392:17, 4393:6, 4394:19, 4394:20, 4395:25, 4402:4, 4402:23 <b>allow</b> - 4312:9, 4429:6 <b>allowed</b> - 4290:25 <b>allowing</b> - 4426:22 <b>almost</b> - 4284:23, 4373:17, 4374:5, 4388:13, 4400:2, 4419:11, 4430:6, 4433:11 <b>alone</b> - 4383:17 <b>amnesia</b> - 4424:14, 4424:22, 4425:18 <b>analytical</b> - 4387:2 <b>angry</b> - 4383:13 <b>ankles</b> - 4416:21 <b>announcer</b> - 4296:7 <b>answer</b> - 4288:10, 4302:18, 4304:23, 4313:12, 4314:22, 4318:19, 4318:25, 4319:11, 4323:1, 4325:8, 4326:10, 4327:5, 4327:14, 4327:21, 4328:19, 4329:2, 4331:11, 4334:6, 4356:10, 4356:21, 4357:2, 4357:4, 4357:17, 4359:13, 4360:5, 4366:4, 4367:11, 4367:14, 4369:21, 4372:22, 4373:1, 4377:11, 4377:13, 4377:14, 4380:11, 4381:25, 4382:11, 4386:12, 4387:1, 4388:24, 4388:25, 4392:14, 4397:24, 4398:3, 4398:23, 4400:3, 4401:8, 4402:2, 4421:19, 4423:4, 4423:5, 4423:9, 4423:10, 4427:24, 4428:12, 4431:7, 4431:8, 4432:1, 4432:3, 4432:4, 4432:6 <b>Answer</b> - 4331:13, 4357:18, 4357:20, 4357:22, 4363:1, 4363:4, 4363:8, 4363:9, 4363:12, 4363:25, 4364:3, 4364:5, 4364:9, 4364:11, 4364:14, 4364:15, 4364:18, 4365:21, 4365:25, 4366:2, 4366:6, 4366:8, 4366:9, 4366:10, 4366:12, 4366:14, 4366:16, 4368:20,
<b>\$10,000</b> - 4293:21				
<b>'</b>		<b>3</b>		
<b>'69</b> - 4365:4 <b>'70</b> - 4317:5 <b>'80s</b> - 4332:15 <b>'81</b> - 4357:21 <b>'89</b> - 4395:11 <b>'91</b> - 4408:14 <b>'93</b> - 4408:19 <b>'whose</b> - 4377:21		<b>3</b> - 4363:7, 4372:2, 4372:21, 4372:25, 4373:13, 4374:1, 4374:3, 4413:19, 4414:25 <b>30</b> - 4283:14, 4415:12 <b>31</b> - 4320:3, 4370:21, 4417:4 <b>31st</b> - 4332:23, 4419:21, 4422:4, 4423:4, 4423:13, 4423:20, 4426:17, 4428:18, 4429:15, 4435:25, 4437:6 <b>32</b> - 4415:12 <b>34</b> - 4415:12 <b>36</b> - 4415:12 <b>38</b> - 4415:13 <b>3:25</b> - 4442:25		
<b>0</b>		<b>4</b>		
<b>018593</b> - 4362:9 <b>018594</b> - 4362:11 <b>025339</b> - 4341:25 <b>047674</b> - 4329:20 <b>048647</b> - 4317:11 <b>048649</b> - 4317:23 <b>048651</b> - 4318:6 <b>048652</b> - 4318:17 <b>048654</b> - 4320:15 <b>048656</b> - 4322:22 <b>048658</b> - 4323:9 <b>048662</b> - 4324:11 <b>048678</b> - 4330:19 <b>048679</b> - 4330:25 <b>048683</b> - 4331:6 <b>054558</b> - 4410:14		<b>4</b> - 4372:21, 4372:25, 4373:21, 4373:22, 4374:6, 4375:12, 4375:16, 4413:20, 4415:1 <b>40</b> - 4283:14, 4415:13 <b>4283</b> - 4282:4, 4282:5 <b>4316</b> - 4282:8 <b>4411</b> - 4282:9 <b>4442</b> - 4282:10		
<b>1</b>		<b>5</b>		
<b>1</b> - 4347:18, 4348:18, 4413:8, 4413:18, 4414:21, 4414:24 <b>10</b> - 4292:25, 4413:8, 4415:8 <b>10:00</b> - 4283:2, 4442:24 <b>10th</b> - 4342:3, 4362:3, 4362:14 <b>11</b> - 4301:20, 4301:21, 4302:5, 4302:14, 4302:16, 4356:13, 4356:21, 4415:8 <b>11:16</b> - 4346:16 <b>11:35</b> - 4346:17 <b>12</b> - 4291:19, 4294:6, 4415:9 <b>125206</b> - 4353:13, 4391:7 <b>125207</b> - 4356:3 <b>125209</b> - 4356:22 <b>125211</b> - 4359:7 <b>125214</b> - 4362:2 <b>125219</b> - 4369:19 <b>125220</b> - 4371:23 <b>125222</b> - 4374:20 <b>125223</b> - 4377:9 <b>125225</b> - 4378:23 <b>125226</b> - 4380:7 <b>125229</b> - 4381:16 <b>125236</b> - 4384:16 <b>125239</b> - 4391:7 <b>125241</b> - 4394:7 <b>125249</b> - 4405:23 <b>125250</b> - 4395:8 <b>12:32</b> - 4390:22 <b>14</b> - 4415:10 <b>15</b> - 4335:5, 4368:16 <b>16</b> - 4304:1, 4328:17, 4415:11 <b>16-year-old</b> - 4328:14 <b>18</b> - 4415:11 <b>18th</b> - 4347:6, 4348:22	<b>2</b> - 4362:6, 4362:18, 4362:19, 4363:11, 4365:20, 4368:19, 4413:19, 4414:24 <b>20</b> - 4283:24, 4283:25, 4286:8, 4286:14, 4287:23, 4287:24, 4326:21, 4369:13, 4397:14, 4402:1, 4411:21, 4415:11 <b>2005</b> - 4279:21 <b>20th</b> - 4334:19 <b>216041</b> - 4335:4 <b>216067</b> - 4344:10 <b>216068</b> - 4346:24 <b>216069</b> - 4348:15 <b>218146</b> - 4347:15 <b>219489</b> - 4334:12 <b>219542</b> - 4348:21 <b>22</b> - 4411:21, 4415:11 <b>22nd</b> - 4290:23, 4346:24 <b>23</b> - 4279:22 <b>23rd</b> - 4381:9 <b>24</b> - 4415:11 <b>24th</b> - 4325:3, 4326:6, 4326:23, 4328:1, 4356:15, 4362:4, 4365:4, 4365:9, 4381:9 25 - 4410:13 <b>250</b> - 4395:9 <b>25th</b> - 4411:19 <b>26</b> - 4415:11	<b>5</b> - 4372:21, 4372:25, 4376:6, 4376:11, 4376:17, 4413:21, 4415:2		
	<b>2</b>	<b>6</b>		
		<b>6</b> - 4415:6 <b>657</b> - 4323:9 <b>6:00</b> - 4419:22, 4422:4 <b>6:30</b> - 4419:22 <b>6:50</b> - 4395:11		
		<b>7</b>		
		<b>7</b> - 4395:11, 4415:6 <b>7:30</b> - 4286:14 <b>7th</b> - 4353:16, 4366:25, 4370:10, 4375:24, 4391:3		
		<b>8</b>		
		<b>8</b> - 4415:6 <b>8th</b> - 4279:21		
		<b>9</b>		
		<b>9</b> - 4283:10, 4344:11, 4415:7		
		<b>A</b>		
		<b>Aaron</b> - 4281:8 <b>aback</b> - 4358:3 <b>aberrations</b> - 4313:19 <b>ability</b> - 4443:8 <b>able</b> - 4291:25,		



4368:22, 4368:24, 4372:6, 4372:8, 4372:9, 4372:18, 4372:19, 4372:23, 4373:2, 4373:3, 4373:9, 4373:14, 4373:15, 4374:23, 4375:18, 4375:19, 4376:8, 4379:9, 4379:10, 4379:21, 4380:10, 4380:21, 4380:22, 4381:4, 4381:5, 4381:6, 4381:11, 4382:3, 4382:12, 4382:15, 4382:21, 4382:25, 4383:2, 4383:20, 4383:25, 4384:5, 4384:6, 4384:7, 4384:22, 4385:16, 4386:21, 4386:24, 4386:25, 4387:6, 4387:10, 4387:12, 4387:13, 4387:15, 4387:17, 4387:18, 4387:21, 4388:11, 4388:12, 4388:15, 4388:21, 4389:4, 4389:6, 4391:24, 4391:25, 4392:7, 4392:9, 4392:15, 4392:16, 4392:20, 4393:10, 4393:13, 4394:18, 4394:23, 4395:20, 4395:22, 4396:2, 4396:11, 4397:3, 4397:4, 4397:20, 4397:23, 4398:8, 4398:14, 4398:21, 4398:24, 4399:1, 4399:17, 4399:18, 4399:21, 4400:1, 4400:5, 4400:6, 4400:8, 4400:13, 4400:16, 4401:4, 4401:6, 4401:24, 4401:25, 4402:7, 4403:1, 4403:9, 4403:10, 4404:17, 4404:20 <b>answered</b> - 4317:1, 4326:6, 4354:18, 4354:20, 4377:22 <b>answering</b> - 4313:23 <b>answers</b> - 4313:21, 4314:23, 4314:24, 4330:14 <b>Anthony</b> - 4282:6, 4283:16 <b>anyhow</b> - 4292:18 <b>anyway</b> - 4361:10, 4361:18, 4381:22, 4382:2, 4382:4, 4397:19 <b>apart</b> - 4284:14, 4284:16, 4387:8 <b>apartment</b> - 4287:20, 4358:18, 4376:20, 4379:12, 4379:25 <b>apologize</b> - 4371:25, 4372:1, 4406:21 <b>appealing</b> - 4289:8 <b>appear</b> - 4314:23, 4314:24, 4366:25, 4407:1 <b>Appearances</b> - 4281:1 <b>appeared</b> - 4284:21 <b>application</b> - 4353:10, 4355:9 <b>applied</b> - 4355:2 <b>appointment</b> -	4345:11, 4345:13 <b>appreciate</b> - 4312:21, 4316:21, 4319:1, 4325:17, 4330:16, 4333:2, 4339:23, 4343:4, 4406:2 <b>apprehension</b> - 4417:2 <b>approached</b> - 4366:5 <b>appropriate</b> - 4390:19, 4442:21 <b>area</b> - 4292:11, 4353:21 <b>argument</b> - 4384:19, 4385:3 <b>arising</b> - 4297:23 <b>arm</b> - 4430:15, 4430:17, 4430:19, 4430:23, 4431:2, 4431:3, 4431:5, 4431:6, 4431:25, 4432:2, 4432:3, 4438:21, 4438:23, 4438:24, 4439:1, 4439:6, 4439:12, 4440:6, 4440:7 <b>armed</b> - 4293:9 <b>arms</b> - 4416:2, 4417:14 <b>arrange</b> - 4310:19, 4347:7 <b>arranged</b> - 4314:10, 4338:12, 4345:12, 4410:4, 4410:5, 4410:8 <b>arrangements</b> - 4292:5, 4349:1 <b>arranging</b> - 4406:18 <b>artist</b> - 4308:21 <b>aside</b> - 4327:11 <b>aspects</b> - 4292:21 <b>assess</b> - 4315:10 <b>assist</b> - 4317:20, 4318:13, 4321:18, 4323:4, 4324:18, 4330:4, 4334:10, 4340:3, 4346:2, 4359:22, 4367:19, 4369:7, 4370:2, 4375:6, 4378:10, 4379:22, 4383:3, 4384:13, 4384:24, 4389:16, 4393:19, 4397:11, 4400:19, 4401:14, 4402:14, 4405:18 <b>assistance</b> - 4339:1 <b>Assistant</b> - 4280:3, 4280:6 <b>associate</b> - 4388:19, 4394:14, 4398:20 <b>associations</b> - 4429:5 <b>assume</b> - 4350:3, 4371:12 <b>assumed</b> - 4285:18, 4285:19 <b>assuming</b> - 4299:15 <b>assure</b> - 4424:21 <b>attached</b> - 4395:14 <b>attacked</b> - 4440:20 <b>attempted</b> - 4409:2, 4409:21 <b>attend</b> - 4344:21, 4345:8, 4346:10, 4348:19 <b>attendances</b> - 4334:21, 4339:17 <b>attending</b> - 4350:13 <b>attention</b> - 4359:12, 4372:2 <b>attracting</b> - 4402:18 <b>audible</b> - 4411:3 <b>audio</b> - 4283:14	<b>Audio</b> - 4280:15 <b>August</b> - 4290:23 <b>Avenue</b> - 4286:14 <b>aware</b> - 4343:9, 4354:13 <b>awareness</b> - 4417:23 <b>awful</b> - 4284:12, 4293:22 <b>awhile</b> - 4292:23  <b>B</b> <b>background</b> - 4315:8, 4315:11 <b>bad</b> - 4320:6, 4349:6 <b>badly</b> - 4429:9 <b>bag</b> - 4323:13, 4323:16, 4323:20, 4324:9, 4377:18, 4377:19, 4377:22, 4378:4, 4378:14, 4378:18 <b>balance</b> - 4367:10 <b>bank</b> - 4427:10 <b>Bar</b> - 4313:13, 4314:10 <b>barrels</b> - 4292:19 <b>Bartleby's</b> - 4295:21 <b>based</b> - 4328:21 <b>basis</b> - 4311:13 <b>bathroom</b> - 4287:18 <b>bear</b> - 4380:17 <b>became</b> - 4318:11 <b>bedside</b> - 4293:11 <b>beforehand</b> - 4313:7 <b>Beg</b> - 4433:21, 4438:5 <b>began</b> - 4440:4 <b>begin</b> - 4412:7, 4419:3, 4419:15, 4424:23 <b>beginning</b> - 4361:11, 4413:18, 4419:5 <b>Begins</b> - 4430:10 <b>behind</b> - 4298:4, 4299:24, 4376:20, 4376:22, 4377:6 <b>Beitel</b> - 4280:11 <b>believer</b> - 4314:17 <b>believes</b> - 4313:23, 4339:20 <b>bell</b> - 4351:15, 4352:6, 4360:12, 4362:23, 4365:25 <b>bells</b> - 4368:3, 4368:4 <b>below</b> - 4284:22 <b>Bench</b> - 4443:2, 4443:4, 4443:15, 4443:21 <b>Beresh</b> - 4281:10 <b>best</b> - 4313:12, 4317:2, 4354:21, 4364:4, 4364:11, 4381:10, 4419:8, 4439:11, 4443:7 <b>bet</b> - 4293:3 <b>betcha</b> - 4393:14 <b>better</b> - 4311:5, 4317:5, 4435:13 <b>between</b> - 4283:24, 4286:6, 4286:9, 4286:14, 4287:24, 4311:16, 4315:17, 4316:18, 4329:23, 4330:14, 4350:12, 4350:25, 4369:24, 4370:12, 4379:20, 4384:19, 4385:10, 4400:7, 4403:2 <b>Between</b> - 4282:5, 4283:15 <b>beyond</b> - 4300:3	<b>big</b> - 4295:11, 4309:16, 4369:4, 4392:17, 4396:13, 4398:9, 4398:10, 4399:24 <b>birthday</b> - 4290:24 <b>bit</b> - 4284:17, 4289:19, 4289:20, 4313:1, 4313:2, 4322:10, 4326:3, 4342:2, 4344:23, 4370:16, 4380:14, 4381:11, 4387:9, 4392:16, 4405:10, 4408:13, 4414:11, 4414:20, 4418:6, 4419:5, 4419:12, 4423:2 <b>blame</b> - 4424:12 <b>blank</b> - 4388:16, 4397:16 <b>blanket</b> - 4415:15, 4416:23 <b>blanks</b> - 4404:9 <b>blinking</b> - 4424:23 <b>block</b> - 4298:24, 4379:7, 4379:12, 4379:25, 4380:4 <b>blocking</b> - 4318:23, 4318:24 <b>blocks</b> - 4287:2, 4376:21 <b>blood</b> - 4284:4, 4284:17, 4287:21, 4313:19, 4314:1, 4415:20, 4416:10 <b>Blows</b> - 4434:23 <b>board</b> - 4290:8 <b>Bobs</b> - 4281:5 <b>bodies</b> - 4416:19 <b>body</b> - 4313:19, 4390:13, 4417:7, 4436:12, 4436:13 <b>boiled</b> - 4337:21 <b>book</b> - 4314:15, 4351:11, 4351:14, 4351:20, 4360:16, 4361:21, 4387:19 <b>books</b> - 4387:23 <b>boot</b> - 4284:6 <b>boss</b> - 4315:18 <b>Boswell</b> - 4280:5 <b>bother</b> - 4403:15, 4404:14, 4424:15 <b>bothered</b> - 4290:9, 4321:13, 4333:21, 4334:5 <b>bothering</b> - 4332:19, 4380:12, 4380:14, 4403:10 <b>bothers</b> - 4403:8, 4403:9 <b>bottom</b> - 4293:3, 4317:14, 4320:25, 4323:23, 4324:25, 4326:21, 4326:22, 4331:8, 4343:19, 4354:23, 4356:4, 4357:14, 4360:4, 4362:15, 4363:11, 4363:15, 4363:16, 4365:21, 4367:6, 4367:8, 4368:19, 4373:13, 4373:17, 4373:19, 4373:20, 4374:2, 4374:5, 4374:7, 4375:12, 4375:14, 4375:18, 4379:8, 4380:8, 4383:15, 4383:17 <b>Bottos</b> - 4281:13 <b>bought</b> - 4380:17	<b>boulevard</b> - 4395:1 <b>box</b> - 4377:18, 4378:8 <b>boy</b> - 4401:12 <b>boy's</b> - 4294:7 <b>Boyd</b> - 4352:5 <b>boys</b> - 4297:23, 4300:4, 4367:15, 4368:11, 4372:3 <b>brackets</b> - 4382:19, 4388:4 <b>brain</b> - 4417:1 <b>break</b> - 4288:25, 4289:3, 4346:14, 4346:19, 4390:19, 4390:25, 4442:21 <b>Brian</b> - 4281:10, 4295:14 <b>bricks</b> - 4396:1, 4396:12 <b>bring</b> - 4340:25, 4341:2, 4428:22 <b>British</b> - 4352:8 <b>broad</b> - 4376:14 <b>broke</b> - 4302:8 <b>brother</b> - 4361:12 <b>brought</b> - 4303:20, 4361:20, 4380:17, 4380:19 <b>Bruce</b> - 4281:9 <b>building</b> - 4357:25, 4358:4, 4358:17, 4358:20, 4369:5 <b>buildings</b> - 4369:3 <b>built</b> - 4397:7 <b>bundled</b> - 4369:1 <b>buried</b> - 4284:6, 4284:7, 4284:8, 4427:3 <b>bus</b> - 4300:9 <b>business</b> - 4321:2, 4352:18, 4421:19, 4421:23 <b>busy</b> - 4335:23 <b>buttocks</b> - 4416:15 <b>button</b> - 4430:8 <b>buzz</b> - 4357:25, 4358:17  <b>C</b> <b>ca</b> - 4433:9 <b>Caanon</b> - 4314:16 <b>Cadrain</b> - 4385:3 <b>Cadrain's</b> - 4384:18 <b>Caldwell</b> - 4281:5 <b>Calgary</b> - 4304:3, 4304:4, 4304:8, 4304:12, 4305:4, 4305:22, 4305:25, 4306:2, 4307:5, 4307:6, 4307:7, 4307:13, 4307:15, 4382:20 <b>calming</b> - 4417:1, 4417:11 <b>calves</b> - 4416:21 <b>Calvin</b> - 4281:13 <b>camera</b> - 4421:16, 4423:21 <b>camp</b> - 4291:17 <b>Canada</b> - 4281:12, 4353:4, 4360:17 <b>Canadian</b> - 4313:13, 4314:10 <b>Candace</b> - 4280:4 <b>candle</b> - 4412:25, 4413:3, 4413:8, 4413:17 <b>cans</b> - 4374:25, 4375:4, 4375:9, 4375:21, 4375:25, 4386:8, 4392:20, 4392:21, 4396:16,
---	---	--	--	---



<p>4396:19, 4396:21, 4397:2, 4397:9, 4397:22, 4398:7, 4401:4 <b>capabilities</b> - 4315:11 <b>capital</b> - 4355:4 <b>Car</b> - 4297:25 <b>car</b> - 4284:11, 4284:12, 4284:13, 4284:14, 4284:15, 4284:22, 4297:24, 4298:2, 4298:4, 4298:7, 4298:17, 4299:20, 4299:21, 4300:1, 4300:5, 4300:12, 4300:13, 4300:21, 4300:25, 4301:5, 4301:7, 4301:16, 4302:8, 4302:9, 4306:5, 4365:22, 4367:16, 4368:5, 4368:12, 4368:25, 4372:12, 4372:18, 4376:14, 4377:20, 4379:5, 4382:15, 4384:20, 4393:7, 4402:24, 4402:25, 4419:23, 4440:14, 4440:18 <b>care</b> - 4348:22 <b>cares</b> - 4303:4 <b>Carlyle</b> - 4351:15 <b>Carlyle-gordge</b> - 4351:15 <b>carries</b> - 4355:19, 4376:5 <b>carrot</b> - 4290:3 <b>carry</b> - 4283:13 <b>Carry</b> - 4388:15 <b>Carrying</b> - 4397:18, 4401:1, 4401:19, 4402:16 <b>carrying</b> - 4321:7, 4391:24, 4392:4, 4393:4, 4397:1, 4399:13 <b>case</b> - 4299:15, 4302:6, 4314:20, 4324:1, 4325:14, 4329:2, 4355:7, 4355:13, 4377:13, 4378:8, 4417:9, 4418:5 <b>cases</b> - 4352:13, 4380:16 <b>casual</b> - 4303:24 <b>catch</b> - 4413:16 <b>caused</b> - 4407:18 <b>caution</b> - 4410:15 <b>cautions</b> - 4312:18 <b>Cc</b> - 4342:6 <b>ceiling</b> - 4414:21 <b>cell</b> - 4292:4, 4318:10 <b>cells</b> - 4318:15 <b>certain</b> - 4313:12, 4321:23, 4359:11, 4364:13, 4364:23, 4405:9, 4406:7, 4428:18 <b>certainly</b> - 4284:20, 4287:20, 4297:8, 4312:9, 4321:25, 4338:25, 4406:23 <b>Certificates</b> - 4443:2 <b>certify</b> - 4443:5 <b>chain</b> - 4412:9, 4413:15 <b>Champ's</b> - 4384:1 <b>chance</b> - 4347:25 <b>Chance</b> - 4303:21, 4309:21, 4331:10 <b>chap</b> - 4313:15</p>	<p><b>charged</b> - 4285:11 <b>Charlie</b> - 4335:20 <b>Chateau</b> - 4294:12, 4294:13, 4294:19, 4295:1, 4295:8 <b>Chatelaine</b> - 4361:16 <b>check</b> - 4430:5 <b>checking</b> - 4426:13 <b>cheeks</b> - 4415:23 <b>chest</b> - 4416:12, 4435:11 <b>chief</b> - 4342:4 <b>children</b> - 4289:11, 4294:11, 4294:14 <b>chin</b> - 4415:24 <b>choked</b> - 4435:9 <b>choose</b> - 4426:9 <b>Chris</b> - 4295:4, 4295:10, 4295:13, 4295:16, 4295:17, 4296:5, 4329:24, 4330:1 <b>Church</b> - 4300:10, 4308:15 <b>church</b> - 4318:1, 4318:4, 4367:13, 4367:22, 4368:2, 4368:3, 4368:4, 4375:2, 4386:8, 4392:10, 4392:13, 4393:9, 4394:18, 4395:25, 4396:2, 4398:9, 4402:4, 4402:5 <b>circumstances</b> - 4325:9, 4327:6, 4341:11 <b>city</b> - 4289:18, 4342:20 <b>City</b> - 4344:3 <b>claim</b> - 4286:5 <b>claims</b> - 4313:17, 4315:1 <b>classification</b> - 4304:18 <b>classify</b> - 4304:17 <b>cleansing</b> - 4415:17, 4417:8, 4417:9, 4417:11 <b>clear</b> - 4312:20, 4320:2, 4322:16, 4334:7, 4372:20 <b>clearly</b> - 4312:23 <b>Clerk</b> - 4280:11 <b>client</b> - 4315:14, 4315:17, 4315:18, 4315:19, 4315:20, 4339:3, 4342:23 <b>client's</b> - 4336:21, 4336:24 <b>clients</b> - 4335:11 <b>Close</b> - 4412:24 <b>close</b> - 4286:10, 4412:12, 4415:1, 4415:5, 4419:7, 4425:23, 4436:19 <b>closed</b> - 4414:23, 4414:24, 4424:5 <b>Closed</b> - 4424:6, 4424:7 <b>closer</b> - 4423:3, 4423:7, 4423:12 <b>closes</b> - 4323:17 <b>closing</b> - 4414:24 <b>clothes</b> - 4287:21, 4304:25 <b>co</b> - 4295:23, 4295:24, 4295:25, 4343:20, 4398:15 <b>co-operation</b> - 4343:20 <b>co-workers</b> - 4295:23,</p>	<p>4295:24, 4295:25 <b>coat</b> - 4287:22, 4380:9 <b>coerced</b> - 4344:4 <b>coffee</b> - 4385:11 <b>coincide</b> - 4398:12 <b>coincidence</b> - 4299:7 <b>Cold</b> - 4437:14, 4437:15 <b>cold</b> - 4300:22, 4372:16 <b>Columbia</b> - 4352:8 <b>comfort</b> - 4426:23 <b>comfortable</b> - 4419:9, 4422:20, 4422:21, 4425:9, 4425:11, 4425:14, 4435:18 <b>coming</b> - 4295:21, 4316:2, 4360:23, 4372:17, 4399:16, 4400:1, 4406:2, 4438:22, 4442:5 <b>Coming</b> - 4425:6 <b>comment</b> - 4312:3, 4321:15, 4410:7 <b>comments</b> - 4441:16 <b>Commission</b> - 4279:2, 4279:14, 4280:1, 4280:2, 4280:3, 4280:11, 4346:2, 4350:22 <b>Commissioner</b> - 4283:6, 4283:7, 4317:13, 4346:13, 4390:20, 4390:21, 4390:25, 4410:11, 4442:17, 4442:23 <b>city</b> - 4289:18, 4342:20 <b>common</b> - 4341:10 <b>communicating</b> - 4412:5 <b>communications</b> - 4412:2 <b>compact</b> - 4323:11, 4323:12, 4323:16, 4323:20, 4323:22, 4323:25 <b>companions</b> - 4319:24 <b>Company</b> - 4295:5 <b>completely</b> - 4294:7, 4425:9 <b>composes</b> - 4433:19 <b>con</b> - 4308:21 <b>concept</b> - 4301:25 <b>concern</b> - 4338:16 <b>concerned</b> - 4314:19, 4340:11, 4359:5 <b>concerns</b> - 4329:25 <b>conclude</b> - 4338:2, 4345:4 <b>conducted</b> - 4353:16 <b>confiscation</b> - 4291:9 <b>confuse</b> - 4389:4 <b>confusing</b> - 4376:9 <b>Congram</b> - 4280:4 <b>connect</b> - 4398:20, 4428:15, 4429:2, 4437:1 <b>connected</b> - 4427:8 <b>Connecticut</b> - 4314:16 <b>connecting</b> - 4440:4 <b>connection</b> - 4355:25 <b>connects</b> - 4426:15, 4428:4, 4429:11, 4437:7 <b>conscious</b> - 4421:11, 4422:3, 4423:10, 4425:24, 4426:25, 4427:25, 4428:3, 4428:6, 4428:10, 4428:19, 4428:24,</p>	<p>4429:20, 4438:7 <b>consciously</b> - 4418:23 <b>consciousness</b> - 4417:24 <b>consider</b> - 4320:19, 4321:8, 4336:4, 4406:6 <b>considered</b> - 4321:9, 4322:4, 4322:18, 4403:13 <b>considering</b> - 4322:20, 4347:11, 4403:13 <b>construed</b> - 4358:22 <b>contact</b> - 4314:8, 4347:5, 4359:4, 4359:16 <b>contacted</b> - 4351:1, 4351:7, 4358:22 <b>contacting</b> - 4351:9, 4353:7 <b>contain</b> - 4443:6 <b>tend</b> - 4300:12 <b>continue</b> - 4336:15 <b>continued</b> - 4283:3, 4283:17, 4361:18 <b>Continued</b> - 4282:3, 4282:7 <b>continues</b> - 4375:11 <b>control</b> - 4315:13, 4418:12, 4418:15 <b>conversation</b> - 4287:16, 4321:14, 4337:19, 4379:20, 4405:20 <b>Conversation</b> - 4282:5, 4282:8, 4283:15, 4316:4 <b>conversations</b> - 4387:24 <b>convertible</b> - 4376:24, 4377:7 <b>convicted</b> - 4285:6, 4314:15, 4342:19, 4355:6, 4355:8 <b>conviction</b> - 4353:11, 4355:4, 4356:1, 4371:21 <b>Conviction</b> - 4279:4 <b>copies</b> - 4335:11, 4335:14 <b>copy</b> - 4335:8, 4342:8 <b>corner</b> - 4300:3, 4327:20, 4383:23, 4395:3, 4402:11 <b>correct</b> - 4322:13, 4323:20, 4334:1, 4336:4, 4336:7, 4345:15, 4352:23, 4353:21, 4354:14, 4355:18, 4358:10, 4365:5, 4373:1, 4373:2, 4373:4, 4376:1, 4407:7, 4421:20, 4443:6 <b>Correct</b> - 4395:22 <b>correctly</b> - 4378:3, 4394:21, 4394:24, 4395:2, 4409:6, 4411:17 <b>corresponded</b> - 4342:16 <b>correspondence</b> - 4335:14 <b>cosmetic</b> - 4323:12, 4323:16, 4323:20, 4324:1, 4324:8, 4324:9, 4377:13, 4377:19, 4378:14, 4378:18 <b>cost</b> - 4345:2 <b>Cotler</b> - 4281:12 <b>Cough</b> - 4435:23 <b>Counsel</b> - 4280:2,</p>	<p>4280:3 <b>counsel</b> - 4283:12, 4312:24, 4316:9, 4346:14, 4346:21, 4359:1 <b>counselling</b> - 4320:21, 4339:17, 4404:16, 4406:6, 4406:19 <b>count</b> - 4413:8, 4413:9, 4414:21 <b>couple</b> - 4293:6, 4333:25, 4361:17, 4396:14, 4408:25 <b>course</b> - 4329:19, 4335:14, 4380:20, 4418:14, 4440:2, 4442:5 <b>courses</b> - 4289:24 <b>court</b> - 4284:21, 4312:4, 4325:2 <b>Court</b> - 4280:12, 4411:6, 4443:2, 4443:4, 4443:15, 4443:21 <b>courts</b> - 4312:1 <b>crack</b> - 4422:22 <b>crazy</b> - 4379:5, 4380:3 <b>creates</b> - 4310:23 <b>creating</b> - 4310:24, 4310:25 <b>crime</b> - 4285:7, 4285:13 <b>criminal</b> - 4314:9 <b>cringe</b> - 4390:13 <b>crossing</b> - 4292:11 <b>Crown</b> - 4288:2, 4298:22 <b>crown</b> - 4355:12 <b>crucial</b> - 4403:13 <b>crying</b> - 4382:18, 4388:5, 4388:7, 4432:10, 4432:17, 4433:1, 4440:24 <b>Crying</b> - 4432:7, 4433:13, 4433:16, 4437:20, 4437:22 <b>Csr</b> - 4280:12, 4280:13, 4443:3, 4443:13, 4443:14, 4443:19, 4443:20 <b>cuddling</b> - 4382:17 <b>curb</b> - 4365:23 <b>curious</b> - 4368:21, 4404:15 <b>custody</b> - 4291:6, 4340:15</p>
<b>D</b>				
<p><b>daily</b> - 4289:13 <b>Dale</b> - 4353:23, 4353:24, 4354:6, 4381:23, 4392:25, 4393:1 <b>Danchuk</b> - 4287:10 <b>Danchuk's</b> - 4377:6 <b>Danchuks</b> - 4286:12, 4287:8 <b>dark</b> - 4307:8, 4368:25, 4369:23, 4370:11, 4376:13, 4388:11, 4392:19, 4402:21, 4420:2, 4420:4, 4420:5, 4430:4, 4430:18 <b>date</b> - 4321:23, 4347:17, 4348:18, 4361:5, 4364:12 <b>dated</b> - 4335:4, 4342:3, 4344:11, 4348:21, 4353:15 <b>dating</b> - 4377:21</p>				





<b>daughter</b> - 4294:17 <b>Dave</b> - 4365:24, 4366:3, 4366:13, 4372:5, 4372:17, 4373:15, 4374:3, 4375:12, 4432:2, 4432:3, 4437:18, 4441:13 <b>David</b> - 4279:4, 4281:2, 4285:10, 4285:19, 4286:18, 4286:20, 4287:15, 4288:3, 4288:17, 4288:22, 4289:21, 4290:6, 4291:11, 4291:21, 4300:5, 4302:8, 4303:22, 4304:2, 4305:7, 4307:24, 4308:20, 4309:3, 4319:23, 4320:4, 4323:1, 4323:3, 4323:7, 4330:15, 4330:22, 4333:4, 4333:7, 4348:1, 4348:3, 4348:20, 4349:15, 4349:22, 4350:1, 4351:2, 4353:10, 4355:1, 4359:16, 4371:10, 4377:13, 4377:22, 4382:1, 4382:16, 4403:16, 4439:16, 4441:20 <b>David's</b> - 4303:5, 4303:7, 4306:12, 4308:21 <b>daylight</b> - 4369:23, 4370:12, 4372:11, 4372:13, 4376:15 <b>days</b> - 4333:25, 4335:5, 4335:21 <b>daytime</b> - 4385:14 <b>dead</b> - 4370:1 <b>deal</b> - 4284:4, 4284:5, 4322:7, 4322:18, 4328:10, 4330:12, 4404:16, 4405:3, 4425:19 <b>dealing</b> - 4332:9, 4346:19, 4405:14 <b>Dear</b> - 4348:25 <b>Death</b> - 4314:16 <b>death</b> - 4319:20 <b>debt</b> - 4289:10 <b>deceased</b> - 4299:14, 4299:16 <b>decision</b> - 4312:4, 4346:9, 4346:10 <b>declined</b> - 4352:14 <b>deep</b> - 4289:10, 4413:11, 4415:5, 4424:20, 4425:15, 4426:2 <b>deepen</b> - 4417:23, 4417:24 <b>deeper</b> - 4413:19, 4413:21, 4413:22, 4415:1, 4415:6, 4415:8, 4415:11, 4415:13, 4416:6, 4416:22, 4417:12, 4417:14, 4417:15, 4417:24, 4417:25, 4418:7, 4418:8, 4418:9, 4418:24, 4419:2, 4419:4, 4419:13, 4424:24, 4425:3, 4425:4, 4426:1, 4426:2, 4426:14, 4426:25, 4427:8, 4427:9, 4429:7 <b>Deeper</b> - 4416:6,	4416:22, 4417:12, 4418:7, 4418:24, 4419:7, 4426:25 <b>defense</b> - 4312:24 <b>definitely</b> - 4286:13 <b>degree</b> - 4405:9 <b>delve</b> - 4313:21 <b>delved</b> - 4338:5 <b>Demyen</b> - 4342:7, 4342:17, 4344:1, 4344:5, 4353:16, 4355:18, 4411:16, 4411:18, 4412:11, 4412:16, 4412:19, 4413:6, 4413:24, 4414:1, 4414:4, 4414:9, 4414:13, 4414:18, 4420:2, 4420:4, 4420:6, 4420:9, 4420:12, 4420:14, 4420:16, 4420:18, 4420:22, 4420:24, 4421:4, 4421:7, 4421:13, 4421:21, 4422:24, 4423:24, 4424:3, 4424:6, 4424:9, 4424:11, 4424:17, 4425:2, 4427:17, 4429:23, 4429:25, 4430:2, 4430:4, 4430:15, 4430:17, 4430:21, 4430:25, 4431:11, 4431:13, 4431:15, 4431:19, 4431:21, 4432:7, 4432:10, 4432:15, 4432:21, 4432:23, 4432:25, 4433:3, 4433:6, 4433:9, 4433:13, 4433:16, 4433:18, 4433:20, 4433:23, 4434:6, 4434:11, 4434:14, 4434:17, 4434:23, 4435:1, 4435:3, 4435:8, 4435:15, 4435:20, 4436:7, 4436:10, 4436:22, 4436:24, 4437:2, 4437:9, 4437:12, 4437:14, 4437:16, 4437:20, 4437:22, 4437:24, 4438:3, 4438:6, 4438:14, 4438:17, 4438:21, 4439:3, 4439:5, 4439:8, 4439:14, 4439:18, 4439:20, 4439:22, 4440:9, 4440:12, 4440:15, 4440:17, 4440:22, 4440:25, 4441:3, 4441:7, 4441:15, 4441:17, 4441:24, 4442:2, 4442:8, 4442:12, 4442:14 <b>Department</b> - 4344:4, 4350:24, 4391:4 <b>department</b> - 4322:12 <b>depth</b> - 4417:18, 4417:20, 4418:1, 4426:15 <b>describe</b> - 4311:3, 4313:1, 4313:2, 4317:17, 4320:8, 4359:8, 4370:18, 4383:16, 4388:1, 4388:7, 4390:9, 4394:18 <b>described</b> - 4333:24,	4371:6, 4389:19, 4398:12 <b>describes</b> - 4318:9 <b>describing</b> - 4284:24, 4389:10 <b>Description</b> - 4282:2 <b>description</b> - 4331:22, 4389:25, 4397:13 <b>detachment</b> - 4391:6 <b>detail</b> - 4302:5, 4330:20 <b>detailed</b> - 4397:13 <b>details</b> - 4302:5, 4312:6, 4312:8, 4312:9, 4312:20 <b>detective</b> - 4284:19 <b>Detective</b> - 4343:21, 4356:9, 4363:22 <b>detectives</b> - 4292:12 <b>detector</b> - 4313:16, 4313:18, 4314:6, 4314:18, 4315:4, 4338:24, 4339:4, 4339:9, 4357:1 <b>determine</b> - 4314:2, 4355:7 <b>develop</b> - 4421:2 <b>diagram</b> - 4396:3, 4399:11 <b>died</b> - 4441:1 <b>difference</b> - 4323:15 <b>different</b> - 4301:25, 4313:3, 4323:12, 4327:21, 4389:10 <b>differently</b> - 4414:15, 4414:20 <b>difficult</b> - 4292:22, 4302:3, 4415:3 <b>Dino</b> - 4281:13 <b>direction</b> - 4292:14, 4298:1, 4298:5, 4372:6 <b>directions</b> - 4298:13, 4298:25, 4317:18, 4366:14, 4367:1 <b>Director</b> - 4280:4 <b>discomfort</b> - 4419:18 <b>discussed</b> - 4338:3, 4341:14 <b>discussing</b> - 4335:22, 4337:11 <b>discussion</b> - 4316:18, 4339:9, 4344:7, 4364:25, 4374:11, 4381:13, 4384:10 <b>discussions</b> - 4337:16, 4346:21, 4350:12, 4357:6, 4365:1, 4406:16 <b>dispassionately</b> - 4427:11 <b>displeasure</b> - 4337:5 <b>dispose</b> - 4359:20 <b>distance</b> - 4397:18 <b>distinctly</b> - 4378:7 <b>disturbed</b> - 4426:23 <b>Dm</b> - 4381:23, 4382:3, 4392:23 <b>doctor</b> - 4310:20, 4311:17, 4321:2, 4336:4, 4338:12, 4349:2, 4349:13 <b>document</b> - 4334:12, 4334:22, 4335:2, 4341:25, 4344:10, 4347:17, 4348:19, 4353:13, 4378:24, 4391:7, 4395:6, 4395:8, 4395:9, 4395:12, 4408:23, 4410:4, 4410:17, 4411:4	<b>Document</b> - 4280:5, 4280:6 <b>documents</b> - 4346:23, 4350:10, 4350:22 <b>dollar</b> - 4293:4 <b>Don</b> - 4280:13 <b>Donald</b> - 4443:3, 4443:20 <b>done</b> - 4284:5, 4286:7, 4290:7, 4291:19, 4291:22, 4296:18, 4300:7, 4345:3, 4345:5, 4356:17 <b>door</b> - 4351:10, 4351:17, 4357:24, 4358:2, 4358:3, 4358:5, 4360:12, 4360:13, 4360:24, 4366:4, 4425:23 <b>doses</b> - 4341:9 <b>doubt</b> - 4285:16, 4299:6, 4299:10, 4339:1 <b>Douglas</b> - 4280:2 <b>down</b> - 4284:16, 4288:18, 4290:5, 4290:22, 4293:10, 4298:22, 4298:23, 4298:24, 4299:18, 4299:19, 4299:21, 4300:1, 4300:11, 4315:5, 4318:17, 4320:15, 4320:16, 4320:24, 4321:7, 4323:10, 4323:23, 4324:12, 4324:25, 4326:21, 4329:21, 4329:22, 4331:2, 4331:7, 4336:11, 4337:21, 4338:21, 4340:8, 4341:5, 4343:18, 4344:19, 4347:21, 4347:24, 4354:23, 4356:5, 4357:14, 4359:12, 4359:14, 4361:6, 4362:2, 4362:15, 4363:20, 4364:2, 4365:18, 4367:6, 4367:9, 4370:23, 4371:24, 4372:6, 4372:14, 4373:8, 4373:17, 4374:7, 4375:4, 4376:20, 4379:1, 4379:3, 4379:4, 4380:7, 4381:17, 4383:15, 4383:16, 4383:22, 4384:2, 4384:17, 4385:8, 4388:12, 4391:19, 4391:21, 4392:21, 4393:5, 4394:7, 4395:17, 4395:18, 4395:24, 4397:25, 4399:15, 4402:16, 4404:12, 4406:2, 4415:21, 4415:25, 4418:18, 4424:19, 4424:24, 4425:5, 4425:7, 4425:11, 4438:22, 4440:22 <b>downhill</b> - 4298:11 <b>dozen</b> - 4392:22 <b>Dr</b> - 4335:20, 4335:23, 4336:13, 4337:14, 4337:17, 4339:15, 4340:17, 4341:7, 4345:9, 4345:14, 4345:17, 4345:20, 4346:10, 4346:22,	4347:8, 4350:14, 4360:7, 4409:1, 4409:21, 4409:23, 4410:12, 4411:15 <b>draw</b> - 4339:18, 4340:4, 4342:6, 4359:11 <b>drawing</b> - 4339:7, 4395:10, 4396:5, 4396:8, 4397:16 <b>drift</b> - 4415:5 <b>drifting</b> - 4430:13 <b>Drive</b> - 4383:24 <b>driving</b> - 4286:16, 4365:22, 4366:9, 4366:10, 4376:20, 4379:5, 4380:2, 4382:16 <b>drove</b> - 4365:23 <b>drug</b> - 4341:13, 4341:18, 4341:20 <b>dummy</b> - 4325:10 <b>during</b> - 4355:16, 4380:19
<b>E</b>				
<b>early</b> - 4307:9, 4346:20, 4350:14, 4405:21, 4442:20 <b>easier</b> - 4413:10, 4415:4, 4421:9, 4427:15 <b>easily</b> - 4419:17 <b>east</b> - 4290:23 <b>easy</b> - 4336:15, 4405:15, 4413:22 <b>Eddie</b> - 4281:8 <b>Edited</b> - 4282:5, 4283:15 <b>Edmonton</b> - 4306:6, 4306:7, 4306:23, 4306:24, 4307:16, 4366:12 <b>Edward</b> - 4279:7 <b>effect</b> - 4339:25 <b>effective</b> - 4313:17 <b>effectively</b> - 4413:12 <b>effort</b> - 4406:3, 4415:7 <b>efforts</b> - 4342:17, 4350:17, 4350:18 <b>Efw</b> - 4356:7, 4362:3, 4379:2, 4384:17 <b>eight</b> - 4283:25, 4286:8, 4286:9, 4286:15, 4287:24, 4356:23, 4369:20, 4383:16 <b>either</b> - 4312:15, 4350:1, 4376:9, 4379:21, 4385:13, 4388:19, 4389:1, 4406:16, 4408:17 <b>elaborate</b> - 4320:12, 4368:23, 4392:16 <b>elbows</b> - 4416:2 <b>eligible</b> - 4289:25 <b>elsewhere</b> - 4410:2 <b>Elson</b> - 4281:7 <b>em</b> - 4286:18 <b>embellish</b> - 4326:3 <b>eminent</b> - 4321:1 <b>emotionally</b> - 4287:4, 4325:11, 4325:21, 4326:7, 4327:8 <b>employed</b> - 4352:22 <b>end</b> - 4299:23, 4318:1, 4336:2, 4350:11, 4361:11, 4375:3, 4392:13, 4392:17,				



4394:19, 4394:20, 4395:24, 4398:9, 4406:9, 4442:18 <b>End</b> - 4282:8, 4282:10, 4299:2, 4316:4, 4427:13, 4442:16 <b>ended</b> - 4305:6, 4305:18, 4306:6, 4307:16 <b>Ended</b> - 4430:9 <b>ends</b> - 4347:3 <b>enjoy</b> - 4426:22 <b>entire</b> - 4316:18, 4356:13, 4356:21 <b>entrance</b> - 4300:4, 4358:18 <b>equipment</b> - 4338:25, 4339:5 <b>escape</b> - 4290:19, 4290:21 <b>escaped</b> - 4290:22, 4290:23 <b>especially</b> - 4403:12, 4416:17 <b>Esq</b> - 4280:3, 4281:5, 4281:7, 4281:10, 4281:11, 4281:13 <b>established</b> - 4412:1, 4421:16 <b>establishing</b> - 4439:25 <b>Estate</b> - 4361:8 <b>et cetera</b> - 4318:12, 4330:4 <b>Et cetera</b> - 4361:21 <b>etiquette</b> - 4358:17 <b>Eugene</b> - 4332:10, 4350:23, 4352:20, 4353:17, 4354:5, 4354:11, 4356:7, 4361:24, 4391:4, 4394:12, 4408:24, 4409:17, 4410:8 <b>evaluation</b> - 4290:14, 4290:15, 4290:17 <b>evening</b> - 4357:23 <b>event</b> - 4315:6, 4331:20, 4397:14, 4411:21, 4417:4 <b>events</b> - 4317:5, 4393:23 <b>evidence</b> - 4289:9, 4311:22, 4410:2 <b>ex</b> - 4360:10 <b>ex-husband</b> - 4360:10 <b>exactly</b> - 4292:22, 4307:21, 4337:20, 4366:19, 4377:16, 4377:17, 4383:19, 4387:15, 4395:21, 4438:13 <b>Exactly</b> - 4302:22, 4364:3, 4366:4 <b>examined</b> - 4344:22 <b>excellent</b> - 4418:25, 4419:14 <b>Excellent</b> - 4425:6 <b>exchange</b> - 4329:23, 4330:13 <b>excuse</b> - 4360:17 <b>Excuse</b> - 4308:21 <b>Executive</b> - 4280:4 <b>exhausted</b> - 4442:12 <b>Exhausted</b> - 4442:13 <b>exhibit</b> - 4411:5 <b>exist</b> - 4311:20 <b>expect</b> - 4345:7 <b>expense</b> - 4345:1 <b>experience</b> - 4285:24, 4311:25, 4385:15, 4385:21, 4427:7	4437:5, 4440:3 <b>experienced</b> - 4385:12, 4385:25, 4418:7 <b>experiencing</b> - 4408:2, 4408:17, 4418:13 <b>expertise</b> - 4315:11, 4315:19, 4315:21 <b>explain</b> - 4302:19, 4310:14, 4370:16, 4370:17, 4404:6, 4405:10 <b>explained</b> - 4411:25 <b>explaining</b> - 4308:25 <b>explanation</b> - 4378:18 <b>explode</b> - 4433:24 <b>expose</b> - 4296:22 <b>expressed</b> - 4329:25 <b>extremely</b> - 4335:23 <b>eyebrows</b> - 4415:23 <b>eyelids</b> - 4415:23 <b>eyes</b> - 4412:13, 4412:24, 4414:22, 4414:23, 4414:25, 4415:1, 4415:3, 4415:5, 4415:7, 4418:16, 4420:8, 4424:5, 4424:23, 4436:20  <b>F</b>  <b>face</b> - 4284:25, 4325:12, 4325:22, 4326:8, 4327:9, 4378:5, 4388:12, 4388:22, 4399:20, 4415:23, 4429:25, 4439:14 <b>faceless</b> - 4398:13, 4398:14 <b>faces</b> - 4388:10, 4388:16 <b>fact</b> - 4285:14, 4291:19, 4299:3, 4300:5, 4300:10, 4300:11, 4311:1, 4311:14, 4311:24, 4313:25, 4315:14, 4320:23, 4333:20, 4334:4, 4338:16, 4339:2, 4355:14, 4356:20, 4364:24, 4369:14 <b>factors</b> - 4314:2, 4314:5 <b>factual</b> - 4336:16 <b>Faint</b> - 4414:4 <b>fair</b> - 4312:17, 4320:10, 4321:13, 4322:3, 4330:10, 4338:7, 4356:1, 4356:2, 4357:9, 4357:12, 4359:25, 4361:24, 4364:3, 4364:10, 4365:16, 4367:2, 4367:23, 4390:10, 4393:12, 4404:25, 4406:25, 4408:20, 4408:21, 4410:3 <b>Fair</b> - 4397:20 <b>fairly</b> - 4341:10, 4397:13 <b>Fairly</b> - 4412:10 <b>fairness</b> - 4320:21, 4332:12, 4408:12 <b>familiar</b> - 4342:11, 4389:22, 4389:24, 4390:3, 4390:4, 4390:7, 4395:12 <b>familiarity</b> - 4390:14 <b>family</b> - 4291:12	<b>far</b> - 4291:2, 4297:4, 4324:6, 4327:17, 4340:10, 4350:12, 4369:4, 4390:15, 4440:10 <b>farm</b> - 4291:17 <b>fast</b> - 4410:24 <b>fear</b> - 4337:2, 4337:3 <b>fears</b> - 4417:1 <b>February</b> - 4344:11, 4346:24, 4361:12 <b>federal</b> - 4350:24, 4352:23, 4353:4, 4391:5 <b>Federal</b> - 4322:12, 4410:8, 4410:19 <b>feed</b> - 4289:14 <b>feelings</b> - 4403:20, 4403:21, 4434:10, 4435:23, 4435:24, 4438:3, 4438:6, 4438:9, 4438:18, 4439:12 <b>fell</b> - 4441:4 <b>fellow</b> - 4285:6, 4357:1 <b>felt</b> - 4285:20, 4289:22, 4289:24, 4337:6, 4349:9, 4435:4, 4435:6 <b>fence</b> - 4388:24 <b>few</b> - 4317:10, 4346:23, 4356:11, 4360:19, 4362:24 <b>fib</b> - 4364:6 <b>fifth</b> - 4347:22, 4347:24, 4373:20, 4374:7 <b>Fifth</b> - 4361:8 <b>figure</b> - 4404:6 <b>filed</b> - 4411:5 <b>film</b> - 4299:17, 4430:6, 4430:7 <b>finally</b> - 4406:12 <b>fine</b> - 4302:5, 4306:21, 4312:16, 4337:22, 4345:23, 4347:23, 4359:18, 4359:21, 4360:8, 4360:21, 4374:23, 4401:1, 4405:23, 4418:25 <b>finger</b> - 4413:14, 4417:21, 4418:3, 4418:4, 4418:6, 4418:21, 4419:2, 4419:6, 4419:10, 4419:12, 4421:17, 4421:18, 4421:19, 4422:5, 4422:17, 4423:5, 4423:6, 4423:15, 4423:21, 4425:16, 4426:3, 4426:5, 4426:18, 4427:5, 4428:12, 4428:20, 4429:4, 4429:12, 4429:13, 4429:21, 4431:8, 4431:9, 4438:12 <b>fingers</b> - 4412:3, 4412:6, 4413:16, 4414:17, 4416:5, 4421:4, 4421:10, 4421:15, 4421:25, 4422:16, 4422:17, 4422:23, 4423:9, 4423:14, 4425:13, 4427:15, 4428:2, 4428:5, 4437:1, 4437:4, 4440:7, 4441:19 <b>firm</b> - 4294:20 <b>firms</b> - 4295:1 <b>First</b> - 4422:1 <b>first</b> - 4288:15,	4288:16, 4307:15, 4320:17, 4322:22, 4324:7, 4325:20, 4327:17, 4335:17, 4342:13, 4342:14, 4344:14, 4346:24, 4349:10, 4354:24, 4357:20, 4358:22, 4359:4, 4361:17, 4362:7, 4362:18, 4377:24 <b>Fisher</b> - 4281:10, 4407:23 <b>fit</b> - 4353:2 <b>five</b> - 4288:24, 4289:7, 4320:17, 4322:24, 4410:22 <b>flame</b> - 4412:25 <b>flashback</b> - 4387:25, 4388:2, 4388:20, 4389:4, 4389:6, 4391:20, 4391:23, 4392:6, 4394:5, 4394:17, 4397:3, 4398:11, 4398:12 <b>flashbacks</b> - 4385:13, 4385:15, 4385:21, 4385:25, 4386:4, 4386:20, 4389:10, 4389:13, 4389:18, 4390:1, 4390:6, 4390:17, 4391:10, 4391:15, 4391:22, 4392:3, 4393:2, 4393:24, 4394:11, 4397:22, 4398:20, 4404:17, 4405:3, 4405:19, 4406:9, 4406:24, 4407:3, 4407:5, 4407:9, 4407:22, 4408:2, 4408:18 <b>flashes</b> - 4387:15 <b>flickering</b> - 4412:25 <b>flow</b> - 4349:11, 4415:20, 4416:10 <b>flowing</b> - 4415:21, 4416:4, 4416:11, 4416:14, 4416:17, 4416:20 <b>focus</b> - 4407:14 <b>focusing</b> - 4389:7, 4413:17 <b>follow</b> - 4298:17, 4426:11 <b>following</b> - 4285:12, 4336:10, 4358:25 <b>fool</b> - 4381:22, 4381:25 <b>forced</b> - 4304:17, 4310:3, 4310:12, 4331:15, 4342:21, 4343:3 <b>forces</b> - 4308:20 <b>forcible</b> - 4384:7 <b>forearms</b> - 4416:5 <b>foregoing</b> - 4443:5 <b>forehead</b> - 4415:23 <b>forge</b> - 4317:13, 4319:12 <b>forget</b> - 4329:7, 4329:18, 4428:11 <b>forth</b> - 4339:7, 4339:18, 4340:4, 4340:25, 4341:2 <b>fortunately</b> - 4292:13 <b>forty</b> - 4284:22 <b>forward</b> - 4410:25 <b>Four</b> - 4374:22 <b>four</b> - 4291:18, 4292:1,	4292:2, 4314:3, 4322:23, 4347:1, 4373:20 <b>fourth</b> - 4317:15, 4363:20, 4384:16 <b>Fox</b> - 4281:8 <b>fragile</b> - 4412:22 <b>frame</b> - 4400:13, 4408:5 <b>free</b> - 4426:11 <b>freeze</b> - 4285:1, 4292:16 <b>Friday</b> - 4291:8, 4292:6 <b>friends</b> - 4303:22 <b>frightened</b> - 4308:13, 4308:15, 4308:18, 4318:22, 4322:25, 4323:7, 4333:18, 4336:18, 4436:14 <b>front</b> - 4290:3, 4298:2, 4298:7, 4373:22, 4416:1 <b>froze</b> - 4292:16, 4292:17 <b>full</b> - 4335:17, 4361:7, 4418:11, 4418:12 <b>fun</b> - 4404:21, 4404:23 <b>funeral</b> - 4299:24, 4367:13, 4367:15, 4367:22, 4367:25, 4368:11, 4372:4, 4372:5 <b>funny</b> - 4307:17  <b>G</b>  <b>Gail</b> - 4298:21, 4319:21, 4321:19, 4322:8, 4322:19, 4351:18, 4353:11 <b>games</b> - 4349:7 <b>garage</b> - 4388:24 <b>Garbage</b> - 4398:7 <b>garbage</b> - 4349:7, 4374:24, 4375:4, 4375:8, 4375:13, 4375:21, 4375:25, 4386:8, 4386:16, 4392:20, 4392:21, 4396:16, 4396:19, 4396:21, 4397:2, 4397:9, 4397:22, 4401:4 <b>Garrett</b> - 4281:6 <b>gather</b> - 4344:17 <b>Gene</b> - 4388:1, 4389:9, 4394:12 <b>generally</b> - 4317:5 <b>gentle</b> - 4413:23 <b>gentleman</b> - 4352:19 <b>gently</b> - 4416:25, 4417:2, 4419:18, 4426:7 <b>Gibbon</b> - 4342:4 <b>Gibson</b> - 4281:9 <b>girdle</b> - 4416:15 <b>girl</b> - 4283:25, 4287:1, 4287:14, 4299:18, 4300:12, 4319:7, 4363:9, 4365:24, 4365:5, 4366:13, 4367:1, 4368:20, 4436:14, 4436:15, 4437:8, 4438:20 <b>girl's</b> - 4440:8 <b>girlfriend</b> - 4303:6, 4283:8, 4306:13 <b>given</b> - 4313:21, 4342:8, 4384:8 <b>glove</b> - 4377:18,
--	--	---	---	--



4378:8 <b>gloves</b> - 4285:2 <b>gordge</b> - 4351:15 <b>Government</b> - 4281:4, 4353:4 <b>government</b> - 4353:3, 4353:4 <b>grabbed</b> - 4377:22 <b>grabbing</b> - 4377:14 <b>grateful</b> - 4406:4, 4406:14 <b>Great</b> - 4304:3 <b>great</b> - 4284:4, 4284:5, 4314:17, 4338:8, 4395:20, 4395:21, 4415:12, 4427:12, 4436:21 <b>greater</b> - 4415:20, 4416:10 <b>groin</b> - 4416:14 <b>ground</b> - 4388:3, 4440:22, 4441:5 <b>group</b> - 4313:13 <b>Gtt</b> - 4384:3, 4385:9, 4394:8 <b>guarantee</b> - 4337:22, 4345:23 <b>guess</b> - 4285:3, 4288:14, 4292:5, 4294:1, 4312:16, 4314:18 <b>guesstimate</b> - 4348:14, 4401:18 <b>guilty</b> - 4371:1, 4371:10, 4429:9 <b>gut</b> - 4320:7 <b>guy</b> - 4382:18, 4388:4 <b>guys</b> - 4286:16, 4286:21, 4307:1	<b>head</b> - 4312:23, 4314:9, 4385:18, 4398:8, 4413:2, 4415:22, 4432:23, 4432:25, 4433:6, 4433:23, 4434:4, 4438:8 <b>headlights</b> - 4375:3 <b>healing</b> - 4415:17, 4417:11 <b>hear</b> - 4382:6, 4388:17, 4388:18, 4399:18, 4399:21, 4399:22, 4410:23 <b>heard</b> - 4285:8, 4292:16, 4316:14, 4325:19, 4360:8 <b>hearing</b> - 4285:18, 4386:18 <b>heart</b> - 4417:8 <b>heartache</b> - 4288:18 <b>help</b> - 4286:21, 4287:3, 4287:6, 4296:8, 4321:18, 4322:4, 4322:6, 4322:7, 4322:18, 4336:6, 4340:3, 4349:3, 4400:23, 4404:5, 4404:16, 4405:3, 4405:12, 4406:7, 4406:8, 4406:19, 4407:8, 4424:25, 4432:16, 4434:3, 4434:24, 4435:10, 4436:25 <b>helpless</b> - 4434:11, 4434:12 <b>hereby</b> - 4443:5 <b>herein</b> - 4443:7 <b>herself</b> - 4419:25, 4433:19 <b>Hersh</b> - 4281:2 <b>hesitate</b> - 4311:21 <b>hi</b> - 4360:15 <b>highlight</b> - 4374:4, 4374:6 <b>highlighted</b> - 4342:2 <b>Hill</b> - 4299:1 <b>Hinz</b> - 4280:12, 4443:3, 4443:14 <b>hips</b> - 4417:12 <b>history</b> - 4355:14, 4411:24 <b>hits</b> - 4413:16 <b>Hmm</b> - 4412:17, 4414:13, 4420:3, 4420:5, 4420:15, 4424:10, 4427:17, 4430:3, 4430:12, 4430:16, 4431:12, 4431:22, 4433:7, 4433:17, 4434:19, 4435:2, 4435:21, 4436:9, 4436:23, 4437:1, 4437:21, 4442:11 <b>hmm</b> - 4427:17, 4442:7 <b>Hodson</b> - 4280:2, 4282:4, 4283:4, 4283:5, 4316:5, 4346:15, 4346:18, 4390:24, 4442:17 <b>hold</b> - 4351:6, 4412:8 <b>holding</b> - 4290:3, 4413:14, 4431:3 <b>holds</b> - 4323:16 <b>hollering</b> - 4399:25 <b>home</b> - 4299:24, 4357:23, 4367:13, 4367:15, 4367:22,	4367:25, 4368:11, 4372:4, 4372:5, 4409:14, 4409:16 <b>Hon</b> - 4281:12 <b>Honourable</b> - 4279:6 <b>hope</b> - 4345:4 <b>hopeful</b> - 4347:5 <b>Hotel</b> - 4279:16, 4303:22, 4309:21, 4331:10 <b>hotel</b> - 4304:5 <b>hour</b> - 4342:24, 4369:23, 4370:11, 4410:15 <b>hours</b> - 4369:23, 4370:11 <b>house</b> - 4286:11, 4290:25, 4292:4, 4298:21, 4384:22, 4385:4 <b>human</b> - 4371:14 <b>hung</b> - 4299:22 <b>hurt</b> - 4303:16, 4311:8, 4432:15, 4434:5 <b>hurts</b> - 4432:23, 4432:25, 4433:6 <b>husband</b> - 4360:10 <b>hypnosis</b> - 4320:20, 4336:17, 4408:14, 4410:3, 4411:25, 4412:22, 4413:12, 4421:1, 4424:14 <b>hypnotic</b> - 4411:20 <b>hypnotist</b> - 4310:20 <b>Hypnotist</b> - 4282:9, 4411:10 <b>hypnotize</b> - 4409:2, 4409:21, 4409:24, 4431:18 <b>hypnotized</b> - 4409:18, 4409:20, 4428:11 <b>hysterical</b> - 4318:11	4366:7 <b>impressions</b> - 4349:12 <b>inappropriately</b> - 4324:22 <b>Inaudible</b> - 4436:19 <b>Inaudible</b> - 4416:22, 4420:14, 4424:9, 4425:2, 4430:2, 4430:11, 4431:6, 4431:11, 4431:12, 4431:19, 4431:21, 4432:5, 4432:7, 4432:10, 4432:19, 4433:18, 4433:20, 4434:10, 4434:17, 4434:19, 4434:24, 4434:25, 4435:1, 4435:2, 4435:3, 4435:14, 4435:20, 4435:21, 4436:1, 4436:5, 4436:6, 4436:7, 4436:12, 4436:18, 4436:20, 4436:21, 4436:22, 4436:24, 4436:25, 4437:2, 4437:7, 4437:8, 4437:9, 4437:13, 4437:17, 4438:1, 4438:14, 4438:17, 4439:4, 4439:7, 4439:18, 4440:12, 4440:25, 4441:3, 4441:7, 4441:11, 4441:14, 4441:15, 4442:3, 4442:6, 4442:14 <b>inaudible</b> - 4410:21 <b>incarcerated</b> - 4311:23 <b>inch</b> - 4423:1 <b>inching</b> - 4414:11 <b>incident</b> - 4322:19, 4331:16, 4332:4, 4332:21, 4333:3, 4333:4, 4333:7, 4333:21, 4333:25, 4334:4, 4339:19, 4340:5, 4358:10, 4358:21, 4360:22, 4371:20, 4382:11, 4382:22, 4383:5, 4383:9, 4384:14, 4385:13, 4385:16, 4386:5 <b>incidents</b> - 4336:7, 4385:21 <b>incline</b> - 4298:20, 4299:23 <b>includes</b> - 4341:8 <b>including</b> - 4345:2 <b>income</b> - 4344:25 <b>increasing</b> - 4335:25 <b>indeed</b> - 4313:11 <b>Index</b> - 4282:1 <b>index</b> - 4413:14, 4417:21, 4418:3 <b>indicate</b> - 4283:21, 4336:19, 4408:16 <b>indicated</b> - 4291:10, 4336:14, 4336:20, 4429:18 <b>indication</b> - 4407:21 <b>individual</b> - 4313:22, 4314:8, 4314:11, 4314:22 <b>individual's</b> - 4315:10 <b>induce</b> - 4424:14, 4424:21, 4425:18 <b>information</b> - 4316:24, 4343:23, 4355:24, 4382:7, 4428:7, 4429:20	<b>initial</b> - 4340:12 <b>initiative</b> - 4410:4 <b>Inland</b> - 4280:15 <b>inner</b> - 4417:10 <b>innocence</b> - 4290:12 <b>innocent</b> - 4290:13, 4293:25, 4311:23 <b>Inquiry</b> - 4279:2, 4279:23 <b>inside</b> - 4285:16, 4292:9, 4292:20, 4379:13, 4379:14, 4417:6, 4417:12, 4417:13, 4417:14, 4434:4, 4436:13 <b>insisted</b> - 4290:11, 4290:12 <b>instance</b> - 4438:19 <b>instructs</b> - 4315:16 <b>intelligent</b> - 4291:21 <b>intercede</b> - 4296:16, 4329:21 <b>intercession</b> - 4296:19 <b>interest</b> - 4338:8, 4338:11, 4338:13, 4385:11 <b>Interested</b> - 4309:10 <b>interested</b> - 4309:13, 4312:22 <b>interesting</b> - 4313:14 <b>interrupt</b> - 4389:9 <b>interrupted</b> - 4306:20 <b>intersected</b> - 4298:14 <b>intersection</b> - 4299:22 <b>interview</b> - 4283:8, 4283:9, 4316:8, 4316:12, 4316:19, 4316:22, 4317:6, 4318:2, 4319:2, 4321:12, 4322:2, 4322:16, 4325:18, 4327:11, 4331:17, 4331:23, 4335:6, 4336:3, 4342:21, 4342:25, 4343:3, 4343:15, 4344:12, 4345:9, 4353:16, 4354:8, 4354:10, 4354:14, 4354:17, 4359:7, 4359:9, 4391:3, 4395:15, 4400:24, 4405:24, 4406:17, 4408:14, 4410:12, 4411:20 <b>Interview</b> - 4282:9, 4411:10 <b>interviewed</b> - 4346:5, 4356:25, 4408:24 <b>interviewing</b> - 4355:21 <b>interviews</b> - 4332:10, 4332:11, 4350:24, 4381:9 <b>intimate</b> - 4382:7 <b>intrigued</b> - 4394:10 <b>invested</b> - 4344:23 <b>investigated</b> - 4284:20 <b>investigating</b> - 4289:20, 4363:23 <b>investigative</b> - 4338:23 <b>invoice</b> - 4334:19 <b>involved</b> - 4283:23, 4287:13, 4337:3, 4337:4 <b>involvement</b> - 4297:8, 4343:25, 4350:21 <b>involving</b> - 4283:10 <b>Irene</b> - 4280:11 <b>Irwin</b> - 4281:12 <b>Isabelle</b> - 4280:6	
<b>H</b>	<b>hair</b> - 4284:17 <b>Half</b> - 4381:16 <b>half</b> - 4287:2, 4287:11, 4318:8, 4329:22, 4331:7, 4342:24, 4357:5, 4375:4, 4391:19 <b>half-way</b> - 4329:22, 4331:7, 4375:4, 4391:19 <b>Half-way</b> - 4381:16 <b>halfway</b> - 4318:17, 4324:11, 4359:13, 4392:21 <b>hand</b> - 4285:2, 4286:18, 4363:14, 4363:16, 4365:18, 4393:5, 4395:16, 4398:2, 4399:4, 4412:14, 4413:14, 4415:9, 4417:22, 4424:25, 4437:10 <b>handle</b> - 4291:19, 4311:5, 4328:12 <b>hands</b> - 4284:25, 4416:5 <b>handwritten</b> - 4362:8 <b>harass</b> - 4347:25 <b>harassed</b> - 4357:17 <b>harassing</b> - 4358:12 <b>harassment</b> - 4357:18, 4357:22, 4358:23, 4359:2, 4359:3 <b>hard</b> - 4288:12, 4293:20, 4309:25, 4331:13, 4442:8 <b>Hardy</b> - 4280:3 <b>haunts</b> - 4393:13	<b>head</b> - 4312:23, 4314:9, 4385:18, 4398:8, 4413:2, 4415:22, 4432:23, 4432:25, 4433:6, 4433:23, 4434:4, 4438:8 <b>headlights</b> - 4375:3 <b>healing</b> - 4415:17, 4417:11 <b>hear</b> - 4382:6, 4388:17, 4388:18, 4399:18, 4399:21, 4399:22, 4410:23 <b>heard</b> - 4285:8, 4292:16, 4316:14, 4325:19, 4360:8 <b>hearing</b> - 4285:18, 4386:18 <b>heart</b> - 4417:8 <b>heartache</b> - 4288:18 <b>help</b> - 4286:21, 4287:3, 4287:6, 4296:8, 4321:18, 4322:4, 4322:6, 4322:7, 4322:18, 4336:6, 4340:3, 4349:3, 4400:23, 4404:5, 4404:16, 4405:3, 4405:12, 4406:7, 4406:8, 4406:19, 4407:8, 4424:25, 4432:16, 4434:3, 4434:24, 4435:10, 4436:25 <b>helpless</b> - 4434:11, 4434:12 <b>hereby</b> - 4443:5 <b>herein</b> - 4443:7 <b>herself</b> - 4419:25, 4433:19 <b>Hersh</b> - 4281:2 <b>hesitate</b> - 4311:21 <b>hi</b> - 4360:15 <b>highlight</b> - 4374:4, 4374:6 <b>highlighted</b> - 4342:2 <b>Hill</b> - 4299:1 <b>Hinz</b> - 4280:12, 4443:3, 4443:14 <b>hips</b> - 4417:12 <b>history</b> - 4355:14, 4411:24 <b>hits</b> - 4413:16 <b>Hmm</b> - 4412:17, 4414:13, 4420:3, 4420:5, 4420:15, 4424:10, 4427:17, 4430:3, 4430:12, 4430:16, 4431:12, 4431:22, 4433:7, 4433:17, 4434:19, 4435:2, 4435:21, 4436:9, 4436:23, 4437:1, 4437:21, 4442:11 <b>hmm</b> - 4427:17, 4442:7 <b>Hodson</b> - 4280:2, 4282:4, 4283:4, 4283:5, 4316:5, 4346:15, 4346:18, 4390:24, 4442:17 <b>hold</b> - 4351:6, 4412:8 <b>holding</b> - 4290:3, 4413:14, 4431:3 <b>holds</b> - 4323:16 <b>hollering</b> - 4399:25 <b>home</b> - 4299:24, 4357:23, 4367:13, 4367:15, 4367:22,	<b>I</b>	<b>Id</b> - 4378:1, 4378:2, 4410:14 <b>idea</b> - 4335:15, 4340:22, 4341:17, 4343:6, 4343:7, 4343:8, 4345:16, 4350:4, 4362:21, 4378:22, 4420:10, 4422:18 <b>identification</b> - 4324:4, 4324:5, 4324:8, 4434:20 <b>identified</b> - 4374:10, 4374:22, 4377:2, 4381:19 <b>identify</b> - 4373:25 <b>ideomotor</b> - 4412:1, 4439:25 <b>ideomotorically</b> - 4421:17 <b>images</b> - 4440:4 <b>imagination</b> - 4413:7 <b>imagine</b> - 4296:4, 4364:1, 4412:25, 4415:14, 4416:23 <b>immediately</b> - 4441:2 <b>imperative</b> - 4343:23 <b>importance</b> - 4428:25 <b>important</b> - 4302:6, 4355:13 <b>impossible</b> - 4286:1 <b>impressed</b> - 4314:11, 4314:12, 4314:13, 4364:1 <b>impression</b> - 4312:19, 4324:12, 4324:13,	<b>initial</b> - 4340:12 <b>initiative</b> - 4410:4 <b>Inland</b> - 4280:15 <b>inner</b> - 4417:10 <b>innocence</b> - 4290:12 <b>innocent</b> - 4290:13, 4293:25, 4311:23 <b>Inquiry</b> - 4279:2, 4279:23 <b>inside</b> - 4285:16, 4292:9, 4292:20, 4379:13, 4379:14, 4417:6, 4417:12, 4417:13, 4417:14, 4434:4, 4436:13 <b>insisted</b> - 4290:11, 4290:12 <b>instance</b> - 4438:19 <b>instructs</b> - 4315:16 <b>intelligent</b> - 4291:21 <b>intercede</b> - 4296:16, 4329:21 <b>intercession</b> - 4296:19 <b>interest</b> - 4338:8, 4338:11, 4338:13, 4385:11 <b>Interested</b> - 4309:10 <b>interested</b> - 4309:13, 4312:22 <b>interesting</b> - 4313:14 <b>interrupt</b> - 4389:9 <b>interrupted</b> - 4306:20 <b>intersected</b> - 4298:14 <b>intersection</b> - 4299:22 <b>interview</b> - 4283:8, 4283:9, 4316:8, 4316:12, 4316:19, 4316:22, 4317:6, 4318:2, 4319:2, 4321:12, 4322:2, 4322:16, 4325:18, 4327:11, 4331:17, 4331:23, 4335:6, 4336:3, 4342:21, 4342:25, 4343:3, 4343:15, 4344:12, 4345:9, 4353:16, 4354:8, 4354:10, 4354:14, 4354:17, 4359:7, 4359:9, 4391:3, 4395:15, 4400:24, 4405:24, 4406:17, 4408:14, 4410:12, 4411:20 <b>Interview</b> - 4282:9, 4411:10 <b>interviewed</b> - 4346:5, 4356:25, 4408:24 <b>interviewing</b> - 4355:21 <b>interviews</b> - 4332:10, 4332:11, 4350:24, 4381:9 <b>intimate</b> - 4382:7 <b>intrigued</b> - 4394:10 <b>invested</b> - 4344:23 <b>investigated</b> - 4284:20 <b>investigating</b> - 4289:20, 4363:23 <b>investigative</b> - 4338:23 <b>invoice</b> - 4334:19 <b>involved</b> - 4283:23, 4287:13, 4337:3, 4337:4 <b>involvement</b> - 4297:8, 4343:25, 4350:21 <b>involving</b> - 4283:10 <b>Irene</b> - 4280:11 <b>Irwin</b> - 4281:12 <b>Isabelle</b> - 4280:6



<b>issue</b> - 4311:25 <b>issues</b> - 4322:7, 4347:9, 4405:14, 4407:13, 4408:8 <b>itself</b> - 4394:16	<b>kids</b> - 4289:12, 4289:14 <b>kill</b> - 4285:9 <b>killed</b> - 4285:7, 4286:4, 4286:6, 4427:21, 4427:23, 4428:17, 4429:3, 4429:14, 4432:8 <b>killer</b> - 4436:2 <b>kind</b> - 4293:1, 4296:23, 4297:10, 4302:9, 4334:16, 4358:2, 4385:19, 4388:23, 4421:6 <b>Kind</b> - 4414:7, 4422:18 <b>kinds</b> - 4386:11 <b>Kleenex</b> - 4414:5 <b>knees</b> - 4388:8, 4416:18, 4416:20 <b>knife</b> - 4285:8, 4301:16, 4388:6, 4440:7 <b>knock</b> - 4357:24, 4358:2 <b>knocking</b> - 4358:3 <b>knowledge</b> - 4428:16, 4429:3, 4443:7 <b>known</b> - 4303:25, 4305:11, 4361:13 <b>knows</b> - 4417:18, 4427:19, 4430:23 <b>Krogan</b> - 4281:4 <b>Kujawa</b> - 4281:6	<b>leave</b> - 4292:6, 4312:5, 4362:10 <b>leaving</b> - 4307:19 <b>led</b> - 4379:15 <b>Lee</b> - 4409:1, 4410:12, 4411:11, 4411:15, 4411:19, 4412:12, 4412:17, 4412:20, 4413:7, 4413:25, 4414:2, 4414:5, 4414:7, 4414:10, 4414:14, 4414:19, 4420:3, 4420:5, 4420:7, 4420:10, 4420:13, 4420:15, 4420:17, 4420:20, 4420:23, 4420:25, 4421:6, 4421:8, 4421:14, 4421:22, 4422:25, 4423:25, 4424:2, 4424:4, 4424:7, 4424:10, 4424:12, 4424:18, 4425:3, 4427:14, 4427:18, 4429:24, 4430:1, 4430:3, 4430:5, 4430:11, 4430:12, 4430:16, 4430:19, 4430:22, 4431:1, 4431:12, 4431:14, 4431:16, 4431:20, 4431:22, 4432:6, 4432:9, 4432:12, 4432:18, 4432:22, 4432:24, 4433:2, 4433:4, 4433:7, 4433:8, 4433:10, 4433:14, 4433:17, 4433:21, 4433:25, 4434:9, 4434:12, 4434:15, 4434:19, 4434:24, 4435:2, 4435:6, 4435:9, 4435:17, 4435:21, 4435:24, 4436:9, 4436:11, 4436:23, 4436:25, 4437:3, 4437:10, 4437:13, 4437:15, 4437:17, 4437:21, 4437:23, 4438:1, 4438:5, 4438:9, 4438:15, 4438:18, 4439:1, 4439:4, 4439:6, 4439:10, 4439:16, 4439:19, 4439:21, 4439:23, 4440:10, 4440:13, 4440:16, 4440:19, 4440:23, 4441:1, 4441:4, 4441:8, 4441:12, 4441:16, 4441:18, 4441:25, 4442:4, 4442:10, 4442:13, 4442:15 <b>left</b> - 4291:1, 4300:4, 4307:8, 4307:11, 4363:14, 4363:16, 4375:14, 4382:1, 4391:8, 4391:9, 4393:5, 4395:16, 4396:20, 4417:21, 4417:22, 4418:3 <b>left-hand</b> - 4363:14, 4363:16, 4393:5, 4395:16 <b>legal</b> - 4283:12, 4288:14, 4292:21, 4294:17, 4295:1, 4346:21 <b>legs</b> - 4417:13 <b>length</b> - 4285:1, 4436:21	<b>lengthy</b> - 4342:17, 4377:11 <b>Leslie</b> - 4282:6, 4283:11, 4283:16, 4290:21, 4291:4, 4292:25, 4293:3, 4293:6, 4294:20, 4294:25, 4296:5, 4296:9, 4296:13, 4296:16, 4296:25, 4297:4, 4297:7, 4297:15, 4297:19, 4297:22, 4298:1, 4298:6, 4298:8, 4298:12, 4298:16, 4299:3, 4299:10, 4299:14, 4300:17, 4302:3, 4310:19, 4311:6, 4311:11, 4311:19, 4312:14, 4313:5, 4313:9, 4314:5, 4315:2, 4315:6, 4315:25, 4316:9, 4329:21, 4329:23, 4329:25, 4334:14, 4334:20, 4334:23, 4334:25, 4335:3, 4335:7, 4335:13, 4337:10, 4337:19, 4338:3, 4339:24, 4341:15, 4341:23, 4342:8, 4343:2, 4343:12, 4343:15, 4343:19, 4344:7, 4344:14, 4345:19, 4346:2, 4346:4, 4347:2, 4347:16, 4347:18, 4348:16, 4349:19, 4350:12, 4359:10 <b>Leslie's</b> - 4346:9 <b>less</b> - 4302:17 <b>letter</b> - 4335:3, 4335:4, 4335:8, 4337:10, 4339:13, 4342:3, 4342:9, 4342:11, 4344:11, 4344:13, 4346:24, 4347:2, 4347:10, 4347:14, 4347:15, 4347:17, 4347:19, 4347:21, 4348:15, 4348:17, 4348:20, 4348:21, 4349:16, 4349:19, 4349:22, 4350:1, 4350:7, 4359:16, 4359:18 <b>letting</b> - 4413:20, 4418:18, 4428:23, 4429:16, 4429:17 <b>level</b> - 4417:18, 4417:20, 4418:1, 4418:20, 4419:9, 4422:3, 4425:12, 4425:14, 4425:17, 4425:24, 4426:15, 4426:25, 4427:2, 4427:21, 4427:23, 4428:1, 4428:3, 4428:7, 4428:10 <b>lie</b> - 4313:16, 4313:18, 4314:5, 4314:17, 4315:4, 4338:24, 4339:4, 4339:9, 4357:1, 4364:6 <b>lie-detector</b> - 4313:16, 4315:4 <b>life</b> - 4289:13, 4294:7, 4360:14, 4371:4, 4403:17, 4406:9, 4407:13	<b>lifetime</b> - 4387:3 <b>light</b> - 4287:19, 4379:13, 4402:22 <b>lights</b> - 4379:14 <b>likely</b> - 4407:13 <b>line</b> - 4290:5, 4296:24, 4347:22, 4347:24, 4350:12, 4351:8, 4356:5, 4359:14, 4362:3, 4362:7, 4362:15, 4362:18, 4362:19, 4363:20, 4365:21, 4367:7, 4367:8, 4370:24, 4371:24, 4373:20, 4374:7, 4375:17, 4380:8, 4384:16, 4405:25, 4415:25 <b>lines</b> - 4320:17, 4322:24, 4347:1, 4356:23, 4368:16, 4369:20, 4383:17 <b>lips</b> - 4415:24 <b>listen</b> - 4316:6, 4411:2, 4426:8 <b>listened</b> - 4335:6, 4336:3 <b>Listening</b> - 4318:2 <b>literally</b> - 4286:1 <b>live</b> - 4289:13, 4349:7, 4358:4 <b>lived</b> - 4360:9 <b>liver</b> - 4417:9 <b>lives</b> - 4358:16, 4361:13 <b>living</b> - 4357:22, 4357:24 <b>Lockyer</b> - 4281:3 <b>logic</b> - 4287:1 <b>logically</b> - 4287:5, 4325:6 <b>longest</b> - 4360:9 <b>look</b> - 4287:4, 4287:5, 4289:13, 4295:19, 4313:3, 4314:7, 4325:6, 4342:11, 4372:21, 4381:22, 4381:25, 4395:12, 4425:24, 4426:24, 4441:1, 4441:21 <b>looked</b> - 4292:24 <b>looking</b> - 4286:16, 4291:18, 4294:6, 4309:2, 4340:1, 4340:18, 4349:14, 4355:3, 4393:5 <b>looks</b> - 4295:20, 4334:19, 4336:9, 4347:10, 4348:18, 4368:18, 4399:10 <b>Loosening</b> - 4416:9 <b>loosening</b> - 4415:18, 4416:2, 4416:13, 4416:20 <b>lose</b> - 4403:12, 4403:14 <b>losing</b> - 4404:13 <b>lost</b> - 4430:2 <b>lower</b> - 4416:13 <b>lungs</b> - 4417:8, 4417:14
<b>J</b>	<b>L</b>	<b>lengthy</b> - 4342:17, 4377:11 <b>Leslie</b> - 4282:6, 4283:11, 4283:16, 4290:21, 4291:4, 4292:25, 4293:3, 4293:6, 4294:20, 4294:25, 4296:5, 4296:9, 4296:13, 4296:16, 4296:25, 4297:4, 4297:7, 4297:15, 4297:19, 4297:22, 4298:1, 4298:6, 4298:8, 4298:12, 4298:16, 4299:3, 4299:10, 4299:14, 4300:17, 4302:3, 4310:19, 4311:6, 4311:11, 4311:19, 4312:14, 4313:5, 4313:9, 4314:5, 4315:2, 4315:6, 4315:25, 4316:9, 4329:21, 4329:23, 4329:25, 4334:14, 4334:20, 4334:23, 4334:25, 4335:3, 4335:7, 4335:13, 4337:10, 4337:19, 4338:3, 4339:24, 4341:15, 4341:23, 4342:8, 4343:2, 4343:12, 4343:15, 4343:19, 4344:7, 4344:14, 4345:19, 4346:2, 4346:4, 4347:2, 4347:16, 4347:18, 4348:16, 4349:19, 4350:12, 4359:10 <b>Leslie's</b> - 4346:9 <b>less</b> - 4302:17 <b>letter</b> - 4335:3, 4335:4, 4335:8, 4337:10, 4339:13, 4342:3, 4342:9, 4342:11, 4344:11, 4344:13, 4346:24, 4347:2, 4347:10, 4347:14, 4347:15, 4347:17, 4347:19, 4347:21, 4348:15, 4348:17, 4348:20, 4348:21, 4349:16, 4349:19, 4349:22, 4350:1, 4350:7, 4359:16, 4359:18 <b>letting</b> - 4413:20, 4418:18, 4428:23, 4429:16, 4429:17 <b>level</b> - 4417:18, 4417:20, 4418:1, 4418:20, 4419:9, 4422:3, 4425:12, 4425:14, 4425:17, 4425:24, 4426:15, 4426:25, 4427:2, 4427:21, 4427:23, 4428:1, 4428:3, 4428:7, 4428:10 <b>lie</b> - 4313:16, 4313:18, 4314:5, 4314:17, 4315:4, 4338:24, 4339:4, 4339:9, 4357:1, 4364:6 <b>lie-detector</b> - 4313:16, 4315:4 <b>life</b> - 4289:13, 4294:7, 4360:14, 4371:4, 4403:17, 4406:9, 4407:13	<b>lifetime</b> - 4387:3 <b>light</b> - 4287:19, 4379:13, 4402:22 <b>lights</b> - 4379:14 <b>likely</b> - 4407:13 <b>line</b> - 4290:5, 4296:24, 4347:22, 4347:24, 4350:12, 4351:8, 4356:5, 4359:14, 4362:3, 4362:7, 4362:15, 4362:18, 4362:19, 4363:20, 4365:21, 4367:7, 4367:8, 4370:24, 4371:24, 4373:20, 4374:7, 4375:17, 4380:8, 4384:16, 4405:25, 4415:25 <b>lines</b> - 4320:17, 4322:24, 4347:1, 4356:23, 4368:16, 4369:20, 4383:17 <b>lips</b> - 4415:24 <b>listen</b> - 4316:6, 4411:2, 4426:8 <b>listened</b> - 4335:6, 4336:3 <b>Listening</b> - 4318:2 <b>literally</b> - 4286:1 <b>live</b> - 4289:13, 4349:7, 4358:4 <b>lived</b> - 4360:9 <b>liver</b> - 4417:9 <b>lives</b> - 4358:16, 4361:13 <b>living</b> - 4357:22, 4357:24 <b>Lockyer</b> - 4281:3 <b>logic</b> - 4287:1 <b>logically</b> - 4287:5, 4325:6 <b>longest</b> - 4360:9 <b>look</b> - 4287:4, 4287:5, 4289:13, 4295:19, 4313:3, 4314:7, 4325:6, 4342:11, 4372:21, 4381:22, 4381:25, 4395:12, 4425:24, 4426:24, 4441:1, 4441:21 <b>looked</b> - 4292:24 <b>looking</b> - 4286:16, 4291:18, 4294:6, 4309:2, 4340:1, 4340:18, 4349:14, 4355:3, 4393:5 <b>looks</b> - 4295:20, 4334:19, 4336:9, 4347:10, 4348:18, 4368:18, 4399:10 <b>Loosening</b> - 4416:9 <b>loosening</b> - 4415:18, 4416:2, 4416:13, 4416:20 <b>lose</b> - 4403:12, 4403:14 <b>losing</b> - 4404:13 <b>lost</b> - 4430:2 <b>lower</b> - 4416:13 <b>lungs</b> - 4417:8, 4417:14	
<b>K</b>	<b>lady</b> - 4317:17, 4360:13 <b>Lana</b> - 4281:4 <b>Lane</b> - 4383:25 <b>Langenburg</b> - 4289:18 <b>lap</b> - 4413:17 <b>Larry</b> - 4280:15, 4281:10, 4282:6, 4283:11, 4283:15, 4316:9, 4335:3, 4359:18, 4407:23 <b>last</b> - 4290:19, 4317:15, 4341:5, 4347:1, 4348:19, 4352:10, 4356:4, 4356:5, 4361:10, 4361:13, 4363:11, 4373:16, 4373:17, 4374:5, 4375:17, 4376:11, 4376:17, 4380:8, 4394:4, 4395:8, 4402:1, 4403:23, 4405:24 <b>late</b> - 4332:14 <b>laughing</b> - 4356:10 <b>Laughs</b> - 4309:19 <b>law</b> - 4294:20, 4295:1, 4314:9 <b>lawyer</b> - 4283:11, 4315:17, 4334:14, 4336:9, 4336:10, 4336:23, 4337:17, 4342:4, 4342:22, 4346:25, 4348:23, 4349:6, 4359:17 <b>lawyers</b> - 4335:10 <b>laying</b> - 4388:3 <b>lead</b> - 4364:23 <b>learn</b> - 4436:15 <b>least</b> - 4322:17, 4332:14, 4338:3, 4353:20, 4357:9, 4369:11, 4369:13, 4385:2, 4405:1	<b>lady</b> - 4317:17, 4360:13 <b>Lana</b> - 4281:4 <b>Lane</b> - 4383:25 <b>Langenburg</b> - 4289:18 <b>lap</b> - 4413:17 <b>Larry</b> - 4280:15, 4281:10, 4282:6, 4283:11, 4283:15, 4316:9, 4335:3, 4359:18, 4407:23 <b>last</b> - 4290:19, 4317:15, 4341:5, 4347:1, 4348:19, 4352:10, 4356:4, 4356:5, 4361:10, 4361:13, 4363:11, 4373:16, 4373:17, 4374:5, 4375:17, 4376:11, 4376:17, 4380:8, 4394:4, 4395:8, 4402:1, 4403:23, 4405:24 <b>late</b> - 4332:14 <b>laughing</b> - 4356:10 <b>Laughs</b> - 4309:19 <b>law</b> - 4294:20, 4295:1, 4314:9 <b>lawyer</b> - 4283:11, 4315:17, 4334:14, 4336:9, 4336:10, 4336:23, 4337:17, 4342:4, 4342:22, 4346:25, 4348:23, 4349:6, 4359:17 <b>lawyers</b> - 4335:10 <b>laying</b> - 4388:3 <b>lead</b> - 4364:23 <b>learn</b> - 4436:15 <b>least</b> - 4322:17, 4332:14, 4338:3, 4353:20, 4357:9, 4369:11, 4369:13, 4385:2, 4405:1	<b>lengthy</b> - 4342:17, 4377:11 <b>Leslie</b> - 4282:6, 4283:11, 4283:16, 4290:21, 4291:4, 4292:25, 4293:3, 4293:6, 4294:20, 4294:25, 4296:5, 4296:9, 4296:13, 4296:16, 4296:25, 4297:4, 4297:7, 4297:15, 4297:19, 4297:22, 4298:1, 4298:6, 4298:8, 4298:12, 4298:16, 4299:3, 4299:10, 4299:14, 4300:17, 4302:3, 4310:19, 4311:6, 4311:11, 4311:19, 4312:14, 4313:5, 4313:9, 4314:5, 4315:2, 4315:6, 4315:25, 4316:9, 4329:21, 4329:23, 4329:25, 4334:14, 4334:20, 4334:23, 4334:25, 4335:3, 4335:7, 4335:13, 4337:10, 4337:19, 4338:3, 4339:24, 4341:15, 4341:23, 4342:8, 4343:2, 4343:12, 4343:15, 4343:19, 4344:7, 4344:14, 4345:19, 4346:2, 4346:4, 4347:2, 4347:16, 4347:18, 4348:16, 4349:19, 4350:12, 4359:10 <b>Leslie's</b> - 4346:9 <b>less</b> - 4302:17 <b>letter</b> - 4335:3, 4335:4, 4335:8, 4337:10, 4339:13, 4342:3, 4342:9, 4342:11, 4344:11, 4344:13, 4346:24, 4347:2, 4347:10, 4347:14, 4347:15, 4347:17, 4347:19, 4347:21, 4348:15, 4348:17, 4348:20, 4348:21, 4349:16, 4349:19, 4349:22, 4350:1, 4350:7, 4359:16, 4359:18 <b>letting</b> - 4413:20, 4418:18, 4428:23, 4429:16, 4429:17 <b>level</b> - 4417:18, 4417:20, 4418:1, 4418:20, 4419:9, 4422:3, 4425:12, 4425:14, 4425:17, 4425:24, 4426:15, 4426:25, 4427:2, 4427:21, 4427:23, 4428:1, 4428:3, 4428:7, 4428:10 <b>lie</b> - 4313:16, 4313:18, 4314:5, 4314:17, 4315:4, 4338:24, 4339:4, 4339:9, 4357:1, 4364:6 <b>lie-detector</b> - 4313:16, 4315:4 <b>life</b> - 4289:13, 4294:7, 4360:14, 4371:4, 4403:17, 4406:9, 4407:13	<b>lifetime</b> - 4387:3 <b>light</b> - 4287:19, 4379:13, 4402:22 <b>lights</b> - 4379:14 <b>likely</b> - 4407:13 <b>line</b> - 4290:5, 4296:24, 4347:22, 4347:24, 4350:12, 4351:8, 4356:5, 4359:14, 4362:3, 4362:7, 4362:15, 4362:18, 4362:19, 4363:20, 4365:21, 4367:7, 4367:8, 4370:24, 4371:24, 4373:20, 4374:7, 4375:17, 4380:8, 4384:16, 4405:25, 4415:25 <b>lines</b> - 4320:17, 4322:24, 4347:1, 4356:23, 4368:16, 4369:20, 4383:17 <b>lips</b> - 4415:24 <b>listen</b> - 4316:6, 4411:2, 4426:8 <b>listened</b> - 4335:6, 4336:3 <b>Listening</b> - 4318:2 <b>literally</b> - 4286:1 <b>live</b> - 4289:13, 4349:7, 4358:4 <b>lived</b> - 4360:9 <b>liver</b> - 4417:9 <b>lives</b> - 4358:16, 4361:13 <b>living</b> - 4357:22, 4357:24 <b>Lockyer</b> - 4281:3 <b>logic</b> - 4287:1 <b>logically</b> - 4287:5, 4325:6 <b>longest</b> - 4360:9 <b>look</b> - 4287:4, 4287:5, 4289:13, 4295:19, 4313:3, 4314:7, 4325:6, 4342:11, 4372:21, 4381:22, 4381:25, 4395:12, 4425:24, 4426:24, 4441:1, 4441:21 <b>looked</b> - 4292:24 <b>looking</b> - 4286:16, 4291:18, 4294:6, 4309:2, 4340:1, 4340:18, 4349:14, 4355:3, 4393:5 <b>looks</b> - 4295:20, 4334:19, 4336:9, 4347:10, 4348:18, 4368:18, 4399:10 <b>Loosening</b> - 4416:9 <b>loosening</b> - 4415:18, 4416:2, 4416:13, 4416:20 <b>lose</b> - 4403:12, 4403:14 <b>losing</b> - 4404:13 <b>lost</b> - 4430:2 <b>lower</b> - 4416:13 <b>lungs</b> - 4417:8, 4417:14
<b>Kara</b> - 4280:6 <b>Karen</b> - 4280:12, 4443:3, 4443:14 <b>Karst</b> - 4281:8, 4343:22 <b>Keep</b> - 4413:17 <b>keep</b> - 4378:5, 4397:2, 4413:7, 4414:16 <b>Kelowna</b> - 4353:21, 4391:6 <b>Kennedy</b> - 4281:5 <b>key</b> - 4293:15 <b>keys</b> - 4379:6, 4380:4 <b>kid</b> - 4401:12, 4401:16 <b>kidneys</b> - 4417:10	<b>lady</b> - 4317:17, 4360:13 <b>Lana</b> - 4281:4 <b>Lane</b> - 4383:25 <b>Langenburg</b> - 4289:18 <b>lap</b> - 4413:17 <b>Larry</b> - 4280:15, 4281:10, 4282:6, 4283:11, 4283:15, 4316:9, 4335:3, 4359:18, 4407:23 <b>last</b> - 4290:19, 4317:15, 4341:5, 4347:1, 4348:19, 4352:10, 4356:4, 4356:5, 4361:10, 4361:13, 4363:11, 4373:16, 4373:17, 4374:5, 4375:17, 4376:11, 4376:17, 4380:8, 4394:4, 4395:8, 4402:1, 4403:23, 4405:24 <b>late</b> - 4332:14 <b>laughing</b> - 4356:10 <b>Laughs</b> - 4309:19 <b>law</b> - 4294:20, 4295:1, 4314:9 <b>lawyer</b> - 4283:11,			

<p>4363:23, 4365:4, 4365:9  <b>magnet</b> - 4416:17  <b>magnetic</b> - 4415:15, 4415:17, 4415:21, 4415:25, 4416:4, 4416:11, 4416:24, 4417:6  <b>main</b> - 4378:24  <b>make-up</b> - 4377:18, 4378:4, 4378:6, 4378:8  <b>Mama</b> - 4292:17  <b>man</b> - 4391:24, 4392:3, 4392:7, 4398:13, 4409:7, 4441:9  <b>Manager</b> - 4280:5  <b>manipulate</b> - 4314:21  <b>manipulated</b> - 4337:7  <b>manipulates</b> - 4309:2, 4309:3  <b>map</b> - 4396:19, 4400:21, 4400:23  <b>March</b> - 4279:21, 4347:6, 4347:18, 4348:18  <b>marking</b> - 4399:11  <b>maroon</b> - 4300:13  <b>mask</b> - 4428:8  <b>materials</b> - 4323:16  <b>matter</b> - 4288:1, 4335:13, 4339:20, 4344:24, 4345:4, 4348:3, 4349:5, 4351:3, 4407:16  <b>matters</b> - 4407:15  <b>Mclachlin</b> - 4281:11  <b>Mcleans</b> - 4361:17  <b>mean</b> - 4284:11, 4284:18, 4285:23, 4292:2, 4300:24, 4308:1, 4327:20, 4328:9, 4332:24, 4333:1, 4350:18, 4369:25, 4386:15, 4386:19, 4387:7, 4389:9, 4390:4, 4390:10, 4393:15, 4399:20, 4400:17, 4401:3  <b>meaning</b> - 4308:23  <b>means</b> - 4419:6  <b>meant</b> - 4325:24  <b>media</b> - 4351:5, 4352:12  <b>medical</b> - 4321:18, 4322:4, 4322:6, 4406:19  <b>meet</b> - 4330:10, 4337:13, 4338:11, 4345:17, 4346:22, 4347:8  <b>meeting</b> - 4291:8, 4313:6, 4335:19, 4343:5, 4345:20, 4354:5, 4357:11, 4360:7  <b>meetings</b> - 4293:7, 4358:25  <b>member</b> - 4313:12  <b>memories</b> - 4339:18, 4340:5, 4386:25, 4417:3, 4424:21, 4425:19, 4426:16, 4426:19, 4426:20, 4426:22, 4426:23, 4429:5, 4442:5  <b>memory</b> - 4301:19, 4301:23, 4318:3, 4321:6, 4321:19, 4330:4, 4336:6,</p>	<p>4336:25, 4341:3, 4366:23, 4370:19, 4391:2, 4394:2, 4403:5, 4405:18, 4427:2, 4427:4, 4427:10, 4428:16, 4428:21, 4429:8, 4429:12, 4429:14, 4435:13, 4442:3  <b>men</b> - 4419:23, 4441:9  <b>mentally</b> - 4325:12, 4325:21, 4326:8, 4327:9  <b>mention</b> - 4286:18, 4341:7  <b>mentioned</b> - 4349:18, 4357:16  <b>mentioning</b> - 4385:10  <b>Merchant</b> - 4282:6, 4283:12, 4283:16, 4296:23, 4298:11, 4300:15, 4300:18, 4301:3, 4301:8, 4301:11, 4301:13, 4301:15, 4301:18, 4302:8, 4302:12, 4302:20, 4302:23, 4303:1, 4303:3, 4303:9, 4303:12, 4303:15, 4304:8, 4304:11, 4304:15, 4304:20, 4304:24, 4305:3, 4305:9, 4305:13, 4305:16, 4305:19, 4305:21, 4305:23, 4306:2, 4306:5, 4306:8, 4306:14, 4306:18, 4306:21, 4307:1, 4307:4, 4307:11, 4307:14, 4307:17, 4307:22, 4308:1, 4308:3, 4308:7, 4308:14, 4308:18, 4308:22, 4309:7, 4309:10, 4309:13, 4309:16, 4309:18, 4309:20, 4309:24, 4310:4, 4310:9, 4310:12, 4310:16, 4310:19, 4311:18, 4312:16, 4312:18, 4313:8, 4314:4, 4316:10, 4329:23, 4330:14, 4330:21, 4331:3, 4331:7, 4331:9, 4331:18, 4335:3, 4335:18, 4335:19, 4336:12, 4336:22, 4338:22, 4340:9, 4341:6, 4342:22, 4343:24, 4344:13, 4346:25, 4347:3, 4348:16, 4350:13, 4359:1, 4359:9  <b>merit</b> - 4355:9  <b>Messer</b> - 4335:20, 4335:23, 4336:13, 4337:14, 4337:17, 4339:15, 4340:17, 4345:9, 4345:14, 4345:17, 4345:21, 4346:10, 4346:22, 4347:8, 4350:14, 4360:7  <b>Messer's</b> - 4341:8  <b>met</b> - 4288:20, 4292:12, 4303:22, 4303:25, 4335:20, 4354:17, 4409:14  <b>Meyer</b> - 4280:13,</p>	<p>4443:3, 4443:20  <b>mid</b> - 4350:14  <b>middle</b> - 4331:1, 4331:3, 4366:7, 4377:11, 4384:3, 4385:8, 4416:13  <b>might</b> - 4290:8, 4310:4, 4310:7, 4311:14, 4311:17, 4312:20, 4314:7, 4325:23, 4339:21, 4345:8, 4390:19, 4397:18, 4400:24, 4409:12, 4418:5, 4420:10, 4421:9  <b>Milgaard</b> - 4279:4, 4281:2, 4281:3, 4282:7, 4283:11, 4283:16, 4283:18, 4286:5, 4286:25, 4288:8, 4288:12, 4289:4, 4290:22, 4291:5, 4293:2, 4293:5, 4293:8, 4294:10, 4294:13, 4294:16, 4294:21, 4295:4, 4295:7, 4295:12, 4295:17, 4295:19, 4295:24, 4296:1, 4296:4, 4296:7, 4296:11, 4296:14, 4296:17, 4296:20, 4297:3, 4297:5, 4297:13, 4297:16, 4297:18, 4297:21, 4298:18, 4299:17, 4300:15, 4301:1, 4301:14, 4301:22, 4302:7, 4302:24, 4302:25, 4303:2, 4303:18, 4306:10, 4306:12, 4308:10, 4308:12, 4309:1, 4309:6, 4309:7, 4309:9, 4309:12, 4309:19, 4311:12, 4312:12, 4312:17, 4312:19, 4313:6, 4313:10, 4314:25, 4315:3, 4315:22, 4316:1, 4316:10, 4317:16, 4317:23, 4318:7, 4318:8, 4318:20, 4319:23, 4320:4, 4320:20, 4320:25, 4322:23, 4322:24, 4323:1, 4323:7, 4323:10, 4324:16, 4325:1, 4326:10, 4326:23, 4329:1, 4330:3, 4330:10, 4330:16, 4330:22, 4333:4, 4333:7, 4334:3, 4334:20, 4334:22, 4337:1, 4337:2, 4337:9, 4338:12, 4342:18, 4342:22, 4342:23, 4342:25, 4344:22, 4347:16, 4347:23, 4348:3, 4348:17, 4348:20, 4349:15, 4349:22, 4350:2, 4351:2, 4353:10, 4355:2, 4357:19, 4358:5, 4358:12, 4359:1, 4359:9, 4361:8, 4368:5, 4371:11, 4383:10, 4384:20, 4384:21, 4403:17, 4437:18, 4439:16, 4441:13, 4441:20</p>	<p><b>Milgaard's</b> - 4336:9, 4355:25, 4432:2, 4432:3  <b>Milgaards</b> - 4340:10, 4340:18  <b>Miller</b> - 4298:21, 4319:21, 4321:20, 4322:8, 4322:19, 4351:18, 4353:11, 4353:23, 4353:24, 4354:6, 4381:24, 4382:5, 4387:22, 4392:13, 4392:25, 4393:1, 4406:10, 4408:10  <b>mind</b> - 4296:6, 4299:6, 4299:10, 4300:20, 4315:10, 4318:23, 4349:9, 4349:13, 4369:2, 4369:6, 4369:22, 4370:10, 4373:7, 4377:25, 4392:12, 4392:18, 4395:23, 4397:16, 4399:23, 4412:13, 4413:11, 4417:2, 4417:17, 4417:25, 4418:9, 4418:18, 4419:8, 4421:11, 4421:25, 4423:19, 4425:15, 4425:21, 4426:10, 4426:14, 4428:15, 4428:20, 4428:24, 4429:11, 4429:20, 4430:23, 4431:2, 4431:4, 4437:4, 4437:7, 4437:10  <b>mine</b> - 4324:13  <b>minister</b> - 4355:6  <b>Minister</b> - 4281:11, 4322:12, 4352:23, 4355:2  <b>minute</b> - 4335:9, 4376:8, 4383:22, 4388:2  <b>minutes</b> - 4283:14, 4288:1, 4288:2, 4356:11, 4410:22  <b>misdirect</b> - 4335:24  <b>missing</b> - 4371:3, 4403:1, 4403:5, 4404:10  <b>mixed</b> - 4401:12, 4401:16  <b>moaning</b> - 4433:16  <b>modest</b> - 4344:25  <b>moment</b> - 4335:12, 4411:13, 4413:1, 4418:4, 4418:19, 4426:14, 4426:20, 4427:3, 4428:3, 4428:18, 4429:2, 4429:11, 4429:13, 4436:18, 4437:6  <b>money</b> - 4289:10, 4289:19, 4293:21, 4344:23  <b>monitoring</b> - 4426:13  <b>month</b> - 4290:4, 4291:16, 4348:1  <b>months</b> - 4290:5, 4291:15, 4305:19, 4344:12  <b>morning</b> - 4283:5, 4283:25, 4286:8, 4286:10, 4307:9, 4318:4, 4319:16, 4320:3, 4368:4, 4370:21, 4419:22, 4422:3, 4422:5, 4423:3,</p>	<p>4423:8, 4423:13, 4423:19, 4426:16, 4427:3, 4427:20, 4427:22, 4427:23, 4428:17, 4429:3, 4429:15, 4435:25, 4437:5, 4442:24  <b>most</b> - 4393:11, 4416:19, 4419:9, 4419:14  <b>motel</b> - 4306:17, 4383:21  <b>mother</b> - 4289:16  <b>motioned</b> - 4384:21  <b>Mountain</b> - 4288:24  <b>mouth</b> - 4381:1, 4395:23, 4399:24  <b>move</b> - 4418:6, 4418:22, 4426:5  <b>moved</b> - 4289:17, 4350:15, 4360:9, 4406:4  <b>movement</b> - 4419:12  <b>movie</b> - 4314:15, 4387:17, 4419:19  <b>movies</b> - 4387:11, 4387:24  <b>moving</b> - 4411:12, 4415:25, 4416:7, 4423:22, 4432:4, 4440:23  <b>mull</b> - 4312:22  <b>multi</b> - 4284:2, 4284:3  <b>mundane</b> - 4289:15  <b>murder</b> - 4285:15, 4308:5, 4321:20, 4322:8, 4322:19, 4342:20, 4349:11, 4351:18, 4353:11, 4355:4, 4363:23, 4364:21  <b>murdered</b> - 4287:1, 4287:3, 4319:7  <b>murders</b> - 4360:16  <b>muscles</b> - 4415:18, 4416:8, 4416:9, 4416:12, 4416:13, 4416:16, 4416:21  <b>must</b> - 4284:3, 4284:4, 4285:20, 4293:19, 4318:22, 4373:21, 4441:6</p>
				<b>N</b>
				<p><b>nails</b> - 4406:12  <b>name</b> - 4294:22, 4295:9, 4295:10, 4303:25, 4306:9, 4314:8, 4351:11, 4351:14, 4352:19, 4353:19, 4355:17, 4360:16, 4433:4, 4433:5, 4434:20  <b>named</b> - 4345:17  <b>names</b> - 4352:5  <b>naturally</b> - 4285:17  <b>nature</b> - 4357:18, 4357:21, 4365:1, 4386:9  <b>Nd</b> - 4360:5, 4370:24  <b>near</b> - 4286:12, 4308:15, 4318:7  <b>necessarily</b> - 4292:2  <b>necessary</b> - 4345:2  <b>neck</b> - 4416:1, 4417:6  <b>need</b> - 4290:17, 4330:18, 4349:8, 4378:25, 4414:17  <b>neglected</b> - 4341:7</p>



<p><b>never</b> - 4292:24, 4293:15, 4293:16, 4294:5, 4301:4, 4303:7, 4303:10, 4337:13, 4352:15, 4360:8, 4360:14, 4383:17, 4387:14, 4394:8, 4394:9, 4394:13, 4394:15, 4394:16, 4398:15, 4398:16, 4398:17, 4399:14, 4399:15</p> <p><b>new</b> - 4289:8</p> <p><b>news</b> - 4351:12</p> <p><b>next</b> - 4290:4, 4291:14, 4301:6, 4318:19, 4324:4, 4325:11, 4326:22, 4327:7, 4330:12, 4330:23, 4330:25, 4335:2, 4336:11, 4338:21, 4339:12, 4341:25, 4344:19, 4347:6, 4348:15, 4350:21, 4356:10, 4361:6, 4363:18, 4364:19, 4368:9, 4368:16, 4369:19, 4371:23, 4372:9, 4373:18, 4373:19, 4374:5, 4374:19, 4376:19, 4376:23, 4377:9, 4379:18, 4380:10, 4397:6, 4398:19, 4400:9, 4402:5, 4404:19, 4410:11</p> <p><b>Next</b> - 4344:10, 4345:6, 4346:12, 4347:14, 4366:14, 4382:14, 4387:20, 4388:22</p> <p><b>nice</b> - 4415:5</p> <p><b>Nichol</b> - 4282:3, 4282:5, 4283:3, 4283:10, 4283:15, 4285:4, 4286:4, 4286:24, 4288:6, 4288:10, 4288:13, 4289:2, 4293:13, 4294:9, 4294:11, 4294:14, 4294:24, 4295:3, 4295:6, 4295:9, 4295:15, 4295:18, 4295:20, 4295:22, 4295:25, 4296:2, 4297:9, 4297:14, 4297:17, 4297:25, 4298:3, 4298:7, 4298:10, 4298:15, 4298:17, 4299:9, 4299:13, 4300:24, 4301:2, 4301:4, 4301:10, 4301:12, 4301:17, 4301:19, 4302:11, 4302:13, 4302:22, 4303:7, 4303:11, 4303:13, 4303:16, 4303:19, 4304:10, 4304:13, 4304:16, 4304:22, 4305:1, 4305:6, 4305:11, 4305:15, 4305:18, 4305:20, 4305:22, 4306:1, 4306:3, 4306:6, 4306:9, 4306:11, 4306:16, 4306:19, 4306:25, 4307:3, 4307:6, 4307:13, 4307:15, 4307:18, 4307:25, 4308:2, 4308:4, 4308:9,</p>	<p>4308:11, 4308:17, 4308:20, 4308:23, 4309:3, 4309:13, 4309:15, 4309:17, 4309:23, 4310:1, 4310:7, 4310:11, 4310:13, 4310:18, 4311:17, 4311:21, 4312:2, 4312:9, 4315:12, 4315:13, 4315:23, 4316:3, 4320:16, 4320:18, 4324:12, 4327:14, 4342:7, 4342:17, 4344:1, 4344:5, 4344:17, 4345:7, 4348:25, 4353:16, 4355:17, 4361:15, 4368:19, 4377:11, 4385:10, 4385:14, 4387:6, 4389:5, 4411:16, 4411:18, 4411:24, 4412:8, 4412:11, 4412:16, 4412:19, 4413:2, 4413:6, 4413:22, 4413:24, 4414:1, 4414:4, 4414:9, 4414:13, 4414:18, 4415:7, 4416:7, 4417:16, 4419:15, 4419:24, 4420:2, 4420:4, 4420:6, 4420:9, 4420:12, 4420:14, 4420:16, 4420:18, 4420:22, 4420:24, 4421:4, 4421:7, 4421:13, 4421:21, 4422:24, 4423:15, 4423:24, 4424:3, 4424:6, 4424:9, 4424:11, 4424:17, 4425:1, 4425:2, 4426:3, 4427:17, 4428:24, 4429:23, 4429:25, 4430:2, 4430:4, 4430:15, 4430:17, 4430:21, 4430:25, 4431:11, 4431:13, 4431:15, 4431:19, 4431:21, 4432:7, 4432:10, 4432:15, 4432:21, 4432:23, 4432:25, 4433:3, 4433:6, 4433:9, 4433:13, 4433:16, 4433:18, 4433:20, 4433:23, 4434:6, 4434:11, 4434:14, 4434:17, 4434:23, 4435:1, 4435:3, 4435:8, 4435:15, 4435:20, 4436:7, 4436:10, 4436:22, 4436:24, 4437:2, 4437:9, 4437:12, 4437:14, 4437:16, 4437:20, 4437:22, 4437:24, 4438:3, 4438:6, 4438:14, 4438:17, 4438:21, 4439:3, 4439:5, 4439:8, 4439:14, 4439:18, 4439:20, 4439:22, 4440:9, 4440:12, 4440:15, 4440:17, 4440:22, 4440:25, 4441:3, 4441:7, 4441:15, 4441:17, 4441:24, 4442:2,</p>	<p>4442:8, 4442:12, 4442:14</p> <p><b>Nichol's</b> - 4395:10, 4421:17</p> <p><b>Nicky</b> - 4285:3, 4293:12</p> <p><b>night</b> - 4300:13, 4307:4, 4321:5, 4366:10</p> <p><b>nightmare</b> - 4289:7</p> <p><b>nine</b> - 4344:12</p> <p><b>nobody</b> - 4303:4, 4358:3, 4377:22</p> <p><b>Nobody</b> - 4377:14</p> <p><b>non</b> - 4355:4</p> <p><b>non-capital</b> - 4355:4</p> <p><b>None</b> - 4401:5</p> <p><b>none</b> - 4421:19, 4421:23</p> <p><b>nose</b> - 4415:24, 4434:23</p> <p><b>notes</b> - 4443:7</p> <p><b>nothing</b> - 4284:22, 4293:5, 4360:9, 4360:18, 4360:20, 4361:10, 4369:24, 4370:12, 4380:15, 4400:6, 4400:7, 4400:14</p> <p><b>Nothing</b> - 4288:16, 4372:19, 4400:16, 4401:1, 4429:24</p> <p><b>notwithstanding</b> - 4336:17</p> <p><b>November</b> - 4353:15, 4357:10, 4366:25, 4370:9, 4375:24, 4376:25, 4380:1, 4385:2, 4391:3, 4395:11, 4406:24, 4408:24</p> <p><b>numb</b> - 4420:22, 4420:24, 4421:3, 4421:6</p> <p><b>number</b> - 4288:25, 4339:22, 4356:8, 4415:12</p> <p><b>numbers</b> - 4414:22, 4414:23, 4414:25</p> <p><b>numbness</b> - 4421:2</p> <p><b>nurse</b> - 4427:21, 4427:23</p>	<p><b>Official</b> - 4280:12, 4443:2, 4443:4, 4443:15, 4443:21</p> <p><b>Often</b> - 4393:9, 4393:10</p> <p><b>old</b> - 4304:1, 4325:10, 4384:1</p> <p><b>once</b> - 4290:21, 4290:22, 4291:16, 4303:25, 4345:8, 4347:9, 4417:16, 4417:22, 4418:2, 4424:19, 4425:10, 4425:11, 4425:13, 4426:2, 4427:1</p> <p><b>Once</b> - 4306:1, 4413:11</p> <p><b>one</b> - 4284:6, 4284:7, 4284:17, 4285:12, 4288:6, 4288:18, 4291:15, 4292:25, 4294:11, 4294:14, 4295:3, 4295:6, 4297:19, 4303:24, 4304:6, 4327:17, 4331:1, 4331:4, 4340:5, 4352:10, 4357:23, 4360:10, 4363:2, 4365:19, 4367:16, 4368:12, 4372:20, 4373:14, 4373:19, 4380:12, 4380:13, 4382:19, 4385:9, 4387:9, 4389:7, 4389:13, 4392:10, 4392:11, 4394:20, 4395:9, 4396:14, 4398:18, 4411:13, 4421:21, 4421:22, 4422:17, 4422:18, 4423:14, 4423:16, 4424:13, 4428:4, 4436:12, 4439:15, 4441:9, 4441:14</p> <p><b>One</b> - 4288:15, 4291:14, 4299:2, 4338:23, 4380:21, 4427:13, 4430:9</p> <p><b>ones</b> - 4396:15, 4403:22</p> <p><b>open</b> - 4287:22, 4342:18, 4358:4, 4414:22, 4414:23, 4414:25, 4415:3, 4415:7, 4418:16, 4420:8, 4424:5</p> <p><b>opened</b> - 4358:5, 4366:4</p> <p><b>opening</b> - 4377:15</p> <p><b>operation</b> - 4293:12, 4343:20</p> <p><b>operator</b> - 4314:21</p> <p><b>opportunity</b> - 4315:7, 4315:9, 4316:6, 4343:13</p> <p><b>opposite</b> - 4298:4</p> <p><b>optimum</b> - 4417:17, 4418:1, 4426:15</p> <p><b>order</b> - 4286:7, 4312:8</p> <p><b>ordinary</b> - 4320:9</p> <p><b>organs</b> - 4417:7, 4417:10</p> <p><b>oriented</b> - 4417:17, 4419:24</p> <p><b>orienting</b> - 4419:16, 4425:10</p> <p><b>otherwise</b> - 4339:8</p> <p><b>outside</b> - 4322:18, 4340:3, 4366:3, 4402:10</p> <p><b>own</b> - 4315:10, 4322:6,</p>	<p>4413:19, 4425:5, 4425:8, 4426:8, 4429:6, 4435:22</p>
				<p><b>P</b></p> <p><b>pack</b> - 4304:24</p> <p><b>Page</b> - 4282:2, 4324:11, 4384:16</p> <p><b>page</b> - 4317:11, 4317:23, 4318:6, 4318:17, 4320:15, 4320:23, 4322:22, 4323:9, 4324:5, 4325:5, 4325:11, 4326:20, 4326:21, 4326:22, 4327:7, 4329:20, 4330:19, 4330:24, 4330:25, 4331:3, 4331:6, 4339:12, 4342:5, 4342:13, 4354:24, 4356:3, 4356:10, 4357:14, 4359:7, 4359:12, 4360:4, 4362:2, 4362:6, 4362:11, 4362:18, 4362:19, 4363:7, 4363:11, 4363:18, 4364:20, 4365:20, 4366:14, 4367:10, 4368:10, 4368:16, 4368:19, 4369:19, 4371:23, 4372:2, 4372:21, 4373:13, 4373:18, 4373:19, 4373:20, 4374:1, 4374:3, 4374:5, 4374:6, 4374:19, 4374:20, 4374:25, 4375:12, 4375:16, 4376:6, 4376:11, 4376:17, 4376:23, 4377:9, 4378:23, 4379:8, 4379:18, 4380:7, 4380:11, 4381:16, 4382:14, 4383:15, 4384:3, 4385:8, 4387:20, 4388:22, 4391:7, 4394:7, 4395:8, 4397:6, 4398:19, 4400:9, 4402:5, 4404:19, 4405:23, 4405:24</p> <p><b>pages</b> - 4356:13, 4356:21, 4372:25, 4443:5</p> <p><b>paid</b> - 4334:22, 4344:24</p> <p><b>pain</b> - 4432:8, 4432:11</p> <p><b>painful</b> - 4440:5</p> <p><b>paper</b> - 4290:16</p> <p><b>paragraph</b> - 4335:17, 4335:18, 4336:12, 4338:21, 4339:13, 4340:9, 4341:5, 4342:14, 4343:18, 4344:16, 4344:19, 4345:6, 4361:7, 4363:11, 4373:13, 4373:16, 4374:2, 4376:6, 4376:8, 4376:11, 4376:17, 4403:25</p> <p><b>paragraphs</b> - 4344:15</p> <p><b>Pardon</b> - 4332:25, 4396:24, 4439:19, 4439:21</p> <p><b>pardon</b> - 4306:3, 4433:21, 4438:5</p> <p><b>paring</b> - 4285:8</p>



<p><b>Park</b> - 4383:25 <b>parked</b> - 4300:13 <b>parking</b> - 4292:12, 4292:15, 4292:23 <b>parole</b> - 4290:1, 4290:6, 4290:8, 4291:9 <b>paroled</b> - 4290:20, 4294:4 <b>part</b> - 4284:20, 4286:22, 4297:5, 4318:2, 4325:20, 4348:23, 4353:14, 4362:13, 4363:10, 4363:12, 4374:21, 4377:2, 4390:6, 4405:17, 4411:5, 4419:15, 4426:12 <b>particular</b> - 4323:3, 4388:20, 4389:13 <b>particularly</b> - 4302:3, 4314:17 <b>Particularly</b> - 4293:6 <b>parties</b> - 4316:18 <b>parts</b> - 4317:9, 4359:11, 4364:13, 4391:1, 4410:21, 4411:2 <b>partway</b> - 4283:7, 4393:14, 4394:7 <b>pass</b> - 4343:23 <b>passenger</b> - 4366:3 <b>past</b> - 4372:4, 4385:25, 4437:5 <b>Pause</b> - 4378:10, 4431:10, 4433:22, 4434:22, 4439:13, 4441:11 <b>pause</b> - 4325:16, 4336:2, 4339:23, 4367:18, 4373:23, 4375:5, 4375:23, 4379:17, 4381:17, 4385:20, 4389:15, 4392:2, 4395:5, 4397:10, 4399:3, 4400:18, 4401:13, 4402:13, 4403:3, 4403:19, 4404:24, 4406:15, 4414:6, 4424:1, 4430:8 <b>pay</b> - 4311:13, 4321:3, 4334:17, 4334:25 <b>paying</b> - 4311:15, 4313:10 <b>peace</b> - 4426:22 <b>pelvic</b> - 4416:15, 4417:13 <b>penetrating</b> - 4415:18, 4416:24 <b>pentathol</b> - 4341:9, 4341:20 <b>people</b> - 4293:19, 4295:21, 4298:25, 4308:20, 4311:5, 4327:19, 4351:5, 4351:8, 4358:1, 4361:16, 4383:18, 4386:18, 4441:13, 4441:14 <b>perfidy</b> - 4339:6 <b>perhaps</b> - 4299:8, 4310:20, 4312:2, 4312:6, 4312:7 <b>Perhaps</b> - 4297:4 <b>period</b> - 4340:14, 4346:20 <b>peripheral</b> - 4398:1 <b>permeating</b> - 4416:25 <b>permission</b> - 4422:1, 4429:21</p>	<p><b>person</b> - 4297:12, 4299:6, 4299:11, 4299:24, 4300:2, 4309:14, 4309:16, 4311:23, 4314:14, 4315:19, 4321:6, 4325:11, 4325:20, 4326:7, 4327:8, 4328:8, 4328:21, 4336:15, 4336:17, 4337:3, 4351:10, 4351:12, 4352:12, 4353:3, 4388:19, 4388:20, 4400:11, 4408:8, 4427:24, 4436:17, 4440:20, 4441:5 <b>person's</b> - 4358:18, 4438:22, 4438:23 <b>personal</b> - 4303:5, 4407:13 <b>phone</b> - 4296:20, 4330:3, 4361:12, 4361:17 <b>pick</b> - 4306:13, 4362:25, 4387:8, 4398:5 <b>picked</b> - 4285:10, 4371:2 <b>picture</b> - 4368:22, 4394:15, 4399:24, 4400:12 <b>pictures</b> - 4394:16 <b>piece</b> - 4290:16 <b>pinpoint</b> - 4286:11, 4408:19 <b>place</b> - 4283:9, 4284:13, 4286:17, 4301:19, 4305:7, 4349:6, 4354:10, 4366:19, 4384:18, 4411:21, 4418:10 <b>placed</b> - 4364:21, 4415:15 <b>plain</b> - 4375:22, 4375:25, 4402:5 <b>play</b> - 4387:9, 4387:18, 4410:12 <b>played</b> - 4316:17, 4371:18 <b>playing</b> - 4430:11 <b>plays</b> - 4387:24 <b>Pleasant</b> - 4299:1 <b>pleased</b> - 4296:2 <b>plexus</b> - 4416:12 <b>Pm</b> - 4390:22, 4390:23, 4442:25 <b>point</b> - 4286:15, 4286:25, 4289:22, 4290:18, 4295:22, 4301:2, 4304:16, 4348:8, 4348:10, 4358:19, 4408:6, 4422:12 <b>pointed</b> - 4325:5, 4396:21, 4442:7 <b>Police</b> - 4281:7, 4344:3 <b>police</b> - 4285:9, 4292:10, 4292:14, 4293:4, 4318:10, 4318:14, 4324:14, 4324:19, 4324:22, 4340:12, 4342:4, 4343:25, 4381:4, 4383:2, 4402:3 <b>poor</b> - 4410:16 <b>pop</b> - 4385:18 <b>popping</b> - 4397:2 <b>portion</b> - 4367:11 <b>portions</b> - 4391:11 <b>posing</b> - 4361:16</p>	<p><b>positive</b> - 4324:1 <b>possible</b> - 4332:21, 4345:5 <b>Possibly</b> - 4333:19 <b>potential</b> - 4380:18 <b>powder</b> - 4323:17 <b>precisely</b> - 4340:4, 4387:19 <b>predominant</b> - 4392:12, 4392:15 <b>prefer</b> - 4412:15 <b>Prehodchenko</b> - 4280:15 <b>prepare</b> - 4315:8 <b>prepared</b> - 4311:13, 4339:16, 4345:8, 4345:10, 4410:20 <b>presence</b> - 4311:15 <b>present</b> - 4353:23, 4364:8, 4372:24 <b>press</b> - 4351:5 <b>pressure</b> - 4313:19, 4314:2, 4380:16, 4380:19, 4380:23, 4381:3, 4434:3 <b>pressured</b> - 4340:13 <b>presume</b> - 4371:10 <b>pretty</b> - 4309:25, 4312:19, 4331:13, 4419:7, 4421:1, 4424:8 <b>previous</b> - 4320:23, 4326:20 <b>Prince</b> - 4288:20 <b>prison</b> - 4288:18, 4288:19 <b>privilege</b> - 4311:19, 4346:3 <b>privileged</b> - 4311:16 <b>problem</b> - 4397:20 <b>problems</b> - 4310:23, 4310:24, 4310:25, 4341:12 <b>proceed</b> - 4332:2, 4345:10 <b>Proceedings</b> - 4279:12, 4279:23, 4282:1, 4283:1 <b>professionals</b> - 4406:7 <b>professor</b> - 4351:11, 4352:4 <b>program</b> - 4296:24 <b>pronounce</b> - 4411:16 <b>proper</b> - 4358:17 <b>properly</b> - 4313:23 <b>propose</b> - 4359:10, 4410:24 <b>prosecutor</b> - 4312:24 <b>protect</b> - 4339:6 <b>protected</b> - 4418:11 <b>prove</b> - 4292:22 <b>provide</b> - 4335:11, 4335:14, 4350:7 <b>provided</b> - 4331:22, 4335:7, 4346:4, 4350:23 <b>provides</b> - 4412:21, 4412:23 <b>providing</b> - 4356:15, 4428:10 <b>Province</b> - 4443:4 <b>psychiatric</b> - 4290:14, 4290:15, 4290:17 <b>psychiatrist</b> - 4313:3, 4313:6, 4313:11 <b>psychiatrists</b> - 4311:2, 4311:9 <b>psychologist</b> - 4409:12, 4410:13 <b>public</b> - 4296:21, 4312:12, 4330:3</p>	<p><b>pull</b> - 4379:6, 4380:3, 4419:6 <b>pulling</b> - 4406:12 <b>Pulos</b> - 4409:1, 4409:2, 4409:4, 4409:11, 4409:21, 4409:23, 4410:13, 4411:11, 4411:15, 4411:19, 4412:12, 4412:17, 4412:20, 4413:7, 4413:25, 4414:2, 4414:5, 4414:7, 4414:10, 4414:14, 4414:19, 4420:3, 4420:5, 4420:7, 4420:10, 4420:13, 4420:15, 4420:17, 4420:20, 4420:23, 4420:25, 4421:6, 4421:8, 4421:14, 4421:22, 4422:25, 4423:25, 4424:2, 4424:4, 4424:7, 4424:10, 4424:12, 4424:18, 4425:3, 4427:14, 4427:18, 4429:24, 4430:1, 4430:3, 4430:5, 4430:11, 4430:12, 4430:16, 4430:19, 4430:22, 4431:1, 4431:12, 4431:14, 4431:16, 4431:20, 4431:22, 4432:6, 4432:9, 4432:12, 4432:18, 4432:22, 4432:24, 4433:2, 4433:4, 4433:7, 4433:8, 4433:10, 4433:14, 4433:17, 4433:21, 4433:25, 4434:9, 4434:12, 4434:15, 4434:19, 4434:24, 4435:2, 4435:6, 4435:9, 4435:17, 4435:21, 4435:24, 4436:9, 4436:11, 4436:23, 4436:25, 4437:3, 4437:10, 4437:13, 4437:15, 4437:17, 4437:21, 4437:23, 4438:1, 4438:5, 4438:9, 4438:15, 4438:18, 4439:1, 4439:4, 4439:6, 4439:10, 4439:16, 4439:19, 4439:21, 4439:23, 4440:10, 4440:13, 4440:16, 4440:19, 4440:23, 4441:1, 4441:4, 4441:8, 4441:12, 4441:16, 4441:18, 4441:25, 4442:4, 4442:10, 4442:13, 4442:15 <b>pulse</b> - 4313:18, 4314:1 <b>pun</b> - 4308:21 <b>punch</b> - 4384:9 <b>purpose</b> - 4335:21, 4355:21 <b>purposes</b> - 4335:25 <b>purse</b> - 4285:18, 4362:20, 4362:22, 4375:13, 4386:16 <b>pursue</b> - 4292:20 <b>push</b> - 4309:24, 4331:12, 4423:25, 4435:17 <b>put</b> - 4293:23, 4315:3, 4327:11, 4338:10, 4341:16, 4364:17, 4364:21, 4380:25, 4396:5, 4398:25, 4400:3, 4406:9, 4412:13, 4414:16, 4415:9, 4417:22, 4421:15, 4424:25, 4435:12, 4436:1, 4437:10, 4438:7, 4438:18, 4439:11 <b>Put</b> - 4396:1 <b>puts</b> - 4318:9, 4347:17 <b>putting</b> - 4375:13, 4386:16</p>	
<b>Q</b>				
<p><b>Qb</b> - 4280:12 <b>Qc</b> - 4281:2, 4281:6, 4281:8 <b>quality</b> - 4410:16 <b>Queen's</b> - 4443:2, 4443:4, 4443:15, 4443:21 <b>questioning</b> - 4412:2, 4440:1 <b>questions</b> - 4287:11, 4297:22, 4300:19, 4302:18, 4303:5, 4313:20, 4316:23, 4317:1, 4317:10, 4320:20, 4330:13, 4330:17, 4346:7, 4354:18, 4354:20, 4360:20, 4381:18, 4411:9, 4421:11, 4438:11, 4438:16, 4440:1 <b>quick</b> - 4339:20 <b>quickly</b> - 4419:17 <b>quite</b> - 4319:12, 4344:23, 4369:12, 4393:23, 4419:25</p>				
<b>R</b>				
<p><b>radio</b> - 4296:7, 4329:24 <b>Radisson</b> - 4279:16 <b>rage</b> - 4337:1 <b>raise</b> - 4423:15, 4426:17, 4427:7, 4429:12 <b>raised</b> - 4430:18, 4430:20, 4431:3, 4431:5, 4431:7, 4431:25, 4432:2, 4438:23, 4439:2 <b>raising</b> - 4417:20, 4418:21, 4419:10, 4425:16, 4427:5 <b>ran</b> - 4292:13, 4292:14, 4303:23, 4357:1, 4379:6, 4380:4, 4441:8 <b>rang</b> - 4360:12 <b>rape</b> - 4304:16, 4304:17, 4304:19, 4309:22, 4310:2, 4331:11, 4331:14, 4332:1, 4332:2, 4384:5, 4384:6 <b>raped</b> - 4284:2, 4287:2, 4304:6, 4308:19, 4309:21, 4330:24, 4331:5, 4331:10, 4382:1 <b>rate</b> - 4313:19 <b>rather</b> - 4412:17, 4425:1, 4426:11, 4427:14</p>				



<p><b>Rcmp</b> - 4281:9, 4284:14, 4346:5, 4353:20, 4391:6, 4408:15, 4410:18  <b>re</b> - 4342:18  <b>re-open</b> - 4342:18  <b>reaction</b> - 4297:5, 4391:12  <b>read</b> - 4285:22, 4320:24, 4325:2, 4326:1, 4332:13, 4349:20, 4349:25, 4350:5, 4356:11, 4356:13, 4356:20, 4359:17, 4359:19, 4362:23, 4363:6, 4372:22, 4378:3, 4379:8, 4381:7, 4383:7, 4387:19, 4390:6, 4391:11, 4393:22, 4401:9, 4401:11, 4403:22, 4404:25, 4405:17  <b>reading</b> - 4289:21, 4356:15, 4362:13, 4390:12  <b>ready</b> - 4424:7, 4424:22, 4425:23, 4426:24  <b>real</b> - 4285:15, 4385:19  <b>realize</b> - 4382:8  <b>really</b> - 4285:14, 4287:19, 4288:21, 4291:22, 4293:24, 4309:8, 4309:22, 4316:1, 4318:23, 4321:10, 4321:15, 4331:11, 4369:23, 4370:11, 4371:16, 4380:23, 4386:18, 4386:23, 4413:20  <b>reason</b> - 4292:22, 4316:16, 4336:20, 4336:24, 4352:16, 4355:1, 4355:10, 4366:18, 4387:6, 4412:20  <b>reasonable</b> - 4355:23  <b>reasoning</b> - 4341:1  <b>recalled</b> - 4364:11, 4378:20  <b>received</b> - 4349:20, 4410:18  <b>recites</b> - 4379:4  <b>recognized</b> - 4292:8  <b>recollection</b> - 4316:12, 4317:2, 4317:4, 4317:21, 4318:13, 4323:6, 4324:18, 4324:21, 4331:20, 4332:3, 4332:6, 4332:16, 4332:18, 4334:10, 4343:4, 4354:8, 4354:21, 4357:11, 4359:23, 4360:1, 4364:5, 4364:8, 4365:12, 4367:19, 4369:8, 4369:12, 4369:17, 4369:25, 4370:3, 4372:24, 4373:3, 4374:17, 4375:6, 4375:8, 4376:3, 4377:5, 4378:11, 4379:23, 4380:5, 4383:4, 4384:13, 4384:25, 4385:3, 4385:6, 4389:16, 4389:17, 4390:5, 4390:15, 4390:18, 4391:15, 4392:3,</p>	<p>4393:20, 4397:11, 4400:19, 4401:14, 4402:14, 4428:21  <b>recollections</b> - 4380:20  <b>recommended</b> - 4341:8  <b>reconnect</b> - 4435:22, 4437:5  <b>Reconnect-</b> 4435:24  <b>Reconvened-</b> 4283:2, 4346:17, 4390:23  <b>record</b> - 4283:8, 4348:15, 4374:9, 4411:23  <b>recorded</b> - 4329:22, 4372:25  <b>recounting</b> - 4406:3  <b>red</b> - 4377:6  <b>reference</b> - 4320:18, 4324:7, 4411:6  <b>referring</b> - 4325:3, 4358:9, 4363:17, 4371:10, 4381:4, 4395:7, 4400:24, 4401:17  <b>refers</b> - 4348:17  <b>reflect</b> - 4316:18, 4408:15  <b>refresh</b> - 4318:3, 4366:22, 4391:2  <b>refreshing</b> - 4405:18  <b>refused</b> - 4288:17  <b>regard</b> - 4297:11  <b>regarded</b> - 4330:15  <b>regarding</b> - 4330:13, 4330:15, 4341:12, 4342:16, 4343:25  <b>Regina-</b> 4294:15, 4307:12, 4342:23, 4350:15, 4382:1  <b>rehabilitated</b> - 4290:10  <b>related</b> - 4338:24  <b>relating</b> - 4322:7, 4334:20  <b>relation</b> - 4319:20, 4319:23, 4353:9, 4384:5  <b>relations</b> - 4304:11, 4304:21, 4305:14, 4305:24, 4310:5  <b>relationship</b> - 4315:16, 4330:15, 4330:22, 4382:8  <b>relatively</b> - 4336:15  <b>Relax-</b> 4384:8  <b>relax</b> - 4384:8, 4413:18  <b>relaxation</b> - 4413:10, 4415:15, 4415:17, 4415:21, 4415:25, 4416:4, 4416:7, 4416:10, 4416:11, 4416:17, 4416:24, 4417:6  <b>relaxing</b> - 4413:13, 4413:20, 4415:6, 4417:2  <b>release</b> - 4428:7, 4428:19, 4429:20  <b>released</b> - 4311:4  <b>releasing</b> - 4311:3  <b>relevance</b> - 4297:11  <b>relieve</b> - 4434:3  <b>reluctance</b> - 4405:1  <b>reluctant</b> - 4336:19, 4405:2  <b>relying</b> - 4344:20  <b>remark</b> - 4321:1  <b>Remember-</b> 4441:12  <b>remember</b> - 4286:22,</p>	<p>4286:24, 4288:10, 4301:5, 4301:6, 4301:8, 4301:11, 4301:15, 4301:20, 4302:1, 4302:2, 4302:4, 4302:10, 4302:12, 4302:15, 4302:16, 4302:17, 4303:20, 4304:5, 4304:13, 4304:14, 4304:22, 4305:2, 4306:3, 4307:3, 4307:20, 4317:19, 4317:20, 4317:24, 4317:25, 4318:18, 4318:21, 4318:25, 4321:14, 4322:25, 4323:2, 4324:6, 4324:18, 4325:15, 4325:16, 4328:16, 4329:4, 4329:5, 4329:6, 4329:9, 4329:11, 4329:14, 4329:15, 4329:16, 4331:1, 4331:4, 4341:16, 4343:5, 4343:16, 4345:25, 4346:1, 4348:2, 4348:5, 4349:23, 4349:24, 4351:6, 4351:9, 4353:8, 4353:9, 4357:2, 4357:3, 4357:4, 4360:15, 4361:4, 4362:25, 4363:5, 4363:8, 4363:10, 4363:12, 4363:13, 4364:13, 4364:16, 4364:20, 4364:22, 4364:23, 4366:1, 4366:2, 4366:17, 4366:19, 4367:4, 4367:12, 4367:13, 4367:14, 4367:15, 4367:16, 4367:21, 4367:25, 4368:2, 4368:3, 4368:10, 4368:11, 4368:12, 4372:3, 4372:9, 4372:10, 4372:12, 4372:15, 4372:16, 4372:17, 4373:6, 4373:11, 4373:12, 4374:2, 4374:22, 4374:24, 4375:2, 4375:19, 4375:20, 4375:25, 4376:9, 4376:12, 4376:14, 4377:13, 4377:15, 4377:16, 4377:17, 4377:23, 4378:3, 4378:5, 4378:6, 4378:7, 4378:14, 4378:16, 4379:9, 4379:10, 4379:11, 4379:12, 4379:15, 4379:21, 4379:24, 4380:9, 4380:11, 4380:24, 4381:2, 4381:8, 4381:11, 4382:17, 4384:20, 4384:22, 4393:7, 4394:21, 4394:24, 4395:2, 4395:19, 4396:1, 4396:11, 4396:13, 4397:8, 4401:22, 4401:23, 4402:3, 4402:4, 4402:5, 4402:7, 4402:21, 4402:23, 4405:20, 4407:5, 4407:24, 4409:3, 4409:4, 4409:5, 4409:6, 4409:17,</p>	<p>4409:20, 4409:23, 4418:16, 4428:9, 4439:8, 4439:17  <b>remembered</b> - 4307:22, 4367:1, 4367:22, 4380:2  <b>remembers</b> - 4339:4, 4382:16  <b>repeatedly</b> - 4401:25  <b>Repercussions-</b> 4403:16  <b>report</b> - 4383:1  <b>Reporter-</b> 4443:15, 4443:21  <b>Reporters-</b> 4280:12, 4443:4  <b>Reporters'-</b> 4443:2  <b>represents</b> - 4293:22  <b>repression</b> - 4337:5, 4428:8  <b>request</b> - 4322:11, 4346:22, 4347:11  <b>required</b> - 4339:18  <b>resisted</b> - 4382:13  <b>resolve</b> - 4347:8  <b>resolved</b> - 4311:25, 4312:1, 4315:24  <b>respect</b> - 4312:3  <b>response</b> - 4313:20  <b>responses</b> - 4339:7  <b>rest</b> - 4285:11, 4406:8  <b>result</b> - 4312:4, 4355:14  <b>resulting</b> - 4311:22  <b>retain</b> - 4340:18  <b>retains</b> - 4416:8  <b>retire</b> - 4442:20  <b>Retired-</b> 4281:14  <b>return</b> - 4406:5  <b>review</b> - 4316:7, 4353:10, 4355:3, 4355:7, 4355:11, 4355:25, 4439:24  <b>reviewed</b> - 4350:11  <b>reward</b> - 4293:18, 4293:23  <b>Rick-</b> 4281:7  <b>right-hand</b> - 4365:18, 4399:4  <b>ring</b> - 4351:15, 4352:5, 4362:22, 4365:25  <b>Robert-</b> 4281:5  <b>Roberts-</b> 4357:1, 4357:11, 4380:9  <b>role</b> - 4371:17, 4371:22  <b>Ron-</b> 4286:19, 4300:6, 4305:6, 4305:7, 4305:10, 4305:14, 4314:25, 4319:23, 4320:4, 4363:24, 4365:22, 4366:9, 4372:4, 4377:21, 4379:4, 4379:20, 4380:2, 4382:4, 4382:15, 4382:17, 4431:24, 4431:25, 4441:13  <b>Ron's-</b> 4284:15, 4286:17, 4305:7, 4377:20  <b>room</b> - 4304:6, 4312:10, 4331:5, 4383:21, 4385:11  <b>Rose-</b> 4383:23, 4383:24  <b>Rossmo-</b> 4352:5  <b>Rpr-</b> 4280:13, 4443:3, 4443:19, 4443:20  <b>runs</b> - 4300:11</p>	<p><b>S</b></p> <p><b>Sa</b> - 4429:16  <b>safe</b> - 4418:11  <b>sake</b> - 4312:2  <b>Sandra</b> - 4280:5  <b>Saskatchewan</b> - 4279:17, 4281:4, 4313:14, 4314:10, 4360:10, 4383:24, 4417:5, 4429:16, 4443:5  <b>Saskatoon</b> - 4279:17, 4281:7, 4307:19, 4308:7, 4313:15, 4332:22, 4333:5, 4333:8, 4344:3, 4349:4, 4362:20, 4381:9, 4382:13, 4382:23, 4394:10, 4437:8  <b>sat</b> - 4293:11  <b>satisfied</b> - 4335:24  <b>save</b> - 4312:7, 4312:8  <b>saw</b> - 4292:8, 4293:4, 4319:14, 4319:15, 4319:16, 4319:18, 4319:21, 4319:25, 4320:3, 4320:6, 4337:6, 4386:18, 4386:23, 4406:2, 4431:6, 4431:7, 4434:2, 4437:8, 4440:5, 4440:6  <b>scalp</b> - 4415:16, 4415:18, 4415:22  <b>scared</b> - 4308:2, 4308:6  <b>scarf</b> - 4369:2  <b>scene</b> - 4285:13, 4387:12, 4387:15, 4387:19, 4388:7, 4393:12, 4394:9, 4394:10, 4394:13, 4394:16, 4398:11  <b>scheme</b> - 4353:2  <b>school</b> - 4289:15, 4305:12  <b>screaming</b> - 4388:15, 4399:24, 4399:25  <b>screams</b> - 4399:22, 4399:25, 4402:7, 4402:17  <b>screen</b> - 4317:12, 4323:24, 4375:14, 4404:1, 4408:23  <b>screwed</b> - 4397:19  <b>Scroll</b> - 4364:2, 4372:14, 4395:24, 4404:12  <b>scroll</b> - 4320:22, 4336:11, 4338:21, 4340:8, 4341:5, 4344:19, 4354:23, 4356:5, 4359:14, 4361:6, 4365:18, 4370:23, 4372:6, 4384:2, 4385:8, 4395:18, 4397:6, 4402:16  <b>scrolling</b> - 4374:20  <b>seal</b> - 4426:21, 4429:9  <b>seat</b> - 4366:3  <b>second</b> - 4297:20, 4325:4, 4329:20, 4335:17, 4341:5, 4342:5, 4344:15, 4362:11, 4362:19, 4376:6, 4376:7  <b>Second</b> - 4375:17  <b>second-last</b> - 4341:5</p>
---	--	--	---	--





<b>secretary</b> - 4294:17 <b>Security</b> - 4280:14 <b>security</b> - 4357:25, 4358:17, 4358:20 <b>see</b> - 4285:14, 4285:15, 4286:1, 4286:12, 4287:25, 4290:9, 4299:4, 4299:25, 4300:1, 4301:8, 4301:14, 4303:9, 4305:23, 4306:8, 4313:25, 4317:16, 4326:22, 4336:4, 4339:21, 4340:24, 4342:2, 4342:6, 4347:23, 4348:16, 4349:2, 4350:21, 4351:14, 4355:10, 4357:5, 4360:5, 4362:16, 4363:15, 4368:24, 4368:25, 4369:3, 4375:15, 4382:6, 4386:12, 4386:13, 4386:15, 4388:3, 4388:18, 4388:21, 4389:10, 4389:11, 4393:8, 4393:17, 4395:10, 4396:3, 4398:2, 4399:4, 4399:5, 4400:10, 4400:12, 4400:15, 4400:16, 4401:3, 4410:23, 4413:1, 4413:3, 4414:11, 4414:17, 4418:5, 4418:22, 4419:5, 4420:1, 4422:12, 4425:12, 4426:5, 4428:22, 4429:23, 4429:25, 4430:15, 4430:17, 4430:19, 4438:21, 4438:23, 4438:24, 4439:14, 4439:15 <b>See</b> - 4295:10, 4315:2 <b>seeing</b> - 4317:25, 4318:3, 4324:8, 4373:14, 4374:3, 4374:24, 4375:12, 4375:19, 4386:20, 4396:1, 4399:18, 4399:19, 4419:11, 4434:4, 4434:25, 4435:25, 4438:19 <b>seeking</b> - 4405:12 <b>seem</b> - 4375:12, 4411:12 <b>segments</b> - 4410:22 <b>send</b> - 4289:15, 4290:13 <b>sending</b> - 4427:6 <b>sense</b> - 4287:7, 4396:7, 4412:21, 4413:1, 4413:4, 4413:5, 4418:4, 4426:4, 4441:18, 4441:23 <b>sensed</b> - 4418:23 <b>sensing</b> - 4418:13 <b>sensitive</b> - 4330:17 <b>sensors</b> - 4420:1 <b>sent</b> - 4347:19, 4359:17 <b>sentry</b> - 4412:23 <b>September</b> - 4408:25, 4410:13, 4411:19 <b>Serge</b> - 4281:6 <b>Sergeant</b> - 4343:22, 4353:17, 4353:18, 4354:6, 4365:9, 4368:18, 4387:24,	4388:5, 4391:5 <b>sergeant</b> - 4284:24 <b>serious</b> - 4304:3, 4364:2 <b>serum</b> - 4341:22 <b>Service</b> - 4281:7 <b>services</b> - 4334:25, 4345:3 <b>Serving</b> - 4295:5 <b>session</b> - 4337:17, 4337:23, 4337:25, 4338:4, 4345:23, 4350:13, 4409:1, 4409:21 <b>sessions</b> - 4322:11 <b>set</b> - 4337:18, 4345:14, 4369:4 <b>setting</b> - 4388:23 <b>settle</b> - 4288:18 <b>settled</b> - 4291:21 <b>seven</b> - 4286:9, 4286:12, 4287:24, 4356:23 <b>seventh</b> - 4365:21 <b>several</b> - 4351:7 <b>sexual</b> - 4304:11, 4304:21, 4305:14, 4305:24, 4310:5, 4384:4 <b>shaky</b> - 4414:7 <b>shaped</b> - 4300:11 <b>Share</b> - 4432:13, 4432:18 <b>share</b> - 4423:11, 4426:19, 4427:25, 4428:2, 4428:6, 4428:10, 4428:11, 4428:12, 4429:8, 4436:3, 4436:16, 4436:19 <b>shared</b> - 4426:20, 4431:17, 4435:10 <b>shares</b> - 4425:21 <b>Sharon</b> - 4306:10, 4306:11, 4306:14 <b>shorthand</b> - 4443:6 <b>shortly</b> - 4333:5, 4347:6 <b>shorts</b> - 4304:25 <b>Shorty</b> - 4305:17, 4305:18, 4305:24, 4306:23 <b>Shorty's</b> - 4286:17 <b>shot</b> - 4291:3, 4292:17, 4292:18 <b>shotgun</b> - 4292:19 <b>shoulder</b> - 4412:14, 4415:9, 4417:22, 4425:1, 4437:11 <b>shoulders</b> - 4416:2 <b>shouting</b> - 4388:14 <b>show</b> - 4298:18, 4323:24, 4335:2, 4344:17, 4345:14, 4347:14, 4348:20, 4396:18 <b>showed</b> - 4380:9 <b>showing</b> - 4395:24 <b>shows</b> - 4299:17, 4299:20 <b>Shows</b> - 4299:18 <b>side</b> - 4362:9, 4363:14, 4363:16, 4365:18, 4369:4, 4393:5, 4395:8, 4395:16, 4399:4, 4436:12 <b>Side</b> - 4299:2, 4427:13, 4430:9 <b>sides</b> - 4415:22, 4415:25	<b>sidewalk</b> - 4366:6 <b>sigh</b> - 4433:13 <b>Sigh</b> - 4423:24, 4433:20 <b>Sighs</b> - 4413:24, 4414:1, 4420:6 <b>sign</b> - 4420:25, 4421:3 <b>signal</b> - 4413:13, 4417:19, 4418:3, 4418:21, 4419:2, 4419:10, 4425:15, 4426:3, 4427:5, 4429:11 <b>signaling</b> - 4422:5 <b>signed</b> - 4325:5 <b>significance</b> - 4397:21 <b>significant</b> - 4313:4, 4345:1, 4393:23 <b>similar</b> - 4285:7, 4338:25, 4389:18 <b>simple</b> - 4292:21 <b>simply</b> - 4311:25, 4315:13, 4344:17, 4412:5 <b>sit</b> - 4289:25, 4291:24 <b>sitting</b> - 4279:15, 4283:20, 4375:2, 4379:12, 4379:13, 4379:24, 4440:14 <b>situation</b> - 4314:13, 4335:22, 4336:16, 4358:16 <b>six</b> - 4290:4, 4305:19, 4410:22 <b>sixth</b> - 4371:24 <b>sketch</b> - 4395:7, 4399:4 <b>skill</b> - 4443:7 <b>skipped</b> - 4297:10, 4304:4 <b>skull</b> - 4416:25 <b>sleep</b> - 4306:23, 4307:2, 4385:13, 4424:11 <b>slender</b> - 4409:7 <b>slip</b> - 4413:15 <b>slowing</b> - 4417:7 <b>slowly</b> - 4413:8, 4426:7 <b>small</b> - 4289:9, 4341:9 <b>smoker</b> - 4417:9 <b>snatch</b> - 4362:20 <b>snatching</b> - 4285:18, 4362:22 <b>snow</b> - 4389:2 <b>Sob</b> - 4434:11 <b>Sobbing</b> - 4434:6, 4434:17 <b>solar</b> - 4416:12 <b>solicitor/client</b> - 4346:3 <b>someone</b> - 4287:18, 4292:8, 4299:19, 4332:1, 4336:6, 4337:4, 4337:9, 4351:14, 4351:17, 4358:16, 4386:21, 4410:5, 4410:6, 4432:16, 4436:1, 4438:11 <b>sometime</b> - 4408:18 <b>Sometimes</b> - 4328:18 <b>sometimes</b> - 4378:4, 4393:13 <b>somewhat</b> - 4412:22 <b>somewhere</b> - 4284:8, 4284:9, 4396:16, 4402:8, 4402:23, 4409:15 <b>son</b> - 4295:16, 4342:19 <b>son's</b> - 4290:24	<b>soon</b> - 4289:22, 4289:25, 4345:5 <b>soothing</b> - 4415:17, 4416:16, 4417:1, 4417:11 <b>sorry</b> - 4285:4, 4290:10, 4296:14, 4303:4, 4309:9, 4319:10, 4323:23, 4326:21, 4328:7, 4334:7, 4343:11, 4348:10, 4352:10, 4352:24, 4363:15, 4367:8, 4368:10, 4382:6, 4384:7, 4388:15, 4392:23, 4399:5, 4407:20, 4420:17, 4421:22, 4425:13 <b>Sorry</b> - 4360:19, 4361:10, 4400:25, 4405:22 <b>sort</b> - 4290:3, 4301:18, 4305:4, 4311:3, 4431:17, 4436:11, 4439:24 <b>Sort</b> - 4292:25 <b>sought</b> - 4404:16 <b>sound</b> - 4334:23, 4355:22, 4361:1, 4389:22, 4389:24, 4390:7, 4419:24, 4424:16 <b>sounds</b> - 4355:23, 4393:22, 4394:1 <b>Sounds</b> - 4393:25 <b>space</b> - 4370:1 <b>speaker</b> - 4313:15, 4314:11 <b>speaking</b> - 4394:12 <b>special</b> - 4418:10 <b>specialist</b> - 4315:9 <b>specifically</b> - 4335:21, 4389:23 <b>spectacle</b> - 4295:11 <b>speed</b> - 4425:8 <b>spend</b> - 4307:4 <b>spent</b> - 4284:4 <b>spite</b> - 4311:14 <b>split</b> - 4298:12, 4298:16 <b>spoken</b> - 4363:24 <b>spot</b> - 4284:7, 4414:20 <b>spots</b> - 4363:6, 4410:16 <b>springtime</b> - 4360:11, 4361:1 <b>stabbed</b> - 4284:2, 4432:21 <b>stabbing</b> - 4386:14, 4386:21, 4392:7, 4398:13, 4432:22, 4432:24, 4433:5, 4433:8, 4433:12, 4433:14, 4441:20 <b>Stabbing</b> - 4388:6 <b>Stacer</b> - 4314:8 <b>Staff</b> - 4280:1, 4280:10 <b>staff</b> - 4411:2 <b>standing</b> - 4360:13 <b>start</b> - 4306:20, 4321:22, 4357:20, 4374:20, 4377:11, 4407:10 <b>Start</b> - 4299:2 <b>started</b> - 4289:19, 4289:21, 4377:24 <b>starting</b> - 4300:2, 4373:12, 4374:2, 4390:13, 4405:25	<b>starts</b> - 4318:7, 4324:12, 4359:15, 4360:5, 4361:7, 4362:3, 4363:21, 4367:7, 4370:24, 4371:24, 4379:2, 4384:17, 4391:19 <b>state</b> - 4412:22, 4413:10, 4421:1 <b>statement</b> - 4325:2, 4325:3, 4325:4, 4325:7, 4325:9, 4326:6, 4326:11, 4326:24, 4327:1, 4327:5, 4327:7, 4327:18, 4328:1, 4340:12, 4340:14, 4344:2, 4344:4, 4356:8, 4356:15, 4356:24, 4357:5, 4362:5, 4362:6, 4362:8, 4362:16, 4362:17, 4362:24, 4363:15, 4363:16, 4373:24, 4373:25, 4374:1, 4375:15, 4376:17, 4376:18, 4378:25, 4401:6, 4401:8, 4401:9 <b>states</b> - 4322:20, 4323:21, 4339:13, 4354:25, 4406:1 <b>stating</b> - 4405:1 <b>station</b> - 4329:25 <b>stay</b> - 4290:19, 4306:14, 4318:14, 4349:12 <b>stayed</b> - 4306:16 <b>staying</b> - 4304:5 <b>steel</b> - 4397:9 <b>steeple</b> - 4392:18, 4396:11, 4396:13, 4398:10 <b>Stephen</b> - 4281:11 <b>steps</b> - 4283:20, 4288:15, 4379:13, 4379:24 <b>Sticks</b> - 4398:8 <b>still</b> - 4285:11, 4286:16, 4317:12, 4347:11, 4368:21, 4378:19, 4382:2, 4382:3 <b>Still</b> - 4382:3 <b>stimulating</b> - 4417:3 <b>Stockton</b> - 4295:5 <b>stomach</b> - 4417:10 <b>Stony</b> - 4288:24 <b>stood</b> - 4400:5 <b>stop</b> - 4286:19, 4287:3, 4287:6, 4315:19, 4350:18, 4393:15, 4395:3, 4418:14, 4432:9 <b>stopped</b> - 4297:12, 4317:18, 4366:18, 4368:25, 4407:9, 4407:12 <b>stopping</b> - 4363:8, 4367:1 <b>stories</b> - 4369:5 <b>story</b> - 4314:16 <b>straddled</b> - 4388:4 <b>straddling</b> - 4388:8 <b>strain</b> - 4325:12, 4325:22, 4326:8, 4327:9, 4416:3 <b>strange</b> - 4302:21, 4315:16, 4361:12 <b>strangled</b> - 4435:5, 4435:7 <b>Street</b> - 4286:13,
---	---	--	---	---



<p>4383:23, 4392:14  <b>street</b> - 4297:12,  4298:8, 4298:13,  4298:19, 4298:23,  4299:7, 4299:11,  4299:19, 4303:24,  4317:18, 4394:25  <b>strengthening</b> -  4417:8  <b>stress</b> - 4325:12,  4325:21, 4326:8,  4327:9, 4328:10,  4328:12, 4416:3  <b>strictly</b> - 4285:3  <b>stripped</b> - 4284:16  <b>strong</b> - 4309:14,  4310:2, 4331:14  <b>stuck</b> - 4286:20,  4287:6, 4298:21,  4299:23, 4300:8,  4317:25, 4363:5,  4367:12, 4372:11,  4376:13, 4376:22,  4377:6, 4394:20,  4402:4, 4402:21  <b>studies</b> - 4291:22  <b>stuff</b> - 4285:2,  4285:22, 4378:5,  4401:23  <b>Stupid</b> - 4382:9  <b>stupid</b> - 4304:1,  4309:18, 4382:9,  4383:8  <b>style</b> - 4429:7  <b>sub</b> - 4425:22  <b>subconscious</b> -  4310:24, 4311:4,  4313:22, 4314:1,  4412:3, 4412:6,  4413:11, 4416:8,  4417:17, 4417:18,  4417:25, 4418:9,  4418:18, 4419:3,  4419:8, 4419:15,  4421:25, 4422:10,  4422:13, 4422:25,  4423:9, 4423:18,  4423:19, 4423:20,  4425:15, 4425:20,  4426:14, 4426:17,  4426:21, 4427:4,  4427:10, 4427:19,  4427:21, 4427:22,  4428:4, 4428:15,  4428:16, 4428:19,  4428:23, 4429:10,  4429:18, 4430:22,  4431:1, 4431:4, 4437:4,  4437:7, 4438:1, 4440:1,  4441:19, 4441:22,  4442:4, 4442:6  <b>subconsciously</b> -  4318:24, 4336:18,  4337:8  <b>subject</b> - 4424:8  <b>subsection</b> - 4313:14,  4314:9  <b>subsequent</b> - 4332:11,  4347:17  <b>successive</b> - 4413:9  <b>sudden</b> - 4400:8,  4400:9, 4402:19  <b>suggested</b> - 4311:12,  4349:24  <b>suggestion</b> - 4406:5  <b>Support</b> - 4280:10  <b>supposed</b> - 4377:20  <b>supposedly</b> - 4364:21  <b>suppress</b> - 4311:22,  4336:16</p>	<p><b>suppressed</b> - 4311:6,  4339:8  <b>suppression</b> - 4336:25  <b>Supreme</b> - 4411:5  <b>surrounded</b> - 4292:11  <b>surrounding</b> - 4292:15  <b>Susan</b> - 4294:17  <b>sweater</b> - 4284:7  <b>system</b> - 4290:2,  4412:2</p> <p style="text-align: center;"><b>T</b></p> <p><b>T-shaped</b> - 4300:11  <b>tailor</b> - 4380:20  <b>talks</b> - 4326:23,  4347:23  <b>Tall</b> - 4309:16  <b>tall</b> - 4396:13, 4409:6  <b>taller</b> - 4309:17  <b>Tallis</b> - 4281:13  <b>tape</b> - 4283:14,  4301:23, 4316:7,  4316:14, 4316:16,  4325:19, 4329:22,  4410:11, 4410:12,  4410:14, 4410:16,  4410:17, 4410:20,  4411:1, 4411:8, 4436:4,  4436:21  <b>Tape</b> - 4282:9, 4282:10,  4411:10, 4427:13,  4430:9, 4430:10,  4442:16  <b>taped</b> - 4283:7,  4342:25, 4343:1,  4343:15, 4354:13  <b>Tdr</b> - 4281:5  <b>Technician</b> - 4280:15  <b>techniques</b> - 4338:23  <b>telephone</b> - 4287:16  <b>telestrator</b> - 4399:6  <b>ten</b> - 4335:20  <b>tend</b> - 4328:2  <b>tendency</b> - 4310:13,  4310:14  <b>tendon</b> - 4419:5  <b>tension</b> - 4416:9,  4416:19  <b>tenth</b> - 4367:7  <b>terrible</b> - 4284:1,  4285:24, 4289:6,  4301:22  <b>terrifying</b> - 4285:17  <b>terror</b> - 4388:14,  4399:23  <b>test</b> - 4315:4, 4339:10,  4357:2  <b>testified</b> - 4287:8,  4407:23  <b>testify</b> - 4287:9  <b>Testimony</b> - 4279:14  <b>testimony</b> - 4286:17,  4355:15  <b>text</b> - 4348:23  <b>theory</b> - 4300:15  <b>therefore</b> - 4311:16,  4345:24  <b>thigh</b> - 4416:16  <b>thinking</b> - 4294:2,  4321:16, 4321:22,  4340:6, 4397:8,  4418:13  <b>thinks</b> - 4309:14,  4313:23  <b>third</b> - 4298:24,  4320:16, 4331:6,  4340:8, 4343:18,  4356:5, 4380:8,  4395:17, 4405:25</p>	<p><b>third-last</b> - 4380:8  <b>thirds</b> - 4323:10,  4379:1, 4379:2, 4379:4,  4391:21, 4394:8  <b>thirty</b> - 4287:24  <b>this</b> - 4377:22  <b>thoroughly</b> - 4284:15  <b>thoughts</b> - 4321:19,  4331:25, 4426:10,  4438:4, 4438:7,  4438:19  <b>thousand</b> - 4288:13  <b>threatening</b> - 4296:19  <b>three</b> - 4288:17,  4289:11, 4291:13,  4291:14, 4369:5,  4373:20  <b>threw</b> - 4377:23  <b>throughout</b> - 4284:25  <b>throw</b> - 4293:15  <b>throwing</b> - 4320:25,  4378:16  <b>thumb</b> - 4413:13  <b>thumbs</b> - 4416:6  <b>Tidsbury</b> - 4353:17,  4353:18, 4354:6,  4368:18, 4381:5,  4382:10, 4382:21,  4382:22, 4384:4,  4385:9, 4387:25,  4388:5, 4388:18,  4389:8, 4391:5,  4391:20, 4391:23,  4392:6, 4394:9,  4395:21, 4395:22,  4396:10, 4397:1,  4398:10, 4399:21,  4401:7, 4402:6,  4402:25  <b>tie</b> - 4284:18, 4416:19  <b>tightness</b> - 4415:19,  4416:3, 4416:14,  4416:20  <b>tingle</b> - 4427:6  <b>tingling</b> - 4421:5,  4423:14  <b>tipped</b> - 4292:9  <b>tired</b> - 4414:9  <b>Tired</b> - 4414:10  <b>title</b> - 4352:25  <b>Today</b> - 4301:1,  4319:15  <b>today</b> - 4283:9,  4316:21, 4317:7,  4317:12, 4319:3,  4326:1, 4326:2,  4326:14, 4327:11,  4327:13, 4327:14,  4328:18, 4328:22,  4329:5, 4332:9, 4333:2,  4335:6, 4348:10,  4354:16, 4361:4,  4364:8, 4365:12,  4367:4, 4367:25,  4368:14, 4369:16,  4370:7, 4370:13,  4370:14, 4371:6,  4373:7, 4375:8, 4376:3,  4377:5, 4378:19,  4378:21, 4379:23,  4380:5, 4385:6,  4386:24, 4397:16,  4403:4, 4404:3, 4405:8,  4405:11, 4407:2,  4408:19, 4436:15,  4436:17, 4442:20  <b>together</b> - 4287:25,  4290:25, 4398:15,  4398:17, 4398:21  <b>tomorrow</b> - 4332:9,</p>	<p>4442:24  <b>tone</b> - 4296:17,  4296:19  <b>tonight</b> - 4404:22  <b>Tony</b> - 4283:12, 4296:9,  4316:10, 4330:14,  4335:3, 4342:22  <b>took</b> - 4283:9,  4284:16, 4287:22,  4292:7, 4307:19,  4354:10, 4379:6,  4380:4, 4411:21  <b>top</b> - 4317:23, 4318:8,  4339:13, 4353:14,  4356:22, 4367:7,  4368:16, 4369:20,  4374:20, 4374:21,  4379:19, 4387:20,  4395:10, 4400:11,  4415:16  <b>tops</b> - 4416:1  <b>tore</b> - 4383:22  <b>Toronto</b> - 4291:2,  4291:3, 4292:8  <b>total</b> - 4314:5  <b>touch</b> - 4412:14,  4415:10, 4417:23  <b>touches</b> - 4427:4  <b>tow</b> - 4283:19  <b>towards</b> - 4372:4,  4388:22  <b>Towers</b> - 4294:12,  4294:13, 4294:19,  4295:2, 4295:8  <b>town</b> - 4289:10  <b>Transcript</b> - 4279:12,  4283:1  <b>transcript</b> - 4316:7,  4316:17, 4317:10,  4334:9, 4346:6,  4353:15, 4354:24,  4355:12, 4355:19,  4356:7, 4362:10,  4362:12, 4363:19,  4367:6, 4369:19,  4370:23, 4374:18,  4374:19, 4378:24,  4381:8, 4381:19,  4391:2, 4391:3,  4391:11, 4395:14,  4399:13, 4400:21,  4410:19, 4410:24,  4411:3, 4411:4, 4411:8  <b>transcription</b> - 4443:6  <b>transcripts</b> - 4285:22,  4408:13  <b>trap</b> - 4425:23  <b>traumatic</b> - 4405:14  <b>travelling</b> - 4319:24  <b>treated</b> - 4324:14,  4324:17, 4324:19,  4324:21  <b>treatment</b> - 4341:8,  4341:11  <b>trial</b> - 4303:20, 4308:6,  4342:18, 4355:16,  4371:20, 4407:24  <b>tried</b> - 4288:14,  4288:25, 4289:2,  4289:5, 4296:8,  4296:16, 4329:21,  4380:16, 4382:13,  4409:24  <b>trigger</b> - 4394:1  <b>triggered</b> - 4297:2,  4297:7  <b>trip</b> - 4305:22,  4305:24, 4322:25,  4323:7, 4332:22,  4333:5, 4333:8,</p>	<p>4333:20, 4333:25,  4334:1, 4334:4,  4382:21, 4383:10  <b>trouble</b> - 4293:10,  4308:24  <b>troublesome</b> -  4311:10  <b>troubling</b> - 4425:19  <b>truck</b> - 4283:19  <b>true</b> - 4314:15,  4314:23, 4314:24,  4325:8, 4326:12,  4327:5, 4329:18,  4340:13, 4364:11,  4364:15, 4401:21,  4401:22, 4443:6  <b>trusted</b> - 4419:14  <b>truth</b> - 4316:22,  4322:2, 4339:3,  4341:22, 4344:6,  4349:8, 4349:14,  4365:4, 4365:15,  4423:7  <b>truthful</b> - 4331:23,  4360:1, 4361:25,  4374:17  <b>truthfully</b> - 4304:23,  4354:21  <b>try</b> - 4299:21, 4326:18,  4394:14, 4413:16,  4436:19, 4442:11  <b>Try</b> - 4414:14, 4434:19  <b>trying</b> - 4287:4,  4287:5, 4289:8, 4302:4,  4306:22, 4349:3,  4351:6, 4355:24,  4370:24, 4370:25,  4389:3  <b>Tuesday</b> - 4279:21,  4291:7  <b>tunnel</b> - 4389:7,  4397:25, 4398:4  <b>turn</b> - 4299:21, 4300:2,  4307:19, 4365:20,  4372:1, 4411:13  <b>turned</b> - 4290:2,  4376:21, 4440:9,  4440:10, 4441:6  <b>turning</b> - 4300:7  <b>twice</b> - 4303:25  <b>twitch</b> - 4418:5, 4428:5  <b>twitches</b> - 4429:13  <b>twitching</b> - 4418:3,  4423:15  <b>Two</b> - 4299:2, 4430:9,  4430:10  <b>two</b> - 4287:2, 4288:16,  4291:15, 4291:25,  4292:12, 4294:16,  4297:8, 4312:18,  4323:10, 4344:15,  4369:23, 4370:11,  4373:19, 4375:3,  4379:1, 4379:2, 4379:4,  4391:21, 4394:8,  4397:4, 4398:20,  4398:21, 4410:21,  4419:23, 4441:9,  4441:12  <b>two-thirds</b> - 4323:10,  4379:1, 4379:2, 4379:4,  4391:21, 4394:8  <b>type</b> - 4328:8, 4387:11,  4389:12, 4391:12</p> <p style="text-align: center;"><b>U</b></p> <p><b>U-turn</b> - 4299:21,  4300:2  <b>ultimately</b> - 4342:20,</p>
--	---	--	---	--



<p>4343:2, 4346:8  <b>umm</b> - 4327:18, 4379:20  <b>Umm</b> - 4333:23, 4370:17, 4371:22, 4373:1, 4390:4, 4420:9  <b>uncomfortable</b> - 4435:19  <b>under</b> - 4325:12, 4325:21, 4326:8, 4327:9, 4424:14, 4435:12  <b>understood</b> - 4340:16  <b>undertake</b> - 4339:16  <b>undertaken</b> - 4345:1  <b>unfortunate</b> - 4297:1  <b>unfortunately</b> - 4292:13, 4296:17, 4342:1  <b>Unfortunately</b> - 4296:9, 4296:11  <b>unintelligible</b> - 4287:9, 4300:16, 4312:20  <b>Unintelligible</b> - 4296:15, 4306:17, 4307:6, 4312:12  <b>University</b> - 4289:24  <b>unless</b> - 4358:4, 4423:10, 4436:2  <b>unnecessary</b> - 4417:1  <b>unrelated</b> - 4407:15, 4407:17  <b>untrue</b> - 4314:23, 4314:24  <b>unusual</b> - 4320:6  <b>up</b> - 4284:7, 4285:5, 4285:10, 4293:23, 4299:22, 4299:23, 4300:13, 4303:20, 4304:6, 4305:6, 4305:18, 4306:6, 4306:13, 4307:16, 4308:12, 4314:20, 4315:5, 4317:11, 4320:22, 4331:4, 4334:12, 4336:10, 4337:18, 4341:25, 4344:18, 4345:14, 4346:23, 4347:3, 4347:14, 4353:13, 4358:17, 4362:8, 4362:10, 4364:23, 4369:1, 4377:15, 4377:18, 4378:4, 4378:6, 4378:8, 4378:25, 4379:15, 4381:8, 4382:17, 4388:13, 4391:7, 4395:4, 4395:7, 4397:3, 4397:7, 4397:19, 4401:12, 4401:16, 4404:1, 4415:18, 4416:9, 4416:19, 4416:20, 4423:5, 4423:6, 4425:7, 4425:20, 4428:13, 4428:20, 4429:4, 4430:18, 4431:8, 4431:9, 4438:23, 4440:6  <b>upper</b> - 4416:2, 4416:7  <b>Upset</b> - 4382:18  <b>upset</b> - 4325:11, 4325:21, 4326:7, 4327:8, 4330:8, 4333:17, 4383:8, 4383:9, 4387:22, 4388:5, 4429:9  <b>upsetting</b> - 4440:3</p>	<p style="text-align: center;"><b>V</b></p> <p><b>Vaguely</b> - 4407:25  <b>vaguely</b> - 4389:22, 4389:24, 4390:7  <b>various</b> - 4288:14  <b>vehicle</b> - 4377:6, 4402:9, 4402:10  <b>verified</b> - 4312:5  <b>verify</b> - 4410:9  <b>versed</b> - 4343:25  <b>victim</b> - 4285:7  <b>video</b> - 4410:14, 4410:16  <b>videotape</b> - 4442:18  <b>view</b> - 4287:1, 4298:16, 4358:9, 4359:2, 4411:1, 4427:11  <b>vision</b> - 4398:2, 4398:4  <b>visualize</b> - 4413:4, 4434:7  <b>visualizer</b> - 4412:10  <b>vivid</b> - 4369:12, 4392:18, 4393:11  <b>vividly</b> - 4379:9, 4379:10, 4380:2  <b>voice</b> - 4316:14, 4316:15  <b>voices</b> - 4285:8  <b>void</b> - 4370:18, 4370:19  <b>Volume</b> - 4279:22</p> <p style="text-align: center;"><b>W</b></p> <p><b>wait</b> - 4288:7, 4294:1, 4376:8  <b>waited</b> - 4283:18  <b>waiting</b> - 4293:11  <b>waiver</b> - 4346:3  <b>walk</b> - 4292:24, 4293:12  <b>walked</b> - 4298:22, 4298:23, 4379:7, 4400:4  <b>walking</b> - 4299:18, 4372:15, 4393:5, 4399:15  <b>wall</b> - 4414:21, 4417:13  <b>wanna</b> - 4380:25, 4381:1, 4381:2  <b>wants</b> - 4361:21  <b>warden</b> - 4288:21  <b>warm</b> - 4283:20, 4379:14  <b>watch</b> - 4411:8  <b>watching</b> - 4285:3, 4412:4, 4419:19  <b>Wave</b> - 4417:5  <b>wave</b> - 4415:16, 4415:20, 4415:24, 4416:3, 4416:4, 4416:6, 4416:10, 4416:11, 4416:16, 4417:5  <b>wealthy</b> - 4293:20  <b>wearing</b> - 4297:14, 4297:16, 4297:17, 4388:10  <b>weather</b> - 4284:23, 4388:25, 4389:6  <b>Wednesday</b> - 4411:19  <b>week</b> - 4291:24, 4305:21, 4361:19  <b>weeks</b> - 4291:25  <b>weeping</b> - 4414:4  <b>Weeps</b> - 4438:7, 4439:3, 4439:5</p>	<p><b>weeps</b> - 4438:14  <b>Western</b> - 4360:17  <b>whatsoever</b> - 4312:6, 4401:5  <b>wherein</b> - 4342:19  <b>white</b> - 4297:14, 4297:16, 4297:17  <b>whole</b> - 4329:7, 4362:24, 4364:18, 4393:11, 4393:12, 4404:21, 4404:22, 4405:4  <b>Wilde</b> - 4280:14  <b>Williams</b> - 4382:25  <b>Williams</b> - 4306:10, 4306:15, 4332:10, 4334:8, 4350:23, 4352:20, 4353:17, 4354:5, 4354:11, 4354:13, 4354:18, 4354:25, 4356:6, 4356:7, 4356:14, 4356:20, 4356:23, 4357:7, 4357:15, 4358:7, 4359:8, 4359:25, 4361:25, 4362:4, 4362:13, 4362:16, 4363:20, 4363:22, 4363:25, 4365:1, 4365:14, 4365:25, 4367:9, 4368:17, 4370:4, 4370:9, 4371:25, 4373:5, 4373:11, 4374:11, 4374:12, 4374:15, 4375:11, 4375:24, 4376:5, 4376:25, 4379:19, 4380:1, 4380:8, 4380:13, 4381:7, 4381:14, 4381:21, 4382:5, 4382:12, 4382:14, 4384:11, 4386:11, 4387:4, 4387:10, 4387:16, 4387:23, 4388:9, 4388:12, 4389:21, 4391:4, 4393:9, 4394:13, 4395:11, 4396:1, 4398:7, 4400:3, 4401:24, 4403:8, 4406:1, 4406:13, 4406:17, 4406:18, 4408:24, 4409:17, 4410:8  <b>Williams'</b> - 4355:21, 4395:14  <b>willing</b> - 4287:8, 4321:2, 4321:3, 4321:4  <b>Wilson</b> - 4281:6, 4314:25, 4319:24, 4320:4, 4363:25, 4368:7, 4384:19, 4384:22, 4441:13  <b>Wilson's</b> - 4431:24, 4431:25  <b>window</b> - 4289:5, 4377:23  <b>windy</b> - 4300:22, 4300:23  <b>Winfield</b> - 4361:13, 4361:14  <b>wintertime</b> - 4389:2  <b>wish</b> - 4329:9, 4347:24, 4348:20, 4359:11  <b>witness</b> - 4283:10, 4355:12, 4355:13  <b>witnessed</b> - 4417:4  <b>witnesses</b> - 4380:17,</p>	<p>4380:18  <b>Wolch</b> - 4281:2  <b>woman</b> - 4293:20, 4317:21, 4318:12, 4361:20, 4369:1, 4386:14, 4386:21, 4388:3, 4391:24, 4392:4, 4392:7, 4398:14, 4428:17, 4429:3, 4429:15, 4440:20, 4440:21  <b>women</b> - 4378:4  <b>wondered</b> - 4380:18  <b>wondering</b> - 4371:16, 4412:4  <b>wooden</b> - 4397:6, 4397:7  <b>word</b> - 4289:5, 4309:1, 4309:23, 4310:2, 4331:12, 4331:14  <b>words</b> - 4298:9, 4312:6, 4325:18, 4325:24, 4326:1, 4330:2, 4330:23, 4331:25, 4341:22, 4341:23, 4381:1, 4383:8, 4390:8, 4404:9, 4426:7, 4439:12  <b>workers</b> - 4295:23, 4295:24, 4295:25  <b>workload</b> - 4336:1  <b>works</b> - 4294:18, 4294:19, 4295:4, 4313:18  <b>worry</b> - 4436:5  <b>wrapped</b> - 4284:7  <b>wrists</b> - 4416:5  <b>write</b> - 4361:21  <b>writer</b> - 4360:23  <b>writes</b> - 4336:12, 4338:22, 4340:9, 4341:6, 4343:19  <b>writing</b> - 4296:18, 4351:10, 4351:20, 4360:16  <b>written</b> - 4359:16, 4369:11, 4373:8, 4373:21  <b>Wrongful</b> - 4279:3  <b>wrongfully</b> - 4314:14, 4355:5, 4355:8  <b>wrote</b> - 4347:3</p> <p style="text-align: center;"><b>Y</b></p> <p><b>year</b> - 4291:14, 4291:16, 4291:17  <b>Year</b> - 4291:15  <b>years</b> - 4285:20, 4288:17, 4288:24, 4289:7, 4291:18, 4292:1, 4292:3, 4294:6, 4301:20, 4301:21, 4302:5, 4302:14, 4302:16, 4304:1, 4321:9, 4321:24, 4325:10, 4356:8, 4369:13, 4378:21, 4397:14, 4402:1, 4408:25, 4411:21  <b>yes/no</b> - 4422:18  <b>Yesterday</b> - 4283:6  <b>yesterday</b> - 4330:7, 4334:13, 4335:6, 4349:18, 4365:7, 4368:14, 4377:4, 4378:13, 4392:19, 4442:19  <b>young</b> - 4294:7, 4317:19, 4429:15,</p>	<p>4436:14  <b>yourself</b> - 4285:23, 4301:20, 4356:12, 4413:9, 4419:1, 4422:19, 4422:21, 4424:19, 4424:20, 4424:23, 4425:5, 4425:10, 4425:16, 4425:25, 4434:25, 4435:17  <b>Yup</b> - 4371:14</p> <p style="text-align: center;"><b>Z</b></p> <p><b>zero</b> - 4284:22  <b>zone</b> - 4418:10  <b>zoom</b> - 4353:14</p>
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