

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

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

On Wednesday, March 9th, 2005

Volume 24

Inquiry Proceedings



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Transcript of Proceedings

(Reconvened at 10:00 a.m.)

COMMISSIONER MacCALLUM: Good morning.

ALL COUNSEL: Morning.

MR. HODSON: Morning.

COMMISSIONER MacCALLUM: Morning,

Mr. Hodson.

NICHOL JOHN, continued:

BY MR. HODSON:

Q Ms. John, yesterday we finished up watching a videotape of an interview you had with Dr. Lee Pulos; do you recall that interview?

A No.

Q You can confirm that is you in the interview; is it?

A Yes.

Q Do you have no recollection at all of that?

A I recall him, but I don't really recall the interview.

Q Now on that video there was a part in there where you said words to the effect, and I took this from the transcript, "he killed her, the pain, he stabbed her"; do you remember watching that on the video?

A Yes.



1 Q What did you think when you saw that yesterday?

2 A I thought that he was manipulating that.

3 Q And when you say "he" you are saying Dr. Pulos?

4 A Dr. Pulos, yeah.

10:01 5 Q Did that assist you in your recollection at all
6 when you watched yourself say those words?

7 A No.

8 Q And when you say you thought you were being
9 manipulated, did you think that about other parts
10:02 10 of the video? Maybe just let me ask you this;
11 what was your general -- give me your general
12 comments on what you observed yesterday?

13 A I thought that he was just, what's the word,
14 running the whole show.

10:02 15 Q Had you been hypnotised before you met with Dr.
16 Pulos?

17 A I'm not sure. I don't think so.

18 Q And maybe this isn't a fair question, but do you
19 believe you were hypnotised when you were with Dr.
10:02 20 Pulos? And, again, I'm just asking for what your
21 assessment was.

22 A From what I seen I don't think so.

23 Q Now you will recall seeing, in the video, Dr.
24 Pulos mentioning -- and I'm paraphrasing -- but
10:02 25 words to the effect of inducing amnesia to block



1 whatever it was that he brought out. Those
2 weren't the words that he used, but do you recall
3 that, when he talked about getting your memories
4 out and then repressing them and making so that
10:03 5 you wouldn't remember them again; do you recall
6 seeing that yesterday?

7 A Yes.

8 Q Do you recall any discussion with Dr. Pulos at any
9 time about that procedure other than what we
10:03 10 observed in the videotape?

11 A No.

12 Q Would you have agreed to allow somebody to block
13 your thoughts?

14 A Umm, I'm not sure.

10:03 15 Q Next, I would like to call up a document 002779,
16 please. And just to put this date in context, the
17 interview with Dr. Pulos was September 25, 1991,
18 this is a letter dated the next day, September
19 26th, from Dr. Lee Pulos, and I have got my
10:03 20 telestrator back, so if we could just call out the
21 top part, please. You will see this is Dr. Pulos
22 in Vancouver. Do you remember the hypnosis taking
23 place? Did you recognize the setting in that
24 video; was that your home?

10:04 25 A Pardon me?



1 Q In the video yesterday with Dr. Pulos, did you
2 recognize the location?

3 A No.

4 Q It was not your home?

10:04 5 A No.

6 Q Do you believe it was Dr. Pulos' office or home?

7 A I would think so, yeah.

8 Q Do you remember if Eugene Williams was present?

9 A I have no idea.

10:04 10 Q Now I'm going to go through parts of this letter,
11 I think it may give us some context in some of the
12 following questions and following documents. Dr.
13 Pulos says:

14 "At your request, ...",
10:04 15 and this is to Eugene Williams:

16 "... I saw Nichol Demyen to help her
17 hypnotically refresh her memory
18 regarding a murder she allegedly
19 witnessed on January 31, 1969.

10:05 20 She was rather a reluctant
21 subject and stated on at least two
22 occasions, 'I don't really want to go
23 through with this.'"

24 If I can pause there, do you recall telling Dr.
10:05 25 Pulos that?



1 A No.

2 Q Are you able to tell us whether you would have
3 been a reluctant subject at that time?

4 A Possibly.

10:05 5 Q You obviously went ahead with it?

6 A Yes.

7 Q So you are saying that Dr. Pulos' characterization
8 here is likely right, that you were a reluctant
9 subject?

10:05 10 A I would think so.

11 Q It goes on to say:

12 "She was a very good hypnotic subject
13 however and she agreed to be hypnotised
14 in order to put this whole issue behind
10:05 15 her. The hypnotic interview was
16 documented by both a video camera and an
17 audio tape recorder.

18 Since our interview has been
19 recorded I will provide you with just
10:05 20 the 'broad strokes of the brush'. On
21 three occasions she was regressed back
22 to just moments before the stabbing took
23 place and on each occasion she broke
24 down, began to weep and came out of the
10:05 25 hypnotic state.



1 I then used a technique
2 (ideo-motor questioning) that bypasses
3 the conscious mind and, in essence, she
4 said that one of the two men who were
10:06 5 with her, Ron Wilson, did not kill the
6 victim but that Dave Milgaard, the other
7 man with her that morning, did stab the
8 victim repeatedly and was responsible
9 for the victim's death."

10:06 10 If I can pause there; do you believe that you
11 would have said that in the hypnosis interview,
12 Ms. John?

13 A From what I saw, no.

14 Q Did you understand, when you watched yesterday,
10:06 15 what this ideo-motor questioning and the left and
16 right finger meant; does that --

17 A Yes.

18 Q Do you recall that?

19 A Yes.

10:06 20 Q And do you recall, do you have a recollection
21 apart from the video, do you?

22 A No.

23 Q Just from what you saw?

24 A Right.

10:06 25 Q And if you can scroll down, please, it says:



1 "Again, I double checked this through
2 ideo-motor questioning and there was no
3 reason to suspect that she was
4 confabulating. After the hypnosis
10:06 5 portion of the interview was over she
6 said, and repeated her statement, that
7 Dave Milgaard stabbed the victim on the
8 morning of January 31, 1969. I believe
9 you ...",

10 being Eugene Williams:

11 "... were present at the end of the
12 interview and heard her make that
13 statement."

14 Do you recall making that statement noted in this
10:07 15 letter?

16 A No.

17 Q Did you make the statement?

18 A I don't believe so.

19 Q Do you recall Mr. Williams being there with Lee
10:07 20 Pulos?

21 A No.

22 Q Next page, please, he says:

23 "It is my clinical opinion that the
24 information we obtained from Nichol
10:07 25 Demyen is valid and that she was telling



1 the truth.

2 As I indicated to you, Eugene,
3 I feel this woman has been carrying a
4 terrible burden of guilt over the years
10:07 5 (for not trying to stop the crime and
6 for repressing it for so long)."

7 Let me pause there and ask you, Ms. John, do you
8 -- have you, or do you, feel any burden of guilt
9 for not trying to stop the crime?

10:08 10 A Umm, I'm not sure what you are getting at?

11 Q Well, I appreciate that, because I'm trying to see
12 what Dr. Pulos is getting at. In this letter what
13 he says, and this is Dr. Pulos' statement, that he
14 feels that you have been carrying a terrible
10:08 15 burden of guilt over the years for not trying to
16 stop the crime?

17 A And what led him to make that statement?

18 Q I don't know. And my question to you -- and let
19 me just finish here, I'm assuming he is referring
10:08 20 to the murder of Gail Miller -- and my question,
21 though, is whether you have ever felt guilt for
22 not trying to stop the murder of Gail Miller?

23 A I can't say that I have, no.

24 Q He goes on to say:

10:08 25 "She should be referred to a



1 psychologist or psychiatrist for
2 counselling to help her work through
3 unresolved issues and deal with any
4 'unfinished business' residual to the
5 events of that tragic experience."

6 Now did ever have any further contact with Dr.
7 Pulos after this session?

8 A I'm not sure.

9 Q The next document I could call up is 002950. And
10 this is a file memorandum, Ms. John, it's likely
11 you haven't seen this before, but it's
12 Mr. Williams. And you will see the date, October
13 11th, 1991, which is a couple of days after your
14 session with Dr. Pulos, and he is just talking
15 about matters relating to you, and I'll go through
16 some of those. He says:

17 "On October 8, 1991 I spoke with
18 Ms. Demyen to confirm that her copy of
19 the video tape would be delivered by
20 Sgt. Tidsbury of the Kelowna R.C.M.P.
21 detachment."

22 And I presume that would be the videotape of the
23 interview with Dr. Pulos; did you ever receive
24 that?

25 A No, not that I recall.



1 Q Have you ever watched that video before?

2 A No.

3 Q The one we watched yesterday?

4 A No.

10:10 5 Q Is it possible the RCMP delivered it to you and
6 you didn't watch it?

7 A Umm, I don't know.

8 Q Okay. If you would have received it would you
9 have watched it?

10:10 10 A More than likely.

11 Q I take it, at this time, you were interested in
12 finding out what the outcome was of your session
13 with Dr. Pulos?

14 A You would think so, yeah.

10:10 15 Q And do you recall ever finding out what the
16 outcome was of your session with Dr. Pulos?

17 A No.

18 Q Okay. And Mr. Williams goes on to say in his --
19 and, again, he is reporting about a discussion
10:10 20 with you, Ms. John, he says:

21 "I also asked her whether she had given
22 further consideration to the suggestion
23 of Dr. Lee Pulos that she obtain
24 professional assistance in dealing with
10:10 25 the repression of the murder that she



1 had witnessed 22 years ago. She said
2 that she had given it a little thought.
3 I told her that I had been instructed to
4 advise her that the Department would
10:10 5 provide support if she obtained
6 professional assistance in addressing
7 the problems associated with repressing
8 the memories. This would include
9 financial support at a reasonable level
10:11 10 for professional assistance and limited
11 transportation and other costs."

12 Do you recall having a discussion with
13 Mr. Williams to that effect?

14 A No.

10:11 15 Q Do you recall ever being told that the Department,
16 the Federal Department of Justice, would assist
17 you with getting counselling or assistance with
18 regard to your repression of memory?

19 A I have no memory of that.

10:11 20 Q Scroll down, please. Mr. Williams says:

21 "I also indicated to her that the
22 possibility existed that this matter may
23 be referred back to the courts. If this
24 occurred she could expect to be called
10:11 25 either by counsel for Milgaard or by



1 counsel for the Attorney General of
2 Saskatchewan. I made it clear to her
3 that this was, at this stage, only a
4 possibility. Nevertheless, I felt that
10:11 5 she should be fully informed of all
6 relevant factors that could effect her
7 decision.

8 She indicated that she wished
9 to consider her position and suggested
10:11 10 that I call her on Thursday, October
11 10th at 11:00 a.m. local time.

12 On October 10, 1991 Ms. Demyen
13 said that she would obtain professional
14 help and would consult hypno-therapist
10:12 15 Jane Wakefield in Vernon, B.C.; she said
16 that she would advise me further on
17 October 15, 1991."

18 Does that assist you with your recollection at
19 all, Ms. John?

10:12 20 A Not at all.

21 Q Did you ever contact a Jane Wakefield?

22 A I don't believe so.

23 Q Does that name sound familiar?

24 A Not at all.

10:12 25 Q Would it be fair to say that you did not go and



1 see Jane Wakefield?

2 A That would be fair.

3 Q Next, if you could call up document 004424, and
4 I'll go through parts of this. Again, this is a
10:12 5 memorandum you may not have seen before, Ms. John,
6 but it's dated October 24, 1991, you will see
7 that, which is about a month after your session
8 with Dr. Pulos. It's a memorandum from Eugene
9 Williams, who you have told us you know, to
10:13 10 Mr. MacFarlane, who is the Assistant Deputy
11 Attorney General, and we'll just go through parts
12 of this to see if this assists your recollection.
13 Mr. Williams states:

14 "This memorandum discusses the recent
10:13 15 developments relating to Nichol Demyen's
16 repression of the murder that she
17 witnessed on January 31, 1969.

18 When interviewed during the
19 assessment of David Milgaard's first
10:13 20 application for the mercy of the Crown
21 Nichol Demyen related, spontaneously,
22 the details of a recurring 'vision' of a
23 man stabbing a woman. The scene she
24 described and the sketch she drew
10:13 25 mirrored the location of Gail Miller's



1 murder. Ms. Demyen drew a sketch in
2 which she correctly identified and
3 positioned landmarks at the scene and
4 positioned the body of her victim in the
5 same location in which Gail Miller's
6 body was found."

7 If we pause there, I believe that Mr. Williams is
8 referring to the interview of November 7th, 1989
9 that I went through with you yesterday, I think
10 you told me you don't recall that interview with
11 Mr. Williams; is that right?

12 A No.

13 Q Does any of this, what I just read you, assist --
14 refresh your memory in any way?

15 A No.

16 Q Next paragraph, please.

17 "On September 25, 1991, Dr. Lee Pulos, a
18 registered psychologist and hypnotist,
19 interviewed Ms. Demyen under hypnosis. On
20 three occasions Dr. Pulos regressed her to
21 the moments before the stabbing occurred.
22 Each time Ms. Demyen began to weep, and came
23 out of hypnotic state.

24 Using ideomotor questioning, a
25 technique that uses hand signals established



1 in advance by Dr. Pulos and Ms. Demyen to
2 answer questions addressed to the
3 subconscious memory, Ms. Demyen indicated
4 that David Milgaard stabbed the victim
10:14 5 repeatedly and was responsible for her
6 death. Dr. Pulos opined that Ms. Demyen's
7 information was valid and truthful.
8 However, Ms. Demyen's of those events
9 remains in her subconscious memory because
10:15 10 she was not willing to recall them
11 consciously."

12 Again, does any of that assist your recollection
13 of the account with Dr. Pulos?

14 A No.

10:15 15 Q Go down to the bottom paragraph, please, it says:

16 "Dr. Pulos recommended to Ms. Demyen that
17 she obtain therapy to deal with the memories
18 that she had repressed, and suggested the
19 names of three qualified therapists who
10:15 20 reside near her residence. Since then,
21 Ms. Demyen has decided to consult a
22 therapist to consciously recall the events
23 that she repressed and to deal with them."

24 And I take it that's referring to the Jane
10:15 25 Wakefield which you've told us you don't



1 remember?

2 A Right.

3 Q Next page, please, top paragraph, Mr. Williams
4 says:

10:15 5 "Psychiatrist Dr. Russell Fleming of the
6 Psychiatric Centre in Penetanguishene and
7 Dr. Steven Hucker of the Clarke Institute in
8 Toronto were interviewed to determine the
9 likelihood of success of restoring repressed
10:16 10 memory, suitable techniques, and the length
11 of time required to liberate that memory.
12 The doctors said that the amount of
13 repressed memory that could be transferred
14 to conscious memory depended on each
10:16 15 subject. A successful transfer would occur
16 if the subject wants to talk about the
17 repressed events but needs an excuse or a
18 vehicle to do so. However, there is no
19 guarantee of success."

10:16 20 The name Dr. Russell Fleming, there's a document
21 which I'll show you in a moment, the documents
22 suggest that Dr. Fleming met with you for two
23 days in mid November and prepared a report. Do
24 you recall Dr. Fleming?

10:16 25 A Is he the doctor from, in a jail situation?



1 Q I believe it is, yes. I will show you his report.

2 A Okay.

3 Q I believe that's the fellow.

4 A Okay.

10:16 5 Q Do you remember meeting with a doctor --

6 A I remember meeting with a doctor, yeah.

7 Q And when you say jail situation, what do you mean
8 by that?

9 A I seem to recall that it was a jail that he worked
10:16 10 in or some kind of lockdown or something.

11 Q And so you recall meeting with that gentleman?

12 A Vaguely.

13 Q I will go through his report with you a bit later,
14 but I think that's what's referred to there. If
10:17 15 you could scroll down, the next paragraph,
16 Mr. Williams says:

17 "Secondly, they said that some people are
18 unable to cope with the renewed memory and
19 may require counselling. The extent of the
10:17 20 counselling, if required, cannot be
21 predicted in advance. Further, the subject
22 may repress the memory again, or the
23 counsellor may recommend that the subject
24 repress the memory if the subject is unable
10:17 25 to cope with the conscious recollection of



1 the events."

2 Pause there. Do you recall any discussion with
3 Mr. Williams about what's stated in that
4 paragraph?

10:17 5 A No.

6 Q Last paragraph:

7 "From an evidentiary standpoint,
8 Ms. Demyen's subconscious indications are
9 not evidence. If Ms. Demyen is treated and
10:17 10 recalls the event, without suggestion from a
11 hypnotist, a court may admit her evidence."
12 Do you recall any discussion with Mr. Williams or
13 with any of the people that you saw at this time
14 about trying to get evidence from you to be used
10:18 15 in a hearing or a court process?

16 A No.

17 Q Next document is 002764 and this is a memorandum
18 about a week later. I see it's marked secret, but
19 I got it from somebody. It's dated November 2nd,
10:18 20 1991 from Mr. Williams to Mr. MacFarlane re:
21 David Milgaard application for mercy, and if I
22 could just go under background, please,
23 Mr. Williams states:

24 "Under consideration is the feasibility of
10:18 25 obtaining the assistance of the court to



1 provide advice to the minister relating to
2 certain questions. For example, to what
3 extent can the minister consider the
4 evidence of Nichol John? In 1969 Ms. John
10:19 5 implicated David Milgaard in the slaying of
6 Gail Miller in a sworn statement provided to
7 the Saskatoon police. However, at the
8 preliminary inquiry and at the trial of
9 David Milgaard, Ms. John did not recall the
10:19 10 important incriminating portions of that
11 statement. During my interview of Ms. John
12 on November 7, 1989, she experienced a
13 "flashback" that was part of a recurring
14 incident that began after Gail Miller's
10:19 15 murder."

16 Scroll down.

17 "In her vision Ms. John saw a man stabbing a
18 woman as he sat astride her prone body. She
19 experienced a feeling of helplessness and
10:19 20 ran away. Over a 22 year period she has had
21 recurrent and distressing dreams and
22 recollections of the event. Ms. John's
23 description of landmarks and the positioning
24 of people in her "flashback" reflect
10:19 25 portions of the 1969 statement that she did



1 not recall at trial. In addition it
2 discloses additional matters such as the
3 position of the victim. Ms. John positions
4 the victim in the same surroundings and in
10:20 5 the same relative position in which Gail
6 Miller's body was found. Aspects of her
7 behaviour suggests that she may be suffering
8 from post-traumatic stress disorder,
9 (PTSD)."

10:20 10 Next page:

11 "If Ms. John is suffering from PTSD, is the
12 minister entitled to take the fact of her
13 PTSD into account in determining the weight
14 to be given her 1969 statement."

10:20 15 Do you recall, Ms. John, any discussion with
16 Mr. Williams about, or with any of the
17 professionals or doctors or whoever that you saw
18 at this time, the term post-traumatic stress
19 disorder?

10:20 20 A No.

21 Q Do you know what that means, has that ever been
22 explained to you?

23 A Yes, I know exactly what it means.

24 Q Can you tell us what you understand it to mean?

10:20 25 A It's a reaction to a situation, how can I say,



1 people have a hard time dealing with, so they end
2 up with this disorder. I deal with that every day
3 in my business.

4 Q So unrelated to your own personal situation,
10:21 5 you've come to know what --

6 A Right.

7 Q -- PTS -- post-traumatic stress --

8 A -- disorder is, yeah.

9 Q And have you ever thought or considered whether
10:21 10 you have suffered from post-traumatic stress
11 disorder?

12 A Not really.

13 Q You say not really. Is that --

14 A You know, I've considered it, but, you know, never
10:21 15 acted upon it.

16 Q Have you discounted it, have you said no, that
17 can't have happened to me or --

18 A Yeah.

19 Q You have?

10:21 20 A Yeah, I think so.

21 Q And why is that?

22 A Because I seem to be functioning, so --

23 Q And I appreciate you are not a doctor and I'm not
24 asking for a medical opinion, I'm just --

10:22 25 A No, I can't give you a medical opinion.



1 Q -- asking you what you think.

2 A Yeah.

3 Q So just scrolling down on this memorandum,
4 Mr. Williams says:

10:22 5 "Our first objective, therefore, is to
6 determine whether Ms. John is suffering from
7 PTSD. If there is a determination that
8 Ms. John suffers from PTSD, the next
9 objective would be to develop probative
10:22 10 evidence to establish that fact to the
11 satisfaction of the court."

12 Just pause there. I'll go through some further
13 documents that suggest that you in fact were
14 tested, maybe that's the wrong word, but you were
10:22 15 put through a series of interviews to determine
16 whether or not you were suffering from
17 post-traumatic stress disorder. Did you know
18 that?

19 A No.

10:22 20 Q You know that you went through a process; is that
21 fair?

22 A Yes, that's fair.

23 Q And Mr. Williams then describes, if you can scroll
24 down, the means proposed to achieve the
10:22 25 objectives.



1 "1. Since Ms. John is central to the option
2 that was discussed, the first step is to
3 obtain her consent to undergo a
4 psychological assessment to determine
10:23 5 whether she is afflicted by PTSD.

6 This will require telephone or
7 personal contact with Ms. John to inform her
8 of the circumstances and the context in
9 which the request is being made, to describe
10:23 10 the procedures that are involved and to
11 request her consent in writing."

12 Next paragraph:

13 "2. The next step is to identify and retain
14 the services of a qualified expert who is
10:23 15 able to assess, promptly, whether Ms. John
16 has post-traumatic stress disorder. Further
17 contact should be established with
18 Dr. Fleming in Penetanguishene, or
19 Dr. Hucker at the Clarke Institute in
10:23 20 Toronto to obtain leads. In addition,
21 there's a directory of forensic social
22 scientists that identifies specialists in
23 this area and indicates their
24 qualifications. This should be consulted."

10:23 25 If you can just scroll back up to paragraph 1,



1 Ms. John, do you recall any discussions with
2 Mr. Williams about consenting to undergo a
3 psychological assessment?

4 A No, I don't.

10:24 5 Q Would it be fair to say that if you in fact did
6 meet with Dr. Fleming, that you would have done so
7 willingly, you would have consented to that?

8 A Yes, I would agree.

9 Q Would you have done anything -- and let me just
10:24 10 ask you a general question. At this time we've
11 seen Dr. Pulos and I'll be referring to
12 Dr. Fleming, to a fellow by the name of Campbell
13 Perry, a fellow by the name of Dr. Orne, that it
14 appears from the documents and the videos and the
10:24 15 tapes that you have been interviewed by or had
16 sessions with. Would you have seen any of those
17 individuals if you -- against your will?

18 A No.

19 Q So we can take it that you would have consented to
10:24 20 going to see these professionals?

21 A Yes.

22 Q Just down to paragraph 3, it says:

23 "The experts should be instructed to perform
24 and record his assessment in a manner that
10:25 25 would equip him to testify about his



1 methodology and the results of his
2 assessment in a probative manner. He should
3 also receive the file of other materials
4 that he requires to complete his assessment.
10:25 5 Arrangements can then be finalized with the
6 expert to assess Ms. John."

7 Next page.

8 "The same expert or another expert should be
9 identified and retained to review the
10:25 10 methodology employed by Dr. Pulos and to
11 provide his opinion upon Dr. Pulos'
12 interview of Ms. John. In this regard, Dr.
13 Pulos should be asked to provide his
14 interview notes or a copy thereof, to the
10:25 15 expert that we retain."

16 Were you aware, Ms. John, that Mr. Williams and
17 others would be going out to get an opinion on
18 Dr. Pulos' interview of you?

19 COMMISSIONER MacCALLUM: What was the
10:25 20 answer?

21 A No.

22 BY MR. HODSON:

23 Q The next document is 002892 and this is a letter
24 dated November 8th, 1991 from Mr. Williams
10:26 25 addressed to you in Kelowna. Did you receive this



1 letter?

2 A I'm not sure.

3 Q I'll tell you what, why don't I go through it with
4 you and when we're done going through it I'll ask
10:26 5 you again. Was that your address at the time?

6 A Yes.

7 Q If we can just call out the second paragraph, and
8 at the top Mr. Williams is referring to a
9 telephone conversation he had with you on November
10:26 10 2nd, it says he's writing to confirm the substance
11 of that. He says:

12 "I had advised you that certain questions
13 were raised during the department's
14 assessment of David Milgaard's second
10:26 15 application for the mercy of the Crown. One
16 of the questions focused on an explanation
17 for your inability to recall portions of
18 your May 24, 1969 statement to the Saskatoon
19 police. In an attempt by the department to
10:26 20 understand the reasons why there was no
21 memory of these events it was suggested that
22 there be an assessment to determine if your
23 amnesia has an emotional or psychological
24 origin."

10:27 25 Do you recall that discussion with Mr. Williams?



1 A No.

2 Q Scroll down to the fourth paragraph and the
3 third -- well, the third paragraph simply --
4 actually, we should go back up, I'm sorry, to the
5 -- it says:

6 "A psychiatric assessment could determine
7 whether the amnesia relates to any
8 psychological or emotional condition.
9 Accordingly, after I had outlined the above
10 to you, I asked and obtained your consent
11 for a psychiatric interview and assessment
12 to identify whether there are psychiatric or
13 psychological causes of your amnesia."

14 It would appear here, Ms. John, that you
15 consented to go through this process?

16 A It looks like it, yes.

17 Q You have no reason to dispute that?

18 A No.

19 Q It says:

20 "Since you agreed to be interviewed the
21 department has retained the services of
22 Dr. Russell Fleming and Professor Campbell
23 Perry for the purposes of that assessment.
24 Both are located in Eastern Canada and it
25 will be necessary to arrange your



1 transportation to and from their offices.

2 It is anticipated that the time
3 required for evaluation will not exceed six
4 days. Accordingly, I've been authorized by
10:28 5 the department to indicate that compensation
6 will be provided to you for the wages lost
7 during that period of time in the amount of
8 \$125 per day."

9 Do you recall having that discussion with
10:28 10 Mr. Williams and those arrangements?

11 A No.

12 Q Does this sound familiar at all?

13 A But I do recall that I was compensated for some
14 wage loss, but I don't know if it was for this one
10:28 15 or not.

16 Q Okay. Next page, please, Mr. Williams finishes
17 saying:

18 "It is my understanding that you have
19 consented freely, to participate in this
10:28 20 assessment. I also understand that you have
21 released the department from its earlier
22 pledge to keep the results of our interviews
23 confidential. If the following accords with
24 our understanding of our conversation,
10:28 25 please sign the duplicate copy and return."



1 Do you recall having that discussion with
2 Mr. Williams?

3 A No.

4 Q It appears from this that there had been an
5 earlier pledge to keep the results of your
6 interviews confidential. Does that sound
7 familiar?

8 A No.

9 Q Now, this document doesn't have a signature line.
10 Do you recall whether you would have received this
11 letter, signed it and sent it back?

12 A I couldn't tell you.

13 Q Would you agree that you would have received this
14 letter?

15 A I would think, yeah.

16 Q Next, document 002192, please, and this is dated
17 November 6th, 1991 which was two days before the
18 letter -- the letter from Mr. Williams to you that
19 I just read was dated November 8th, but it
20 referred to a telephone conversation of November
21 2nd that he confirmed, so this November 6 appears
22 to be four days after the phone conversation and
23 this is a letter from Eugene Williams to
24 Dr. Fleming and I just wish to call out the bottom
25 paragraph. Mr. Williams says:



1 "I am writing therefore, to ask you to
2 assess Ms. Demyen to determine whether she
3 is suffering from any emotional or
4 psychiatric disorder that has prevented her
10:30 5 from recalling, consciously, the memory of
6 the early morning hours of January 31,
7 1969."

8 Was that your understanding of what it was that
9 Dr. Fleming was going to be doing with you?

10:30 10 A I'm sorry, could you repeat that?

11 Q Yes. Well, in this letter, this appears to be the
12 letter from Mr. Williams engaging Dr. Fleming --

13 A Uh-huh.

14 Q -- to assess you, and the part I just read, my
10:30 15 question, was this what you understood he was
16 doing?

17 A Well, I believed that he was to assess me, yes.

18 Q Next if I could call up document 031179 and this
19 is a letter from a fellow by the name of Campbell
10:31 20 Perry to Eugene Williams. I understand from
21 Mr. Lockyer that Campbell Perry has passed away;
22 is that --

23 MR. LOCKYER: Yes, that's correct.

24 BY MR. HODSON:

10:31 25 Q A year or two ago. And do you remember the name



1 Campbell Perry, professor?

2 A No.

3 Q I'll show you a document a bit later where I think
4 he meets with you to go over the Dr. Lee Pulos
10:31 5 hypnosis session, but when I get to that document
6 I'll maybe see if that assists you. If you could
7 go to the next page, please, and I just want to go
8 through parts of this, Ms. John. You may not have
9 seen this before, but just to outline what
10:32 10 Mr. Perry did before he met with you. This is
11 dated November 12th, 1991 and it's a report on the
12 hypnosis session with Ms. John and if you could
13 call out the first paragraph. It says:

14 "In preparing this report, I first read the
10:32 15 transcript of the hypnosis session that
16 Ms. John underwent with Dr. Lee Pulos on
17 September 25, 1991. I had been forewarned
18 that the video sound recording quality was
19 poor in places, and I wanted to familiarize
10:32 20 myself with its contents. I then assumed
21 that Ms. John's statement to the Saskatoon
22 police of May 24, 1969, though given more
23 than 100 days after the crime event of
24 January 31, 1969, would most likely be her
10:32 25 most accurate description of this event (all



1 other things equal) and read it. It is
2 referred to as recall 1 in what follows."

3 Now, Mr. Commissioner, we will be -- I don't
4 propose to go through this entire document with
10:32 5 this witness, we will have other witnesses later
6 on where we will deal with this in more detail, I
7 simply wish to highlight parts of this where it
8 relates to Ms. John's direct dealings.

9 The next page, please, 031181,
10:33 10 call out that paragraph, please, and is a report,
11 Ms. John, that Campbell Perry provided to Eugene
12 Williams. He says:

13 "In my opinion, Dr. Pulos' procedures in
14 conducting the hypnosis interview with
10:33 15 Ms. John are not adequate; he did not
16 implement some of the guidelines. A
17 detailed analysis of his procedures in terms
18 of each guideline follows."

19 If I can pause there. Do you recall anybody
10:33 20 telling you words to this effect, that there were
21 problems with Dr. Pulos' hypnosis interview?

22 A No.

23 Q No?

24 A No.

10:33 25 Q We'll be getting to it a bit later when you went



1 to Philadelphia in January to be hypnotized again.
2 Did you ever ask why do I have to go through this
3 again?

4 A No.

5 Q No?

6 A I was pretty well a puppet.

7 Q Pardon me?

8 A I said I was pretty well a puppet.

9 Q Meaning what?

10:34 10 A That if somebody asked me to do something, that's
11 what I did.

12 Q Just scroll down to the first bullet under
13 paragraph 1. Campbell Perry says, "Dr. Pulos --"
14 and this is under qualifications and knowledge of
10:34 15 the hypnotist.

16 "Dr. Pulos is licensed to practice
17 clinically in British Columbia; on this
18 criterion, he fulfills one requirement of
19 the Guidelines. On the other issue of
10:34 20 qualifications, he does not appear to have
21 received appropriate training in forensic
22 hypnosis procedures."

23 Were you aware of Dr. Pulos' qualifications
24 when --

10:34 25 A No.



1 Q And I think you told me this yesterday, that --
2 did you have any part in picking him to be the one
3 who was going to hypnotize you?

4 A I don't believe so.

10:34 5 Q So someone else would have selected him; is
6 that --

7 A Yes.

8 Q Do you know who that would have been?

9 A I have no idea.

10:34 10 Q If you can go to the next page, please, and just
11 under bullet 2, and again this is Campbell Perry's
12 comments to Mr. Williams, it says, "This
13 guideline --" and just for your reference, they
14 are talking about the guidelines for the
10:35 15 investigative use of hypnosis which were submitted
16 to the United States Supreme Court in a case --
17 actually, let me just go back for a moment, I
18 should point this out, to the previous page,
19 please, he does refer to guidelines, and Campbell
10:35 20 Perry says:

21 "The most generally accepted method for
22 evaluating a video tape of a forensic
23 hypnosis interview is via the Guidelines for
24 the Investigative Use of Hypnosis which were
10:35 25 first submitted to the United States Supreme



1 Court in Quagliano versus the People of the
2 State of California (1978) by Martin T.
3 Orne, MD, Ph.D., professor of psychiatry and
4 psychology at the University of
10:36 5 Pennsylvania. Over the years, the
6 Guidelines have been accepted by a number of
7 the American courts as mandatory for the
8 appropriate conduct of a forensic hypnosis
9 interview."

10:36 10 So those are the guidelines that are referred to,
11 Ms. John, but the name Dr. Martin Orne is the
12 fellow that you went to see in January of 1992;
13 is that correct?

14 A His name is familiar, yes.

10:36 15 Q Well, we'll show the tape a bit later, but that
16 name sounds familiar?

17 A Uh-huh.

18 Q Go back, then, to page 031182, thank you, and just
19 call out -- so here Campbell Perry is saying:

10:36 20 "This guideline stipulates that all
21 interaction between hypnotist and subject be
22 recorded on video tape; this includes both
23 the pre- and post-hypnosis period. It is
24 particularly troubling that Dr. Pulos did
10:37 25 not video tape the pre-hypnosis interaction;



1 he states on video tape that he has "already
2 taken a history from Nichol, I have already
3 explained hypnosis, what it is, and what it
4 isn't and I have already established
10:37 5 ideomotor um questioning (p. 1)." The
6 failure to record the post-hypnosis
7 interaction may have led to a loss of some
8 highly pertinent information about how
9 hypnosis was represented to Ms. John."

10:37 10 Now, do you recall, you saw the video yesterday
11 with Dr. Pulos. Do you recall any discussion
12 with him before or after he turned the videotape
13 on?

14 A No.

10:37 15 Q If I could just jump ahead to document 053455 and
16 this document I believe is, it's a letter from Mr.
17 Pulos to Eugene Williams and is a transcript of
18 his notes I believe from the pre-hypnosis
19 interview which I'll go through in a moment. If I
10:38 20 could just go to the third page of that, 053457,
21 this is the attachment I believe, and this isn't
22 your writing is it?

23 A No.

24 Q So there's two pages of handwritten notes. Let's
10:38 25 go back to 053455 and I'll go through some of



1 these notes to see if you can recall any of this,
2 and again these are Dr. Pulos' notes with respect
3 to his meeting with you on September 25, 1991. It
4 says:

10:38 5 "I don't want to do this. "(?) Supposedly
6 saw a murder January 31, 1969 (I was 16) in
7 Saskatoon, 'they say'."

8 If I can pause there. Do you recall having any
9 discussion with Dr. Pulos about that?

10:39 10 A No.

11 Q Would those have been thoughts that you would have
12 had at the time, Ms. John?

13 A I'm not sure to tell you the truth.

14 Q Okay. Would you have told Dr. Pulos sort of your
10:39 15 best and honest recollection of matters at the
16 time when you met with him?

17 A I would think so, yes.

18 Q It then goes on and it's quotes and it says "I",
19 which I presume is referring to you:

10:39 20 "I was put at scene of crime -- like a
21 dream (?) -- this man got murdered -- mid
22 winter -- 6:00 a.m. -- dark -- stuck in
23 alley (car). Went to get help to get
24 unstuck (snowdrift) -- I recall looking down
10:39 25 alley -- dark -- church at end -- lights



1 on -- lost time -- next thing -- I was
2 walking down another alley - -broad
3 daylight."

4 Does that refresh your memory at all about a
10:39 5 discussion with Dr. Pulos?

6 A No.

7 Q Scroll down, please:

8 "Went to vehicle behind me -- 2 men I was
9 with, went to friend's place -- picked him
10:40 10 up, left Saskatoon, went to Calgary. The 2
11 men, went to school with Ron, met the other
12 in the park."

13 >Date? "Don't know." Month? "1969. Came
14 to 7:30 - 8:00 a.m., lost 1 or 2 hours.
10:40 15 Recall being cold.

16 Think you saw? "Got self-convinced --
17 probably didn't see anything -- I don't know
18 if I did see anything -- people hounding me
19 over the years -- keep telling them --
10:40 20 nothing to say."

21 Pause there. Does that assist your recollection
22 at all?

23 A No.

24 Q "Murder? A nurse -- stabbed to death.
10:40 25 Suspect? "One of the guys I was with in



1 jail. Since 1970 -- his mom putting
2 pressure on justice department."

3 Guy? "Interesting guy."

4 Does that assist your recall at all?

10:40 5 A No.

6 Q Next page, call out the top part, please:

7 "Motive? "Sexually molested." I don't
8 know.

9 Eugene -- contacted me 1 year ago -- Feb.

10:41 10 (?) escaped several times -- a jerk in front
11 of parole board -- gut feeling? I think
12 he's capable of it. End of transcript."

13 Do you recall any of that, Ms. John?

14 A No.

10:41 15 Q If we could then go back to the Campbell Perry
16 document which is 031180 and go to page 031184,
17 just at the top, call that out, and Professor
18 Perry states, again this is his comments on Dr.
19 Pulos' hypnosis:

10:41 20 "Additionally, to the extent that he,
21 finally, was able to induce hypnosis, (an
22 issue to which I will return subsequently)
23 he does not appear to have been aware of the
24 need to follow a "free recall" technique.

10:42 25 (See Orne et al.; 1985, p. 46). Rather, he



1 asked leading questions (for instance, on p.
2 22 of hypnosis session, he asked: "Was it
3 Ron Wilson's arm that was being raised? ...
4 was it Dave Milgaard's arm that was being
10:42 5 raised."

6 And I think, Ms. John, you said earlier your
7 reaction this morning was that Dr. Pulos was
8 manipulative?

9 A Yeah, that's what it looked like on that tape,
10:42 10 like he was leading me by the nose.

11 Q Do you recall any discussion -- this is what
12 Campbell Perry said to Eugene Williams. Do you
13 recall any discussion you would have had, would
14 you have expressed those concerns to Eugene
10:42 15 Williams at the time or to anybody?

16 A I'm not sure. That's my thoughts now.

17 Q Okay. Go down, scroll down, please, to number 7,
18 post-hypnosis discussion. He says:

19 "Dr. Pulos encountered considerable
10:43 20 difficulty in inducing hypnosis with
21 Ms. John. In addition, her response was
22 atypical and that she reported very little
23 detail. Further despite blunt leading
24 questions designed to implicate Mr. Milgaard
10:43 25 in the murder, she did not identify him,



1 even though her subconscious was said to
2 have indicated that he was the guilty party.
3 If there was an attempt, post hypnosis, to
4 answer these questions, there is no
10:43 5 recording of it."

6 Again, does that assist your -- did you have any
7 discussion with Eugene Williams or Campbell Perry
8 about that?

9 A No. Don't recall.

10:43 10 Q Page 031186, please, and Mr. Perry was asked by
11 Mr. Williams to answer a number of questions, and
12 question 1:

13 "Was the subject under hypnosis? In my
14 opinion, she was not in hypnosis. On a 1-10
10:43 15 scale of confidence (where 10 = highly
16 confidence) I would rate myself as an 8."

17 And then it goes on, I don't propose to go
18 through that. If you could scroll down to the
19 paragraph, the best method:

10:44 20 "The best method of determining whether she
21 was hypnotized does not appear to have been
22 employed -- this is simply to question
23 subjects about their experience during the
24 hypnosis session, and to ask them whether
10:44 25 they felt hypnotized, and if so, why they



1 thought so. On most occasions, a conclusive
2 answer can be obtained."

3 Do you recall being asked that question by
4 Mr. Dr. Lee Pulos?

10:44 5 A No.

6 Q And I haven't asked this, but can I ask you today
7 or can I ask you now, whether you felt you were
8 hypnotized? I may have asked you that earlier, I
9 apologize.

10:44 10 A From looking at that tape I would say no.

11 Q Page 031188, just at the bottom, Campbell Perry
12 states:

13 "In short, no weight can be placed on
14 anything recalled in hypnosis, whatever
10:45 15 technique is utilized, be it ideomotor
16 signalling or any other method. The
17 crucial test is always that novel
18 material recalled in hypnosis can be
19 corroborated independently."

10:45 20 Do you recall having any discussions with Eugene
21 Williams or Campbell Perry about that?

22 A No.

23 Q And then to page 031190, or actually 031189,
24 Mr. Williams asks Campbell Perry to answer whether
10:46 25 he thought you were telling the truth during the



1 session, he says:

2 "As I have indicated in several places
3 already, there is no way of determining
4 whether a hypnotized person's recall is
10:46 5 (1) fact, (2) lie, (3) confabulation, or
6 (4) pseudomemory. Only independent
7 corroboration, such as demonstrating
8 that she could not have seen Mr.
9 Milgaard killing the victim under
10:46 10 prevailing light conditions, would
11 establish the truth of her statement
12 that it was 'too dark'. Beyond that,
13 there is no way of determining the
14 truthfulness of what she said in
10:46 15 hypnosis.

16 It may be of additional
17 relevance that the Recall 2, ..."
18 which I believe is the May 24th statement:

19 "... Ms. John stated that from
10:46 20 mid-February to October, 1969, she used
21 LSD approximately every 3 days. I do
22 not know what effect this might have had
23 upon her memory. She stated also that
24 she was accommodated in a prison cell on
10:47 25 the night of May 23, 1969, and had



1 little sleep. These conditions may have
2 affected her sworn statement to police
3 dated the next day."

4 Do you recall discussions with Dr. -- or with
5 Campell Perry or Eugene Williams, or anybody
6 else, about the matters I just read to you?

7 A No.

8 Q In any of these discussion with doctors and
9 hypnotists, did you tell them about your drug use
10:47 10 in 1969?

11 A Possibly.

12 Q If they would have asked you would have told them;
13 is that fair?

14 A Yes.

10:47 15 Q And you would have told them truthfully?

16 A Yes.

17 Q And, just scroll down to paragraph 8, and it says:

18 "If another attempt were made to
19 hypnotize her, would the outcome be the
10:47 20 same as with the earlier attempt by Dr.
21 Pulos?"

22 Campbell says -- Campbell Perry says:

23 "Before attempting to answer this
24 question, I would like to evaluate the
10:47 25 degree to which she experienced hypnosis



1 with Dr. Pulos."

2 And then, if you could go to document 031237,
3 this is a -- appears to be a consent form; is
4 that your signature at the bottom there, Ms.
5 John?

6 A Yup.

7 Q And it's dated November 15th, 1991. If we could
8 call out the top part, please, it says:

9 "This is to acknowledge that I give my
10 consent to be interviewed by Campbell
11 Perry, Ph.D., Professor of Psychology at
12 Concordia University, Montreal, about
13 certain details of the hypnosis session
14 that I underwent with Lee Pulos, Ph.D.,
15 on September 25, 1991. I have been told
16 by Dr. Perry that he was formally
17 commissioned by the Canadian Department
18 of Justice to evaluate the video tape of
19 this session, and to give his opinion on
20 a number of questions. I understand,
21 further, that he was unable to answer
22 two particular questions with complete
23 certainty. These were:

24 (1) was I hypnotized at the session with
25 Dr. Pulos on September 25, 1991?



1 (2) if I were to be hypnotized again by
2 another professionally-trained
3 individual, would the results be the
4 same as with Dr. Pulos?

10:49 5 Dr. Perry has explained to me
6 that he will be replaying segments of
7 the video tape of the session of
8 September 25, 1991, and that he will be
9 asking me questions about my subjective
10:49 10 experience at these various points. He
11 has assured me, also, that he will not
12 attempt to hypnotise me, and has
13 explained the ethical and legal issues
14 surrounding this assurance.

10:49 15 Given all of the information
16 with which he has provided me, I give my
17 consent to participate in the interview
18 that he has described."

19 Do you recall having these discussions with Dr.
10:49 20 Perry at the time?

21 A No.

22 Q What I read to you, though, that's what you would
23 have consented to?

24 A Yes.

10:49 25 Q Did you understand what the purpose of Campbell



1 Perry meeting with you was then?

2 A I would think so, yeah.

3 Q Today you are telling us you don't remember or --

4 A No, I don't remember.

10:50 5 Q If we could now go to 031234, and this is a report
6 February -- or November 19th, 1991, and it says
7 Report on Experimental Analysis Technique Session
8 With Ms. Nichol John on Friday, November 15, 1991,
9 and I would call out the first paragraph:

10:50 10 "This interview with Ms. Nichol John was
11 performed at the Delta Hotel, Ottawa on
12 Friday, November 15, 1991."

13 Do you recall attending in Ottawa and meeting
14 with Campbell Perry?

10:50 15 A I vaguely recall meeting with someone in I believe
16 it was a hotel room.

17 Q That's what it says here?

18 A Yeah.

19 Q In Ottawa?

10:50 20 A Yeah, I think so.

21 Q Down to the second paragraph, please, it says:

22 "The interview was videotaped with
23 back-up audiotape; this required the
24 presence a third person (whose name I
10:51 25 have forgotten) to carry out the



1 relevant technical operations."

2 If I can pause there, Mr. Commissioner, we have
3 not been able to locate either a videotape or an
4 audiotape of this. We will, now that the Federal
10:51 5 Minister of Justice is a party, we'll be making
6 efforts through them to see if they have it. It
7 carries on:

8 "Additionally, Mr. Eugene Williams was
9 present; he took notes from a position
10:51 10 outside of Ms. John's visual range. He
11 took no part in the interview beyond
12 passing me, at one point, a handwritten
13 question for me to ask."

14 Do you remember Eugene Williams being at this
10:51 15 interview?

16 A No.

17 Q It says:

18 "On the basis of additional information
19 obtained in this interview my opinion is
10:51 20 that:

21 (1) Ms. John was not hypnotized at any
22 point during the hypnosis session with
23 Dr. Pulos of last September 25. At no
24 time did she indicate that she
10:52 25 experienced any alterations in her



1 subjective experience. In addition, she
2 stated, on more than one occasion, that
3 she believed that she was not
4 hypnotized. Further, she reported
10:52 5 finding the hypnosis session stressful,
6 and stated that she felt that Dr. Pulos
7 was in a hurry to complete the session.
8 She said she felt uncomfortable
9 throughout it."

10:52 10 Does that assist your recollection, Ms. John, at
11 all?

12 A No.

13 Q Would that accurately describe what you would have
14 told Campbell Perry?

10:52 15 A I recall not liking him, Dr. Pulos, and I think
16 that's why he stuck in my brain.

17 Q And why did you not like him?

18 A I don't know, there was just something about him,
19 I usually go on first instincts so --

10:52 20 Q Paragraph 2, if we could just call out, he says:

21 "(2) In a conversation Mr. Williams
22 later that day, just before I was due to
23 leave, we discussed the issue of
24 performing another hypnosis session with
10:52 25 Ms. John. By that stage, she had



1 informed us that she had made a decision
2 on this matter, but wanted more time to
3 review it. From this, I think it very
4 likely that her decision will be in the
10:53 5 affirmative. Earlier, in her presence,
6 Mr. Williams asked me to name colleagues
7 who were appropriately qualified (i.e.
8 clinically credentialled and formally
9 trained in forensic hypnosis procedures)
10:53 10 to conduct such a session if a decision
11 was to be made to proceed in this
12 fashion."

13 And it goes on to mention a number of names. Do
14 you recall having this discussion with Eugene
10:53 15 Williams?

16 A No.

17 Q Now I think, out of this session, would you agree
18 that you then went to another psych -- or a
19 hypnosis session in January of 1992, and I think
10:53 20 it's Dr. Orne, yes, Dr. Martin Orne, in
21 Philadelphia?

22 A I saw Dr. Orne but I don't know when.

23 Q Okay. I'll show you -- we'll show you the tape,
24 Ms. John, and I can confirm that later.

10:54 25 If I could now skip to Dr.



1 Fleming, and we'll talk about him. This report of
2 Campbell Perry was dealing with the hypnosis. Do
3 you recall, earlier this morning, I went through
4 some memorandums where Eugene Williams was going
10:54 5 to get you to see a psychiatrist about post --

6 A PTSD.

7 Q Pardon me? PTSD?

8 A Post traumatic --

9 Q Stress disorder?

10:54 10 A Yes.

11 Q Okay. And you recall us discussing that?

12 A Yes.

13 Q And I will show you, call up document 031224, and
14 this is a letter from Russel Fleming to Mr. Eugene
10:54 15 Williams November 18th, 1991. Just call out the
16 first paragraph, please, it says:

17 "The following is my report regarding
18 the above-named individual who I
19 examined here on November 13 and 14,
10:55 20 1991. The time spent in interview
21 totalled approximately two and a half
22 hours."

23 If I could pause there, do you recall meeting
24 with Dr. Fleming on a couple of days in November
10:55 25 of 1991?



1 A I remember meeting -- is this the man from --

2 Q I believe so, yes.

3 A -- Penetanguishene?

4 Q Yes?

10:55 5 A Yeah, I met with him.

6 COMMISSIONER MacCALLUM: Could you just put
7 the question again? Just wait until he finishes.

8 BY MR. HODSON:

9 Q I think you said -- you say Penetanguishene as
10:55 10 well as I do. Yes, he is a fed -- the doctor I
11 believe from Penetanguishene, the prison doctor,
12 is Dr. Fleming, the one you said earlier this
13 morning, that's who you remember seeing?

14 A Okay, now you have got me confused.

10:55 15 Q Okay. I believe that Dr. Fleming is a forensic
16 psychologist and is associated with the
17 Penetanguishene facility?

18 A Okay. I saw somebody at Penetanguishene, I
19 remember that; is that who you are discussing
10:56 20 here?

21 Q I believe that was Dr. Fleming, yes.

22 A Okay.

23 Q So you saw someone at that facility?

24 A Yes.

10:56 25 Q Now the dates here are November 13 and 14, 1991,



1 and we just went over the Campbell Perry memo that
2 said he met with you on November 15th, 1991 in
3 Ottawa, so it would seem to be that you spent
4 three days with -- the first two with Dr. Fleming
10:56 5 and then with Dr. Perry; does that sound right?

6 A Yes, sounds right.

7 Q And he says in his report:

8 "The time spent in interview totalled
9 approximately two and a half hours."

10:56 10 And he says:

11 "The identified task as per your letter
12 of November 6, 1991 was to attempt to
13 determine whether Ms. Demyen might be
14 suffering from an emotional or
10:56 15 psychiatric disorder that might have
16 affected her memory of certain events on
17 an occasion more than twenty years ago,
18 more specifically in the early morning
19 hours of January 31, 1969. Further, I
10:57 20 understand that this is being undertaken
21 because Ms. Demyen was one of the key
22 witnesses in the trial of one David
23 Milgaard who was subsequently convicted
24 of the murder which took place within
10:57 25 the above-mentioned time period and who



1 has now applied for a review of his case
2 by the Department of Justice."

3 Would that be your understanding of what you were
4 meeting with Dr. Fleming for?

10:57 5 A Umm, I was meeting him for an assessment, that's
6 what my understanding was.

7 Q If we could go to page 031225, please, just call
8 out the bottom paragraph. And here is what Dr.
9 Fleming reports, he says:

10:57 10 "What was not revealed by Ms. Demyen
11 until quite recently is that she herself
12 was sexually assaulted by Mr. Milgaard
13 very shortly before they embarked on the
14 trip of January 31, 1969 and she still
10:58 15 expresses feelings of guilt and
16 embarrassment that she would still have
17 undertaken such a trip with an
18 individual who had treated her this way.
19 There were also suggestions that
10:58 20 Milgaard made further attempts to have
21 sexual relations with her during the
22 course of this motor trip even after the
23 stopover in Saskatoon."

24 Do you recall having those discussions with Dr.
10:58 25 Fleming?



1 A No.

2 Q And do you recall having, and he says in here, he
3 reports that you expressed feelings of guilt and
4 embarrassment; do you recall ever having those
10:58 5 feelings that Dr. Fleming says you reported to
6 him?

7 A Umm, embarrassment about getting involved in that,
8 yes.

9 Q Okay. Embarrassment about getting involved in
10:58 10 what?

11 A Well, just going on that trip, period.

12 Q And why were you, why were you, or are you,
13 embarrassed about going on that trip?

14 A Because of everything that happened.

10:58 15 Q Okay. And, I'm sorry, everything; what do you
16 mean by "everything"?

17 A Well, getting involved in this murder trial, and
18 just everything.

19 Q Okay.

10:59 20 A It's been very embarrassing to me.

21 Q Okay. And --

22 A And still is.

23 Q And I think, in this letter, Dr. Fleming is
24 associating the embarrassment with taking a trip,
10:59 25 and I'll read it here, it says:



1 "... expresses feelings of guilt and
2 embarrassment that she would still have
3 undertaken such a trip with an
4 individual who had treated her this
10:59 5 way."

6 You have told us about the embarrassment about
7 going on the trip and being involved; do you
8 recall or have you ever had feelings of
9 embarrassment that you would have undertaken the
10:59 10 trip with Mr. Milgaard?

11 A You have lost me now.

12 Q Okay. Let me try this again. You have told us
13 that, I think generally, you said you have felt
14 embarrassment, and still do, about being involved
10:59 15 and going on the trip?

16 A Right.

17 Q What Dr. Fleming is reporting here, and I simply
18 want to know if you can help us whether Dr.
19 Fleming is reporting this right, he is saying that
10:59 20 you, at this time:

21 "... expressed feelings of guilt and
22 embarrassment that she would still have
23 undertaken such a trip with an
24 individual who had treated her this
11:00 25 way."



1 My question is do you, or have you, felt guilt or
2 embarrassment about having gone on the trip with
3 Mr. Milgaard per -- or as Dr. Fleming states
4 here?

11:00 5 A Do I still now, or at that time?

6 Q Have you -- or have you -- do you now or have you
7 ever?

8 A If I said it to Dr. Fleming, here, I would say
9 that I probably did.

11:00 10 Q So, at this time, you would have -- you agree that
11 you would have had feelings of guilt and
12 embarrassment for going on this trip to Saskatoon
13 with Mr. Milgaard?

14 A Uh-huh.

11:00 15 Q Yes?

16 A Yes.

17 Q And, today, are you able to tell us that?

18 A To tell you?

19 Q Do you still have feelings of guilt and
11:00 20 embarrassment?

21 A About going on the trip?

22 Q Yes?

23 A Oh, the trip, oh yes.

24 Q And is that a general statement again? Did -- let
11:00 25 me try this again and -- the feelings of guilt and



1 embarrassment that you expressed to Dr. Fleming
2 that I just read to you in this paragraph back in
3 1991, --

4 A Uh-huh.

11:01 5 Q -- okay, --

6 A Uh-huh.

7 Q -- do you still have those feelings of guilt and
8 embarrassment?

9 A Of what he is discussing in this paragraph?

11:01 10 Q Yes?

11 A No.

12 Q You have general feelings of guilt and
13 embarrassment?

14 A Right.

11:01 15 Q If you could go to the next page, please, 031226,
16 and starting right here Dr. Fleming reports:

17 "She did give a statement ...",
18 I'll just take my marks out of the way. Remember
19 we talked, yesterday, about the March 11th
11:01 20 statement, that was your very first statement;
21 remember that?

22 A Okay.

23 Q And that was a statement where I believe your
24 words were that David Milgaard wasn't out of your
11:02 25 sight for more than a couple minutes, or words to



1 that effect; do you remember that?

2 A Something to that effect, yes.

3 Q Yeah. You recall that statement?

4 A Yes.

11:02 5 Q Yeah. And Dr. Fleming says:

6 "She did give a statement at this point
7 which was not available for review but which
8 might be of interest. Ms. Demyen's best
9 recollection is that she initially had no
11:02 10 memory of the events the police were
11 exploring but once they started talking with
12 her things began to come back to her. At
13 this point, she moved back into the parental
14 home again and reports that her parents even
11:02 15 her father were quite supportive. It
16 appeared that during this period her use of
17 drugs also subsided. Then in May the police
18 contacted her again and took her up to
19 Saskatoon for further questioning and
11:02 20 apparently had to try to further aid her
21 memory by taking her to the area of the
22 murder to see if she could recall having
23 been in that area."

24 And just scroll down, please:

11:03 25 "During this trip which was overnight,



1 Ms. Demyen remembers staying at the local
2 police lockup not actually locked up but in
3 the company of a matron who looked after the
4 female lockup. She recalls this being a
5 less than perfect arrangement but does not
6 now recall having any other impressions of
7 it."

8 If I can pause there; do you recall having these
9 discussions with Dr. Fleming?

10 A No.

11 Q It seems to be -- if you could just scroll up to
12 the previous paragraph, please -- it would appear
13 from this that Dr. Fleming didn't have your March
14 11th statement and that you were -- it says here:

15 "Ms. Demyen's best recollection is that
16 she initially had no memory of the
17 events the police were exploring but
18 once they started talking with her
19 things began to come back to her."

20 Can you tell us, is that -- would you have told
21 Dr. Fleming that? Did you think that?

22 A I have no idea.

23 Q Do you think that now?

24 A Do I think -- what you are asking -- repeat that,
25 please?



1 Q Sure. Here Dr. Fleming reports that in 1991 you
2 told him that you initially had no memory of the
3 events the police were exploring but, once they
4 started talking with her, things began to come
11:04 5 back to her. Okay? This is what he wrote down in
6 1991 based on his interview with you.

7 A Right.

8 Q I think you have told me you don't recall the
9 meeting with him --

11:04 10 A No.

11 Q -- specifically?

12 A Right.

13 Q But I believe you said you would have told him
14 your best recollection --

11:04 15 A Right.

16 Q -- and the truth; is that fair?

17 A Right.

18 Q So let's assume that to be the case, and that in
19 1991 you would have told him that you initially
11:04 20 had no memory of the events the police were
21 exploring, but once they started talking with you
22 things began to come back. And I'm wondering
23 today, can you tell us, do you think that today?

24 A Do I think?

11:04 25 Q Well let me ask -- put it this way. I have just



1 read to you what you --

2 A Right.

3 Q -- what you, I think, confirmed you thought and
4 said in 1991?

11:04 5 A Right.

6 Q Do you still think that today?

7 A Do I still think that today? I don't know.

8 Q All right.

9 A Because I'm not clear on your question.

10 Q Okay.

11 A I'm sorry.

12 Q No, that's fine, I will try it again. It --

13 A So are you asking me that do I believe that, once
14 I started talking to the police, that things came
11:05 15 back to me?

16 Q Yes.

17 A Is that what you are asking me?

18 Q Yes. Yes.

19 A Umm, I don't believe so.

11:05 20 Q Okay. And why do you say that?

21 A I just don't -- I have no reasoning for it.

22 Q If you could go to document 031227.

23 And, Mr. Commissioner, we will
24 be going through this document with another
11:05 25 witness at another time, so I will skip over parts



1 of this letter which are important, but just go to
2 those parts that deal with this witness or that I
3 can put to the witness.

4 At the bottom it says:

11:06 5 "Add to this the fact that she herself
6 claims to have been assaulted by Mr.
7 Milgaard shortly before the episode and that
8 immediately following she embarked on her
9 heaviest use of the mind altering drugs. It
11:06 10 would be easy to postulate that this was
11 directly related to emotional disturbance in
12 the aftermath of the January 31st trip."

13 Do you recall discussing that with Dr. Fleming?

14 A No.

11:06 15 Q Did you discuss that with anybody?

16 A Not that I am aware of.

17 Q Was this ever brought to your attention by
18 anybody?

19 A I'm not sure.

11:06 20 Q Okay. Let me -- I appreciate that. Let me try
21 this again. What Dr. Fleming is saying to Eugene
22 Williams in November of 1991, --

23 A Okay.

24 Q -- when he was asked to interview you and provide
11:06 25 his professional opinion --



1 A Right.

2 Q -- on certain matters, and what he says here is
3 that you, yourself, "claims to have been assaulted
4 by Mr. Milgaard shortly before the episode"?

11:07 5 A Uh-huh.

6 Q And that, immediately following, that you embarked
7 on your heaviest use of mind-altering drugs. Dr.
8 Fleming then says -- and these are his words --

9 A Uh-huh.

11:07 10 Q "It would be easy to postulate that this
11 was directly related to emotional
12 disturbance in the aftermath of the
13 January 31st trip."

14 A Uh-huh.

11:07 15 Q And my question is whether anybody has talked to
16 you, or told you, or raised with you --

17 A Uh-huh.

18 Q -- what Dr. Fleming says here; that the incident
19 with Mr. Milgaard before the trip --

11:07 20 A Uh-huh.

21 Q -- and the use of mind-altering drugs may be
22 directly related to the emotional disturbance in
23 the aftermath of the January 31st trip?

24 A Has anyone told me this?

11:07 25 Q Yes?



1 A I don't believe so.

2 Q Have you ever thought about that?

3 A No.

4 Q What do you think about that now?

11:07 5 A What do I think about it now?

6 Q Yes?

7 A Umm, there is a lot of bad stuff there, that's
8 what I think about that.

9 Q When you say "a lot of bad stuff there" are you
11:08 10 talking about --

11 A Well if you look at the two episodes, I couldn't
12 really comment on his last statement talking about
13 related to the emotional disturbance, I'm not a
14 doctor, you know. You -- it's not very good to
11:08 15 self-diagnose yourself, you know, but -- yeah,
16 hmm, that's all I have to say.

17 Q Okay. Now I think, next, if I could call up
18 document 05 -- or pardon me -- 054556 and 054557.
19 These are the videotapes of the hypnosis session
11:08 20 with Dr. Orne, Mr. Commissioner, and I'll just ask
21 a couple of questions first, and then maybe we
22 could take the morning break, and then start with
23 the tape after that.

24 Would you agree that you did
11:09 25 travel to Philadelphia and meet with Dr. Orne in,



1 I think my dates show, January the 10th, 1992?

2 A I'll agree with you.

3 Q Okay. And you agreed to go?

4 A I would believe so.

11:09 5 Q And do you recall Eugene Williams being present
6 with you in Philadelphia?

7 A I think he was.

8 Q In fairness, the videotape does show him present
9 asking you questions at the end, so --

11:09 10 A Okay.

11 Q -- it shows that he is there, I believe, and as
12 well Dr. Orne.

13 A Okay.

14 Q A Federal Justice would have paid -- arranged for
11:09 15 and paid for that trip; is that correct?

16 A I would believe so.

17 Q Okay. This is probably an appropriate spot to
18 break.

19 COMMISSIONER MacCALLUM: Okay. We'll take
11:09 20 15 minutes.

21 *(Adjourned at 11:09 a.m.)*

22 *(Reconvened at 11:32 a.m.)*

23 MR. HODSON: Thank you. We will now
24 proceed with the videotape of Dr. Orne, the
11:32 25 hypnosis. There is -- there are two tapes,



1 there's no transcript. The early parts, the --
2 I've decided, Mr. Commissioner, to show the
3 entire tape because I'm not sure what I can or
4 should edit out, so we'll play it in its
11:32 5 entirety, except for the first three and a half
6 minutes of the second tape, they simply are a
7 video, I reviewed it, of Ms. John who appears to
8 be under hypnosis and there's no discussion,
9 there's no questions, so we'll fast forward
11:33 10 through that, but other than that, we'll play the
11 tape in its entirety, and, Ms. John, if you could
12 just watch it and I'll have questions for you
13 after.

14 **(VIDEOTAPE OF HYPNOSIS SESSION WITH DR. MARTIN ORNE**
15 **AND NICHOL JOHN)**

16 DR. MARTIN ORNE: ... the situation is
17 children do much better.

18 NICHOL JOHN: Uh-huh.

19 DR. MARTIN ORNE: What do you -- how are
11:33 20 you best comfortable being called?

21 NICHOL JOHN: Nichol, that's fine.

22 DR. MARTIN ORNE: Nichol?

23 NICHOL JOHN: It doesn't matter.

24 DR. MARTIN ORNE: Fine. My name is Martin
11:33 25 Orne, I think you knew of me.



1 NICHOL JOHN: Yeah. (Laughs).

2 DR. MARTIN ORNE: I just want to be sure
3 that we've got an idea. I understand that you
4 had an experience with hypnosis before?

11:34 5 NICHOL JOHN: Uh-huh.

6 DR. MARTIN ORNE: Can you tell me a little
7 bit about that?

8 NICHOL JOHN: Do you want me to start from
9 the beginning?

11:34 10 DR. MARTIN ORNE: Yeah, just briefly. I'm
11 not asking word by word.

12 NICHOL JOHN: (Laughs) When I met the man
13 I didn't like him, I wasn't comfortable with him
14 and things just didn't go well after that.

11:34 15 DR. MARTIN ORNE: Usually that's --

16 NICHOL JOHN: I'm pretty -- my business is,
17 I'm a bartender, and you pick up on things and
18 just no --

19 DR. MARTIN ORNE: It's simply -- some
11:34 20 colleagues have viewed that bartenders are
21 clearly in the business.

22 NICHOL JOHN: Uh-huh. Yeah, exactly. Just
23 didn't -- I didn't hit it off with him.

24 DR. MARTIN ORNE: Uh-huh.

11:34 25 NICHOL JOHN: I'm pretty --



1 DR. MARTIN ORNE: You usually get along
2 with everybody?

3 NICHOL JOHN: Yeah, yeah, yeah. But if,
4 how can I say, where it's a situation like that,
11:35 5 I don't trust you, plain and simple.

6 DR. MARTIN ORNE: Right.

7 NICHOL JOHN: You know, so, I don't know, I
8 guess I fought it all the way. (Laughs)

9 DR. MARTIN ORNE: Sure. Well, that's
11:35 10 certainly -- if you don't feel the individual is
11 competent --

12 NICHOL JOHN: Yeah, exactly.

13 DR. MARTIN ORNE: -- you would be foolish
14 to respond.

11:35 15 NICHOL JOHN: Exactly, that's right.

16 DR. MARTIN ORNE: That's very much --

17 NICHOL JOHN: Because you are not in
18 control of the situation, you know, you are
19 giving control to someone else and if you don't
11:35 20 trust that person --

21 DR. MARTIN ORNE: Right, obviously. And we
22 all have very good defences too.

23 NICHOL JOHN: That's right.

24 DR. MARTIN ORNE: So that that really makes
11:35 25 a lot of sense, but I didn't -- wasn't there, but



1 I had the opportunity of going through that and
2 it seemed to me that you were quite
3 uncomfortable.

4 NICHOL JOHN: Uh-huh.

11:36 5 DR. MARTIN ORNE: Let's put it that way.
6 What I would like to do is to have you try a
7 number of things with me so that you get an idea
8 of what it's really all about.

9 NICHOL JOHN: Uh-huh.

11:36 10 DR. MARTIN ORNE: Hypnosis is in many ways
11 a matter of relaxation and being comfortable.

12 NICHOL JOHN: Uh-huh.

13 DR. MARTIN ORNE: And that's --

14 NICHOL JOHN: You are talking to a speed
11:36 15 person here. The only time I relax is when I go
16 to sleep.

17 DR. MARTIN ORNE: Well, that's --

18 NICHOL JOHN: It's hard for me sometimes.

19 DR. MARTIN ORNE: I'm sure it must be, and
11:36 20 you might find it an interesting experience as
21 long as you feel comfortable.

22 NICHOL JOHN: Yeah.

23 DR. MARTIN ORNE: And it's the sort of
24 thing which depends upon feeling comfortable.

11:37 25 NICHOL JOHN: And it's also a situation of



1 our environment too.

2 DR. MARTIN ORNE: Yeah.

3 NICHOL JOHN: Uh-huh.

4 DR. MARTIN ORNE: Interesting, for example,
11:37 5 nobody is bothered by the things -- I do a fair
6 amount of work with kids with sickle cell disease
7 which is a very nasty illness and --

8 NICHOL JOHN: Sickle cell anaemia isn't it?

9 DR. MARTIN ORNE: That's right.

11:37 10 NICHOL JOHN: Yeah.

11 DR. MARTIN ORNE: Well, that's the strain.

12 The actual disease is sickle cell disease and
13 these kids get, without any warning --

14 NICHOL JOHN: Uh-huh.

11:37 15 DR. MARTIN ORNE: -- profound kind of
16 discomfort and pain --

17 NICHOL JOHN: Uh-huh.

18 DR. MARTIN ORNE: -- and it's as if you
19 have pain in your heart, but it doesn't have to
11:38 20 be there.

21 NICHOL JOHN: Right.

22 DR. MARTIN ORNE: It can be here or there
23 or any part of the body.

24 NICHOL JOHN: Uh-huh.

11:38 25 DR. MARTIN ORNE: And there is no cure for



1 it really.

2 NICHOL JOHN: Uh-huh.

3 DR. MARTIN ORNE: Other than giving them
4 narcotics.

11:38 5 NICHOL JOHN: Uh-huh.

6 DR. MARTIN ORNE: Which is very bad for
7 them --

8 NICHOL JOHN: Right.

9 DR. MARTIN ORNE: -- a child, because
11:38 10 that's not helpful --

11 NICHOL JOHN: Uh-huh.

12 DR. MARTIN ORNE: -- in the long run and
13 we've been training children so that they could
14 learn hypnosis to control --

11:38 15 NICHOL JOHN: Okay, yeah.

16 DR. MARTIN ORNE: -- pain, and we've had a
17 good deal of luck.

18 NICHOL JOHN: That's good.

19 DR. MARTIN ORNE: When we started out
11:38 20 everybody told us we couldn't do it because, you
21 know, this is a population of very sick people,
22 kids on the one hand, and also a very deprived
23 population.

24 NICHOL JOHN: Uh-huh.

11:38 25 DR. MARTIN ORNE: And typically our



1 colleagues said to me, well, you know, you will
2 be lucky if you get people 10 percent of the
3 time --

4 NICHOL JOHN: Uh-huh.

11:39 5 DR. MARTIN ORNE: And it turns out that we
6 now typically get 85 to 95 attendance and they
7 fill out diaries.

8 NICHOL JOHN: Uh-huh, uh-huh.

9 DR. MARTIN ORNE: And we get over 90
11:39 10 percent response.

11 NICHOL JOHN: Uh-huh.

12 DR. MARTIN ORNE: And we also use these
13 things which are graphs which tell you what --
14 how people are and you can tell when they are
11:39 15 sleeping or when they are not sleeping.

16 NICHOL JOHN: Yeah, uh-huh.

17 DR. MARTIN ORNE: And that allows us to
18 see -- you know, our colleagues are very
19 distrustful and we can prove --

11:39 20 NICHOL JOHN: Yeah.

21 DR. MARTIN ORNE: -- that they are
22 accurate.

23 NICHOL JOHN: Yeah, exactly.

24 DR. MARTIN ORNE: And so it has been very
11:39 25 helpful.



1 NICHOL JOHN: Uh-huh.

2 DR. MARTIN ORNE: Anyway, that's not your
3 problem.

4 NICHOL JOHN: (Laughs). Interesting
11:40 5 though.

6 DR. MARTIN ORNE: These, by the way, are
7 the gadgets that we put on the wrists.

8 NICHOL JOHN: Oh, yeah.

9 DR. MARTIN ORNE: We now have small ones.

11:40 10 NICHOL JOHN: Uh-huh. Isn't that the
11 disease that's almost confined to one race?

12 DR. MARTIN ORNE: That's right.

13 NICHOL JOHN: Right.

14 DR. MARTIN ORNE: Almost.

11:40 15 NICHOL JOHN: Yeah.

16 DR. MARTIN ORNE: But also Mediterranean
17 people sometimes get it, but it is largely --
18 well, out of every 500 births one individual has
19 sickle cell disease.

11:40 20 NICHOL JOHN: Really.

21 DR. MARTIN ORNE: And it's -- and the thing
22 which is bad, really bad is that it is pain that
23 is the phenomenon, you feel, and what it is is
24 ischaemia, you can't get enough haemoglobin.

11:40 25 NICHOL JOHN: Uh-huh.



1 DR. MARTIN ORNE: And that is exquisitely
2 painful.

3 NICHOL JOHN: Uh-huh.

4 DR. MARTIN ORNE: And we can't quite help
11:41 5 people totally --

6 NICHOL JOHN: Yeah.

7 DR. MARTIN ORNE: -- to block it.

8 NICHOL JOHN: Yeah.

9 DR. MARTIN ORNE: But they can go, they
11:41 10 don't have to go to the hospital --

11 NICHOL JOHN: The amount of relief --

12 DR. MARTIN ORNE: -- and they get a lot of
13 relief.

14 NICHOL JOHN: Yeah.

11:41 15 DR. MARTIN ORNE: And they are no longer
16 helpless.

17 NICHOL JOHN: Uh-huh, yeah.

18 DR. MARTIN ORNE: Which is the most
19 important. I mean, you know, if you have the
11:41 20 pain and you can't do anything --

21 NICHOL JOHN: Uh-huh.

22 DR. MARTIN ORNE: -- it's much worse than if
23 you have some techniques which help you.

24 NICHOL JOHN: Right.

11:41 25 DR. MARTIN ORNE: Even if you can't do it



1 fully, but --

2 NICHOL JOHN: Well, the thing is, they are
3 affecting your whole life, you know, your work,
4 everything.

11:41 5 DR. MARTIN ORNE: That's right, and worse
6 yet, you see, when the kids get this, they will
7 sometimes have to be out for three or five days
8 and when they come back to school they are
9 behind.

11:41 10 NICHOL JOHN: They've lost that much,
11 that's right.

12 DR. MARTIN ORNE: And it's really
13 difficult.

14 NICHOL JOHN: Uh-huh.

11:41 15 DR. MARTIN ORNE: We are now just working
16 with school boards to change the law because they
17 only send children two weeks whereas these kids
18 are five days, three days, seven days and if they
19 get a little bit of help, it makes a big
11:42 20 difference.

21 NICHOL JOHN: Uh-huh.

22 DR. MARTIN ORNE: Anyway, what I would like
23 to do now is just to try a couple of very simple
24 things which are -- this is a very high-tech
11:42 25 thing.



1 NICHOL JOHN: (Laughs).

2 DR. MARTIN ORNE: And what it is, obviously
3 anything will work as long as it's a weight, but
4 if you think about it and visualize it going back
11:42 5 and forth and think about it, it begins to
6 respond. Now, when I think about it going around
7 like a circle, as I think about it, it begins to
8 do it for me. Now, when I think about it, which
9 is the most difficult part, if I think about it,
11:43 10 it stops, you can do that too. Now, I would like
11 you to try that, just rest your elbow, because
12 you couldn't -- yeah, that's fine.

13 Now I would like you to try to
14 start out -- that's right. Now, I want you to
11:43 15 think about it as going this way, just visualize
16 it in your mind. As you think about it, you'll
17 find that it will begin to move in the way you
18 are thinking. That's right. One more. That's
19 right.

11:44 20 Now, if you think about it
21 going around, visualize it in your mind, do you
22 see, as soon as you begin to think about it, it
23 begins to do what you think about. Now imagine
24 it going in this direction. And now try the most
11:44 25 difficult, I want you to try to make it stop



1 entirely. Excellent.

2 NICHOL JOHN: It's -- (laughs).

3 DR. MARTIN ORNE: Well, you see, there's
4 nothing magic about this.

11:44 5 NICHOL JOHN: No.

6 DR. MARTIN ORNE: As you think about it,
7 your body responds.

8 NICHOL JOHN: Uh-huh.

9 DR. MARTIN ORNE: It's an ideomotor
11:45 10 response.

11 NICHOL JOHN: Uh-huh.

12 DR. MARTIN ORNE: Perfectly normal thing,
13 but the thing which is interesting is that you do
14 it totally unwillingly.

11:45 15 NICHOL JOHN: Right.

16 DR. MARTIN ORNE: I mean, you think about
17 it, you don't --

18 NICHOL JOHN: Right, you don't move -- your
19 motor reflexes are not controlling it.

11:45 20 DR. MARTIN ORNE: That's right, it's coming
21 from here.

22 NICHOL JOHN: Exactly.

23 DR. MARTIN ORNE: And that's very much what
24 hypnosis is like. Now, in the same way I would
11:45 25 like you to just put your feet on the ground for



1 a moment, put your hands out.

2 NICHOL JOHN: You are talking to a short
3 person.

4 DR. MARTIN ORNE: Sorry.

11:45 5 NICHOL JOHN: Have you got any baby chairs?

6 DR. MARTIN ORNE: Now, what I would like
7 you to do for the moment is close your eyes for a
8 second and try to imagine that your right hand
9 grows heavier and heavier, just think about it.
11:45 10 As you think about it you become more and more
11 aware, your right hand and arm goes heavier and
12 heavier and your left arm is going to float
13 upward, just think about it floating up, the
14 left, and going down and down, more and more, the
11:46 15 right gets more and more heavy as the left floats
16 up easily without any effort. The right hand
17 just floats down as the left hand floats up.
18 That's right. No effort, just let it happen.
19 That's right. The right hand gets heavier and
11:46 20 heavier, the left hand grows lighter and lighter.
21 That's right. Fine, just relax.

22 NICHOL JOHN: (Laughs).

23 DR. MARTIN ORNE: Now, again, if you think
24 about it --

11:46 25 NICHOL JOHN: Uh-huh.



1 DR. MARTIN ORNE: -- that's what it is all
2 about, you can always stop yourself if you really
3 want to.

4 NICHOL JOHN: Uh-huh.

11:47 5 DR. MARTIN ORNE: It's not -- there's
6 nothing about -- people think about focusing and
7 hypnotizing that it's something that's done by
8 me. It isn't, it's done by you.

9 NICHOL JOHN: Exactly.

11:47 10 DR. MARTIN ORNE: And it will work for you
11 if you feel comfortable.

12 NICHOL JOHN: If you allow it, exactly.

13 DR. MARTIN ORNE: If you don't, you know,
14 that's the way it is.

11:47 15 NICHOL JOHN: Uh-huh.

16 DR. MARTIN ORNE: But, you know, as you
17 really -- what it does, it facilitates your
18 ability to recall things --

19 NICHOL JOHN: Uh-huh.

11:47 20 DR. MARTIN ORNE: -- and also you are able
21 to allow your body to have experiences which --

22 NICHOL JOHN: Uh-huh -- instead of
23 maintaining this one level, you are going to
24 another one.

11:47 25 DR. MARTIN ORNE: That's right.



1 NICHOL JOHN: Yeah.

2 DR. MARTIN ORNE: And you are able to do
3 that.

4 NICHOL JOHN: Uh-huh.

11:47 5 DR. MARTIN ORNE: And that's very helpful.
6 Now what I would like you to do -- I think you
7 feel comfortable enough in this don't you?

8 NICHOL JOHN: Uh-huh.

9 DR. MARTIN ORNE: Okay, just relax, let
11:48 10 your hands be on your lap, that's fine, and don't
11 cross your feet. The only reason for that is,
12 you know, if you are sitting like this,
13 everything is fine, but five minutes later you
14 get to have an inch.

11:48 15 NICHOL JOHN: Okay.

16 DR. MARTIN ORNE: So that's why I suggest
17 you just relax and I want you to just close your
18 eyes when you feel comfortable and just look at
19 maybe this hand -- you have a ring here, and
11:48 20 maybe look at that ring and just let yourself
21 observe it, and as you observe it you'll find
22 that your eyes are growing heavy easily, quietly,
23 without any effort. You'll find yourself
24 relaxing. That's right. And I just want to be
11:49 25 sure that you are, have been comfortable about



1 doing this with me. Do you find that you feel
2 comfortable?

3 NICHOL JOHN: Uh-huh.

4 DR. MARTIN ORNE: Good. And obviously you
11:49 5 agreed to do this freely of your own -- I mean,
6 nobody pushed you?

7 NICHOL JOHN: No.

8 DR. MARTIN ORNE: Okay, fine. It's just I
9 like to just make sure that there's no confusion.
11:49 10 That's it. As you do that, you'll find your eyes
11 will get comfortable, relax, and I want you to
12 just let yourself go easily, comfortable. That's
13 it. As you do, you'll find that your head may
14 fall backwards and you'll feel comfortable doing
11:50 15 that or it may fall forward or it may stay as it
16 is, it doesn't really matter, but you can be
17 comfortable. Take a good breathe, easily.

18 I want you to try to now
19 breathe deeply. That's it. Breathe in and out.
11:50 20 That's it. In and out. And as you become more
21 and more relaxed your body gets relaxed and your
22 mind gets relaxed. I want you to think about
23 feeling comfortable and relaxed. Easy. Letting
24 your hands be more and more at peace and soon
11:51 25 you'll find that you find yourself comfortable



1 and everything will be safe. Easy. Comfortable.
2 That's it. More. And as you relax your whole
3 body becomes comfortable. Is it pleasant? More
4 and more at ease. Easy. That's it. More and
11:52 5 more relaxed. Easy.

6 And as you relax, the muscles
7 of your foot become relaxed and you'll find that
8 the muscles of your calves will relax, soft and
9 easy and comfortable. The muscles around your
11:53 10 knees can relax as you sink more and more
11 comfortable. Easy, without any effort. And soon
12 you'll find that the muscles around your thighs
13 become relaxed, easily comfortable, more and
14 more. Just sinking more and more, more, and the
11:53 15 muscles around your thighs get heavy and relaxed
16 and comfortable. More and more. That's it, just
17 let it go. That's right. And you'll find the
18 muscles of your (inaudible) as you find yourself
19 more relaxed, your back muscles becoming more and
11:54 20 more relaxed, easy, comfortable, and as you relax
21 more and more the muscles of the back become
22 relaxed. That's right, more relaxed, and you
23 find the fingers of your hands relaxed, your
24 fingers and your hands are relaxed, and your arms
11:55 25 grow heavy, more and more heavy, and the shoulder



1 muscles are relaxed, that's right. Just let
2 yourself go easily, comfortable. That's it. And
3 you can relax very well now, and the muscles of
4 your neck relax. Bend forward, go forward and
11:56 5 backward, but you will be coming more and more
6 relaxed and comfortable and at ease. It's so
7 good to relax, to be at ease, comfortably.
8 That's it. More and more. More comfortable.
9 Easy now, just let it go, and slowly you will
11:57 10 find your eyes relaxing more and your whole body
11 relaxes more, and just let yourself go. Easy.

12 Now as you think about it, you
13 will find a very interesting feeling because the
14 hand, your right hand this time will begin to
11:57 15 become light and you will feel more comfortable
16 as that happens. The fingers of the right hand
17 float up without any effort on your part, they
18 just move by themselves, and the fingers float
19 up, slowly, comfortably, at ease. Your whole
11:58 20 fingers of the hand, the right hand will float up
21 as you find yourself, your finger, perhaps the
22 first finger, perhaps the little finger, or maybe
23 the ring finger, that's right, the hand is
24 beginning to float up, and then as it happens you
11:58 25 find yourself becoming more and more comfortable.



1 Easily, peaceful, relaxing, now just letting it
2 happen. Easy. That's it. Just let yourself go
3 and focus your mind on your right hand. Perhaps
4 the thumb or perhaps the first finger
11:59 5 individually, the hand, just letting it go,
6 floating easily, floating comfortably. Just
7 relax. That's it. More and more at ease.
8 That's right, more and more at ease, floating
9 comfortable, easily. Just letting yourself go.
12:00 10 That's right. That's right.

11 Now I want you to focus more
12 and more on this finger, let that finger float
13 upward into the air. That's right, that's good.
14 Just let it float by itself. Let it happen
12:00 15 easily. That's it.

16 Now I want you to relax, close
17 your eyes and focus on my words. I want you to
18 imagine that you are going to go to a very
19 comfortable place. Easily, that's it, a
12:01 20 comfortable place. That's right. More and more
21 relaxed. And I want you to imagine going down to
22 a very comfortable place. And we'll go down 20
23 steps and, with each step, you will find yourself
24 more and more at ease. You will find your first
12:02 25 place is comfortable, it's quiet and peaceful,



1 and you like to relax. You are going to step
2 down from the first step? That's it. From that
3 first step slowly to the second step, and you
4 find yourself relaxing more and more, without any
12:02 5 effort, just letting it happen. And, two, you
6 will find that you relax more and more, and you
7 are going to this comfortable, quiet place, an
8 easy place, a safe place, nothing can happen to
9 you. Just relax. That's it. More and more at
12:03 10 peace. Easy, comfortable, just relax. And you
11 are feeling more and more relaxed, and you go on
12 down to the third step, the fourth, just sinking
13 down, walking in your mind. And five, you relax
14 easier and better. Six, sinking more and more,
12:04 15 easy and comfortable, easy. Seven, more, eight,
16 more, easily, comfortable, that's right. Easy.
17 Eight, more and more relaxed, more and more at
18 peace. Nine and ten, just letting go, that's
19 right, that's comfortable. And as you become
12:04 20 more comfortable you will find yourself more and
21 more at peace. 11 more, 12 more, it's easy to
22 relax, it's easy to feel good. You can feel good
23 when you want to. 11, 12, 13, 14, 15, that's
24 right, to 16, 17, 18, 19, and you will be in a
12:05 25 quiet place, a safe place, and relaxing place.



1 20. And you can be there at ease, relaxed. Now
2 I want you to be more and more relaxed, more and
3 more relaxed.

4 Now, as I talk to you, you will
12:06 5 feel that I will pick up your right hand. Is
6 that going to bother you?

7 NICHOL JOHN: No.

8 DR. MARTIN ORNE: That's right. Just let
9 me, just let it be, that's very good, excellent.
12:06 10 Just let it be heavy. More and more, easy, quiet
11 and at peace. Your whole body wants to be at
12 peace. You are sinking more and more ...
13 (Inaudible) ... at peace, quiet, that's right.
14 It -- you are feeling good, letting yourself go
15 ... (Inaudible) ...

16 (VIDEOTAPE STOPPED)

17 MR. HODSON: Mr. Commissioner, this is just
18 the quality of the VHS tape, so this is the best
19 we have.

12:07 20 COMMISSIONER MacCALLUM: Yes, thank you.

21 MR. HODSON: We'll keep going.

22 (VIDEOTAPE CONTINUED)

23 DR. MARTIN ORNE: Relax. A week ago, see
24 how you ... (Inaudible) ... what you did last
12:08 25 Friday. Try and think about it. Do you like



1 doing that?

2 NICHOL JOHN: Uh-huh.

3 DR. MARTIN ORNE: Good. Just try remember
4 last Friday. Easy ... (Inaudible) ... and you
12:09 5 will tell me about it. All right? Now rouse
6 yourself, just rouse yourself. Tell me a little
7 bit about what you felt back Friday morning?

8 NICHOL JOHN: Friday morning.

9 DR. MARTIN ORNE: Pardon?

12:09 10 NICHOL JOHN: Friday morning.

11 DR. MARTIN ORNE: Oh.

12 NICHOL JOHN: Got a phone call.

13 DR. MARTIN ORNE: Yeah?

14 NICHOL JOHN: It was from Eugene, and he
12:10 15 had said to me that he had set about working on
16 setting up an appointment. It kind of upset me
17 because I wasn't expecting it that soon. Hmm.

18 DR. MARTIN ORNE: Can you try to tell me
19 more about what happened? If it's something
12:10 20 which is private you can tell me that, that will

21 --

22 NICHOL JOHN: Umm, sleeping.

23 DR. MARTIN ORNE: Uh-huh.

24 NICHOL JOHN: And the phone rang.

12:10 25 DR. MARTIN ORNE: And you didn't appreciate



1 it?

2 NICHOL JOHN: No, not really. Umm, I asked
3 him to call me back if I remember correctly. I
4 don't know.

12:11 5 DR. MARTIN ORNE: And what happened after
6 the phone call; did you get up and get something
7 to eat?

8 NICHOL JOHN: Yeah, I had some breakfast,
9 had some toast, yeah.

12:11 10 DR. MARTIN ORNE: Okay. Was it -- did you
11 have ... (Inaudible) ... on your toast?

12 NICHOL JOHN: No, cream cheese.

13 DR. MARTIN ORNE: Cream cheese? Okay. I
14 mean you never -- don't -- if I have asked you
12:11 15 something which is embarrassing you can tell me.

16 NICHOL JOHN: Okay.

17 DR. MARTIN ORNE: You know, you don't have
18 to ... (Inaudible) ...

19 NICHOL JOHN: Uh-huh.

12:12 20 DR. MARTIN ORNE: So you had cheese?

21 NICHOL JOHN: Uh-huh, cream cheese and
22 toast.

23 DR. MARTIN ORNE: Yeah?

24 NICHOL JOHN: And I was sitting there
12:12 25 deciding what I should ... (Inaudible) ... I'm



1 awake now and I have to go to work and I have to
2 get things changed.

3 DR. MARTIN ORNE: Oh.

4 NICHOL JOHN: So I sat around the house
12:12 5 until just after 1:00. Eugene had phoned me, I
6 think it was quarter after 10:00, and I went to
7 work, and my boss ... (Inaudible) ... told him
8 that I have to get some -- a few days off, and --

9 DR. MARTIN ORNE: Was it a problem for you?

12:13 10 NICHOL JOHN: Was there a problem getting
11 the time off?

12 DR. MARTIN ORNE: Yeah?

13 NICHOL JOHN: No. With him? No ...
14 (Inaudible) ...

12:13 15 DR. MARTIN ORNE: Was it that bad that they
16 had to --

17 NICHOL JOHN: ... (Inaudible) ... and he
18 told me to phone, make a phone, so I did. Asked
19 Shirley for his phone number, I don't know why I
12:13 20 did that because his phone number was posted on
21 the -- around the phone list, the whole ...
22 (Inaudible) ... and I called the number up and I
23 phoned him, he answered the phone, tried to give
24 me the third degree.

12:14 25 DR. MARTIN ORNE: Yeah ... (Inaudible) ...



1 the manager?

2 NICHOL JOHN: Yeah, his wife, and then she
3 slammed the phone down on my ear, when she found
4 out it was me ... (Inaudible) ... you know why
5 ... (Inaudible) ... excuse me. Proceed to sit
6 down and ... (Inaudible) ... so I stayed there
7 until past ... (Inaudible) ... I think.

8 DR. MARTIN ORNE: And what were you, I
9 wanted you to have something that you can recall
10 clearly.

11 NICHOL JOHN: Hmm.

12 DR. MARTIN ORNE: And you do you have the
13 -- a good detailed --

14 NICHOL JOHN: Hmm.

15 DR. MARTIN ORNE: -- description ...
16 (Inaudible) ...

17 NICHOL JOHN: No. What time did I get
18 home? Just after 11:00, I guess. My roommate
19 was going to work, I know she was going to work
20 at 11:00 ... (Inaudible) ... and we did some ...
21 (Inaudible) ... both ends and finally get some
22 ... (Inaudible) ...

23 DR. MARTIN ORNE: ... (Inaudible) ...

24 NICHOL JOHN: Fall asleep.

25 DR. MARTIN ORNE: That's good, more or



1 less, that's fine. And just let your mind, put
2 your head down, there, there you go, you are more
3 comfortable. Okay. Just let your, again, your
4 eyes relax. That's right. And just let your
12:17 5 hands get comfortable. There we go. Now I want
6 you to just again become more and more relaxed.
7 That's it. Just let yourself go, breathing
8 comfortably, that's it. Deep, easy, relaxed.
9 Just letting yourself go. So comfortable. It's
12:18 10 easy. Just letting go, more and more at ease.
11 That's it. Just letting go. And you know how it
12 feels to relax and you remember how to relax, at
13 other times, but you want to relax now. Sink,
14 drift, easy. More and more. That's right. And
12:19 15 soon you will relax ... (Inaudible) ... and I'll
16 touch your finger and it will become lighter and
17 you will be able to feel it and lift it up into
18 the air. And you relax more and more and sink
19 more and more easily. Easily. More and more at
12:20 20 peace. And you sink ... (Inaudible) ... you
21 might have never remembered but it doesn't
22 matter, you can relax and sink more and more,
23 more and more, easy, more. Easy. Sinking more
24 and more, more. If you can just relax, just ...
12:21 25 (Inaudible) ... easy, easy. Sinking more and



1 more.

2 And I want you to think back
3 now, I want you to think back ... (Inaudible) ...
4 back to when you first went to school, do you
12:22 5 remember any ... (Inaudible) ... remember when
6 you first went to school? You didn't know many
7 people, did you? When you were six years, about,
8 do you remember some of those people? Just think
9 about that and you will remember some of the
12:23 10 people back then ... (Inaudible) ... class was
11 ... (Inaudible) ... you can remember.

12 NICHOL JOHN: My ... (Inaudible) ...

13 DR. MARTIN ORNE: And ... (Inaudible) ...

14 NICHOL JOHN: Those two grades.

12:24 15 DR. MARTIN ORNE: ... (Inaudible) ...
16 grades? Together?

17 NICHOL JOHN: Uh-huh.

18 DR. MARTIN ORNE: Must have been difficult.

19 NICHOL JOHN: Uh-huh.

12:24 20 DR. MARTIN ORNE: Were you confused a
21 little?

22 NICHOL JOHN: Yup. I was so little. I was
23 the littlest one.

24 DR. MARTIN ORNE: Uh-huh ... (Inaudible)

25 ...



1 (VIDEOTAPE STOPPED)

2 MR. HODSON: Maybe stop here for the lunch
3 break, Mr. Commissioner. I think the later
4 parts, which are perhaps more relevant, the video
12:24 5 quality is better, we'll take a look at whether
6 there's anything we can do to enhance this, I
7 think this is as good as it gets, maybe we can
8 break here.

9 COMMISSIONER MacCALLUM: Yes, we will.

12:24 10 2:00.

11 (*Adjourned at 12:24 p.m.*)

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

13 MR. HODSON: Good afternoon,
14 Mr. Commissioner.

02:02 15 Over the lunch break we were
16 able to take a look at the videotape again and we
17 have rectified the problem. I should point out
18 that the videotapes, we had two of them, one from
19 RCMP -- or they both originated from Federal
02:02 20 Justice. Those tapes are fine. In fact, Mr.
21 MacLachlan, on behalf of Federal Justice, offered
22 to get the original couriered here tonight.
23 We've discovered that the problem was in
24 converting it to an MPEG file, I'm told, on the
02:03 25 computer and that's why it was choppy. We have



1 now fixed it, we have much better quality. We
2 are not going to replay it, we're going to go
3 from about I think the last 10 minutes where it
4 went bad and we'll start it from there.

02:03 5 COMMISSIONER MacCALLUM: All right, thank
6 you.

7 (VIDEOTAPE CONTINUED)

8 DR. MARTIN ORNE: Just feel it, good,
9 letting yourself go, no effort at all. That's
02:03 10 right. Just sinking, at ease, and relax. I want
11 you to relax even more. That's right. Now I
12 want you to think back now and I would like you
13 to think back what you were doing a week ago and
14 see how well you can remember what you did last
02:04 15 Friday, try and think about it. Do you mind
16 doing that?

17 NICHOL JOHN: No.

18 DR. MARTIN ORNE: Good. Just try and
19 remember last Friday. Easy. Think about it,
02:04 20 when you got up, when you had breakfast, if you
21 had breakfast; when you had lunch, if you had
22 lunch what you had, and whether you were working.
23 That's right. And I'll ask you to remember and
24 you'll tell me about it, all right. Now rouse
02:05 25 yourself and let's talk about it, okay? Just



1 rouse yourself when you are comfortable. Tell me
2 a little bit what that felt like.

3 NICHOL JOHN: Friday morning?

4 DR. MARTIN ORNE: Yeah.

02:05 5 NICHOL JOHN: Friday morning I got a phone
6 call.

7 DR. MARTIN ORNE: Yeah.

8 NICHOL JOHN: It was from Eugene and he had
9 said to me that he had set up, was working on
02:06 10 setting up an appointment. It kind of upset me
11 because I wasn't expecting it that soon.

12 DR. MARTIN ORNE: Can you try to tell me
13 more about what happened? If it's something
14 which is private, you can tell me that.

02:06 15 NICHOL JOHN: I was sleeping.

16 DR. MARTIN ORNE: Uh-huh.

17 NICHOL JOHN: And the phone rang.

18 DR. MARTIN ORNE: And that you didn't
19 appreciate?

02:06 20 NICHOL JOHN: No. I never do. Um, I asked
21 him to call me back if I remember correctly. I
22 don't know. I can't remember.

23 DR. MARTIN ORNE: And what happened after
24 the phone call? Did you get up and get something
02:07 25 to eat?



1 NICHOL JOHN: Yeah, I had some breakfast,
2 had some toast and then --

3 DR. MARTIN ORNE: Was it -- did you have
4 Marmalade with it?

02:07 5 NICHOL JOHN: No, cream cheese.

6 DR. MARTIN ORNE: Cream cheese, okay. I
7 mean, don't -- if you -- if I ask you
8 accidentally something which is embarrassing,
9 tell me.

02:08 10 NICHOL JOHN: Okay.

11 DR. MARTIN ORNE: You know, you don't have
12 to -- but just let me know.

13 NICHOL JOHN: Uh-huh.

14 DR. MARTIN ORNE: So you had cheese?

02:08 15 NICHOL JOHN: Cream cheese on my toast.

16 DR. MARTIN ORNE: Yeah.

17 NICHOL JOHN: And I was sitting there
18 deciding what I should -- I know I have to go
19 away now and I have to go to work and I have to
02:08 20 get things changed.

21 DR. MARTIN ORNE: Uh-huh.

22 NICHOL JOHN: So I sat around the house
23 until just after one o'clock, when Eugene phoned
24 me I think it was quarter after 10, and I went to
02:08 25 work, met my boss in the driveway and told him I



1 have to get a few days off and --

2 DR. MARTIN ORNE: Uh-huh. Was it a problem
3 for you?

4 NICHOL JOHN: Was it a problem getting the
02:09 5 time off?

6 DR. MARTIN ORNE: Yeah.

7 NICHOL JOHN: No.

8 DR. MARTIN ORNE: Oh.

9 NICHOL JOHN: With him, no, with him it
02:09 10 wasn't a problem, but then I had to go to talk to
11 the manager which was a problem.

12 DR. MARTIN ORNE: Oh. The boss is not bad,
13 but the manager --

14 NICHOL JOHN: Yeah, he's the owner, because
02:09 15 him and I don't really see eye to eye. So I went
16 to work and he told me to phone Nick at home, so
17 I did when I went to work, went downstairs and
18 asked Shirley for his phone number. I don't know
19 why I did that because his phone number was
02:09 20 posted on the phone list and stuff, so I went
21 down and got the number from her and I phoned
22 him. His wife answered the phone, tried to give
23 me the third degree.

24 DR. MARTIN ORNE: The manager?

02:10 25 NICHOL JOHN: Yeah, his wife, and then she



1 slammed the phone down in my ear when she found
2 out it was me, so anyway --

3 DR. MARTIN ORNE: Is she jealous or --

4 NICHOL JOHN: No, she's just -- it's like
02:10 5 being bothered at home. Like, I wouldn't bother
6 you unless it was important, so anyway, I talked
7 to him and he said, yeah, okay, you can have the
8 time off, but he didn't know why and I wasn't
9 about to tell him why.

02:10 10 DR. MARTIN ORNE: Uh-huh.

11 NICHOL JOHN: And so anyway, I went back
12 upstairs and I was there for about 15 minutes, I
13 had a drink, standing there drinking and talking
14 to the other bartender and the phone rang, it was
02:11 15 him, "Can you please work on the ninth?" "No, I
16 don't think so."

17 DR. MARTIN ORNE: Uh-huh.

18 NICHOL JOHN: So anyway, got that over and
19 done with and then my boss' wife came in --
02:11 20 (coughs) excuse me -- I needed to sit down and
21 just talk about several things. I was having a
22 slight problem with my roommate, so I decided I
23 wasn't going to go home, so I stayed there until
24 quite late that night just to talk with different
02:11 25 people.



1 DR. MARTIN ORNE: Right. I wanted you to
2 have something which you could recall clearly --

3 NICHOL JOHN: Uh-huh.

4 DR. MARTIN ORNE: -- and you do have a good
02:12 5 detailed --

6 NICHOL JOHN: Uh-huh.

7 DR. MARTIN ORNE: -- description, that's
8 very good. Is it okay to go further?

9 NICHOL JOHN: What time did I get home.
02:12 10 Just after 11 I guess.

11 DR. MARTIN ORNE: Uh-huh.

12 NICHOL JOHN: And my roommate was gone to
13 work. I knew she was gone to work at 11 o'clock,
14 so I got home --

02:12 15 DR. MARTIN ORNE: You were just as happy
16 not to --

17 NICHOL JOHN: Yeah, because I needed some
18 time to myself and I just wasn't getting that the
19 last month, just so many things going on and it
02:12 20 was like burning my candle at both ends and if I
21 don't get some relaxation I'm going to scream.

22 DR. MARTIN ORNE: Good, all right. Well,
23 let's go on then, relax, because you seem to be
24 quite --

02:13 25 NICHOL JOHN: I could fall asleep.



1 DR. MARTIN ORNE: You will more or less. I
2 mean, that's fine, and just -- do you mind just
3 keeping your head down, you will be more
4 comfortable. Okay, just let your, again, your
02:13 5 eyes relax, that's right, and just let your hands
6 feel comfortable. There you go. And I want you
7 to just again become more and more relaxed.
8 That's it. Just let yourself go breathing
9 comfortably. That's it. Deep. Easy. Relax.
02:14 10 Just letting yourself go. Comfortable. Easy.
11 Just letting go, more and more at ease. That's
12 it. Just let it go. And you know how it feels
13 to relax and you remember how to relax at other
14 times and you want to relax now. Sink, drift,
02:15 15 easy. More and more. That's right. And so you
16 are relaxed. As that happens, I'll touch your
17 finger and it will become lighter and you will be
18 able to feel it float up into the air. And you
19 relax more and more and sink more and more. And
02:15 20 sink more and more easily, easily, more and more.
21 Easy, at peace and you sink more and relax.
22 That's it. Just be feeling good, relax. Just
23 let it happen. Comfortable, relaxed. And you
24 only tell me what you want to tell me but you
02:16 25 will be able to recall things, some of which you



1 might have never remembered, but it doesn't
2 matter, you can relax and sink more and more,
3 more and more. Easy, sink more, easy, sinking
4 more and more, more. Fingers relaxed. Just let
02:17 5 it go. Easy, easy, sink more and more.

6 And I want you to think back,
7 now, I want you to think back, I want you to
8 remember when you first went to school. Do you
9 mind remembering, remember how it was when you
02:18 10 first went to school? You didn't know many
11 people, did you? When you were six years, about,
12 do you remember some of those people? Just think
13 about it and you will remember some of the
14 people. Was it a big class or was it only very
02:19 15 few? You can remember.

16 NICHOL JOHN: There was quite a few people
17 in the class.

18 DR. MARTIN ORNE: Uh-huh. Boys and girls?

19 NICHOL JOHN: Uh-huh.

02:19 20 DR. MARTIN ORNE: And were there, like, 20
21 people, or you don't really know how many people
22 there were?

23 NICHOL JOHN: I don't know how many.

24 DR. MARTIN ORNE: Well, that's all right,
02:19 25 because you haven't learned how to count yet.



1 NICHOL JOHN: There was two grades.

2 DR. MARTIN ORNE: Two grades?

3 NICHOL JOHN: Two grades.

4 DR. MARTIN ORNE: Together?

02:19 5 NICHOL JOHN: Uh-huh.

6 DR. MARTIN ORNE: Must have been difficult.

7 NICHOL JOHN: Uh-huh.

8 DR. MARTIN ORNE: Were you confused a
9 little?

02:20 10 NICHOL JOHN: Yup. I, I was so little, I
11 was the littlest one.

12 DR. MARTIN ORNE: Uh-huh. That must have
13 been particularly hard.

14 NICHOL JOHN: Uh-huh.

02:20 15 DR. MARTIN ORNE: Did you like it?

16 NICHOL JOHN: No.

17 DR. MARTIN ORNE: Didn't know the people?

18 NICHOL JOHN: No.

19 DR. MARTIN ORNE: What did you learn? Can
02:20 20 you remember it more? Must have been hard
21 because some of the other children were older?

22 NICHOL JOHN: Uh-huh. Yeah.

23 DR. MARTIN ORNE: Go ahead, tell me?

24 NICHOL JOHN: Learned how to read.

02:20 25 DR. MARTIN ORNE: Uh-huh, you learned how



1 to read?

2 NICHOL JOHN: How to read.

3 DR. MARTIN ORNE: And what else?

02:21 4 NICHOL JOHN: Something, we were shown
5 where to put our clothes, hang our coats.

6 DR. MARTIN ORNE: Uh-huh.

7 NICHOL JOHN: There was a room in the back
8 of the classroom.

9 DR. MARTIN ORNE: Right.

02:21 10 NICHOL JOHN: There was lots of desks.

11 DR. MARTIN ORNE: Uh-huh. Were there
12 enough desks for everybody?

13 NICHOL JOHN: Umm, no, there was a table at
14 the back of the room.

02:21 15 DR. MARTIN ORNE: Uh-huh. Were you on that
16 table or were you in a desk?

17 NICHOL JOHN: I was at the table.

18 DR. MARTIN ORNE: Uh-huh.

19 NICHOL JOHN: Hmm, it's weird.

02:22 20 DR. MARTIN ORNE: Uh-huh?

21 NICHOL JOHN: Remembering my first day,
22 what I was wearing to school.

23 DR. MARTIN ORNE: Tell me about it?

24 NICHOL JOHN: A white, white leotards.

02:22 25 DR. MARTIN ORNE: Uh-huh?



1 NICHOL JOHN: Blue plaid skirt.

2 DR. MARTIN ORNE: Uh-huh?

3 NICHOL JOHN: It was --

4 DR. MARTIN ORNE: Uh-huh?

02:22 5 NICHOL JOHN: It wasn't leotards, it was,
6 like, stockings.

7 DR. MARTIN ORNE: It's all right, just
8 remember, close your eyes. What kind of shoes?

9 NICHOL JOHN: Black.

02:22 10 DR. MARTIN ORNE: Hmm.

11 NICHOL JOHN: They had a strap across the
12 foot.

13 DR. MARTIN ORNE: Uh-huh?

14 NICHOL JOHN: Hmm. I didn't want to be
02:22 15 there.

16 DR. MARTIN ORNE: Guess you were -- didn't
17 know many people?

18 NICHOL JOHN: No.

19 DR. MARTIN ORNE: How was it -- let's go a
02:23 20 little further, when you were in the class for --
21 maybe by after Christmas?

22 NICHOL JOHN: (Laughing)

23 DR. MARTIN ORNE: Tell me about it?

24 NICHOL JOHN: It's cold out.

02:23 25 DR. MARTIN ORNE: Uh-huh?



1 NICHOL JOHN: And we got out before the,
2 before the big kids did, they always let us out
3 first.

4 DR. MARTIN ORNE: Yeah?

02:23 5 NICHOL JOHN: And we had a steel railing
6 outside the steps of the school.

7 DR. MARTIN ORNE: Right?

8 NICHOL JOHN: And I stuck my tongue to the
9 railing.

02:23 10 DR. MARTIN ORNE: That must have hurt?

11 NICHOL JOHN: Yeah. And I was stuck there.

12 DR. MARTIN ORNE: How did you get it out?

13 NICHOL JOHN: Somebody called one of the
14 nuns, and she come, and she was so mad at me, and
02:24 15 she said -- and then she said "spit on it, spit
16 on it". (Laughing)

17 DR. MARTIN ORNE: You couldn't spit on it,
18 of course?

19 NICHOL JOHN: (Laughing) It was pretty
02:24 20 tough. Oh, my tongue was sore.

21 DR. MARTIN ORNE: Must have been sore for a
22 couple of days?

23 NICHOL JOHN: Oh, a long time.

24 DR. MARTIN ORNE: You must have been
02:24 25 embarrassed?



1 NICHOL JOHN: I was.

2 DR. MARTIN ORNE: Did they tease you about
3 it?

4 NICHOL JOHN: I cried.

02:24 5 DR. MARTIN ORNE: Uh-huh. But, afterwards,
6 the kids must have teased you?

7 NICHOL JOHN: Uh-huh.

8 DR. MARTIN ORNE: Did they give you a
9 nickname?

02:24 10 NICHOL JOHN: Umm-umm.

11 DR. MARTIN ORNE: Yeah. I guess the nuns
12 protected you a little?

13 NICHOL JOHN: Uh-huh.

14 DR. MARTIN ORNE: As bad as they were. Do
02:25 15 you have any brothers or sisters?

16 NICHOL JOHN: Umm, three brothers and a
17 sister. No, I don't.

18 DR. MARTIN ORNE: It's all right, just go,
19 just let yourself go. You were telling me about
02:25 20 a brother and the sisters. You had three
21 sisters?

22 NICHOL JOHN: Umm-umm.

23 DR. MARTIN ORNE: You don't have to tell me
24 if you don't like it.

02:25 25 NICHOL JOHN: Hmm.



1 DR. MARTIN ORNE: Do you mind telling me?
2 It's all right, you can go back to this quiet
3 state, it's all right.

4 Maybe we want to go forward a
02:26 5 little bit, maybe to the third grade. Let
6 yourself remember the third grade. Did you have
7 a desk when you had your third grade?

8 NICHOL JOHN: Uh-huh.

9 DR. MARTIN ORNE: Did you like it better
02:26 10 then?

11 NICHOL JOHN: Yup.

12 DR. MARTIN ORNE: Was this class smaller?

13 NICHOL JOHN: About the same size.

14 DR. MARTIN ORNE: Ah.

02:26 15 NICHOL JOHN: It was across the hall.

16 DR. MARTIN ORNE: Uh-huh. And you liked it
17 better?

18 NICHOL JOHN: Uh-huh.

19 DR. MARTIN ORNE: What was your best
02:27 20 subject?

21 NICHOL JOHN: Social Studies.

22 DR. MARTIN ORNE: Ah. And what did you
23 learn? Think back.

24 NICHOL JOHN: We were in, in with the
02:27 25 bigger kids, they were -- there was another grade



1 with us. I used to sit and listen.

2 DR. MARTIN ORNE: Uh-huh. And you would
3 enjoy that?

4 NICHOL JOHN: Uh-huh. We had a globe.

02:27 5 DR. MARTIN ORNE: Ah. A big globe for
6 everybody to see?

7 NICHOL JOHN: Uh-huh.

8 DR. MARTIN ORNE: Did you have to go to
9 mass at this school?

02:27 10 NICHOL JOHN: No. We had prayers every
11 morning.

12 DR. MARTIN ORNE: Oh.

13 NICHOL JOHN: Didn't like taking religion.

14 DR. MARTIN ORNE: Uh-huh. And how many, do
02:28 15 you have any -- you said you had a brother?

16 NICHOL JOHN: Uh-huh.

17 DR. MARTIN ORNE: More than one?

18 NICHOL JOHN: Uh-huh.

19 DR. MARTIN ORNE: How many brothers did you
02:28 20 have?

21 NICHOL JOHN: Three brothers.

22 DR. MARTIN ORNE: Uh-huh. And sisters?

23 NICHOL JOHN: Uh-huh.

24 DR. MARTIN ORNE: Do you mind telling me
02:28 25 about that?



1 NICHOL JOHN: My mind is wandering.

2 DR. MARTIN ORNE: Uh-huh. Let it wander
3 wherever it wants to go, and let it stop wherever
4 you want to be, whatever the time is. When --
02:29 5 you could be ten, you could be 15, you could be
6 three, it doesn't matter, just find the time that
7 you want to be in. Could be 15 years old, you
8 could be 12, or ten. Tell me, --

9 NICHOL JOHN: Umm --

02:29 10 DR. MARTIN ORNE: -- how old are you?

11 NICHOL JOHN: My sister is two.

12 DR. MARTIN ORNE: And you?

13 NICHOL JOHN: And I'm 12.

14 DR. MARTIN ORNE: Ah. Did you have to take
02:29 15 care of your sister?

16 NICHOL JOHN: Uh-huh.

17 DR. MARTIN ORNE: Didn't like that so much?

18 NICHOL JOHN: No.

19 DR. MARTIN ORNE: Sort of a pain, actually?

02:29 20 NICHOL JOHN: Uh-huh.

21 DR. MARTIN ORNE: She cried a lot?

22 NICHOL JOHN: Yes, she did, she cried and
23 she screamed.

24 DR. MARTIN ORNE: And you got blamed?

02:29 25 NICHOL JOHN: Yeah. (Laughing) She's so



1 cute. She got me into so much trouble.

2 DR. MARTIN ORNE: That's right. Well, it
3 must have been very hard on you.

4 NICHOL JOHN: Uh-huh.

02:30 5 DR. MARTIN ORNE: How about the brothers?

6 NICHOL JOHN: My brother next to me was --
7 he always used to throw stones at me all the
8 time. Mom and dad would go into town on a
9 Saturday afternoon and leave me with -- to
02:30 10 babysit.

11 DR. MARTIN ORNE: With the two-year-old?

12 NICHOL JOHN: They would be gone for a
13 while. My brother, I'd have to lock him out of
14 the house, because he'd always be trying to beat
02:31 15 me up all the time. It just wasn't good.

16 DR. MARTIN ORNE: Why did he beat you up?

17 NICHOL JOHN: I don't know. Get mad at me
18 for -- because I was supposed to be the one to
19 take care of everything, right.

02:31 20 DR. MARTIN ORNE: Right.

21 NICHOL JOHN: Right.

22 DR. MARTIN ORNE: It wasn't easy?

23 NICHOL JOHN: I was so scared of him.

24 DR. MARTIN ORNE: Which one? Who were you
02:31 25 most scared of?



1 NICHOL JOHN: Mike.

2 DR. MARTIN ORNE: Tell me about Mike? What
3 did he do to you?

4 (VIDEOTAPE STOPPED)

02:31 5 MR. HODSON: Could we take a break?

6 COMMISSIONER MacCALLUM: Sure. We'll
7 adjourn for two minutes, whatever we need to.

8 (*Adjourned at 2:32 p.m.*)

9 (*Reconvened at 2:46 p.m.*)

02:46 10 MR. HODSON: Mr. Commissioner, Ms. John has
11 asked me to advise you and the others here that
12 the reason for her being upset was the reference
13 to her brother who passed away three years ago
14 and just caused her to be upset and she advises
02:47 15 she's prepared to proceed with the tape.

16 COMMISSIONER MacCALLUM: Thank you very
17 much.

18 (VIDEOTAPE CONTINUED)

19 DR. MARTIN ORNE: So what did Mike do to
02:47 20 you?

21 NICHOL JOHN: He used to chase me all the
22 time and try and hit me. I was so afraid that
23 something would happen and I would get a licking
24 for it.

02:47 25 DR. MARTIN ORNE: And who would be giving



1 you these lickings?

2 NICHOL JOHN: My dad. Mom never hit me.
3 Only once.

4 DR. MARTIN ORNE: Only once?

02:47 5 NICHOL JOHN: Yeah. It was with a towel.

6 DR. MARTIN ORNE: With a doll?

7 NICHOL JOHN: A towel.

8 COMMISSIONER MacCALLUM: Just a minute, Mr.
9 Hodson. Could you just shut it down there for a
02:47 10 minute?

11 (VIDEOTAPE STOPPED)

12 A I'm okay.

13 COMMISSIONER MacCALLUM: Are you? We can
14 provide a screen for you if you want some privacy
02:48 15 so you can see just your monitor.

16 A It's okay.

17 COMMISSIONER MacCALLUM: Is it all right?

18 A Yeah.

19 (VIDEOTAPE CONTINUED)

02:48 20 DR. MARTIN ORNE: Your father gave you --

21 NICHOL JOHN: I was so scared of him.

22 DR. MARTIN ORNE: What did he do?

23 NICHOL JOHN: He used to hurt my mom. He
24 would come home and he would scream and bang on
02:48 25 the table or his (inaudible) and then it's dark



1 out.

2 DR. MARTIN ORNE: So you couldn't go out,
3 just be scared?

4 NICHOL JOHN: Lay in bed and just listen to
02:48 5 it. I hate him, I --

6 DR. MARTIN ORNE: You hate him? You hate
7 him?

8 NICHOL JOHN: (Nods head).

9 DR. MARTIN ORNE: Your father?

02:49 10 NICHOL JOHN: He always made my mom cry all
11 the time.

12 DR. MARTIN ORNE: It's all right. Just
13 relax now, just relax. Just relax. Time goes
14 by, you are no longer a child, you are not as
02:49 15 frightened. Relax. You can relax now. It's all
16 right. It's all right, you are safe. Just
17 sinking down, drifting. More and more relaxed.
18 More and more relaxed. Just drifting
19 comfortably. Easy. Relax more and more. More
02:50 20 and more. Just let yourself go. Just let
21 yourself go.

22 Now, you were how old in 1969?
23 How old were you then? Do you remember how old
24 you were?

02:51 25 NICHOL JOHN: (Heavy sigh). I was 17.



1 DR. MARTIN ORNE: Were you still so afraid
2 of your father?

3 NICHOL JOHN: No.

4 DR. MARTIN ORNE: No?

02:51 5 NICHOL JOHN: Uh-huh.

6 DR. MARTIN ORNE: Oh, you were. Was he
7 alive?

8 NICHOL JOHN: Uh-huh.

9 DR. MARTIN ORNE: Was he just as bad as he
02:51 10 was before?

11 NICHOL JOHN: Yeah.

12 DR. MARTIN ORNE: Did you get away from
13 him?

14 NICHOL JOHN: Yeah.

02:51 15 DR. MARTIN ORNE: Did he come after you?

16 NICHOL JOHN: Uh-huh.

17 DR. MARTIN ORNE: What did he do? What did
18 your father do? Did he beat you then?

19 NICHOL JOHN: Not then, before.

02:52 20 DR. MARTIN ORNE: When did he stop beating
21 you?

22 NICHOL JOHN: Last time?

23 DR. MARTIN ORNE: Yeah.

24 NICHOL JOHN: 15 years, 15.

02:52 25 DR. MARTIN ORNE: Did you run away?



1 NICHOL JOHN: Yeah.

2 DR. MARTIN ORNE: Where did you go?

3 NICHOL JOHN: I went to my uncle's house.
4 I had to hide. He would drive around looking for
02:52 5 me.

6 DR. MARTIN ORNE: And did you stay at his
7 house?

8 NICHOL JOHN: I waited for my mom, cause I
9 knew my mom was supposed to be there.

02:52 10 DR. MARTIN ORNE: Yeah.

11 NICHOL JOHN: But she didn't come. She
12 went home. I stayed at my uncle's.

13 DR. MARTIN ORNE: Nobody is hurting you
14 now. Is anybody hurting you?

02:53 15 NICHOL JOHN: No.

16 DR. MARTIN ORNE: You were 17 when you met
17 Wilson?

18 NICHOL JOHN: No.

19 DR. MARTIN ORNE: When did you meet him?

02:54 20 NICHOL JOHN: (Coughs)

21 DR. MARTIN ORNE: Pardon me?

22 NICHOL JOHN: It was in the wintertime.

23 DR. MARTIN ORNE: All right.

24 NICHOL JOHN: Of that year.

02:54 25 DR. MARTIN ORNE: And you were how old?



1 NICHOL JOHN: Grade 10.

2 DR. MARTIN ORNE: 10th grade?

3 NICHOL JOHN: Yeah.

4 DR. MARTIN ORNE: Did you like him?

02:54 5 NICHOL JOHN: Mm --

6 DR. MARTIN ORNE: Did you go out with him?

7 NICHOL JOHN: No.

8 DR. MARTIN ORNE: So you were too young to
9 go out?

02:54 10 NICHOL JOHN: We were just friends.

11 DR. MARTIN ORNE: Oh, right. But you knew
12 him pretty good?

13 NICHOL JOHN: Yeah. There was a whole
14 group of us.

02:55 15 DR. MARTIN ORNE: Can you tell me some of
16 the people?

17 NICHOL JOHN: Craig Melnyk and Ron and
18 Lapchuk. I can't, I don't know what his first
19 name is.

02:55 20 DR. MARTIN ORNE: Uh-huh.

21 NICHOL JOHN: And my girlfriend Brenda.

22 DR. MARTIN ORNE: Brenda. They were all
23 good kids?

24 NICHOL JOHN: Yeah. We skipped out,
02:55 25 but nothing --



1 DR. MARTIN ORNE: (Inaudible).

2 NICHOL JOHN: No.

3 DR. MARTIN ORNE: You were still out with
4 the nuns?

02:55 5 NICHOL JOHN: No, I was in high school
6 having a hard time with grade 10.

7 DR. MARTIN ORNE: Oh. It was a tough year
8 for you?

9 NICHOL JOHN: Uh-huh.

02:55 10 DR. MARTIN ORNE: Did you do any work?

11 NICHOL JOHN: Um -- work?

12 DR. MARTIN ORNE: Yeah.

13 NICHOL JOHN: School work?

14 DR. MARTIN ORNE: No, other work.

02:56 15 NICHOL JOHN: Not when I went to school,
16 no, besides babysitting.

17 DR. MARTIN ORNE: I was just thinking, but
18 you still had to take care of your --

19 NICHOL JOHN: Uh-huh.

02:56 20 DR. MARTIN ORNE: -- your sister?

21 NICHOL JOHN: Yeah.

22 DR. MARTIN ORNE: That was pretty rough.
23 Do you remember Mr. Milgaard?

24 NICHOL JOHN: Mhm.

02:56 25 DR. MARTIN ORNE: When did you meet him?



1 NICHOL JOHN: In the park.

2 DR. MARTIN ORNE: He lived where you --

3 NICHOL JOHN: Uh-huh.

4 DR. MARTIN ORNE: -- in the same town you
02:56 5 lived?

6 NICHOL JOHN: Uh-huh. At least I think so.
7 He was walking through the park.

8 DR. MARTIN ORNE: He liked to go -- he was
9 walking through the park?

02:57 10 NICHOL JOHN: Uh-huh.

11 DR. MARTIN ORNE: Yeah.

12 NICHOL JOHN: All these kids hung around at
13 the park.

14 DR. MARTIN ORNE: Uh-huh. Even when it was
02:57 15 real cold?

16 NICHOL JOHN: No, no.

17 DR. MARTIN ORNE: In more the summer?

18 NICHOL JOHN: Uh-huh.

19 DR. MARTIN ORNE: When did you meet
02:57 20 Milgaard?

21 NICHOL JOHN: Um, spring I believe.

22 DR. MARTIN ORNE: What's his name, his
23 Christian name?

24 NICHOL JOHN: David.

02:57 25 DR. MARTIN ORNE: David.



1 NICHOL JOHN: They called him Hoppy.

2 DR. MARTIN ORNE: Why did they call him
3 Hoppy?

4 NICHOL JOHN: Because of the way he walked.

02:57 5 DR. MARTIN ORNE: He would hop?

6 NICHOL JOHN: He had kind of a bouncing
7 step kind of.

8 DR. MARTIN ORNE: Was he a fun guy?

9 NICHOL JOHN: Uh-huh.

02:58 10 DR. MARTIN ORNE: And were you friends?

11 NICHOL JOHN: Not to start with. I used to
12 see him around lots.

13 DR. MARTIN ORNE: Uh-huh. Did he try to
14 get close to you?

02:58 15 NICHOL JOHN: No.

16 DR. MARTIN ORNE: I want you to just relax
17 now and I want you to remember, just let yourself
18 go. In 1969, January, you saw Hoppy and --
19 what's Wilson's first name?

02:59 20 NICHOL JOHN: Ron.

21 DR. MARTIN ORNE: Who?

22 NICHOL JOHN: Ron.

23 DR. MARTIN ORNE: And how does everybody
24 call him?

02:59 25 NICHOL JOHN: I always called him Ron.



1 DR. MARTIN ORNE: Ron, okay. And so Ron
2 and Hoppy went in different directions to free
3 their car. Do you remember the car?

4 NICHOL JOHN: Uh-huh.

02:59 5 DR. MARTIN ORNE: It was frozen, and you
6 saw Hoppy confronting a woman they had asked for
7 direction?

8 NICHOL JOHN: We were in the car.

9 DR. MARTIN ORNE: Yeah.

03:00 10 NICHOL JOHN: We were in the -- we were
11 trying to find Pleasant Hill.

12 DR. MARTIN ORNE: Pleasant Hill, yeah,
13 yeah. And he was there, Hoppy?

14 NICHOL JOHN: Yeah.

03:00 15 DR. MARTIN ORNE: And did he have a purse?
16 Do you remember a purse --

17 NICHOL JOHN: Purse?

18 DR. MARTIN ORNE: -- in the car that Hoppy
19 had?

03:00 20 NICHOL JOHN: It was a cosmetic bag.

21 DR. MARTIN ORNE: Cosmetic bag?

22 NICHOL JOHN: Uh-huh.

23 DR. MARTIN ORNE: What kind of -- what did
24 it look like?

03:01 25 NICHOL JOHN: It had flowers on it and a



1 zipper.

2 DR. MARTIN ORNE: Yeah. Who found it?

3 NICHOL JOHN: I did.

4 DR. MARTIN ORNE: Where was it?

03:01 5 NICHOL JOHN: It was in the glove
6 compartment.

7 DR. MARTIN ORNE: What did he do?

8 NICHOL JOHN: I asked -- I opened it up and
9 I looked into it.

03:01 10 DR. MARTIN ORNE: Yeah.

11 NICHOL JOHN: And there was makeup in it.

12 DR. MARTIN ORNE: Uh-huh.

13 NICHOL JOHN: And whose is this?

14 DR. MARTIN ORNE: Yeah.

03:01 15 NICHOL JOHN: And Ron said I don't know.

16 DR. MARTIN ORNE: Yeah.

17 NICHOL JOHN: And David grabbed it and said
18 don't worry about it and threw -- he rolled the
19 window down and threw it out.

03:02 20 DR. MARTIN ORNE: What did you think about
21 that?

22 NICHOL JOHN: Why did you do that? I could
23 have maybe used some of the makeup.

24 DR. MARTIN ORNE: Uh-huh.

03:02 25 NICHOL JOHN: Waste.



1 DR. MARTIN ORNE: Yeah. What did he say?

2 NICHOL JOHN: He never said anything.

3 DR. MARTIN ORNE: And Roy didn't say
4 anything either?

03:02 5 NICHOL JOHN: Ron?

6 DR. MARTIN ORNE: Ron.

7 NICHOL JOHN: Just -- he just said he
8 doesn't know whose it was, but I was thinking
9 that's kind of strange, what's this doing in this
03:03 10 car.

11 DR. MARTIN ORNE: Now, he, he -- he reached
12 for the purse. Did you see Hoppy fighting with a
13 woman?

14 NICHOL JOHN: We just stopped and talked to
03:03 15 her, rolled the window down.

16 DR. MARTIN ORNE: Did she give you
17 instructions or how to go or where to go?

18 NICHOL JOHN: I didn't hear what she said.

19 DR. MARTIN ORNE: Uh-huh.

03:04 20 NICHOL JOHN: It was so cold out. She was
21 by herself and I figured we should offer her a
22 ride.

23 DR. MARTIN ORNE: Yeah. But the boys
24 didn't agree?

03:04 25 NICHOL JOHN: Somebody said something about



1 giving her a ride. I was so tired by then I
2 didn't -- all I wanted to do was go to sleep.

3 DR. MARTIN ORNE: Ah, right. Okay. Do you
4 remember going to sleep, just flaking out?

03:04 5 NICHOL JOHN: I don't know if I did or if I
6 didn't.

7 DR. MARTIN ORNE: It's not clear whether
8 you did or didn't, you don't remember?

9 NICHOL JOHN: No.

03:05 10 DR. MARTIN ORNE: It was a long time --

11 NICHOL JOHN: I don't think I slept.

12 DR. MARTIN ORNE: You felt like you --

13 NICHOL JOHN: It didn't feel like I had.

14 DR. MARTIN ORNE: Oh. You saw Hoppy with a
03:05 15 woman that day. Was that just the one when he
16 asked for direction, but did he see another
17 woman, like, where the woman resisted him
18 somehow?

19 NICHOL JOHN: We were stuck.

03:06 20 DR. MARTIN ORNE: Stuck in the snow?

21 NICHOL JOHN: Uh-huh.

22 DR. MARTIN ORNE: Now, when you remember
23 this, what happened after Hoppy went to get help?

24 NICHOL JOHN: They both -- they both left
03:07 25 the car.



1 DR. MARTIN ORNE: The woman and --

2 NICHOL JOHN: No, David and Ron.

3 DR. MARTIN ORNE: Oh, they left you in the
4 car alone?

03:07 5 NICHOL JOHN: Yeah.

6 DR. MARTIN ORNE: Oh. Did you go to sleep
7 then?

8 NICHOL JOHN: I was in the back seat.

9 DR. MARTIN ORNE: Uh-huh. And you were
03:07 10 really flaked out?

11 NICHOL JOHN: Um.

12 DR. MARTIN ORNE: Did you fall asleep?

13 NICHOL JOHN: I don't -- no, I didn't fall
14 asleep.

03:07 15 DR. MARTIN ORNE: Right.

16 NICHOL JOHN: It was cold.

17 DR. MARTIN ORNE: Now, this same day you
18 were there and you, you discovered that the
19 cosmetic case in the glove compartment in the
03:08 20 car -- go on, you were going to tell me
21 something?

22 NICHOL JOHN: It was late.

23 DR. MARTIN ORNE: Right.

24 NICHOL JOHN: We were driving down the
03:08 25 highway.



1 DR. MARTIN ORNE: Right.

2 NICHOL JOHN: Then we were lost and I was
3 looking for a map in the glove box.

4 DR. MARTIN ORNE: You were looking for a
03:08 5 map?

6 NICHOL JOHN: Right, to find out where we
7 were supposed to go.

8 DR. MARTIN ORNE: But --

9 NICHOL JOHN: We saw this sign to Rosetown.

03:08 10 DR. MARTIN ORNE: Signs, looking for signs
11 to Rosetown?

12 NICHOL JOHN: Right.

13 DR. MARTIN ORNE: Ah. And you saw pieces
14 of identification in that, in the case, remember.

03:09 15 NICHOL JOHN: Uh-huh.

16 DR. MARTIN ORNE: Can you tell me about
17 that, what you read?

18 NICHOL JOHN: I read the name.

19 DR. MARTIN ORNE: What was the name?

03:09 20 NICHOL JOHN: Couldn't read it, it wasn't
21 very good, and that's when he grabbed it out of
22 my hand and --

23 DR. MARTIN ORNE: Try and go back and try
24 and remember.

03:09 25 NICHOL JOHN: It was dark and it was just



1 the glove box light.

2 DR. MARTIN ORNE: Uh-huh. You asked
3 whether it belonged to anybody else?

4 NICHOL JOHN: Right.

03:09 5 DR. MARTIN ORNE: Try and think back. You
6 had a look at the case inside?

7 NICHOL JOHN: Mhm.

8 DR. MARTIN ORNE: Try and remember what it
9 said. Yes?

03:10 10 NICHOL JOHN: I can't read it.

11 DR. MARTIN ORNE: Tell me what it is --
12 just try to describe what kind of letters. They
13 were small letters or big letters?

14 NICHOL JOHN: There was printing on it.

03:10 15 DR. MARTIN ORNE: Right.

16 NICHOL JOHN: I couldn't read it.

17 DR. MARTIN ORNE: Was the printing like
18 somebody's name or was the printing like, you
19 know, when you buy cosmetics there's some kind of
03:11 20 labels on them?

21 NICHOL JOHN: It was, like, typed.

22 DR. MARTIN ORNE: Typed, uh-huh.

23 NICHOL JOHN: And there was a signature at
24 the bottom.

03:11 25 DR. MARTIN ORNE: Right. Did it seem like



1 it was somebody's -- sort of an ad when you get
2 a --

3 NICHOL JOHN: No, it doesn't, no.

4 DR. MARTIN ORNE: It was more like --

03:11 5 NICHOL JOHN: No.

6 DR. MARTIN ORNE: It was -- belonged to a
7 girl who had it?

8 NICHOL JOHN: Right. Sometimes, like, with
9 cosmetic bags, you stick extra things in there
03:11 10 and --

11 DR. MARTIN ORNE: Uh-huh.

12 NICHOL JOHN: -- it just seemed to me
13 whoever owned the cosmetic bag, that was their
14 ID.

03:12 15 DR. MARTIN ORNE: Uh-huh, right. But Hoppy
16 just took it out of your hand and threw it out?

17 NICHOL JOHN: Threw it out the window,
18 just --

19 DR. MARTIN ORNE: And you were annoyed
03:12 20 because it's wasteful?

21 NICHOL JOHN: Exactly.

22 DR. MARTIN ORNE: But you have nothing to
23 recall it, I mean, beyond what you told me?

24 NICHOL JOHN: I --

03:12 25 DR. MARTIN ORNE: Now just relaxing more



1 and more, easy. Do you mind if I go out for just
2 a minute?

3 NICHOL JOHN: Uh-huh.

4 DR. MARTIN ORNE: And I'll let you here.

03:12 5 Do you mind continuing to rest?

6 NICHOL JOHN: Uh-huh.

7 DR. MARTIN ORNE: And I want you to think

8 back if anything else comes. Don't force

9 yourself, but just relax and let yourself

03:13 10 remember whatever you can, okay. Just relax

11 yourself more and more. Just relax. I'll be

12 back in a few moments. Just let yourself relax,

13 sinking deeper and relax.

14 (Dr. Orne leaves the room)

03:13 15 **(FIRST VIDEOTAPE ENDED)**

16 MR. HODSON: Mr. Commissioner, there's a

17 second tape that starts now. I'm not sure what

18 your -- it is 3:15, whether you want us to carry

19 on or --

03:13 20 COMMISSIONER MacCALLUM: Yes, I think so.

21 MR. HODSON: Carry on?

22 COMMISSIONER MacCALLUM: We've had a couple

23 of unexpected breaks, if the reporter is all

24 right? Are you okay, Ms. John?

03:14 25 NICHOL JOHN: Yeah.



1 (SECOND VIDEOTAPE STARTED)

2 DR. MARTIN ORNE: Just relaxing more and
3 more. Yes. Yes. Easy. Relaxing, you are no
4 longer going to be ... (Inaudible) ... relax more
03:14 5 and more.

6 Now I want you to try to
7 remember the day that you made your statement,
8 that was in the evening and you were with the
9 police, and you were sleeping or they wanted you
03:14 10 to sleep in the cell; do you remember that? You
11 became very uncomfortable; do you remember?

12 NICHOL JOHN: Uh-huh.

13 DR. MARTIN ORNE: Now what time of the day
14 did you make this statement? Do you remember
03:15 15 when it was?

16 NICHOL JOHN: No, but it was a long time, a
17 long time to do.

18 DR. MARTIN ORNE: Uh-huh.

19 NICHOL JOHN: They said "Nichol, you have
03:15 20 to sign every one, sign, sign, sign, sign."

21 DR. MARTIN ORNE: But they didn't push you
22 to read it so much?

23 NICHOL JOHN: No.

24 DR. MARTIN ORNE: As long as you signed?

03:15 25 NICHOL JOHN: Uh-huh.



1 DR. MARTIN ORNE: Uh-huh. Now what time of
2 the day did the police drive you around; do you
3 remember?

4 NICHOL JOHN: It was daylight.

03:15 5 DR. MARTIN ORNE: It was daylight?

6 NICHOL JOHN: It was daylight.

7 DR. MARTIN ORNE: Uh-huh.

8 NICHOL JOHN: I don't know why I want to
9 say about noon.

03:16 10 DR. MARTIN ORNE: About noon?

11 NICHOL JOHN: Yeah.

12 DR. MARTIN ORNE: And then they took you
13 around for a while?

14 NICHOL JOHN: Uh-huh.

03:16 15 DR. MARTIN ORNE: An hour, two hours, four
16 hours?

17 NICHOL JOHN: Not that long.

18 DR. MARTIN ORNE: Okay. Just like a
19 couple --

03:16 20 NICHOL JOHN: Maybe a couple, yes.

21 DR. MARTIN ORNE: Uh-huh. Now did you make
22 the statement the same day that you went for the
23 drive?

24 NICHOL JOHN: There wasn't -- I don't --

03:16 25 DR. MARTIN ORNE: You thought it was in the



1 evening?

2 NICHOL JOHN: I thought it was the evening.

3 DR. MARTIN ORNE: Yeah.

03:16 4 NICHOL JOHN: Because I had -- I lost track
5 of time.

6 DR. MARTIN ORNE: Uh-huh. So you really
7 don't, don't know?

8 NICHOL JOHN: No. We were inside, we were
9 in this room and there was no windows.

03:17 10 DR. MARTIN ORNE: Interrogation --

11 NICHOL JOHN: It was small.

12 DR. MARTIN ORNE: Interrogation room?

13 NICHOL JOHN: I guess it could have been.

14 DR. MARTIN ORNE: Yeah.

03:17 15 NICHOL JOHN: So small.

16 DR. MARTIN ORNE: Just relax, let yourself
17 be comfortable, easy, relax.

18 Now I would like you to
19 remember, now you didn't, when you were asked in
03:17 20 court, you didn't remember any of this; is that
21 so?

22 NICHOL JOHN: Uh-huh.

23 DR. MARTIN ORNE: But you have, since then,
24 have had some flashbacks, some kind of -- were
03:18 25 these dreams or what were they?



1 NICHOL JOHN: I don't know. Just things
2 are so piecey.

3 DR. MARTIN ORNE: Now was that at night
4 when you were sleeping?

03:18 5 NICHOL JOHN: Uh-huh.

6 DR. MARTIN ORNE: What times would that
7 happen; can you tell me an example?

8 NICHOL JOHN: During the day.

9 DR. MARTIN ORNE: Okay. Now I want you to
03:18 10 think very carefully and try to remember the
11 flashback, any flashback?

12 NICHOL JOHN: It's awful.

13 DR. MARTIN ORNE: Hmm? You said "it's
14 awful"? It's all right, nothing is going to
03:19 15 happen to you, just think back and remember your
16 flashback. Just let it be calm. You are safe,
17 nothing will happen to you. Tell me about it.
18 Just remember it and tell me as it was?

19 NICHOL JOHN: Can't be real.

03:19 20 DR. MARTIN ORNE: It's all right, maybe it
21 isn't real, I don't care whether it's real or
22 not.

23 NICHOL JOHN: No.

24 DR. MARTIN ORNE: But I want you to tell me
03:19 25 what you think?



1 NICHOL JOHN: I got out of the car and I
2 started walking, figured maybe I could find
3 somebody, right.

4 DR. MARTIN ORNE: Right?

03:20 5 NICHOL JOHN: I come around the corner and
6 --

7 DR. MARTIN ORNE: And?

8 NICHOL JOHN: -- I remember a man kneeling
9 over someone.

03:20 10 DR. MARTIN ORNE: You --

11 NICHOL JOHN: They were face-down.

12 DR. MARTIN ORNE: Yes.

13 NICHOL JOHN: He was straddled, and I know
14 what he is wearing.

03:20 15 DR. MARTIN ORNE: What is he wearing?

16 NICHOL JOHN: He is wearing a brown
17 corduroy jacket with a fur collar, a --

18 DR. MARTIN ORNE: Okay.

19 NICHOL JOHN: A white --

03:20 20 DR. MARTIN ORNE: A brown?

21 NICHOL JOHN: Corduroy.

22 DR. MARTIN ORNE: Corduroy jacket?

23 NICHOL JOHN: Yes. It's short, it's not
24 long.

03:21 25 DR. MARTIN ORNE: Short jacket?



1 NICHOL JOHN: Uh-huh, yeah, with kind of a
2 ba -- like lamb, was wool, kind of fur, like
3 white, tan-coloured collar.

4 DR. MARTIN ORNE: Fur?

03:21 5 NICHOL JOHN: Yeah, right here.

6 DR. MARTIN ORNE: Tan-coloured?

7 NICHOL JOHN: Yes.

8 DR. MARTIN ORNE: Like fur?

9 NICHOL JOHN: Uh-huh.

03:21 10 DR. MARTIN ORNE: And what was happening?

11 NICHOL JOHN: He was stabbing.

12 DR. MARTIN ORNE: Uh-huh. Who --

13 NICHOL JOHN: That's not real.

14 DR. MARTIN ORNE: Who did you think it was?

03:21 15 NICHOL JOHN: I didn't see the face, I just
16 saw the jacket.

17 DR. MARTIN ORNE: Uh-huh. So do you --
18 that was very helpful. Can you tell me about
19 other flashbacks?

03:22 20 NICHOL JOHN: A church, I see my church.

21 DR. MARTIN ORNE: Your church?

22 NICHOL JOHN: And I feel like I'm running.

23 DR. MARTIN ORNE: And you feel you are
24 running?

03:22 25 NICHOL JOHN: I want to get away, get away,



1 get away.

2 DR. MARTIN ORNE: You want to get away?
3 Who is or what is chasing you?

4 NICHOL JOHN: Nobody. I'm just scared.

03:22 5 DR. MARTIN ORNE: Scared of? What comes to
6 mind to you when you think "scared"?

7 NICHOL JOHN: That he saw me, he turned
8 around and he saw me.

9 DR. MARTIN ORNE: That he saw you and might
03:22 10 do you in; that is what you are afraid of now?
11 But you don't know who it is?

12 NICHOL JOHN: He's kneeling down.

13 DR. MARTIN ORNE: Hmm.

14 NICHOL JOHN: He is kneeling down.

03:22 15 DR. MARTIN ORNE: He is kneeling down?

16 NICHOL JOHN: He can't see me, his back's
17 to me.

18 DR. MARTIN ORNE: Uh-huh. And you don't
19 want him to know who you are?

03:23 20 NICHOL JOHN: No.

21 DR. MARTIN ORNE: You are afraid of him?

22 NICHOL JOHN: Hmm.

23 DR. MARTIN ORNE: If you could remember who
24 he was then you could get protection.

03:23 25 NICHOL JOHN: I just see the jacket.



1 DR. MARTIN ORNE: Uh-huh. You don't see
2 the face?

3 NICHOL JOHN: No.

4 DR. MARTIN ORNE: Okay. Okay. I want you
03:23 5 to just relax a little bit longer. You have done
6 very, very well, but would you mind resting a
7 little bit longer? Okay? And then we will be
8 fine. Just relax, I will be right back.

9 (DR. ORNE RISES, LEAVES CAMERA VIEW, RETURNS)

03:24 10 DR. MARTIN ORNE: Just relax. Easy and
11 comfortable, just relax.

12 I want you to think back, now,
13 to the morning you got stuck in the car, I want
14 you to recall the morning that you got stuck in
03:24 15 the car. What was the jacket that Ron was
16 wearing that morning? Just let yourself
17 remember. What jacket did Ron wear that morning?
18 Just let yourself go. Remember back in the car;
19 what was the jacket like that Ron was wearing?

03:25 20 NICHOL JOHN: I don't know. I know what I
21 have on.

22 DR. MARTIN ORNE: What do you have on?

23 NICHOL JOHN: I have a purple jacket with a
24 hood on it.

03:26 25 DR. MARTIN ORNE: Your purple jacket with a



1 hood?

2 NICHOL JOHN: Yeah, and it's got white fur
3 around the bottom.

4 DR. MARTIN ORNE: White fur around the
03:26 5 bottom?

6 NICHOL JOHN: Black.

7 DR. MARTIN ORNE: Black?

8 NICHOL JOHN: Black, it's got fur, it's at
9 the top, around here.

03:26 10 DR. MARTIN ORNE: Fur around where your
11 knees are?

12 NICHOL JOHN: Yeah, and it's longer, it's
13 got a zipper in the front, a big zipper.

14 DR. MARTIN ORNE: A big zipper in the
03:26 15 front?

16 NICHOL JOHN: Yeah.

17 DR. MARTIN ORNE: Okay. Now try and think
18 back what Ron was wearing that morning. Do you
19 recall about Hoppy, what he was wearing?

03:27 20 NICHOL JOHN: No.

21 DR. MARTIN ORNE: No? Okay. Just -- what,
22 go on?

23 NICHOL JOHN: Jackets were on and jackets
24 were off and --

03:27 25 DR. MARTIN ORNE: You couldn't keep in mind



1 what --

2 NICHOL JOHN: No.

3 DR. MARTIN ORNE: It's okay. I want you to
4 relax, now, and I want you to remember whatever
03:27 5 you want to remember, nothing is going to bother
6 you except you will be able to remember what you
7 want to remember. Do you understand?

8 NICHOL JOHN: Uh-huh.

9 DR. MARTIN ORNE: It is your choice what
03:28 10 you remember. Okay? Now I want you to recall
11 how you feel now and how you felt when we
12 started. Okay? But you won't have to recall
13 other things if you don't want to. Is that okay,
14 Nichol?

03:28 15 NICHOL JOHN: Uh-huh?

16 DR. MARTIN ORNE: Is that okay? All right.
17 Now I want you to listen carefully. I'll count
18 from five to one and at one you will be awake,
19 comfortable, and alert. Five, you are gradually
03:28 20 becoming a little more alert; four, more and more
21 alert, more and more comfortable; three,
22 half-way; two, you are ready to become fully
23 awake; one, wide awake.

24 That's it. Would you like a
03:29 25 couple of these?



1 NICHOL JOHN: I'm numb.

2 DR. MARTIN ORNE: What's that?

3 NICHOL JOHN: My bum is numb.

4 DR. MARTIN ORNE: You were sitting on the
03:29 5 same spot, you might feel better if you stood up
6 a little bit and scratch it a little.

7 NICHOL JOHN: I need some fresh air, that's
8 what I need.

9 DR. MARTIN ORNE: Yes, well, just come over
03:29 10 here.

11 NICHOL JOHN: Oh, oh, much better. It's
12 hot in here.

13 DR. MARTIN ORNE: Well you did a lot of
14 work. I do want to ask you a few questions more.
03:30 15 Do you mind?

16 NICHOL JOHN: No, that's all right.

17 DR. MARTIN ORNE: I would like to find out
18 how you felt. You had an experience with a
19 doctor?

03:30 20 NICHOL JOHN: Uh-huh.

21 DR. MARTIN ORNE: I would like you to
22 compare how you felt today as opposed to when you
23 were with him?

24 NICHOL JOHN: Umm, much more, hmm, how can
03:30 25 I explain it. I know what I said to you, I



1 remember what I said to you.

2 DR. MARTIN ORNE: Uh-huh. All the things
3 which we talked about, yes.

4 NICHOL JOHN: Right.

03:30 5 DR. MARTIN ORNE: I, I hoped that you would
6 be able to remember things.

7 NICHOL JOHN: Yeah.

8 DR. MARTIN ORNE: Because, you know, it's
9 -- you -- people feel a lot better if they
03:31 10 remember things --

11 NICHOL JOHN: Uh-huh.

12 DR. MARTIN ORNE: -- than they don't know
13 what's going on.

14 NICHOL JOHN: How can I explain. With all
03:31 15 me travelling, myself, like moving on to
16 different things, like I wasn't fighting things.

17 DR. MARTIN ORNE: Hmm.

18 NICHOL JOHN: Very relaxed.

19 DR. MARTIN ORNE: Uh-huh.

03:31 20 NICHOL JOHN: And --

21 DR. MARTIN ORNE: By the way, how long do
22 you think that you were sitting on your butt?

23 NICHOL JOHN: I don't know. Half an hour,
24 maybe three-quarters of an hour.

03:31 25 DR. MARTIN ORNE: Look.



1 NICHOL JOHN: I have no idea. What time
2 did we start?

3 DR. MARTIN ORNE: About two hours.

03:31 4 NICHOL JOHN: Oh, sorry. No wonder it's
5 sore.

6 DR. MARTIN ORNE: That's what I said. I
7 guess I'm really right, because when you get
8 relaxed, you don't move.

9 NICHOL JOHN: Yeah, I can't --

03:32 10 DR. MARTIN ORNE: You --

11 NICHOL JOHN: I didn't want to move, I was
12 -- I -- but I was picking up, still picking up
13 things from --

14 DR. MARTIN ORNE: Right.

03:32 15 NICHOL JOHN: You know, this and that, and
16 I could hear your voice, and when your voice
17 wasn't --

18 DR. MARTIN ORNE: Clear enough?

19 NICHOL JOHN: Yeah.

03:32 20 DR. MARTIN ORNE: Well, because there were
21 people around and so forth.

22 NICHOL JOHN: Yeah.

23 DR. MARTIN ORNE: Would you mind if I ask
24 Dr. Perry and his colleague to join us?

03:32 25 NICHOL JOHN: Sure. Only if I can have a



1 glass of water. My mouth is so dry.

2 DR. MARTIN ORNE: Just one sec'.

3 (DR. ORNE LEAVES AND RETURNS WITH OTHERS)

4 DR. MARTIN ORNE: We'll move this just so
03:33 5 we can sit more comfortably. Your water is
6 coming.

7 NICHOL JOHN: Great. It's just like my
8 mouth is very dry and camel breath.

9 DR. MARTIN ORNE: I know.

03:34 10 UNIDENTIFIED: Here you go.

11 NICHOL JOHN: Oh, great, thank you.

12 DR. MARTIN ORNE: Here we go. Better.

13 NICHOL JOHN: Well, a little bit.

14 DR. MARTIN ORNE: We could get you just
03:34 15 plain water if you would like. Come on in.

16 NICHOL JOHN: So how is it outside?

17 MR. EUGENE WILLIAMS: Oh, man, I didn't
18 smoke as much as I thought I would.

19 DR. MARTIN ORNE: Well, you see, we are
03:35 20 already helping.

21 MR. EUGENE WILLIAMS: I appreciate your
22 intentions.

23 NICHOL JOHN: I now have a very dry mouth,
24 thank you.

03:35 25 DR. CAMPBELL PERRY: Okay. It's just



1 something I happen to like.

2 DR. MARTIN ORNE: I want you -- to just ask
3 you, in terms of on a 1 to 10 scale where 1 is
4 totally awake --

03:35 5 NICHOL JOHN: Uh-huh.

6 DR. MARTIN ORNE: -- and 10 would be
7 totally out of it, totally, okay, what would you
8 describe, today, your -- the depth of your
9 feeling hypnotized?

03:36 10 NICHOL JOHN: I would say at least a 7 on a
11 scale of 1 to 10. Compared to -- the other one
12 to this one?

13 DR. MARTIN ORNE: Yeah.

14 NICHOL JOHN: Yeah.

03:36 15 DR. MARTIN ORNE: Now what was the other
16 one in 1 to 10?

17 NICHOL JOHN: I said I wasn't --

18 DR. MARTIN ORNE: Yeah.

19 NICHOL JOHN: -- right to start with, and
03:36 20 that was my first words to my mother when I
21 walked out of there, I said "if this is
22 hypnotism".

23 DR. MARTIN ORNE: So today you feel on a 1
24 to 7, or 1 to 10, 7 would be --

03:36 25 NICHOL JOHN: Yeah.



1 DR. MARTIN ORNE: That would seem
2 appropriate? Yeah. And would you mind sharing
3 anything that you think relevant, you know, what
4 you -- what it felt like?

03:37 5 NICHOL JOHN: I was, I was surprised at
6 what I said about the jacket.

7 DR. MARTIN ORNE: Which one?

8 NICHOL JOHN: The brown one with the white
9 collar on it. Like, I don't know where and when,
03:37 10 oh, okay. (Laughing)

11 DR. MARTIN ORNE: That may or may not be an
12 accurate memory.

13 NICHOL JOHN: Uh-huh, exactly, exactly.

14 DR. MARTIN ORNE: But --

03:37 15 MR. EUGENE WILLIAMS: You say that you saw,
16 the person's back was to you?

17 NICHOL JOHN: Uh-huh.

18 MR. EUGENE WILLIAMS: Could you tell the
19 colour of the hair?

03:37 20 NICHOL JOHN: Dark, dark, dark brown.

21 MR. EUGENE WILLIAMS: The length of the
22 hair?

23 NICHOL JOHN: No, because the collar was
24 very high, here.

03:38 25 MR. EUGENE WILLIAMS: But you saw hair?



1 NICHOL JOHN: Uh-huh.

2 MR. EUGENE WILLIAMS: The head was not
3 covered?

4 NICHOL JOHN: Umm-umm, nope.

03:38 5 MR. EUGENE WILLIAMS: Between the time --
6 how long did you stay in the car before you
7 decided to go for a walk?

8 NICHOL JOHN: Not very long, because I
9 didn't want to -- maybe a couple of minutes,
03:38 10 maybe.

11 MR. EUGENE WILLIAMS: Between the time that
12 you were abandoned and the time that you left, --

13 NICHOL JOHN: Uh-huh.

14 MR. EUGENE WILLIAMS: -- did you hear
03:38 15 anything that attracted your attention?

16 NICHOL JOHN: That's a good question. It
17 seems to me that I was sitting, I was in the back
18 seat with my knees up or my feet up against the
19 front seat, but I was down. Hmm. I must have
03:39 20 heard something, something must have -- hmm. I
21 don't know.

22 MR. EUGENE WILLIAMS: You say that you were
23 in the back seat; were you nearer the passenger
24 door or the driver's door.

03:40 25 NICHOL JOHN: Passenger.



1 MR. EUGENE WILLIAMS: Did you see anything
2 that caused you to get out?

3 NICHOL JOHN: I can't remember, Eugene.

4 MR. EUGENE WILLIAMS: And I guess I have
03:40 5 one final question. When you came upon the man
6 who was leaning over someone were you able to
7 determine whether he was -- whether the person he
8 was kneeling over was human or not, was it
9 another person that he was kneeling over?

03:40 10 NICHOL JOHN: Yes.

11 MR. EUGENE WILLIAMS: And stabbing?

12 NICHOL JOHN: Yeah.

13 MR. EUGENE WILLIAMS: You say straddling?

14 NICHOL JOHN: Straddling over, like on, the
03:41 15 knees are on the ground.

16 MR. EUGENE WILLIAMS: Right. Where did you
17 go after that?

18 NICHOL JOHN: I went to the church.

19 MR. EUGENE WILLIAMS: Did you go towards
03:41 20 the church?

21 NICHOL JOHN: Yup.

22 MR. EUGENE WILLIAMS: And where does the
23 garbage cans come into it?

24 NICHOL JOHN: They were on my left-hand
03:41 25 side as I'm walking down the alley.



1 MR. EUGENE WILLIAMS: Okay. Do you see
2 anyone doing anything to those garbage cans?

3 NICHOL JOHN: I don't know why they stick
4 out in my mind.

03:41 5 MR. EUGENE WILLIAMS: All right. Do you
6 meet anyone at the church?

7 NICHOL JOHN: Because I don't remember
8 getting to the church.

9 MR. EUGENE WILLIAMS: Okay.

03:41 10 NICHOL JOHN: That's, that's my memory,
11 it's like over there.

12 MR. EUGENE WILLIAMS: Did you walk towards
13 the church?

14 NICHOL JOHN: I would say I did.

03:42 15 MR. EUGENE WILLIAMS: But no recall of
16 having gotten there?

17 NICHOL JOHN: No.

18 MR. EUGENE WILLIAMS: How did you get back
19 to the car?

03:42 20 NICHOL JOHN: I don't know.

21 MR. EUGENE WILLIAMS: Okay.

22 NICHOL JOHN: Do you, do you understand
23 what I am saying.

24 MR. EUGENE WILLIAMS: Yes, yeah.

03:42 25 NICHOL JOHN: That the draw is there, but I



1 don't know if just my mind went there or if I
2 physically went there, do you understand? I
3 know -- it's hard to explain. I told you about
4 that church.

03:42 5 MR. EUGENE WILLIAMS: Yes.

6 NICHOL JOHN: That thing has bothered me
7 for a long, long, long, time, up until a week ago
8 or two weeks ago.

9 MR. EUGENE WILLIAMS: And what happened
03:42 10 then?

11 NICHOL JOHN: I told you when I saw the
12 drawing in that book, the placement of where
13 everything is, then I went "there is the church,
14 I'm not making this up".

03:42 15 MR. EUGENE WILLIAMS: That was the church
16 that you were looking for, thinking about?

17 NICHOL JOHN: That I saw. It's so -- it's
18 like if I look out there, if this was my office
19 every day and I'll see that every day, that's --
03:43 20 you know.

21 MR. EUGENE WILLIAMS: That's your church.

22 NICHOL JOHN: Yeah, exactly.

23 MR. EUGENE WILLIAMS: One final question.

24 I thought I heard you describe the jacket as
03:43 25 being a corduroy jacket with a type of fur or --



1 NICHOL JOHN: Right, collar.

2 MR. EUGENE WILLIAMS: Collar?

3 NICHOL JOHN: Uh-huh.

4 MR. EUGENE WILLIAMS: What was the colour
03:43 5 of the fur?

6 NICHOL JOHN: A tan colour, like a beigey
7 -- no, no, no, light.

8 MR. EUGENE WILLIAMS: Like this?

9 NICHOL JOHN: Yeah, like that.

03:43 10 MR. EUGENE WILLIAMS: Now I have just
11 pointed to a slab of wood that appears to be oak.

12 NICHOL JOHN: Oak.

13 MR. EUGENE WILLIAMS: And it appears to
14 have a very light oak stain.

03:43 15 NICHOL JOHN: And not, lighter, like the
16 round on that picture.

17 MR. EUGENE WILLIAMS: Ah, you are referring
18 to a photo which is on the doctor's wall which
19 appears to be beige?

03:44 20 NICHOL JOHN: Right.

21 MR. EUGENE WILLIAMS: A kind of a
22 beige-coloured --

23 NICHOL JOHN: Not yellow.

24 MR. EUGENE WILLIAMS: Not yellow, not
03:44 25 beige.



1 NICHOL JOHN: Right.

2 MR. EUGENE WILLIAMS: Okay. The length of
3 the jacket?

4 NICHOL JOHN: Short.

03:44 5 MR. EUGENE WILLIAMS: Am I to understand
6 that it went to below the waist?

7 NICHOL JOHN: Right about here, about hip,
8 like lower than a -- longer than a bomber style,
9 just sit on the hip.

03:44 10 MR. EUGENE WILLIAMS: A car coat?

11 NICHOL JOHN: Pardon me?

12 MR. EUGENE WILLIAMS: A car coat? There
13 was a style called a car coat.

14 NICHOL JOHN: No, car coat was
03:44 15 three-quarter length.

16 MR. EUGENE WILLIAMS: Would it be as long
17 as a suit jacket?

18 NICHOL JOHN: No.

19 MR. EUGENE WILLIAMS: Just below the waist,
03:44 20 like a bomber jacket, but longer than a bomber
21 jacket?

22 NICHOL JOHN: Right. Right.

23 DR. MARTIN ORNE: Would you like some more?

24 NICHOL JOHN: Yeah.

03:45 25 MR. EUGENE WILLIAMS: A question about the



1 taking of the statement.

2 NICHOL JOHN: Uh-huh.

3 MR. EUGENE WILLIAMS: I just wanted to
4 clarify something. You were driven around for
03:45 5 approximately two hours?

6 NICHOL JOHN: I would guesstimate.

7 MR. EUGENE WILLIAMS: Was that the same day
8 that you had come up to Saskatoon from Regina?

9 NICHOL JOHN: I would -- I would say yeah.

03:45 10 MR. EUGENE WILLIAMS: Okay.

11 NICHOL JOHN: I would have said about 2:00
12 in the afternoon, somewhere in there, in that
13 time, between -- had to have been between 12:00
14 and 4:00. I don't know why 2:00 sticks in my
03:45 15 mind.

16 MR. EUGENE WILLIAMS: Okay. And after
17 that, what did you do, after you were driven
18 around what did you then do?

19 NICHOL JOHN: I think we went back to the
03:46 20 police station then.

21 MR. EUGENE WILLIAMS: Okay. And what
22 happened at the police station?

23 NICHOL JOHN: I think that's when they
24 asked me to make my statement.

03:46 25 MR. EUGENE WILLIAMS: Okay. Before they



1 asked you to make your statement did you run into
2 Ron Wilson?

3 NICHOL JOHN: I saw Ron, but I don't know
4 when.

03:46 5 MR. EUGENE WILLIAMS: Okay.

6 NICHOL JOHN: I don't know which time.

7 MR. EUGENE WILLIAMS: Okay. Did you see a
8 person by the name of ...(Inaudible)... Mark
9 Roberts? Did you go to a hotel?

03:46 10 NICHOL JOHN: Yeah, I went to a hotel.

11 MR. EUGENE WILLIAMS: When did you go to a
12 hotel in relation to the being driven around?

13 NICHOL JOHN: That's a hard question.
14 Okay. I'm thinking the same day that they were
03:47 15 doing the lie detector test.

16 MR. EUGENE WILLIAMS: Yes.

17 NICHOL JOHN: Okay, in there, because what
18 we talked about was this lie detector test and I
19 said I wanted to take it.

03:47 20 MR. EUGENE WILLIAMS: Yes.

21 NICHOL JOHN: So whatever that correlation
22 is, I don't know if it was day/night or what it
23 was, I was pretty mixed up.

24 EUGENE WILLIAMS: Okay. So am I to
03:47 25 understand that you were driven around the same



1 day that you took the lie-detector test.

2 NICHOL JOHN: I didn't take one. They
3 wouldn't give me one.

4 EUGENE WILLIAMS: Right.

03:48 5 DR. MARTIN ORNE: Why not?

6 NICHOL JOHN: I don't know. I asked them
7 to.

8 EUGENE WILLIAMS: Did you make the
9 statement the same day or at another time?

03:48 10 NICHOL JOHN: I would say the same day.

11 EUGENE WILLIAMS: But you don't know for
12 sure?

13 NICHOL JOHN: But I don't know for sure.

14 EUGENE WILLIAMS: Okay.

03:48 15 NICHOL JOHN: The sequence of events are
16 so --

17 EUGENE WILLIAMS: You are not certain?

18 NICHOL JOHN: No.

19 EUGENE WILLIAMS: All right. Is it time
03:48 20 for a cigarette?

21 NICHOL JOHN: Oh, yes, please. I thought
22 you would never ask.

23 DR. MARTIN ORNE: There's three (inaudible)

24 NICHOL JOHN: Sorry.

25 DR. MARTIN ORNE: (Inaudible) It's all



1 right, but the thing is, that in hospitals when
2 they, they are really adamant. Like, it's all
3 right, it's my lab, we'll have it fumigated
4 later.

03:49 5 NICHOL JOHN: I'll go outside. You
6 wouldn't want me to do that.

7 EUGENE WILLIAMS: I'll go right to the
8 president of the NAACP. (Inaudible)

9 DR. MARTIN ORNE: I'm not trying to save
03:49 10 your soul, just your body. It's all right. I
11 used to smoke over three packs a day, so there's
12 nothing worse than a --

13 NICHOL JOHN: And quit cold turkey I
14 suppose you are going to tell me; right?

03:49 15 DR. MARTIN ORNE: I did quit cold turkey,
16 really, it's the truth.

17 NICHOL JOHN: Yeah.

18 DR. MARTIN ORNE: It took me about 50
19 times, but I did it cold turkey.

03:49 20 EUGENE WILLIAMS: Or on the 50th cold
21 turkey you quit.

22 DR. MARTIN ORNE: That's right, it took.

23 NICHOL JOHN: I'll go outside and smoke. I
24 need some fresh air. I'll go outside and do it.

03:50 25 DR. MARTIN ORNE: I better show you how to



1 get outside because if you hit the wrong door
2 they may want to do --

3 NICHOL JOHN: -- experimental work.

03:50 4 EUGENE WILLIAMS: You are sleepy, look at
5 your eyes and they say hum, a perfect candidate.

6 NICHOL JOHN: I'm afraid to look in the
7 mirror. (Inaudible) Thank you very much.

8 DR. MARTIN ORNE: You go ahead. Cut.
9 Thank you.

03:51 10 (SECOND VIDEOTAPE ENDED)

11 MR. HODSON: That is the end of the tape,
12 Mr. Commissioner. I'm not sure whether you wish
13 me to take a short break or carry on until 4:30?
14 I'm not sure how the witness --

03:51 15 COMMISSIONER MacCALLUM: Ms. John, how do
16 you feel, do you want to a break? You can have a
17 break if you like, short break.

18 NICHOL JOHN: Five minutes maybe?

19 COMMISSIONER MacCALLUM: Sure. We'll
03:51 20 take -- okay. We'll come back just after four.

21 MR. HODSON: Okay.

22 (Adjourned at 3:51 p.m.)

23 (Reconvened at 4:05 p.m.)

24 BY MR. HODSON:

04:05 25 Q Ms. John, having watched that session, do you



1 recall that meeting with Dr. Orne?

2 A Not really.

3 Q How about the individuals that were shown at the
4 end, I believe they were Campbell Perry (sic) and
04:05 5 Eugene Williams; is that right?

6 A I remember Eugene. I kind of remember -- is it
7 Dr. Orne?

8 Q Yes.

9 A Yeah, a little bit, but I don't remember the
04:05 10 situation of when that happened.

11 Q Having watched this session, do you have any
12 observations or general comments about what you
13 viewed?

14 A Um, no.

04:05 15 Q How did this session -- now, I'm asking what you
16 think today -- compare to your experience with Dr.
17 Pulos?

18 A Oh, it was like black and white.

19 Q In what way?

04:05 20 A In terms of much more professional. You could
21 tell that I was more relaxed.

22 Q And I asked this question about Dr. Pulos'
23 session, I'll ask it about Dr. Orne. Do you
24 believe that you were hypnotized?

04:06 25 A Yes.



1 Q With Dr. Orne?

2 A Yes.

3 Q Now, in the tape that we saw, I want to just touch
4 on a couple of comments you made. When you were
04:06 5 describing, I believe it is, the person straddling
6 another person I think you said in the alley, I
7 believe you said the words "that's not real". Do
8 you remember seeing that on the tape?

9 A Yeah, I saw that.

04:06 10 Q Are you able to explain that at all?

11 A No.

12 Q Do you recall, and again I think you said
13 yesterday or this morning the flashbacks, you
14 maybe have a vague recall of it, I can't remember,
04:06 15 but do you have any -- hearing that or watching
16 that where you comment "that's not real", does
17 that refresh your memory at all about any of your
18 flashbacks?

19 A No.

04:07 20 Q Having reviewed the video of the session, does it
21 assist in any way with your recollection of events
22 of the morning of January 31, 1969?

23 A No.

24 Q In the tape -- pardon me, in the video session
04:07 25 you, towards the end there, you talked about, I



1 think you said something bothered you about the
2 church and it has bothered you for a long time and
3 then you said a couple of weeks ago it clicked or
4 words to that effect and you talked about placing
04:07 5 the church in a book. Do you recall observing
6 that -- or in a set of documents. Do you recall
7 that on the tape that we watched?

8 A Of hearing that?

9 Q Yes.

04:07 10 A Yes.

11 Q And it says -- I think it may have been
12 Mr. Williams asked you about that and you said a
13 couple of weeks ago and I think you were referring
14 to a map. Do you remember hearing that?

04:07 15 A Yes, I heard that.

16 Q Are you able to help us out as to what map or what
17 that might have been?

18 A No, I'm sorry.

19 Q That's fine. I'm going to show you a couple of
04:08 20 documents, Ms. John, just to see if this might
21 refresh your memory. The first, and it's taken
22 from the November 7th, 1989 interview with Eugene
23 Williams which is -- the doc ID is 125206, but the
24 last two pages, 125250 first of all, and this we
04:08 25 talked about a bit earlier, it's called Nichol's



1 drawing, November 7th, '89 and it has "C" for the
2 church. Is this possibly the document you were
3 referring to in the Dr. Orne interview?

4 A I don't know.

04:08 5 Q Don't know?

6 A I don't know.

7 Q Go to the next page, 125251, and just maybe zoom
8 in on that, please. Now, this was a map that was
9 attached to the interview with Eugene Williams and
04:09 10 it was a map I think prepared in the original
11 trial and you'll see here this is the T-shaped
12 alley, this is 20th Street and the church, St.
13 Mary's church is in this vicinity. The body was
14 found here or in that vicinity. I'm just -- my
04:09 15 question is whether or not this map looks familiar
16 to you?

17 A No, it doesn't.

18 Q No?

19 A No.

04:09 20 Q If we could also call up, I think we had map A, B
21 and C that we referred to back at the start of the
22 inquiry. If you could just switch that around,
23 please, and just zoom in on that area, and you'll
24 see that's a similar map, Ms. John, but you'll see
04:09 25 here it says St. Mary's church where I put the red



1 X and the rectory and this is the T alley, this is
2 the funeral home and you'll see where it says body
3 found, that was where Gail Miller's body was
4 found, so that's the map. Does this map refresh
04:10 5 your memory at all as one you've seen in the past?

6 A No.

7 Q I think there was another couple of maps, were
8 there, map B, if we could just -- and you'll see
9 this is 20th Street where I've drawn the red line,
04:10 10 Avenue O and that T alley, and you'll see where it
11 says St. Mary's church and rectory where I've
12 drawn a red circle. Does this map look familiar
13 at all?

14 A No.

04:10 15 Q I believe we have one more map and just zoom in on
16 that area and you'll see again here's the T alley,
17 here's the funeral home, this is 20th Street and
18 you'll see where it says church. Does that map
19 look familiar at all?

04:11 20 A No.

21 Q The comments on the tape then about the church,
22 does that in any way assist your recollection
23 today, do you have any recollection of a church?

24 A I recall hearing church bells.

04:11 25 Q Right.



1 A Okay, but as far as remembering a church now, no.

2 Q Okay. In the interview you also talked about the
3 clothing of the person that you saw straddling the
4 body in the alley in some detail. Do you recall
04:11 5 listening to that on the video?

6 A Yes.

7 Q Does that in any way assist or refresh your memory
8 about either flashbacks or anything that may have
9 happened on January 31, 1969?

04:11 10 A No.

11 Q And do you have any recollection today of, I think
12 it was a brown corduroy or suede, I'm not sure,
13 and a fur collar. Do you recall anything?

14 A No.

04:11 15 Q That doesn't assist your memory at all?

16 A No.

17 Q You also talked in the interview session about
18 garbage cans. Do you recall listening to that?

19 A Yes.

04:12 20 Q And I think garbage cans on the left-hand side in
21 the alley?

22 A Uh-huh.

23 Q Does that in any way refresh your memory today
24 about either any flashbacks you may have had or
04:12 25 anything you remember about January 31, 1969?



1 A No.

2 Q And you recall listening in the video session
3 about a lie-detector test. Do you remember that?

4 A Yes.

04:12 5 Q And I believe, if I recall correctly, that's -- I
6 think Eugene Williams may have asked you that
7 after the hypnosis session. Do you recall the
8 discussion about you saying you asked for one and
9 they refused it?

04:12 10 A No, I don't recall that.

11 Q Do you recall viewing that on the video?

12 A Yes.

13 Q And does that assist in any way with your
14 recollection today about a lie detector?

04:12 15 A No.

16 Q As far as your session with Dr. Orne, would you
17 have -- and let's put aside the hypnosis part of
18 it for a moment, the part when you were simply
19 asking -- or answering questions asked of you when
04:13 20 you were not in the hypnotic state, would you have
21 provided truthful answers to the best of your
22 recollection to the questions that they asked you?

23 A Yes.

24 Q If I could call up document 031241, please, and
04:13 25 this is a memorandum, Ms. John, dated January



1 17th, '92 and it's a report prepared by Campbell
2 Perry. Do you see that?

3 A Uh-huh.

4 Q And if you could just call out the first
04:13 5 paragraph, please, and it says:

6 "The second hypnosis session with Ms. Nichol
7 Demyen was performed at Philadelphia on
8 Friday, January 10, 1992 at the Unit for
9 Experimental Psychiatry, directed by Martin
04:14 10 T. Orne. The session was performed by Dr.
11 Orne, and was videotaped from the time that
12 he first met Ms. Demyen until well after the
13 post-hypnosis period with her had concluded.
14 Mr. Eugene Williams and myself watched the
04:14 15 video on a monitor 2 rooms away, as it was
16 being recorded -- the camera and cameraman
17 occupied the room between the one in which
18 the hypnosis session was conducted, and the
19 one in which Mr. Williams and I were
04:14 20 located. The hypnosis session began at
21 approximately 1:15 p.m., and concluded at
22 approximately 3:25 p.m."

23 Any reason to believe that that's not an accurate
24 recording of what happened, Ms. John?

04:14 25 A No.



1 Q If you could go to page 031246 and call out that,
2 Campbell Perry states his conclusion:

3 "From all of this, I conclude that
4 Ms. Demyen experienced a mild degree of
04:15 5 hypnosis, which to me is equivalent to a
6 moderate degree of relaxation."

7 And I think you told me already you believed you
8 were hypnotized; is that correct?

9 A Uh-huh.

04:15 10 Q Yes?

11 A Yes.

12 Q Go to page 031247. Actually, go to page 03 -- I'm
13 sorry, we'll just call out this paragraph here
14 under paragraph 5, and again this is Campbell
04:15 15 Perry reporting on the session, these are his
16 words, it says:

17 "Additional new information was elicited in
18 this hypnosis session -- at least, it was
19 new, or (in the case of point (c) below)
04:15 20 relatively new to me. In particular,
21 Mr. Williams provided Dr. Orne with three
22 typewritten questions, dated January 10,
23 1992, concerning (a) "incidents that
24 occurred after Mr. Milgaard went to obtain
04:16 25 assistance", (b) events related to "the



1 police questioning and statement taking",
2 and (c) "the name written on the pieces of
3 identification that she saw." All of these
4 questions were asked during the hypnosis
04:16 5 session, and my answers are as follows."

6 Do you recall Mr. Williams providing you with a
7 list of questions that you might have been asked?

8 A No.

9 Q Do you recall discussing that in advance, as to
04:16 10 what you might be asked?

11 A No.

12 Q Go to the next page, please, 031248, and Campbell
13 Perry talks about here:

14 "There did not appear to be any new
04:16 15 information elicited about the conditions
16 under which Ms. Demyen made her statements
17 to police in May, 1969. She said that she
18 was "flaked out at the time", and that she
19 did not read the statement carefully, after
04:17 20 it had been written down."

21 Now, the words on the video which we heard I
22 think speak for themselves. You'll recall
23 viewing a part there where I think you were being
24 asked about the statement where you said the word
04:17 25 "sign, sign, sign," or words to that effect. Do



1 you remember that?

2 A Yeah. On the tape, yeah.

3 Q Does that assist your recollection at all
4 regarding your meeting with the police on or about
04:17 5 May 24, 1969?

6 A No.

7 Q Go to page 031250, and I just want to read part of
8 this, if you call out that paragraph. And, again,
9 this is Campbell Perry stating:

04:17 10 "Thus, it is possible that a previously
11 hypnotized witness can testify in court,
12 without that court being informed of this
13 far from trivial fact. The facts
14 surrounding the case involving Mr. Milgaard
04:17 15 are, already highly complex. It is
16 mind-boggling to consider the additional
17 complexities that might have been added to
18 this case, had one of the key witnesses been
19 subjected to hypnosis in 1969, unbeknownst
04:17 20 to the court."

21 And I'm wondering, Ms. John, if you can recall
22 any discussion with Mr. Williams, with Campbell
23 Perry, Dr. Orne, Dr. Pulos, about hypnosis in
24 1969?

04:18 25 A No.



1 Q Or with anybody for that matter?

2 A No.

3 Q You don't recall that?

4 A Don't recall, no.

04:18 5 Q No. If we can move ahead to, I think the next
6 event would be the Supreme Court of Canada
7 Reference that was shortly after. I think this
8 session with Dr. Orne was January the 10th, 1992,
9 and I believe you were called to testify late in
04:18 10 January of 1992 before the Supreme Court, do you
11 remember that?

12 A Vaguely.

13 Q Do you remember going to Ottawa?

14 A Yes.

04:18 15 Q Testifying in front of five judges?

16 A I remember being there, but very little about it.

17 Q And what -- I mean you knew it was a court
18 hearing --

19 A Yes.

04:18 20 Q -- related to David Milgaard?

21 A Yes.

22 Q And it related to an application by him to have
23 his conviction reviewed; did you know that?

24 A Umm, I don't know if I was aware of that or not.

04:18 25 Q Do you remember who would have told you that you



1 had to be there to testify?

2 A No, I don't.

3 Q Would it have been Mr. Williams?

4 A Possibly.

04:19 5 Q Yeah. Now if I can pause there, we've gone
6 through the session with Dr. Pulos, the interview
7 with Campbell Perry, the meeting with Dr. Fleming,
8 and the hypnosis with Dr. Orne in about a 3 or
9 4-month period that I just went through.

04:19 10 A Uh-huh.

11 Q And it looks like you then, a couple weeks later,
12 went to the Supreme Court of Canada to testify.
13 Do you remember or have any recollection as to
14 whether any of those sessions assisted you in any
04:19 15 way in either recalling events or figuring out
16 what it is you knew and remembered?

17 A No.

18 Q If I could call up document 302469. And, Ms.
19 John, this is a transcript from the Supreme Court
04:20 20 of Canada that sets forth the questions and
21 answers for your evidence at the time. The first
22 examination is by Mr. Brown, who was the lawyer
23 for the Government of Saskatchewan; do you
24 remember being examined by lawyers at this
04:20 25 hearing?



1 A Vaguely.

2 Q Would it be fair to say that you would accept the
3 accuracy of this transcript from the Supreme
4 Court?

04:20 5 A Yes.

6 Q And that it would reflect what you answered to the
7 questions asked of you?

8 A Yes.

9 Q And you recall being under oath at the Supreme
04:20 10 Court of Canada reference?

11 A I'm -- I would think I would have been.

12 Q Yeah. And would you have told the truth, at that
13 time, to the best of your recollection?

14 A Yes.

04:20 15 COMMISSIONER MacCALLUM: Have you got a
16 date for that, the evidence at the Reference?

17 MR. HODSON: The Reference? I think she
18 testified on January 24th and 25th of 1992, I
19 will double-check that. Right.

04:21 20 BY MR. HODSON:

21 Q So we're on page 302477, please, and you will see
22 Mr. Brown is asking, here, about your recollection
23 of events in 1969. So this would be about 23
24 years after the fact. And starting here, at line
04:21 25 10:



1 "Q Do you recall asking anyone for
2 directions that day?

3 A Yes, sir.

4 Q Who do you recall asking questions of?

04:21 5 A A female walking down the street.

6 Q Can you describe that scene? Can you
7 give me any details of what you recall
8 about that scene? How was she dressed,
9 for instance?

04:22 10 A I have no idea, sir.

11 Q There is no visual recollection?

12 A No. The only thing I can see in my
13 mind is a person on a sidewalk and
14 there was buildings on the right-hand
04:22 15 side set far back off the street.

16 Q So, that would be sort of behind her as
17 you are looking at her?

18 A Right, as she is facing the street.

19 Q Right. And what kind of buildings would
04:22 20 those be, do you have any recollection?

21 A I have no idea. I would guesstimate
22 something like -- it would be a guess,
23 okay -- something along the lines of
24 like maybe a college or a hospital or
04:22 25 something. It was big buildings,



1 maybe three storeys high.

2 Q Could it have been an apartment
3 building?

4 A It could have, but I wouldn't swear to
04:22 5 it."

6 If I can pause there, does that assist your
7 recollection at all, Ms. John?

8 A No.

9 Q Next page, please. Call out that section, please.
04:23 10 And this is, again, Mr. Brown from the Government
11 of Saskatchewan questioning you:

12 "Q Do you remember anything shortly after
13 that?

14 A I remember being stuck.

04:23 15 Q Where do you recall getting stuck?

16 A In the approach of an alley.

17 Q In the approach to an alley?

18 A Right.

19 Q That would be the entrance, say, across
04:23 20 the sidewalk from the street sort of
21 thing?

22 A Right."

23 Do you -- does that assist your memory at all,
24 Ms. John?

04:23 25 A No.



1 Q Next page, 302480, call out the top part:

2 "Q Do you recall whether there was anything
3 around the alley that comes to mind that
4 might identify it?

04:23 5 A Yes.

6 Q What was that?

7 A A church at the end of it. I could
8 see a church.

9 Q There was a church at the end of the
04:23 10 alley?

11 A Right.

12 Q I don't suppose you know the name of the
13 church.

14 A No, sir."

04:24 15 Does that assist your recollection at all?

16 A No.

17 Q You would agree then, Ms. John, that in 1992, 23
18 years after the incident of January 31, 1969, it
19 appears that you are recalling a church?

04:24 20 A Uh-huh, yes.

21 Q And, today, you have no recollection of that; is
22 that right?

23 A No. All I recall is hearing church bells.

24 Q And then scroll down, please, to line 16:

04:24 25 "Q And what is your next recollection, your



1 next conscious recollection?

2 A Being out of the car and it's
3 daylight.

4 Q Out of the car and it's daylight?

04:24 5 A Right."

6 Go on to the next page:

7 "Q You are in a back alley at that point,
8 it is daylight --

9 A Right.

04:24 10 Q -- and you personally are out of the
11 car?

12 A Yes.

13 Q Is there anyone else around at that
14 point?

04:25 15 A I don't know, sir."

16 Do you have any recollection of being out of the
17 car in the alley that morning, does that assist
18 your recall at all?

19 A No.

04:25 20 Q Next page, please, and again this is Mr. Brown
21 questioning:

22 "Q What is your next recollection, then?
23 Do you recall anything else about that
24 morning?

04:25 25 A I remember a motel.



1 Q A motel?

2 A David going into a motel.

3 Q Do you know why David went into the
4 motel?

04:25 5 A To get a map."

6 Does that assist your recollection at all?

7 A No, sorry.

8 Q Do you have any recollection, today, of the motel
9 and map?

04:25 10 A None whatsoever, no.

11 Q Page 302484. And I don't propose to read this,
12 however, Ms. John, you will see again that you
13 talk about the cosmetic bag in the glove
14 compartment; do you see that?

04:26 15 A Yes.

16 Q And it would appear, at the Supreme Court, you
17 recalled finding the cosmetic bag in the glove
18 compartment; correct?

19 A Uh-huh, yes.

04:26 20 Q Next page, 302485, and you are asked about what
21 happened to it and you say:

22 "Q Do you recall what happened to that bag?

23 A It was thrown out the window.

24 Q Who threw it out the window?

04:26 25 A I don't know.



1 Q You don't recall that?

2 A No."

3 So it appears, at this date, you remember the
4 cosmetic bag and you remember it being thrown
04:26 5 out --

6 A Uh-huh.

7 Q But you don't remember who threw it out?

8 A Right.

9 Q And you recall earlier we went through some
04:26 10 statements and transcripts where you said you
11 recall David Milgaard throwing it out; is that
12 correct?

13 A Yes.

14 Q Do you have any explanation as to why you wouldn't
04:27 15 have recalled that point before the Supreme Court?

16 A No.

17 Q Go to page 302493, please, pull that out, and here
18 is Mr. Brown questioning you:

19 "Q I understand that in addition to sort of
04:27 20 bits of memory that you can consciously
21 recall and you can place along this
22 trip, you also have, I suppose we could
23 call them, involuntary memories,
24 memories that come back to you every now
04:27 25 and again as sort of a flash of



1 something.

2 A Right.

3 Q Can you describe what some of those are,
4 what you see, when they -- first of all,
04:27 5 when do they come back to you? Is it a
6 dream at night when you are asleep?

7 A No.

8 Q So, you are awake when these things
9 happen?

04:28 10 A Yes.

11 Q Does it happen to you at any particular
12 time of day or during any kind of event
13 that you are aware of?

14 A Not that I am aware of, no.

04:28 15 Q Does it occur when you are under a lot
16 of stress or when you are relaxed or
17 anything like that that you can
18 associate it with?

19 A I would say probably under stress.

04:28 20 Q So, when you are under stress, you get
21 these memories?

22 A Right.

23 Q Can you tell us something about what
24 these memories are? What do you see,
04:28 25 what do you remember?



1 A I remember being in this alley and
2 this church is just plain as day.
3 It's in front of me, like it's not
4 very far away.

04:28 5 Q Let's just stop with that one. You are
6 in the alley. Walking, in a car; any
7 recollection?

8 A I feel like I'm in the car.

9 Q You think you are in a car?

04:28 10 A Right.

11 Q And where is the church vis-a-vis where
12 you are?

13 A Straight in front of me."

14 And then just down at the bottom here:

04:29 15 "Q Is there anything else in that alley
16 that you can think of?

17 A I remember seeing garbage cans.

18 Q Garbage cans?"

19 If we can pause there; does that assist your
04:29 20 recollection at all?

21 A No.

22 Q So it appears that at the end of January, 1992,
23 you are telling the Supreme Court that you are
24 having flashbacks and recall flashbacks --

04:29 25 A Uh-huh.



1 Q -- at that time?

2 A Uh-huh.

3 Q Yes?

4 A Yes.

04:29 5 Q Page 302497, please, and you are asked:

6 "Q So, you don't have any sensation that it

7 --

8 A I have this memory that I am in the
9 back seat and I have got my feet up on
04:29 10 the front seat; like up, okay?

11 Q Yes?

12 A And I hear something, and I'm sure
13 it's the church bells. It drew my
14 attention, I sat up, and that's when I
04:30 15 see the church.

16 Q That's when you see the church and the
17 alley and the garbage cans?

18 A Right."

19 If I can pause there, those would be the church
04:30 20 bells you have told us about this week?

21 A Yes.

22 Q And does that assist your recollection with
23 respect to seeing the church or the garbage cans?

24 A No.

04:30 25 MR. HODSON: Mr. Commissioner, I see it's



1 4:30.

2 COMMISSIONER MacCALLUM: Right. I think,
3 Mr. Hodson, you have already spoken to counsel
4 about how long this witness will be occupied with
04:30 5 us, and perhaps you might just state what your
6 predictions are.

7 MR. HODSON: Yeah. I expect to be done
8 this witness possibly by noon tomorrow, but more
9 likely early afternoon. There is a tape of the
04:30 10 RCMP interview that is about 2, 2 3/4 hours, is
11 that right, and then I have a few questions about
12 the evidence at the Larry Fisher trial.

13 I advised Ms. John earlier
14 today that I don't think we will be finished her
04:31 15 this week and, subject to talking to Ms. John,
16 I'm hoping we can continue Monday and get her
17 evidence done then. I don't know how long the
18 cross-examination will be, it's difficult to say,
19 but that is the plan. I will speak to Ms. John
04:31 20 after we're done here today and see if I can
21 confirm Monday.

22 COMMISSIONER MacCALLUM: We --

23 MR. HODSON: Mr. Wilson was scheduled for
24 Monday, I have talked to his counsel, he is fine
04:31 25 to be moved to Tuesday or --



1 COMMISSIONER MacCALLUM: Okay.

2 MR. HODSON: -- whenever we can get to him.

3 COMMISSIONER MacCALLUM: Do we have any
4 idea, at this point, how many counsel will be
04:31 5 cross-examining?

6 MR. HODSON: I have been told that of, now
7 that we have 11, that there may be three who may
8 not. I mean I'm not done so I'm not sure if it's
9 fair to ask.

04:31 10 COMMISSIONER MacCALLUM: No, and I don't
11 expect anybody to commit themselves, just for the
12 sake of the witness I would like to --

13 MR. HODSON: I suspect, I think I have been
14 advised Mr. Lockyer, Mr. Wolch, Mr. Elson, I'm
04:32 15 not sure, Mr. Fox, are you?

16 MR. FOX: Likely.

17 MR. HODSON: Likely, yes, no,
18 Mr. McLachlin, yes, Mr. Bottos, no, Mr. Gibson,
19 no; Mr. Kennedy?

04:32 20 MR. KENNEDY: I'm still on the fence.

21 MR. HODSON: On the fence? No? All
22 non-binding, without-prejudice statements. So
23 that's -- it looks like we may have six to eight
24 counsel.

04:32 25 COMMISSIONER MacCALLUM: And it looks like



1 you might not be finished before mid-afternoon
2 tomorrow, so --

3 MR. HODSON: Well we have -- the RCMP tape
4 is almost 3 hours --

04:32 5 COMMISSIONER MacCALLUM: Uh-huh.

6 MR. HODSON: -- and I'm not sure that I can
7 edit it and remove any parts, my preference would
8 simply be to play it in its entirety.

9 COMMISSIONER MacCALLUM: Well, that will
04:32 10 take us into the afternoon, then.

11 So, Ms. John, it would appear
12 that you certainly will be needed on Monday, and
13 I would suggest that it would be prudent not to
14 plan your return until later on Tuesday, because
04:32 15 it does seem to me that you might be needed
16 Tuesday as well. Okay? Thank you.

17 *(Adjourned at 4:33 p.m.)*

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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



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