

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
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Saskatoon, Saskatchewan

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Volume 29

Inquiry Proceedings



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RONALD DALE WILSON, CONTINUED

- BY MR. HODSON

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Transcript of Proceedings

(Reconvened at 10:00 a.m.)

COMMISSIONER MacCALLUM: Good morning.

RONALD DALE WILSON, continued:

BY MR. HODSON:

Q Good morning, Mr. Wilson.

A Morning.

Q Yesterday, Mr. Commissioner, I referred to, I was reading a report, some transcript from Art Roberts' evidence and he said, the transcript says he was ticked off by I think what Mr. Wilson said about Nichol John. One counsel has advised me that that might be tipped. I'm not sure. The transcript says ticked and maybe that's open to interpretation. I raise it because I've been asked to -- the transcript does say ticked as in T-I-C-K.

If we could go back to call up the Roberts' transcript from the Supreme Court, please, and I think that's document ID 043300 and if you could go to page 043328, and, Mr. Wilson, yesterday when we ended for the day we were going through this transcript and I'll just remind you what this is again. This is Inspector Roberts who is the fellow who did the polygraph on May 23rd,



1 1969 that you've identified. He testified at
2 David Milgaard's Supreme Court reference in 1992
3 and this is the evidence that he gave under oath
4 at that hearing. You recall us discussing that
10:01 5 yesterday?

6 A Yes.

7 Q And these are his words under oath describing what
8 happened on May 23rd when he interviewed you and
9 the purpose of us going through this, I'll remind
10:01 10 you, is one, to see if any of it refreshes your
11 memory as to what happened, and secondly, to get
12 your take or comment or agreement or disagreement
13 with what he says happened, and I think we'll just
14 maybe go back -- cover a bit of the ground we
10:02 15 covered yesterday just for a moment here.

16 This question, and again this is
17 Mr. Neufeld from the government:

18 "Q All right. Was he being deceptive
19 when he was asked if he was the one who
10:02 20 did it?

21 A Oh, no. No. I'm sorry, on just the
22 two, suspect and --

23 Q The S and the K, but not the Y?

24 A That's right.

10:02 25 Q All right. What did you do then, sir.



1 Do you recall? If you don't, fine, but
2 do you recall how long that actual
3 physical testing process took?

4 A I would probably have run two tests,
10:02 5 sir. You usually run two tests. Now,
6 I would release the blood-pressure
7 cuff so that it was comfortable after
8 the first test and tell him to stay
9 relaxed, take things easy, and that I
10:02 10 was going to run another test. And I
11 probably did run another test."

12 Does that sound like what happened, Mr. Wilson?

13 A I was sent out of the room prior to the second
14 test.

10:03 15 Q Okay. So you had the first test, you had the
16 cuff, or whatever apparatus, hooked up to you; is
17 that right?

18 A Could you repeat that, please?

19 Q Yes. What Mr. Roberts is saying here is that he
10:03 20 would run the same questions -- run the test
21 twice?

22 A Yes.

23 Q And that in between he would take off the
24 blood-pressure cuff and tell the witness to stay
10:03 25 relaxed, etcetera, and then he would ask the same



1 questions again, and my question to you was is
2 that what you recall happening, and I think you
3 said you left the room?

4 A Yeah, I was disconnected from the machine and I
10:03 5 left the room.

6 Q Okay. So -- and then did you come back in the
7 room at a later point and get hooked up to the
8 machine again?

9 A Yes, I did.

10:03 10 Q And how long were you out of the room?

11 A I would say over an hour.

12 Q And did you talk to anybody while you were out of
13 the room?

14 A Nichol.

10:04 15 Q And do you recall what you discussed with Nichol?

16 A Just let's give them what they want and let's sink
17 him.

18 Q And where did you see Nichol, where did you have
19 this discussion?

10:04 20 A Out in the hallway.

21 Q And would this be at the hotel?

22 A Yes.

23 Q And did you talk to any police officers?

24 A No.

10:04 25 Q And so you went back in the room and then were



1 hooked up again to the machine?

2 A Yes.

3 Q And then went through -- I think you told us
4 yesterday that the same questions you went through
10:04 5 again?

6 A Yes.

7 Q And then Mr. Roberts is asked:

8 "Q What would be the purpose? Was this an
9 identical test? The same questions
10:04 10 and --

11 A Exactly the same test, sir.

12 Q Do you recall how long it would have
13 taken to do one of the tests?

14 A As I say, actually to conduct an
10:04 15 actual --

16 Q Yes, just the physical test itself.

17 A About for-and-a-half to five minutes."

18 I pause there, and I believe what Roberts is
19 saying, the actual questions and answers while
10:05 20 you are hooked up to the machine he says takes
21 four and a half to five minutes. What is your
22 recollection about how long that took?

23 A Each session took an hour at least.

24 Q Okay. And when you say session, what are you
10:05 25 including in session?



1 A Questions, talking to me.

2 Q So would that include the interview and discussion
3 then as well?

4 A Yes, after the tests, yeah.

10:05 5 Q Are you able to tell us your best estimate as to
6 how long, and when I use the word session I'm
7 going to use it maybe a little bit different to
8 what you are telling me --

9 A Okay.

10:05 10 Q -- from when Inspector Roberts hooked you up to
11 the lie detector test and said okay, I'm going to
12 now ask you questions, you give me answers and
13 we're going to get a reading on this, okay. Not
14 the pre-test discussion or the post test, just the
10:06 15 actual time when you were hooked up to the
16 polygraph machine.

17 A An hour.

18 Q So you were hooked up for an hour?

19 A Yes.

10:06 20 Q Total or at each time?

21 A Each time.

22 Q And can we go to the next page, please. I'm
23 sorry, go back to 0433. Just scroll up to the
24 top, please, line 5, and Roberts is asked:

10:06 25 "Q Did you vary anything between the two



1 tests?

2 A Not to my knowledge, no, sir.

3 Q Was that your practice, to make any
4 variations?

10:06 5 A No."

6 And do you remember, Mr. Wilson, were the
7 questions the same in each of the two sessions?

8 A Most of them were, yes.

9 Q Do you think there might have been any
10:07 10 different -- are you able to recall?

11 A There might have been some different ones, yes.

12 Q Do you remember any of them?

13 A No, I don't.

14 Q And then:

10:07 15 "Q In the course of your testing, I think
16 you have told us that the questions are
17 shown to the witness and made clear what
18 is going to be asked of him?

19 A Yes.

10:07 20 Q Does the witness know the order that
21 these questions are going to be put to
22 him.

23 A Yes, sir."

24 Do you recall --

10:07 25 A No, they weren't.



1 Q I'm sorry, no, they weren't?

2 A No, they weren't.

3 Q What weren't?

4 A I wasn't told what order or what the questions
10:07 5 were.

6 Q And at the bottom:

7 "Q Are these questions repetitive in any
8 way? Do you ask him --

9 A In other words, do I ask the same
10:07 10 question twice within the same test?

11 Q That's right.

12 A In a certain type of test, yes, you
13 would, but not in this test."

14 Now, if I can pause there, and I think what the
10:07 15 question asked of Roberts was do you ever ask the
16 same question in the same session and he said no,
17 not in this case.

18 A Yes, he does, and sometimes it would just be
19 reworded a little bit different.

10:08 20 Q And so -- and again I think you told us there were
21 two separate sessions; correct?

22 A Yes.

23 Q And that they were similar in nature and similar
24 or identical questions between the two; is that
10:08 25 fair?



1 A Yes.

2 Q Let's just talk about one test itself, and within
3 that one test or one session do you recall whether
4 or not Inspector Roberts asked you identical
10:08 5 questions or the same questions?

6 A Yes, he did.

7 Q Do you recall what those questions were?

8 A Mostly about who killed Gail Miller, if it was me,
9 David or if I knew anything about it.

10:08 10 Q And he would have asked you -- and again just
11 talking in each session, not between the two, but
12 just in the one session, would he ask you the same
13 question then more than once?

14 A Yes.

10:08 15 Q Do you recall how many times?

16 A At least five to six times.

17 Q Now, carrying on here, the question:

18 "Q Not in this test. All right. So, you
19 would release the blood-pressure cuff,
10:09 20 relax for a few minutes, and then you
21 believe -- your practice was, in any
22 event, to run a second test?

23 A Yes.

24 Q What was the purpose of running a second
10:09 25 test?



1 A Just to make sure and verify the
2 results."

3 Do you recall any discussion with Inspector
4 Roberts about the purpose of the second test?

10:09 5 A No, I didn't.

6 Q Did you understand why he was doing it a second
7 time?

8 A No, I didn't.

9 Q And scroll down, please:

10:09 10 "Q What happened then, that you can
11 remember?

12 A As I recall, I then tore the graphs
13 off, released all the instruments from
14 him, and I made him comfortable in the
10:09 15 chair. Then, normally, if I got a
16 response showing he was deceptive, I
17 would say, "You've had trouble
18 answering these questions. Can you
19 explain it to me?"

10:09 20 Do you recall a discussion of that nature with
21 Inspector Roberts?

22 A He told me I was lying.

23 Q Do you recall the actual words that he used?

24 A Not the actual words, no.

10:09 25 Q Did they include the words lying though?



1 A Yes.

2 Q And down at the bottom:

3 "Q Do you recall saying that?

4 A Yes.

10:10 5 Q You recall that?

6 A Yes, I recall saying to him, "I think
7 you are lying to me, Ron."

8 And I think that's what you've told us, that's
9 what you recall him telling you?

10:10 10 A Yes.

11 Q "Q Okay, go on.

12 A He said, "Where?", or "When?", and so
13 on and so forth. So, I showed him the
14 chart. I said, "Now, you pick out
10:10 15 where you think there's a variance in
16 this chart." He looked at it and he
17 pointed directly to the response."

18 Do you recall an exchange of that nature with
19 Inspector Roberts?

10:10 20 A No, I don't.

21 Q Do you recall him showing you the chart or asking
22 you to point something out on the chart?

23 A I never saw the charts.

24 Q "Q All right, go on.

10:10 25 A The three indicators. I said, "You're



1 right, that's where you lied." Now,
2 he indicated that he thought there was
3 something wrong with -- he called it
4 the machine and we refer to it as an
10:11 5 instrument.

6 Q That's fine, go on.

7 A I said to him, "No, that is where I
8 --"

9 Let me actually stop there. Do you recall a
10:11 10 discussion with Inspector Roberts to the effect
11 that you thought there was something wrong with
12 the machine or instrument or polygraph?

13 A I believe I did after he called me a liar.

14 Q Pardon me?

10:11 15 A After he told me that I was lying, I said I
16 thought there was something wrong with the
17 machine.

18 Q And what do you recall of that discussion?

19 A Nothing.

10:11 20 Q And then he carries on?

21 "A I said to him, "No, that is where I
22 asked you, 'Do you suspect anyone? Do
23 you know for sure?'" And I said, "Can
24 you explain that?"

10:11 25 If I can just pause there. I think you may have



1 answered this yesterday, do you recall being
2 asked questions of that nature, do you suspect
3 anyone, do you know for sure who killed Gail
4 Miller?

10:11 5 A Yes, I believe I was asked that, yes.

6 Q And he carries on here, and this is Roberts'
7 evidence:

8 " He finally said that Milgaard had made a
9 remark to him, and he said that he kind
10 of thought that he wasn't sure, and he
11 couldn't really say for sure that he was
12 the one. I asked him then, I said,
13 "Well, what did he say to you?" He said
14 that he had hit the girl. He had hit a
10:12 15 girl. Now, I took it to mean Gail
16 Miller. I said, "Did he say the girl in
17 the back alley?", and he said, "Well, I
18 knew it was the girl in the back alley
19 and he said he hit the girl." I said,
10:12 20 "What did you take it to mean by that?"
21 Well, he says, "That he murdered her."
22 He didn't say "murdered", he said
23 something else, but it meant the same
24 thing. "Killed her", I think he said."
10:12 25 Pause there and just go to the full page on the



1 second one, please. So that part that I just
2 read you there, Mr. Wilson, do you recall a
3 discussion of that nature?

4 A No, I don't.

10:12 5 Q Now, I think you told us yesterday that one of the
6 questions, and I can't recall whether it was do
7 you know or do you suspect who killed Gail Miller,
8 you changed your answer from no to yes, or maybe
9 it was the question did David Milgaard kill Gail
10:13 10 Miller.

11 A Yes.

12 Q Do you remember that?

13 A Yes.

14 Q And what do you recall of what you told Inspector
10:13 15 Roberts about what you thought about Mr.
16 Milgaard's guilt or innocence with respect to the
17 murder of Gail Miller?

18 A I just told him we were all innocent, that David
19 was too.

10:13 20 Q Okay. But at the end of the interview did you
21 maintain that position?

22 A Not by the end of the second one, no.

23 COMMISSIONER MacCALLUM: Not what?

24 A Not by the end of the second interview.

10:13 25 BY MR. HODSON:



1 Q By the end of the second interview?

2 A Yes.

3 Q Let me just back up. The first session that you
4 had, and I think you then left the room and came
10:13 5 back for a second session, during the first
6 session do you recall if you said anything
7 incriminating about David Milgaard in the first
8 session?

9 A No, I didn't.

10:13 10 Q And in the second session did you say anything
11 incriminating about David Milgaard?

12 A Yes.

13 Q And can you recall what that was?

14 A Just when I started answering yes to the questions
10:14 15 and then later on in the interview after that.

16 Q Tell me what you recall -- I think you told us
17 while you were hooked up to the machine you would
18 have answered yes to a question that did David
19 Milgaard kill Gail Miller, or words to that
10:14 20 effect; is that fair?

21 A Yes.

22 Q And then after that in the interview with
23 Inspector Roberts, did you say more to him about
24 David Milgaard's culpability or responsibility for
10:14 25 Gail Miller's murder?



1 A That I don't recall right now, at this present
2 time.

3 Q Yeah. Now, if we just take a look at this,
4 Mr. Wilson, and again this is what Inspector
10:14 5 Roberts is saying you said, okay, these aren't
6 your words, these are his words what he says he
7 attributes to you, and he says that you -- right
8 here. He attributes to you that you said that:
9 "... he had hit the girl. He had hit a girl."
10:15 10 "... and he said, "Well, I knew it was the girl in
11 the back alley and he said he hit the girl."
12 "What did you take it to mean by that?" And he --
13 and this is you I think -- "...that he murdered
14 her. He didn't say "murdered", he said something
10:15 15 else that meant the same thing. "Killed her".
16 Do you recall a discussion of that nature with
17 Inspector Roberts at the time?

18 A After the end of the polygraph, yes.

19 Q Okay. So after the polygraph was done, in a
10:15 20 discussion with you and Inspector Roberts, do you
21 recall saying words to this effect?

22 A Yes I do.

23 Q And so you would -- or would you agree with
24 Inspector Roberts' evidence, here, as to what he
10:15 25 attributes to you? And I'm not asking you to say



1 verbatim the exact words, but similar words, would
2 you agree that he is -- your version of what you
3 told him is fairly accurate?

4 A Yes.

10:16 5 Q Okay. Now -- and, again, this is with you and
6 Inspector Roberts, is that correct, in the hotel
7 room?

8 A Yes.

9 Q Now when you said these words to Inspector Roberts
10:16 10 that David had said to you that he had hit a girl
11 and killed her or murdered her, words to that
12 effect, was that a true statement that you made to
13 --

14 A No, it wasn't.

10:16 15 Q Why did you say it?

16 A To get out of there.

17 Q And when you said these words to Inspector Roberts
18 did you appreciate, in your own mind, that you
19 were lying?

10:16 20 A At that time I really wasn't sure.

21 Q Why do you say that?

22 A Because, by that point, I had started to believe
23 that it was possible he did do it so --

24 Q So let's just go back for a moment to the -- and
10:17 25 I'll ask you to draw a distinction between what



1 you said to Inspector Roberts about David
2 Milgaard's guilt and what you thought in your mind
3 for a moment, okay, because here the words that
4 Roberts says you told him is that David Milgaard
10:17 5 told you that he had hit a girl; okay?

6 A Uh-huh.

7 Q And did you ever think, in your mind, that David
8 Milgaard had told you that?

9 A No.

10:17 10 Q So, when you told Inspector Roberts that, you
11 would have known -- when you told Inspector
12 Roberts that David Milgaard had told you that he
13 had hit a girl and murdered or killed her, or
14 words to that effect, did you know that that was
10:17 15 not the truth at the time you said it?

16 A Yes, I did.

17 Q And back to my question: Why did you tell
18 Inspector Roberts that, that David Milgaard had
19 told you that, when you knew it wasn't true?

10:18 20 A Because prior to saying that to him, he had asked
21 me questions after the polygraph was over and was
22 basically telling me that I knew the truth, and
23 basically started putting everything together for
24 them.

10:18 25 Q I'm sorry, he -- what did you say?



1 A He was asking me questions, like said I was lying,
2 like "okay, you knew you were there".

3 Q Yes?

4 A And so then we started -- I started piecing
10:18 5 together the story that they wanted in my head.

6 Q I'm sorry, you said you started to piece together
7 the story?

8 A Well, I had powers of suggestion to put a story
9 together, --

10:18 10 Q Okay.

11 A -- so I had opportunity to do it then.

12 Q So at the time you made this statement to
13 Inspector Roberts about what you said that David
14 Milgaard had told you what did you think, at that
10:19 15 time, about whether or not David Milgaard was
16 responsible for Gail Miller's murder?

17 A Deep inside, I didn't think he was, but I figured
18 this is what they wanted so this is what they are
19 gonna get.

10:19 20 Q So did you make a decision, at that point, to
21 incriminate David Milgaard?

22 A Yes I did.

23 Q Sir, did you appreciate the consequences of that
24 decision at the time?

10:19 25 A No I didn't.



1 Q When did you appreciate the consequences of that
2 decision?

3 A In the '80s.

4 Q At the time you made this statement to Inspector
10:19 5 Roberts, did you appreciate what might follow
6 that?

7 A Not really. I -- I didn't know how something
8 serious, that worked.

9 Q And did it cross your mind that what you had to
10:19 10 say to them might result in Mr. Milgaard being
11 charged with the murder of Gail Miller?

12 A Yes I did.

13 Q And did you appreciate that what you said may lead
14 to a conviction of David Milgaard for the murder
10:20 15 of Gail Miller?

16 A Yes.

17 Q And at this time, I think you told us yesterday,
18 David Milgaard would have been a friend of yours;
19 is that correct?

10:20 20 A Yes.

21 Q Can you tell me more about, to the extent that you
22 can recall Mr. Wilson, just what was said or what
23 you recall being said between you and Mr. Roberts
24 in this interview that you have talked about? I
10:20 25 think this -- I think you said it was after the



1 polygraph --

2 A Yes.

3 Q -- and you were talking to him; can you tell us
4 anything else that you remember about what was
10:20 5 discussed?

6 A Well he went through all the places that I had
7 been driven to and said "well you knew you were
8 there", questions to that effect, and that "maybe
9 you didn't see it, Dale, but you were there" -- I
10:20 10 should say "Ron".

11 Q He said what; I'm sorry?

12 A That "you weren't involved in it but you were
13 there".

14 Q And what did you say to that?

10:21 15 A That's when I had started doubting myself and
16 maybe he was right.

17 Q Is that what you thought at the time?

18 A Yes.

19 Q Why?

10:21 20 A Because, as he had told me earlier, maybe I had
21 blanked it out of my brain.

22 Q Okay. Did you think that that had happened?

23 A It was a good possibility.

24 Q Did you have any discussion with Inspector Roberts
10:21 25 about drug use?



1 A No.

2 Q If you can just go back to the page, please, and
3 this is, again, Mr. Neufeld asking Mr. Roberts:

4 "Q Go on. Please, relate --

5 A I said, "Well, do you know for sure?
6 Did you see it?", and he said, "No, he
7 did not see it." I said, "Well, how
8 do you -- what makes you think that it
9 happened?" "Well", he said, "because
10 he told me." I said, "How many times
11 did he tell you?" Now, he said once
12 he told him, and then later on I think
13 he said twice Milgaard told him.

14 Q Told him what?

15 A That he had killed the girl.

16 Q Go on, please. I want to exhaust your
17 recollection?

18 A I am trying to remember exactly the
19 sequence of events.

20 Q Just before we go on with that, was
21 there anyone in the room when you did
22 the test?

23 A No, sir.

24 Q Beside Mr. Wilson, I mean?

25 A Nobody."



1 If I can pause there, and you may have already
2 answered this, was there anybody else in the room
3 when Mr. Roberts was conducting the polygraph
4 test?

10:22 5 A Not with the test, no.

6 Q And the discussion that I just questioned you on,
7 the one with you and Roberts where you told him
8 that David Milgaard had told you he killed
9 someone, was there anybody else in the room when
10:22 10 you had that discussion with Inspector Roberts?

11 A No, there wasn't.

12 Q Carrying on:

13 "Q All right. Was it your practice to
14 allow police officers in to observe?

15 A No, sir, because of the fact that a
16 police officer may cough, just as I've
17 been doing, and spoil the test. It
18 may cause the person to jump; make a
19 response. So, you want absolute quiet
20 and only the sound of your voice.

21 Q But when you ...",
22 actually, just scroll to the next page, full page
23 please:

24 "Q All right. Can you tell me anything
25 more that you recall?



1 A Yes, in talking to him he indicated
2 that he had got out of the car. I
3 think it was to seek help to get a
4 tow-truck, or get a push, or
5 something. When he came back he said
6 that the girl in the car, Nichol John,
7 was quite agitated. She was upset.
8 He asked her, apparently, what had
9 happened, and I'm not too sure of the
10 reply, sir, so I would rather not
11 say."

12 If I can pause there, do you recall telling
13 Inspector Roberts that you got out of the car to
14 seek help to get a tow truck or get a push or
10:23 15 something?

16 A No.

17 Q Did that --

18 A No, I don't recall that.

19 Q And I think you told us, yesterday, that actually
10:24 20 happened; is that --

21 A Yes.

22 Q You recall that happening? And then, according to
23 Roberts, you said when you came back you:

24 "... said that the girl in the car,
25 Nichol John, was quite agitated. She



1 was upset."

2 Do you recall discussing that with Inspector
3 Roberts?

4 A No I don't.

10:24 5 Q And Roberts is asked:

6 "Q I don't want you to speculate, as I told
7 you at the beginning. Just go on with
8 your recollections.

9 A As I say, I went on with this, and I
10 asked him, then, would he be prepared
11 now to tell the truth about the
12 matter. Now that he had told me about
13 it, would he now be prepared to tell
14 the Saskatoon City police about it and
15 give them a statement to this effect,
16 because he was only a witness. He
17 agreed to that. I then, I guess,
18 phoned the Saskatoon City police and
19 shortly thereafter a detective came
20 and picked him up, and I believe it to
21 be Karst that picked him up.

22 In front of Karst I said,
23 "Ron has now told me what had
24 happened. Milgaard told him that he
25 hit a girl or killed a girl in the



1 back alley and he wants to tell you
2 about it." I think my last words to
3 him were, "Thanks, Ron. Make sure you
4 tell everything.""

10:25 5 If I can pause there, do you recall a discussion
6 of that nature with Inspector Roberts?

7 A Yes I do.

8 Q And has he accurately described --

9 A I would say fairly.

10:25 10 Q And he says, here, the words:

11 "... would he now be prepared to tell
12 the Saskatoon City police about it and
13 give them a statement to this effect,
14 because he was only a witness."

10:25 15 Do you recall any discussion with Inspector
16 Roberts about that?

17 A No I don't.

18 Q Now if we can just get down to this part, what
19 Roberts says he said in front of Karst is that
10:26 20 your incriminating evidence is that Milgaard had
21 told you:

22 "... that he hit a girl or killed a girl
23 in the back alley ...",

24 and we will be getting to your May 23rd statement
10:26 25 in a moment. And you are aware, sir, that in



1 that statement, and in fact at the trial of David
2 Milgaard, you had -- you gave more evidence that
3 was incriminating to David Milgaard than -- than
4 these comments?

10:26 5 A Right.

6 Q Correct?

7 A Yes I did.

8 Q And as I say, I'll get to the statement, but I
9 think you said you observed blood on his clothes,
10:26 10 and you had a comment of a discussion you had with
11 Nichol John, and some words that Mr. Milgaard said
12 when he got back to the car. You will recall we
13 went through those yesterday when I asked for your
14 recollection of events?

10:26 15 A Yes.

16 Q Do you recall whether you would have told
17 Inspector Roberts any other incriminating -- when
18 I say "incriminating", incriminating to David
19 Milgaard -- any other incriminating evidence at
10:27 20 this interview with him?

21 A No.

22 Q Is it possible you would have told him more than
23 just what he says here about David Milgaard's
24 admission?

10:27 25 A It is possible. I can't remember right now.



1 Q Okay. And maybe I can just be a bit more
2 specific. Do you recall any discussion with
3 Inspector Roberts about you observing blood on
4 David Milgaard's clothes?

10:27 5 A No I don't.

6 Q About seeing a knife in the car or on David
7 Milgaard?

8 A No I don't.

9 Q Now I think you said yesterday -- correct me if
10 I'm wrong -- that you would have looked at some
11 knives in the presence of --

12 A Yes.

13 Q -- Roberts? Do you recall if you would have told
14 Inspector Roberts that you saw a knife?

10:27 15 A Well, I did pick one out for him, but I can't
16 remember if I told him where I saw it.

17 Q Okay. And what about the discussion on the trip
18 down about purse snatching or breaking and
19 entering or rolling somebody; do you recall if you
10:28 20 discussed that with Inspector Roberts?

21 A The breaking and entering I might have, yes.

22 Q And do you recall any discussion with Inspector
23 Roberts about a cosmetic bag?

24 A No I don't.

10:28 25 Q And then, according to Roberts, after he had



1 Detective Karst there -- and do you recall, do you
2 recall who it was that Inspector Roberts turned
3 you over to, or --

4 A No I don't.

10:28 5 Q -- or which -- I take it, after you were with
6 Inspector Roberts, you -- did you go with the
7 police officer?

8 A Yes I did.

9 Q And do you remember who that was?

10:28 10 A No I don't.

11 Q And do you recall a discussion between you and
12 Inspector Roberts and that police officer at the
13 conclusion of the interview to the effect of what
14 Roberts says?

10:29 15 A I don't recall, no.

16 Q And scroll down to the bottom. After that, after
17 --

18 COMMISSIONER MacCALLUM: Excuse me,
19 counsel, I'll just -- maybe I copied this down
10:29 20 wrong, sir, but I thought you said, before, that
21 in front of Karst, Roberts related that Ron told
22 me that he had hit or killed a girl and he wants
23 you to tell -- he wants to tell you about it, and
24 then --

10:29 25 A I don't --



1 COMMISSIONER MacCALLUM: -- my response to
2 that was "I recall that", that's what I heard you
3 say; am I wrong?

4 A Well I don't, I recall that statement, but I don't
10:29 5 remember, sorry, I don't remember the officer's
6 name.

7 COMMISSIONER MacCALLUM: You recalled
8 making that statement in front of an officer but
9 you don't remember who it was?

10:29 10 A Yes.

11 COMMISSIONER MacCALLUM: All right.

12 BY MR. HODSON:

13 Q If I could just -- maybe a follow-up. I think
14 what, the question that I put to Mr. Wilson -- if
10:29 15 you could go back to the full page, please -- I
16 believe the question I put is I read this portion,
17 including this last paragraph here, where Roberts
18 says:

19 "In front of Karst I said, ...",
20 being Roberts:

21 "... "Ron has now told me what had
22 happened. Milgaard told him that he hit
23 a girl or killed a girl in the back
24 alley and he wants to tell you about
25 it." I think my last words to him were,



1 "Thanks, Ron. Make sure you tell
2 everything."

3 And I believe, Mr. Wilson, you said that that was
4 accurate?

10:30 5 A Yes.

6 Q What, that you recall that as being accurate?

7 A Yes.

8 Q And is what you are now saying is you don't know
9 if it was in front of Karst?

10:30 10 A Exactly.

11 Q And you are saying it was a police officer; are
12 you?

13 A Yes.

14 MR. HODSON: Does that clarify things,
10:30 15 Mr. Commissioner?

16 COMMISSIONER MacCALLUM: Thank you.

17 BY MR. HODSON:

18 Q Scroll down to the bottom, please:

19 "Q Okay. Do you know, yourself, today, how
20 long you were with Mr. Wilson in total
21 time that day?

22 A I would say about two hours the first
23 time. He was taken away and then I
24 think I phoned again and requested him
25 to come back in the afternoon when



1 Nichol John was there. He came back,
2 and I'm going to say for about another
3 hour, hour-and-a-half, with Nichol
4 John. Maybe an hour. And there we
5 discussed it again. Then, the
6 Saskatoon City police -- we went down
7 for coffee. I remember going
8 downstairs for coffee; buying them
9 coffee. We took a walk in the park,
10 across from the Sheraton Cavalier, and
11 came back, the three of us. Then I
12 called for the Saskatoon City police
13 and they came and picked him up."

14 Do you recall that happening, Mr. Wilson?

10:31 15 A Some of it I recall, yes.

16 Q What do you recall?

17 A The seeing of Nichol John, being there for another
18 hour, hour and a half, the coffee and the park
19 thing I don't recall.

10:31 20 Q Okay. Now Mr. Roberts says that he called you and
21 requested you to come back in the afternoon when
22 Nichol John was there:

23 "He came back, and I'm going to say for
24 about another hour, hour-and-a-half,
25 with Nichol John. Maybe an hour."



1 Do you see that?

2 A Yes.

3 Q And, according to Mr. Roberts, he says that you
4 came back in the afternoon and the three of you,
10:32 5 being Nichol John and you and Mr. Roberts, were
6 together; do you recall that?

7 A No.

8 Q Do you recall being in a hotel room or a room with
9 Nichol John and Inspector Roberts?

10:32 10 A No I don't.

11 Q Now to give you -- I can tell you, Mr. Wilson,
12 we're going to go to the statement shortly -- that
13 your statement -- you recall giving a statement,
14 do you, to the police after or in the course of
10:32 15 your session with Inspector Roberts?

16 A Yes.

17 Q That statement is dated May 23, 1969, and the time
18 on that statement is 3:30 p.m., does that sound
19 right about the time that you would have given the
10:32 20 statement?

21 A I can't recall a time.

22 Q Can you tell me where, in the sequence of events,
23 when do you recall giving the police a statement
24 on May 23rd, '69?

10:33 25 A I --



1 Q Sorry?

2 A After the second session with the polygraph.

3 Q So after the second session --

4 A Yes.

10:33 5 Q -- with Inspector Roberts?

6 A Yes.

7 Q And then, after you gave the statement to the City
8 Police, did you talk to Roberts again about this
9 matter; do you recall?

10:33 10 A I don't recall.

11 Q Do you recall having any discussion -- or let me
12 back up. I think you told us already that you saw
13 Nichol John in the hallway at the hotel --

14 A Yes.

10:34 15 Q -- when you were with Roberts? Were you aware
16 that she met with Inspector Roberts?

17 A No, I hadn't.

18 Q Pardon me?

19 A No, I hadn't been aware of whether she had or she
10:34 20 hadn't.

21 Q Okay. At some time that day are you now aware
22 that Nichol John met with Inspector Roberts?

23 A Yes.

24 Q And, on that day, did you -- did it not occur to
10:34 25 you why she might be in the hallway outside of



1 Inspector Roberts' room?

2 A Waiting for a polygraph just like I just had.

3 Q Okay. So you were aware of that at the time?

4 A Yes.

10:34 5 Q And how were you aware of that?

6 A Because she was right after me.

7 Q Okay. So on that day when you saw her did you
8 know, then, that she was going to go in and see
9 Inspector Roberts?

10:34 10 A Yes I did.

11 Q What do you recall of -- or sort of let me back
12 up. On that date, or that day or the day after,
13 do you recall anybody telling you what Nichol John
14 said or was reported to have said to Inspector
10:35 15 Roberts?

16 A No.

17 Q Did you have a discussion with Inspector Roberts
18 about that; do you remember?

19 A No, I don't remember.

10:35 20 Q Do you remember finding out what Nichol John said
21 in that interview?

22 A Umm, no. I believe I did years later.

23 Q Did you learn that she had given a statement to
24 the police the next day; did you know that?

10:35 25 A No I didn't.



1 Q Just maybe go through some of Mr. Roberts'
2 evidence, here, about that and see if this assists
3 your recollection or whether you can tell us that
4 he is wrong. If you go to page 043341, and this
10:36 5 is Mr. Roberts' evidence again, he is being
6 questioned by Mr. Neufeld of the government and he
7 is now talking about an interview with Nichol John
8 on May 23rd, 1969, I'm not sure if he says what
9 time of day, but we'll go through this because
10:36 10 there is a reference to him -- or to you right
11 after this. Roberts says:

12 "I said, "What if this had been your
13 sister?", ...",
14 and, to put this in context, Roberts is showing
15 Ms. John the nurse's uniform:

16 "... "What if this had been your
17 sister?", and she burst out, she said,
18 "My God, I do remember. I do remember.
19 I saw him fighting with her down the
20 lane. I saw him stab her." I said,
21 "Well, now you remember", and she said,
22 "Yes." I said, "Was there some reason
23 that you didn't want to tell me before?"
24 She said, "I couldn't tell you before.
25 I didn't remember until I saw the



1 dress."

2 So, I spoke to her again, just
3 to go over it again, ...",

4 and this is Roberts and Nichol John:

5 "... and so on and so forth, and I said,

6 "What did you do when you saw this?"

7 She said, "I think I got out of the car.

8 I think I got out of the car and ran."

9 I said, "Well, where did you run to?"

10 She said, "I don't know." Well, I said,

11 "Did you get back in the car? Were you
12 picked up after, or what happened?" She

13 said, "I must have got back in the car,

14 because I was there when Ron came back."

15 I said, "What happened then?", and again
16 she couldn't remember what happened.

17 But I felt at that time that
18 she had made an admission. She told me
19 what she knew. I said, "Would it help
20 you if I brought back Wilson and we sat
21 down together and talked about it?

22 Would it help your memory?" To that, I
23 imagine, she must have said, "It may",
24 because I did get Wilson back again.

25 That's when Wilson came back and we sat



1 and talked for, I don't know, possibly
2 about three-quarters of an hour.

3 But I cannot recall anything
4 else that came out of that talk, other
5 than they went over it again. I
6 remember Wilson saying, "Well, I didn't
7 see that. I guess I was away from the
8 car."

9 Does that assist your memory at all as to the
10:38 10 events of that day, Mr. Wilson?

11 A No, it doesn't.

12 Q Do you remember -- well, what Roberts reports is
13 that after he met with Nichol John he called you
14 back and had the two of you, and I think his words
10:38 15 were:

16 "... Wilson came back and we sat and
17 talked for, I don't know, possibly about
18 three-quarters of an hour."

19 Do you have any recollection of that?

10:38 20 A Not with the three of us, no.

21 Q Do you have any recollection without the three of
22 you, with someone else?

23 A No, just when Roberts brought me back the second
24 time.

10:38 25 Q Okay. Now I just read to you what Roberts



1 testified as to what Nichol John said to him at
2 the polygraph --

3 A Yes.

4 Q -- or pardon me -- at the interview?

10:38 5 A Yes.

6 Q In fairness, he said he didn't give her the
7 polygraph. So those words that I read, and in
8 particular about where he reports that Nichol John
9 said:

10 "She said, "My God, I do remember. I do
11 remember. I saw him fighting with her
12 down the lane. I saw him stab her."";

13 do you recall whether Inspector Roberts would
14 have told you that, whether Nichol John was there
10:39 15 or not, whether he would have informed you on May
16 23rd, 1969 about what Nichol John had said to him
17 in her interview? Do you understand my question?

18 A Yes I do.

19 Q Okay.

10:39 20 A No.

21 Q You don't have any recollection?

22 A I have no recollection, no.

23 Q Go to page 043343. Did you see Nichol John that
24 night, May 23rd, do you remember?

10:39 25 A I don't remember if I saw her that night or not.



1 Q And at the top Roberts is answering a question,
2 and the question, just from -- you don't have to
3 go back, it says:

4 "Q Do you assess their physical conditions
5 to see whether they're suitable for
6 being interviewed or tested at that
7 point?

8 A Yes, as well as you are able. In
9 fact, you ask the question: How many
10 hours' sleep did you have last night?
11 Did you have any drugs -- pills or
12 drugs -- in the last twelve hours, I
13 think it is. I just forget the exact
14 timeframe on it.

15 Q Is that your normal practice?

16 A That's my normal practice, yes.

17 Q Do you know if you did that with each of
18 these two individuals?

19 A I didn't do it with Nichol John,
20 because I never did test her, but I
21 would have done it with Wilson.

22 Q Was there any physical indication at
23 that time that either of them were in
24 some physical difficulty or problem?

25 A Not with Wilson, but I did think that



1 the little girl was a bit excitable."

2 Do you recall any discussion with Inspector
3 Roberts on May 23rd, '69, about your drug use --

4 A No I don't.

10:40 5 Q -- in the days leading up to that?

6 A No I don't.

7 Q What do you recall, Mr. Wilson, of your physical
8 condition at the time?

9 A Physically, I was fine.

10:41 10 Q Mentally?

11 A Messed up.

12 Q And why is that?

13 A Foggy, in a drug fog.

14 Q Okay. Explain that for me, please?

10:41 15 A When you are just coming down off acid and your
16 body is, well, your body is drained but your mind
17 is more drained than your body is.

18 Q Your mind is what, I'm sorry?

19 A Drained than your body is.

10:41 20 Q Prior to your meeting with Inspector Roberts,
21 then, do you recall when you would have last taken
22 LSD or any drugs?

23 A The day I went to Saskatoon, just prior to that.

24 Q And I think that was the afternoon of May 21st; is
10:41 25 that correct?



1 A I believe so, yes.

2 Q Do you recall if you took any drugs while you were
3 in Saskatoon?

4 A Umm, I don't believe I did, I didn't have enough
5 money with me.

6 Q Page 043344, here Roberts talks about the knives,
7 he is asked:

8 "Q All right. Do you recall dealing with
9 any other exhibits, or potential
10 exhibits, in this case, other than the
11 clothing that you described to us?

12 A No, sir, I don't.

13 Q Were you aware, in your preparation for
14 these tests, of a potential weapon in
15 this murder?

16 A Yes, sir.

17 Q Did you have any dealings with such a
18 potential weapon, or did you have any
19 discussions with the --

20 A I believe I saw some knives, or a
21 knife, but I cannot be too sure of
22 that, sir."

23 Do you recall, and I think you have told us a bit
24 about being shown knives and picking out knives,
25 is that right?



1 A Yes.

2 Q And do you recall whether Inspector Roberts was
3 involved in that process at all?

4 A He was in the room.

10:42 5 Q And do you know if he was involved -- were there
6 others in the room at the time?

7 A Yes, there was another officer.

8 Q Do you remember who that was?

9 A No I don't.

10:43 10 Q And was Inspector Roberts involved in the process
11 where you were being shown the knives and asked to
12 pick out a knife?

13 A All I remember is that he was in the room.

14 Q That he was in the room?

10:43 15 A Yes.

16 Q Page 043349. And, again, this is Mr. Neufeld
17 questioning Roberts about his interviews with you
18 and with Nichol John:

19 "Q Did you suggest answers to these people?

20 A No. I could possibly have said,
21 during the interview: Could this have
22 happened? Could that have happened?
23 That is a technique of interviewing.
24 Could it have happened? You are
25 either trying to refresh their memory



1 or hope that they will come with the
2 admission.

3 Now, I could have said that,
4 but I don't recall it."

10:43 5 Do you have any recollection of whether or not
6 Inspector Roberts asked you or suggested answers
7 to you in the course of his interview or the
8 polygraph?

9 A During the interview, yes.

10:44 10 Q And tell us what you recall of that?

11 A It was like "you knew you were there", like I
12 repeated before, "you didn't see anything but, you
13 know, but you knew it happened", and things of
14 that nature.

10:44 15 Q And what did you reply to him when he said that?

16 A I started thinking maybe he was right.

17 Q Neufeld asks Roberts:

18 "Q All right. Just allow me to check my
19 notes for a moment.

10:44 20 It has been suggested by
21 Mr. Wilson that he was brainwashed,
22 misled and manipulated by police
23 officers."

24 Just pause there. Have you suggested that
10:44 25 before, Mr. Wilson?



1 A I believe I have, yes.

2 Q And can you tell us -- and again these are Mr.
3 Neufeld's words in a question to Mr. Roberts, but
4 you are now saying that you have made those
10:45 5 suggestions before?

6 A Some of them, yes.

7 Q Can you explain what you mean by that?

8 A That I was told where everything happened, showed
9 where everything happened and basically led into
10:45 10 making up my story.

11 Q And that you -- it's reported here that you say
12 you were misled and manipulated by police
13 officers?

14 A Yes.

10:45 15 Q And who are you referring to?

16 A Mr. Roberts mostly, yes.

17 Q Okay. Anybody else?

18 A I believe the other two that interviewed me after
19 when I gave my statement.

10:45 20 Q And do you recall who that was?

21 A I believe it was Karst and Short.

22 Q And what are you saying they did?

23 A They helped me with the story.

24 Q Okay. In what way?

10:46 25 A Kept on making suggestions to me about where we



1 were and kind of filled you in on what happened.

2 **Q** If you can scroll down -- actually, when you use
3 the term brainwash, what do you remember by that?
4 Is that your word do you know?

10:46 5 **A** It might have been my word, but back then it could
6 have been -- that's what I thought because in the
7 frame of mind I was in.

8 **Q** And the answer of Roberts here is:

9 "A I'm not a brainwasher, sir, or a
10:46 10 hypnotist, or anything else like that.
11 I am as I am, and I certainly -- I think
12 I handled both with kid gloves because I
13 knew I was dealing with a murder case
14 and I had been in homicide and run the
10:46 15 homicide squad in Calgary for a good
16 number of years. I know what and how
17 serious a case like that is. So, no,
18 sir."

19 I think that calls for a comment, Mr. Wilson.

10:47 20 **A** He wasn't a nice person.

21 **Q** Pardon me?

22 **A** He didn't treat with me kid gloves, no.

23 **Q** And why do you say that?

24 **A** His tone of voice, his intimidation, things of
10:47 25 that nature.



1 Q And what do you mean by tone of voice? Tell me
2 what you observed?

3 A I can't remember. I don't know how to put it.

4 Q You used the word intimidated. What do you mean
10:47 5 by that?

6 A Well, the raising of his voice, his mannerism.

7 Q Go to page 043359 and these are questions of
8 Inspector Roberts by Mr. Wolch who was the lawyer
9 for David Milgaard and he says:

10:48 10 "Q But you were commencing on the
11 assumption that these kids --"
12 And he's referring to you and Nichol John,
13 " -- were holding back or not telling the
14 truth?

10:48 15 A That's correct."
16 Did you have that impression of Inspector
17 Roberts?

18 A Yes.

19 Q And on what basis do you say that?

10:48 20 A The way he kept on basically hounding us.

21 Q When you say us --

22 A Well, I should say me.

23 Q Page 043361, and again this is Mr. Wolch
24 questioning Mr. Roberts, he says:

10:49 25 "Q In terms of the demeanour of the kids,



1 Wilson, did he seem calm; agitated? Did
2 he change from time to time? How would
3 you describe him?"

4 And Roberts answers:

10:49 5 "A Wilson was certainly a lot calmer than
6 Nichol John. I think I knew at that
7 time that Wilson had previously been in
8 trouble with the police. I'm saying I
9 think I knew he had previously been in
10:49 10 trouble with the police. To me, he
11 exhibited the behaviour of somebody that
12 had been previously questioned by the
13 police and wasn't going to tell them too
14 much. In other words, he just wasn't
10:49 15 going to squeal on anybody. That was
16 the recollection I have of that."

17 Now, that's Inspector Roberts' assessment or
18 observation of you. Had you been previously
19 questioned by the police?

10:50 20 A Yes.

21 Q Would you agree with Inspector Roberts' assessment
22 of your demeanour as he described -- take your
23 time and read that over if you like.

24 A No, I wouldn't.

10:50 25 Q Why not?



1 A Because other than Ken Walters, I was scared of
2 the police.

3 Q Other than Ken Walters?

4 A Yes.

10:50 5 Q And why were you scared of the police?

6 A Because I didn't like dealing with them.

7 Q Why?

8 A Because they were the police.

9 Q Because you had been charged and convicted?

10:50 10 A Yes.

11 Q Would the previous dealings with the police be
12 when you, Mr. Wilson, were in trouble for
13 something?

14 A Yes.

10:50 15 Q And you say it was different with Walters; is that
16 right?

17 A Yes, it was.

18 Q And why is that?

19 A Because he had become kind of a friend.

10:51 20 Q And then just down to the bottom, Roberts is asked
21 about you:

22 "Q So, he was going to be a bigger
23 challenge, from your perspective?

24 A Oh, yes.

10:51 25 Q He was shown photographs, was he not, of



1 the victim?

2 A I believe that there were photographs
3 there. I think I had one or two
4 photographs. I'm not too sure. I
10:51 5 believe there was, sir.

6 Q What would be the purpose in showing him
7 something like that?

8 A To see whether or not he could recall
9 having seen that girl in the alley.

10:51 10 Q You would think he'd forget something
11 like that?

12 A Some of them conveniently forget, sir.

13 Q And this photograph might just refresh
14 his memory?

10:51 15 A Might jog his memory.

16 Q Jog his memory. What about clothing?
17 He was shown clothing, as well?

18 A Yes, I believe he was. Yes. I don't
19 know that he made any specific remark
10:51 20 about them.

21 Q And that would include the dress?

22 A Yes.

23 Q And the dress was blood-stained?

24 A Yes, I believe it was. Yes.

10:52 25 Q Did you just hold it in front of him, or



1 put it to him --

2 A I think it was still contained in a
3 sort of cellophane bag that you can
4 see through. I don't think I took it
10:52 5 out.

6 Q What's the point of showing him
7 something you can't really see?

8 A Oh, he could see that it was a dress
9 and he could see that there was blood
10:52 10 stains on it."

11 Let me pause there. I think you may have already
12 told us this, Mr. Wilson. Does that, what
13 Inspector Roberts is describing there, is that --

14 A The photographs and the clothing, yes.

10:52 15 Q And the question:

16 "Q Now, the charts for Wilson, do they have
17 the questions on them?

18 A Oh, yes.

19 Q You are sure of that?

10:52 20 A But they have a number.

21 Q That's what I want to get at. I mean,
22 the actual question is not on the chart?

23 A Oh, no, it's not written on the chart.
24 No.

10:53 25 Q Okay. So, if you read the chart you



1 can't see the questions?

2 A No, you would have to have the other
3 copy of the questions.

4 Q So, if Wilson pointed to the chart, he
10:53 5 wouldn't know what question he was
6 talking about?

7 A No, he asked me and I told him. I
8 pointed to the question -- the list of
9 questions -- and the chart, "Here's
10:53 10 the number."

11 Do you recall any of that with Inspector Roberts?

12 A No.

13 Q It carries on:

14 "Q Is that one of the questions you asked
10:53 15 Wilson: Did you ever intentionally hurt
16 anyone?

17 A Yes, sir.

18 Q How did he answer that?

19 A What do you mean: How do you
10:53 20 answer --

21 Q How did he answer it?

22 A "No."

23 Q He said he had never intentionally hurt
24 anyone?

10:53 25 A That's right.



1 Q That may have been one of the questions
2 that came out as a lie in the test?

3 A That's right. It's a known lie.

4 Q It's a known lie?

10:53 5 A Yes, sir.

6 Q You are losing me on that one. Why is
7 that a known lie?

8 A Somebody at every time in their life
9 has intentionally lied and hurt
10:54 10 somebody.

11 Q So, you know he was lying without even
12 looking at the chart?

13 A But, now, if he remembered it -- you
14 see, it's very simple, sir, to tell a
10:54 15 lie. But the fear of telling a lie
16 and being detected in that lie is what
17 causes the polygraph to operate.

18 Q I'm having a little bit of trouble. You
19 asked him the question: Did you ever
10:54 20 intentionally hurt anybody?

21 A Yes.

22 Q That's one of the questions you asked
23 him?

24 A I recall that now. I didn't recall it
10:54 25 until you mentioned it.



1 Q And you asked him that question, which,
2 you might agree with me, may cause him
3 to think he's under suspicion?

4 A Oh, yes, I suppose it could do. Yes,
10:54 5 and I had previously told him that in
6 my mind he was a suspect, and I had
7 been told that previously."

8 If I can pause there. Do you recall, Mr. Wilson,
9 the question being asked of you did you ever
10:55 10 intentionally hurt anybody?

11 A No, I don't recall it.

12 Q Now, carrying on right here, and I'll read this
13 again:

14 "Q And you asked him that question, which,
10:55 15 you might agree with me, may cause him
16 to think he's under suspicion?

17 A Oh, yes, I suppose it could do. Yes,
18 and I had previously told him that in
19 my mind he was a suspect, and I had
10:55 20 been told that previously.

21 Q Okay. So, you thought he was a suspect?

22 A No, no, that he was not a suspect.

23 I'm sorry. I made a mistake there."

24 If I can pause, and I'm sorry if I've asked you
10:55 25 this question before, Mr. Wilson, but do you have



1 any recollection, or what is your recollection of
2 any discussion with Mr. Roberts about whether or
3 not you were a suspect in his mind of the Gail
4 Miller murder?

10:55 5 A I can't recall that right now.

6 Q Go to the next page, please, and again he's asked
7 the question:

8 "Q Did you ever intentionally hurt anyone?

9 A That's a broad question. It was not
10:56 10 brought back to the actual murder,
11 sir.

12 Q I realize that, but you can appreciate
13 that this young fellow, sitting there,
14 being asked if he ever intentionally
10:56 15 hurt anyone, could easily interpret that
16 you have some suspicion of him.

17 A You mean he could have interpreted it
18 that I would have some suspicion of
19 him having committed this murder, is
10:56 20 that what you're saying?

21 Q Yes.

22 A I don't know what went on in his mind."
23 If I can pause there. Are you able to tell us,
24 Mr. Wilson, what you were thinking at the time
10:56 25 while you were with Inspector Roberts about



1 whether or not you were --

2 A I would imagine I did think I was a suspect at one
3 point until everything started going towards
4 David.

10:56 5 Q And then what happened?

6 A Then I didn't think I was a suspect any more.

7 Q So when you entered the room with Inspector
8 Roberts that morning, did you think you were a
9 suspect?

10:57 10 A Not until he got into the questions.

11 Q Okay. And when he got into the questions, did you
12 at that point think you were a suspect?

13 A Yes.

14 Q Why?

10:57 15 A When he started asking me if I had killed Gail
16 Miller.

17 Q And so at some point that day then with Inspector
18 Roberts you had that concern?

19 A Yes.

10:57 20 Q And I can't recall the words you used, but you
21 said did that then go away or did you then no
22 longer have that concern?

23 A It finally went away, so I had no concern about it
24 then.

10:57 25 Q When did that happen and how did that happen?



1 A It went away, that question went away quickly.

2 Q I'm sorry?

3 A I said that question went away quickly, if I had
4 killed Gail Miller.

10:57 5 Q And why did it go away?

6 A I don't know.

7 Q Okay. Scroll down, please, Roberts is asked:

8 "Q What is the purpose of asking that kind
9 of question?

10:58 10 A Because some time in a person's life
11 you have hurt somebody. Now, it is
12 what is known as a known lie. In
13 other words, there will be a slight
14 response to that question. But the
10:58 15 question you're after is the big,
16 relevant question, where you get the
17 big response.

18 Q Now, isn't one of the other questions
19 you asked him: Have you lied on any of
10:58 20 the other questions?

21 A I possibly asked him that. I do not
22 recall that question, sir, but I
23 could, possibly, have asked that."

24 Do you remember, Mr. Wilson, whether Inspector
10:58 25 Roberts asked you whether you had lied on any of



1 the other questions?

2 A Yes, I do.

3 Q And do you remember what you answered?

4 A No, I don't.

10:59 5 Q If you can go to the next page, please, 043369,
6 and Mr. Wolch suggests to Inspector Roberts:

7 "Q I'm going to suggest to you that, from
8 your result on the machine, it showed
9 there were two lies.

10:59 10 A Yes, sir."

11 Do you recall, Mr. Wilson, whether Inspector
12 Roberts told you any number of -- a number of
13 lies?

14 A No.

10:59 15 Q It carries on:

16 "Q The first lie was, intentionally hurting
17 anyone?

18 A No, sir. On the S. Do you suspect
19 anyone? And, do you know for sure?

10:59 20 Those were the two questions that I
21 got a large response on that indicated
22 to me that he was being deceptive."

23 Do you recall any discussions with Inspector
24 Roberts about those two questions being -- you
10:59 25 being deceptive on them, at least according to



1 his interpretation?

2 A No.

3 MR. HODSON: I'm wondering,
4 Mr. Commissioner, if this might be an
11:00 5 appropriate -- it's a bit early, but maybe we'll
6 break.

7 COMMISSIONER MacCALLUM: Okay. 15, please.

8 *(Adjourned at 11:00 a.m.)*

9 *(Reconvened at 11:18 a.m.)*

11:18 10 BY MR. HODSON:

11 Q Go to page 0 -- I'm sorry, back on the Roberts'
12 transcript -- 043373, and again this is Mr.
13 Roberts being examined by Mr. Wolch:

14 "Q Well, you had talked to one of the kids
11:19 15 and you would say to them, "I suggest to
16 you the following happened," whatever
17 the fact was. And that fact being
18 suggested was a fact the other kid had
19 told you already?

11:19 20 A That technique has been used in
21 interrogation, but I do not recall it
22 being used on this occasion. I could
23 possibly have mentioned to her what
24 Wilson had said.

11:19 25 Q Sure.



1 A And I know, when Wilson came back,
2 that I told him what Nichol had said
3 in front of Wilson."

4 And if I can pause there, and I know I've asked
11:19 5 you this before, but you'll see here where
6 Inspector Roberts is saying that when you came
7 back, that he told you what Nichol had said. Do
8 you see that?

9 A Yes, I do.

11:20 10 Q And does that assist your recollection at all or
11 do you disagree with that or do you just not
12 recall?

13 A I do not recall.

14 Q Okay. Go to page 043376. Do you recall,
11:20 15 Mr. Wilson, when you told me earlier this morning,
16 that after the polygraph session you were
17 interviewed by Inspector Roberts when, and you
18 told us I think your recollection about what was
19 discussed and I think that's when you told us you
11:20 20 implicated Mr. Milgaard. You know what portion of
21 the time period with Roberts I'm talking about?

22 A After the end of the second polygraph test?

23 Q Yes.

24 A Yes.

11:21 25 Q Where you talked to him and he interviewed you and



1 you told him things?

2 A Yes.

3 Q Do you recall whether he took any notes of that?

4 A No, I don't.

11:21 5 Q Go to page 376 here and Mr. Roberts is asked:

6 "Q Most police officers take notes at the
7 time or later on. Did you -- I'm not
8 being critical, I just want to know --
9 did you?

11:21 10 A No, I would not take notes in the
11 first instance at any time because
12 sometimes that upsets the person being
13 questioned. I would take them after,
14 of if they made a statement I would
11:21 15 write out the statement.

16 Q And after the -- in this case the kids
17 speak to you and the police come along,
18 you make sure that what was
19 significantly told to you is brought
11:21 20 home to the police in the presence of
21 the young person?

22 A Yes, sir.

23 It is a policy of mine
24 because then actually they can't back
11:22 25 out of it then, because I have already



1 said what they have told me in front
2 of the detective. If they were going
3 to back out of it they would have
4 probably said, "I didn't say that."
11:22 5 Neither one of them said that.

6 Q They didn't back out?

7 A No."

8 And do you recall, and I've asked you a similar
9 question before, do you recall that happening
11:22 10 with Inspector Roberts and another police
11 officer?

12 A No, I don't.

13 Q I would now like to move, after the polygraph --
14 now, after you were done with Roberts, tell us
11:22 15 again what happened? Where did you go and who did
16 you go with?

17 A With the police officer back to the police
18 station.

19 Q And for what purpose?

11:23 20 A To give a statement.

21 Q And do you recall who that officer was?

22 A No, I don't.

23 Q If I can call up that statement, it's 002242, and
24 that may not be the doc ID, but those are the page
11:23 25 numbers, and this is a statement, May 23rd, 1969.



1 Do you see that in the top right-hand corner?

2 A Yes.

3 Q And 3:30 p.m., you see that?

4 A Yes.

11:23 5 Q And Ronald Dale Wilson, that's your address and
6 date of birth; is that correct?

7 A Yes.

8 Q Bottom right-hand corner, is that your signature?

9 A Yes.

11:23 10 Q And it's witnessed E. Karst. Do you recall a
11 Detective Karst?

12 A Yes, I do.

13 Q Is he the individual that you would have given the
14 statement to?

11:23 15 A By that, yes, but I don't recall.

16 Q Okay. When you say yes, is that because his name
17 appears on the statement?

18 A Yes, because his name is on it.

19 Q But apart from that, do you have any recollection
11:24 20 of him being the officer?

21 A No.

22 Q If we could go to the last page of that, please,
23 or to 002245, if you could just call out this
24 bottom part, please, and it appears that this
11:24 25 statement says:



1 "Sworn before me this 23rd day of May,
2 1969 at Saskatoon, Saskatchewan. F.L.
3 Burron, a Justice of the Peace in and
4 for the Province of Saskatchewan."

11:24 5 Do you recall swearing this statement in front of
6 a justice of the peace?

7 A No, I don't.

8 Q Is that your signature in the bottom right?

9 A Yes, it is.

11:24 10 Q Do you have any reason to dispute what is stated
11 on here, that this was sworn in front of a justice
12 of the peace?

13 A No, I don't.

14 Q Now, can you tell me what you -- and let's not
11:25 15 deal with the contents of this statement, but I
16 want to know the circumstances, where -- do you
17 remember where this took place?

18 A I believe at the police station.

19 Q At the police station?

11:25 20 A Yes.

21 Q Was it in an interview room do you remember?

22 A I don't remember.

23 Q Do you remember who else was present?

24 A I believe there was two officers, but I can't be
11:25 25 positive.



1 Q And do you recall the nature -- did they ask you
2 questions and you gave answers or did you give a
3 narrative and tell them a story or do you
4 remember?

11:25 5 A It was basically question/answer and then you gave
6 the statement after that.

7 Q And then did you read the statement over before
8 you signed it?

9 A Yes, I believe I did.

11:25 10 Q If I could go to doc ID 106669, please, and if you
11 could go to page 106672, and this is a police
12 report of Detective Karst, Mr. Wilson, that's
13 dated I believe May 25, and I've referred to parts
14 of this to you before and I just want to go over a
11:26 15 couple of paragraphs where the police describe --
16 or the police write down their account of what
17 happened, and I'll just read it to you, it says:

18 "On Friday, May 23rd, I --

19 And that's Detective Karst,

11:26 20 -- attended at 608 Cavalier Motel in the
21 company of Inspector Wood, Lieutenant
22 Short, Detective Sergeant Mackie,
23 Constable Chartier and Morrison, and at
24 3:00 p.m., I called at room 610 of the
11:26 25 Cavalier where Wilson picked out a knife



1 which was out of a group of five, which
2 Inspector Roberts had shown him as being
3 similar to the one he states he had seen
4 en route from Regina to Saskatoon on the
11:27 5 morning of January 31st, this being a
6 reddish brown colored bone handled type
7 paring knife."

8 If I can just pause there. Do you recall
9 Inspector Wood, is that a name that you are
11:27 10 familiar with?

11 A No, it's not.

12 Q Lieutenant Short?

13 A Yes.

14 Q Detective Sergeant Mackie?

11:27 15 A I recall the name.

16 Q Constable Chartier?

17 A No.

18 Q Morrison?

19 A No.

11:27 20 Q And Karst?

21 A Yes.

22 Q And so here it's reported that they attended at
23 the hotel, and it says, "Where Wilson picked out a
24 knife which was out of a group of five." If I can
11:27 25 pause there. I think you said before you thought



1 six?

2 A I thought six, yes.

3 Q And do you recall picking out a knife?

4 A Yes.

11:27 5 Q And it says, "Which Inspector Roberts had shown
6 him..." that's you, "...as being similar to the
7 one he states he had seen en route from Regina to
8 Saskatoon on the morning of January 31." Now, I
9 think before you said you recalled picking out a
11:28 10 knife, but that you couldn't remember -- I think I
11 asked you, "And what did you connect it to you,"
12 and you said you couldn't remember, and here the
13 police report says that you picked out a knife as
14 being one that you saw on the morning of January
11:28 15 31. Do you see that?

16 A Yes.

17 Q Do you recall if that's what you would have told
18 the police or Inspector Roberts?

19 A I don't believe so.

11:28 20 Q You don't believe you did?

21 A No.

22 Q What would you have told him when you said that's
23 the knife, what were you saying?

24 A It's the one they wanted me to pick out.

11:28 25 Q Okay. But for what purpose?



1 A I didn't know.

2 Q So they showed you some knives and said have you
3 ever seen any of these before?

4 A Yes.

11:28 5 Q And did they say -- did they ask you whether any
6 of these knives had been in your car or on David
7 Milgaard on the trip?

8 A At that time I don't think so.

9 Q What did you understand you were picking a knife
11:29 10 out for?

11 A Something to do with the case.

12 Q Did you think it was the murder weapon?

13 A I wasn't sure.

14 Q So are you telling us you weren't sure that the
11:29 15 knife you were picking out -- let me rephrase
16 that. Are you telling us that when you picked out
17 a knife, you weren't saying that that's a knife
18 that you connected to David Milgaard?

19 A That's true.

11:29 20 Q That's true. So it was just a knife and you
21 weren't connecting it to him?

22 A Yes.

23 Q And it goes on to state that, "...this being a
24 reddish brown colored bone handled type paring
11:29 25 knife." Do you remember what the knife looked



1 like that you had picked out for -- or picked out
2 that day?

3 A It was the one they kept on going back to the
4 most. That's why it was that colour and --

11:29 5 Q And what colour do you remember it being?

6 A The colour that's stated here.

7 Q So reddish brown coloured bone handled; is that
8 right?

9 A Yes.

11:30 10 Q What do you interpret bone handled to mean?

11 A Just that type of knife, just the kind of design
12 that was on it.

13 Q I'm sorry, you think bone handle has a design on
14 it?

11:30 15 A Yes.

16 Q And we had talked yesterday about a hunting knife.
17 Do you remember that?

18 A Yes.

19 Q And I think you described the design on the
11:30 20 hunting knife as being -- I think it was speckled
21 or words to that effect; is that correct?

22 A Tone-toned beige.

23 Q Two toned, I'm sorry.

24 A Yeah.

11:30 25 Q So beige and brown, two-toned beige?



1 A Yeah.

2 Q And that's what you -- in your mind that's what
3 bone handled means does it?

4 A Yes.

11:30 5 Q And so here, and I think I showed you yesterday a
6 knife handle, you remember that?

7 A Yes.

8 Q And the one I showed you yesterday I think you
9 told us you didn't recognize?

11:30 10 A No, it doesn't look like a bone handled knife to
11 me.

12 Q So the one that you picked out when you were with
13 the police, maybe tell me in your own words,
14 describe as best you can what knife you identified
11:30 15 on May 23rd, 1969?

16 A I believe I identified the knife that we picked up
17 in Rosetown after we left Saskatoon.

18 Q Okay. And tell me what it looked like?

19 A It was -- not really a paring knife, per se, it
11:31 20 was closer to a steak knife.

21 Q Yes.

22 A With a similar handle to what the one you showed
23 me had, but --

24 Q Who showed you, I'm sorry?

11:31 25 A The one you showed me.



1 Q Okay, yes.

2 A And it had kind of like an imprint of, like, a
3 bone-handled knife on it.

4 Q Okay. And what colour was it?

11:31 5 A Brown or maroon.

6 Q But it wasn't a solid colour, is that what you are
7 saying, or was it a solid colour?

8 A It was a solid colour, but kind of a mixture of a
9 colour. Like, it wasn't really brown, it wasn't
11:31 10 really maroon, it was kind of in between.

11 Q But was the entire handle one colour or were there
12 two colours in the handle?

13 A It was kind of a blended colour.

14 Q We'll maybe come back to that.

11:32 15 A Yeah, okay.

16 Q And so maybe -- have you got the exhibit here?

17 CLERK: Yes.

18 MR. HODSON: I'm sorry, what's the exhibit
19 number of that, Irene?

11:32 20 CLERK: The knife handle is P-1 and the
21 silver part of the knife is P-4.

22 BY MR. HODSON:

23 Q So for the record, P-1 is the handle and P-4 is
24 the knife blade, and you are looking at P-1?

11:32 25 A Yes.



1 Q And I think yesterday you commented on that. Is
2 that handle similar to the handle of the knife
3 that you picked out on May 23rd, 1969?

4 A Similar in colour, yes.

11:32 5 Q Similar in colour?

6 A Yes.

7 Q Is it similar in design?

8 A Not the end of it, no.

9 Q Is the knife that you picked out on May 23rd, '69
11:33 10 the same knife as I'm showing you there, P-1, P-4,
11 or was it a different knife?

12 A I believe it was a different knife.

13 Q And what was different about it?

14 A The handle was thinner and the blade was
11:33 15 different.

16 Q And was the colour of the handle identical or
17 similar?

18 A Similar.

19 Q Similar?

11:33 20 A Yes.

21 Q Was it identical?

22 A I can't recall if it was identical.

23 Q Now, you had told me yesterday morning when we
24 started out that you are telling us today, or
11:33 25 yesterday, or currently, that you recalled Mr.



1 Milgaard having a bone-handled hunting knife and I
2 believe you said it came from the elevator in
3 Aylesbury; is that correct?

4 A Yes.

11:34 5 Q And tell me how that knife differs in description
6 from P-1 and P-4, the knife I showed you?

7 A Three times the size.

8 Q And a different handle?

9 A Yes.

11:34 10 Q Did you pick out -- or was that type of knife
11 shown to you on May 23rd?

12 A No, it wasn't.

13 Q If we can just go back to, and again this is
14 Detective Karst's report here, it says:

11:34 15 "Wilson was then brought to the police
16 station and at 3:30 p.m., a statement
17 was taken from his with regards to the
18 above described incident adding to the
19 original that he had seen this knife in
11:34 20 the car during the trip, which he
21 previously denied. Also added in his
22 statement was that when Milgaard
23 returned to the car after being stuck,
24 the first time, he stated something to
11:34 25 the effect that, "I fixed her", and when



1 Wilson questioned him on this Milgaard
2 declined to make any further comment."

3 So I'll come back to this report a bit later, but
4 what this suggests here, Mr. Wilson, is that you
11:35 5 were brought back to the police station and a
6 statement was taken, and would you agree that
7 that's what happened?

8 A Yes.

9 Q If we can go back to 002242, please, the
11:35 10 statement, and I'm now going to ask you some
11 questions, Mr. Wilson, about this statement. And
12 just, again, to point out to you, it's the May
13 23rd, '69 statement at 3:30 p.m., and I believe it
14 was the second statement, then, that you had given
11:35 15 to police in this matter; is that correct?

16 A Yes.

17 Q The first being the March 3rd, '69 statement?

18 A Yes.

19 Q And there is a typed version of this statement
11:36 20 that's prepared that I will use, it's a little
21 easier to read the writing, if I could call up
22 065360 and go to page 361, please. And so this is
23 just the typed, typewritten version, you
24 understand that?

11:36 25 A Yes.



1 Q We'll just go call out paragraph 1, please, and
2 we'll scroll down. It says:

3 "With regards to the statement I gave
4 Inspector Riddell in Regina I now have a
11:36 5 few things to add and change. On the
6 way from Regina to Saskatoon we stopped
7 at Alesbury where Milgaard broke into an
8 elevator office. I think he stole a
9 flashlight which I have at home."

11:36 10 Is that a true statement?

11 A No.

12 Q And what's not true about that?

13 A I didn't know about the flashlight until on the
14 trip to Saskatoon when I was told that was what
11:37 15 was taken out of the break and entering instead of
16 a knife.

17 Q Pardon me?

18 A When I was told that -- what was taken out of the
19 break and entering instead of a knife.

11:37 20 Q Okay. I'm not following. So on the trip to
21 Saskatoon; is that with the police officers?

22 A Yes.

23 Q Okay. And explain that for me again please?

24 A Well when they told me a flashlight was stolen
11:37 25 instead of a knife, and I must have been mistaken



1 about the knife, so I put in a flashlight.

2 Q Okay. So here, in this statement, you are saying:

3 "I think he stole a flashlight which I
4 have at home."

11:37 5 And what are you telling us today; do you recall
6 a flashlight at all?

7 A No I don't.

8 Q So, apart from the flashlight part, is the balance
9 of that statement true?

11:38 10 A Yes.

11 Q And I think, yesterday, you told us that on the
12 trip from Regina to Saskatoon on May 21st, 1969,
13 you told the police officers about the break-in at
14 the elevator; is that correct?

11:38 15 A Yes.

16 Q In fact, you went there with them, didn't you?

17 A Yes.

18 Q So this isn't anything -- this you have already
19 told the police officers, then, a day or two
11:38 20 earlier; is that fair?

21 A Yes.

22 Q Next paragraph, please:

23 "Also today Mr. Roberts showed me 5
24 small knives at the Cavalier Hotel and I
11:38 25 picked out a brown bone handled one



1 which I had seen Milgaard with somewhere
2 between Regina and Saskatoon. He may
3 have got this knife from the Champs
4 Hotel where we ate that day. I don't
11:38 5 know just where I seen this knife on him
6 but I remember it or one like it."

7 Did you say these words to the police on May
8 23rd, '69?

9 A Yes I did.

11:39 10 Q And maybe we can -- I can ask you a general
11 question. Are you satisfied, Mr. Wilson -- and
12 you have read this statement previously, haven't
13 you?

14 A Yes.

11:39 15 Q Are you satisfied that what is written in this
16 statement are words that you would have told the
17 police officers on that date?

18 A Yes.

19 Q So in other words, what they wrote down, is that
11:39 20 what you told them?

21 A Yes.

22 Q So this statement, this paragraph I just read you,
23 is that a true statement?

24 A No.

11:39 25 Q And what is not true about it?



1 A About the knife coming from the Champs Hotel and
2 about seeing it on David between Regina and
3 Saskatoon.

4 Q Okay. So you say here:

11:39 5 "He may have got this knife from the
6 Champs Hotel ...",
7 why did you tell the police officers that?

8 A I don't recall, sir.

9 Q And, I'm sorry, you said the other thing that was
11:40 10 wrong was about the knife you saw on David; is
11 that right?

12 A Yes.

13 Q So it says here that you picked out a brown
14 bone-handled one, and is that, is that what you
11:40 15 recall picking out?

16 A Yes.

17 Q And you say:

18 "I don't know just where I seen this
19 knife on him but I remember it or one
20 like it."

21 And that's referring to Milgaard. Is that a true
22 statement?

23 A Yes it is.

24 Q And is that the bone-handled hunting knife that
11:40 25 you are --



1 A No, it's the paring knife we picked up in
2 Rosetown.

3 Q Okay. Now what this says, Mr. Wilson -- let's
4 just go back and read it again -- it says:

11:40 5 "Also today Mr. Roberts showed me 5
6 small knives at the Cavalier Hotel and I
7 picked out a brown bone handled ..."
8 knife?

9 "... brown bone handled one which I had
11:41 10 seen Milgaard with somewhere between
11 Regina and Saskatoon."

12 Okay? So --

13 A Yeah.

14 Q -- let's just maybe go back on that. Let's just
11:41 15 take that first sentence. Is that a true
16 statement, that you saw Milgaard with a brown
17 bone-handled knife between Regina and Saskatoon?

18 A Yes.

19 Q Okay. That's true?

11:41 20 A Yes.

21 Q And what knife would that be?

22 A That would have been the hunting knife.

23 Q Okay. So here, the brown bone-handled one, you
24 saw him with a brown bone-handled hunting knife;
25 --



1 A Yes.

2 Q -- is that right?

3 A Yes.

4 Q Now it says here, Mr. Wilson, that you picked that
11:41 5 out:

6 "... I picked out a brown bone handled
7 one which I had seen Milgaard with
8 somewhere between Regina and Saskatoon."
9 And it says here:

11:42 10 "... but I remember it or one like it."
11 And, in fairness, I think you told us that the
12 one you picked out with Inspector Roberts or with
13 the police on May 23rd was not the hunting knife;
14 right?

11:42 15 A Exactly.

16 Q So I'm just having trouble understanding this
17 statement, Mr. Wilson. Let's just go back. You
18 told us that you recall Mr. Milgaard having a
19 hunting knife, a bone-handled hunting knife,
11:42 20 between Regina and Saskatoon; correct?

21 A Yes.

22 Q And that knife is bigger than the paring knives
23 that you were -- or the knives that you were shown
24 on May 23rd?

11:42 25 A Yes.



1 Q And it's bigger than the knife that I showed you,
2 being P-1 and P-4, the maroon-handled paring
3 knife; correct?

4 A Yes, yes.

11:42 5 Q And I think you said it's bigger and it's
6 different; is that right?

7 A Yes.

8 Q And that when you met with the police on May 23rd,
9 '69 you picked out a knife, and I think you said
11:42 10 it was the one -- or the one they pointed to, or
11 something like that; is that right?

12 A Yes.

13 Q And that knife that you picked out, was it similar
14 to the bone-handled hunting knife that you saw on
11:43 15 David Milgaard between Regina and Saskatoon?

16 A No.

17 Q Okay. So they are different knives, the one that
18 you picked out on May 23rd was different than the
19 actual knife that you saw on David Milgaard, is
11:43 20 that fair?

21 A That's fair, yes.

22 Q So when you give this statement here -- and so
23 that -- just so that I am clear, the knife that
24 you picked out for the police was not the knife
11:43 25 that you saw David Milgaard have; is that fair?



1 A Yes.

2 Q And did that knife that you picked out for the
3 police have anything to do with the paring knife
4 that you bought after you left Saskatoon in
11:43 5 Rosetown?

6 A It looked similar to me.

7 Q Okay. So when we go back here what this statement
8 says, you are telling the police, is that the
9 knife you picked out -- and if I call it a, why
11:44 10 don't we say 'paring knife' -- was it a paring
11 knife that you picked out on May 23rd?

12 A Yes.

13 Q So that when you picked, it says 'I picked out a
14 paring knife', you are saying that you saw that on
11:44 15 Milgaard between Regina and Saskatoon, is that
16 correct, that's what you are saying here?

17 A That's what I am saying there, yes.

18 Q Okay. And is that a true statement?

19 A The brown-handled paring knife?

11:44 20 Q Yes?

21 A Okay. Repeat your question again?

22 Q Sure. What I am trying to get at, Mr. Wilson, is
23 whether this statement that you gave to the
24 police, that paragraph, is true. And what it says
11:44 25 is, let's just go through it again":



1 "... today ...",

2 being May 23rd:

3 "... Mr. Roberts showed me 5 small

4 knives ...",

5 and let's call them paring knives, okay:

6 "... at the Cavalier Hotel and I picked

7 out a brown bone handled one ...,"

8 let's call it a paring knife:

9 "... which I had seen Milgaard with

11:45 10 somewhere between Regina and Saskatoon."

11 Let's pause there. Did you see a brown

12 bone-handled paring knife with Mr. Milgaard

13 somewhere between Regina and Saskatoon?

14 A No I didn't.

11:45 15 Q Okay. And the -- so, at that point, you are
16 saying that is not a true statement?

17 A Correct.

18 Q Okay. And why did you tell police that? Did you
19 know it was not true at the time? Do you
11:45 20 understand my question?

21 A Yes.

22 Q Why would you have lied to the police, then, in
23 telling them that you saw a brown bone-handled
24 paring knife on Mr. Milgaard on the trip?

11:45 25 A Because I believe that was the start of the story



1 that wasn't true.

2 Q Okay. So -- and just so that I'm clear; in your
3 own mind, sir, at the time, would you have known
4 that you hadn't seen that knife on, that brown
11:45 5 paring knife, on Mr. Milgaard?

6 A I hadn't 'til I -- 'til I picked one out.

7 Q Let me put it this way; did you know you were
8 lying to the police when you told them this?

9 A Yes.

11:46 10 Q Okay. And then when you go on you say:

11 "... he may have got this knife from the
12 Champs Hotel where we ate that day."

13 I think you said earlier that wasn't true, is
14 that -- or --

11:46 15 A About picking up the knife there, that wasn't
16 true. We did eat there that day.

17 Q Okay. Is it possible you told them that that's
18 maybe where he got --

19 A Yes.

11:46 20 Q -- the paring knife?

21 A Yes.

22 Q I said "is it possible"; do you recall that?

23 A I don't recall it right now, no.

24 Q And when you told the police that, Mr. Wilson,
11:46 25 about the knife, did you -- I think you told us



1 you knew it wasn't the truth; is that right?

2 A That's right.

3 Q And did you know or understand the consequences of
4 making that statement to the police?

11:46 5 A I believe I started to, yes.

6 Q Okay. And what did you believe the consequences
7 to be?

8 A That David was going to be the main suspect in
9 this.

11:47 10 Q Okay. When you say "main suspect" would it maybe
11 be a little more than that?

12 A The murderer of Gail Miller.

13 Q So did you know that what you were saying when you
14 told the police you saw this paring knife on him
11:47 15 -- let me back up. Did you know, at this time,
16 whether the police had identified a murder weapon?

17 A No I didn't.

18 Q You didn't?

19 A No.

11:47 20 Q Scroll down, please. Next full paragraph:

21 "Also when we got to Saskatoon and were
22 looking for Cadrain's we got stuck
23 earlier trying to make a "U" Turn just
24 after we had spoken to a young lady in a
11:47 25 dark coat about directions. This was in



1 the area where the police showed me the
2 all night cafe. She said she didn't
3 know where Peice Hill was and when we
4 left Milgaard said she was a stupid
11:48 5 bitch. She had been walking on the
6 passenger side and Milgaard was the only
7 one that spoke to her. I should also
8 mention that on the way to Saskatoon we
9 discussed pulling B. & E's, rolling
11:48 10 someone or purse snatching for money. I
11 don't really remember if this girl was
12 carrying a purse."

13 If we just go back to the top, let's just take
14 the first sentence here:

11:48 15 "... when we got to Saskatoon and were
16 looking for Cadrain's we got stuck
17 earlier trying to make a "U" Turn just
18 after we had spoken to a young lady in a
19 dark coat about directions."

11:48 20 And let's just take the first part about getting
21 stuck trying to make a U turn; I think you told
22 us that did happen, is that correct?

23 A Yes.

24 Q It now says:

11:48 25 "... after we had spoken to a young lady



1 "...",

2 do you recall the lady that you stopped for
3 directions being a young lady?

4 A No I don't.

11:48 5 Q But you would have told police on this date that
6 it was a young lady?

7 A Yes.

8 Q And:

9 "... in a dark coat ...",

11:49 10 do you recall, was the dark coat, is that
11 truthful?

12 A Yes.

13 Q And you asked her about directions; is that
14 truthful?

11:49 15 A Yes.

16 Q So when you said to the police that:

17 "... we had spoken to a young lady ...",
18 can you tell us why you would have said "young
19 lady"?

11:49 20 A No I don't.

21 Q Do you know if that was the truth?

22 A I'm not sure.

23 Q And is that because you don't know whether the
24 lady was young or old?

11:49 25 A I don't, I don't know whether she was young or



1 old, --

2 Q Okay.

3 A -- because I never saw her face so --

4 Q Okay. And then it goes on to say:

11:49 5 "This was in the area where the police
6 showed me the all night cafe."

7 Do you remember being shown an all-night cafe?

8 A I remember being shown around the city, I don't
9 remember an all-night cafe.

11:49 10 Q Do you know whether that all-night cafe was near
11 the Cadrain's house?

12 A I don't recall.

13 Q Do you know if it was near the funeral home or
14 where Gail Miller's body was found?

11:50 15 A I don't recall.

16 Q So it says here:

17 "This was in the area where the police
18 showed me the all night cafe."

19 You are telling us you are not sure what that's
11:50 20 referring to; is that --

21 A Yeah, that's exactly.

22 Q But apart from that, apart from the location, I
23 think you told us yesterday that you did get stuck
24 after asking a woman for directions; is that -- a
11:50 25 person for directions?



1 A Yes.

2 Q And was it a woman?

3 A I believe so.

4 Q Okay. And it says:

5 "She said she didn't know where Peice
6 Hill was and when we left Milgaard said
7 she was a stupid bitch."

8 And I think you told us yesterday that either you
9 didn't recall that or it didn't happen, are you
10 --

11 A It didn't happen.

12 Q It didn't happen? So is that statement that you
13 told the police there, about David Milgaard saying
14 "she's a stupid bitch", is that the truth?

15 A No, it's not.

16 Q And why did you say it if it wasn't the truth?

17 A I don't know.

18 Q Did you -- can you help me out and tell me
19 where -- did you fabricate that, then, the "stupid
20 bitch"; did you come up with that?

21 A Yes.

22 Q And can you give us any explanation as to how you
23 came up with that or where it came from?

24 A I have no explanation at all.

25 Q Pardon me?



1 A I have no explanation about it.

2 Q And did you know that that would not be -- or did
3 you know that that was not a favourable statement
4 as far as Mr. Milgaard is concerned?

11:51 5 A Probably not.

6 Q And then you go on to say:

7 "I should also mention that on the way
8 to Saskatoon we discussed pulling B. &
9 E's, rolling someone or purse snatching
11:51 10 for money."

11 And I think you told us yesterday that, other
12 than the purse snatching -- and please correct me
13 if I'm wrong -- I think you told us that yes, you
14 had discussed that with Mr. Milgaard, and I
11:52 15 believe you had already told the police that?

16 A Yes.

17 Q Okay. Scroll down, please. It says:

18 "Dave and I got out to push when we got
19 stuck but we couldn't get out. Dave
11:52 20 said he'd go for help and he left and
21 disappeared behind the car. About 15
22 minutes later Dave came back, kind of
23 running and breathing heavy and got into
24 the car."

11:52 25 Let's just pause there. Is that a true



1 statement?

2 A Okay, could you go through that again, please?

3 Q Yeah, sure. And I'm just talking -- and we'll go
4 right to this part, it says:

5 "Dave and I got out to push when we got
6 stuck but we couldn't get out."

7 Let's just pause there. Is that true?

8 A Yes.

9 Q "Dave said he'd go for help and he left
10 and disappeared behind the car."

11 Is that true?

12 A No.

13 Q Okay. And what's not true about that?

14 A We both left.

15 Q Umm.

16 A And we did not go behind the car, we went opposite
17 directions from the side of the car.

18 Q And can you tell us why -- it appears, here, that
19 you didn't tell the police that you also left; is
20 that fair?

21 A That's fair.

22 Q And do you know why that was?

23 A No I don't.

24 Q And then it says:

25 "About 15 minutes later Dave came back,



1 kind of running and breathing heavy and
2 got into the car."

3 Is that true?

4 A No.

11:53 5 Q What's not true about it?

6 A The length of time.

7 Q Okay. How long was it that Dave was away, David
8 Milgaard was away from the car?

9 A Be a maximum of two minutes.

11:53 10 Q Two minutes?

11 A Be a max, yes.

12 Q And why would you have told the police 15 minutes?

13 A Don't know.

14 Q And you acknowledge, sir, that was a lie that you
11:53 15 told the police?

16 A Yes.

17 Q And, at the time, you knew it was a lie?

18 A Yes.

19 Q And did you appreciate the consequences of telling
11:54 20 the police that?

21 A That one I believe I did.

22 Q Pardon me?

23 A That one I believe I did.

24 Q You did?

11:54 25 A Yes.



1 Q And you appreciated that 15 minutes instead of two
2 minutes --

3 A Would --

4 Q -- would be incriminating -- I'm sorry?

11:54 5 A Yes, go ahead.

6 Q No, you carry on, I'm sorry.

7 A Well, it gave the window of opportunity to have
8 done something.

9 Q And you appreciated that at the time?

11:54 10 A Yes.

11 Q So let's just carry on here:

12 "He said something to the effect that "I
13 got her" or "I fixed her"."

14 Is that true?

11:54 15 A No.

16 Q And did you know it was not true when you made
17 that statement to the police?

18 A Yes.

19 Q And why did you tell them that when you knew it
11:54 20 wasn't true?

21 A More incriminating evidence.

22 Q Pardon me?

23 A Starting to be more incriminating evidence.

24 Q And why were you giving the police incriminating
11:55 25 evidence about David Milgaard? I presume it



1 was -- when you say 'incriminating evidence', I'm
2 sorry, you meant about David Milgaard?

3 A Yes.

4 Q Why were you giving police incriminating evidence
11:55 5 about David Milgaard which you knew not to be
6 true?

7 A Because it seems what they wanted.

8 Q What who wanted?

9 A The police.

11:55 10 Q And was Mr. Milgaard your friend at the time?

11 A Yes.

12 Q Did you make a decision to give them that
13 information when you knew it not to be true?

14 A Yes.

11:55 15 Q Why?

16 A So then, I think I have said earlier, all the heat
17 was off of me.

18 Q Any other reason?

19 A Yeah. After I gave this I could go home.

11:55 20 Q And why was that important to you?

21 A Because I needed to get loaded very quickly.

22 Q I'm sorry?

23 A I had to get stoned very quickly.

24 Q Okay. And what effect, if any, did that have on
11:55 25 your decision to tell the police what you did?



1 A So I could get out of there as quick as I could so
2 I could get back home.

3 Q So did that influence what you said to the police?

4 A I -- I can't say. I would say yes.

11:56 5 Q Did the police tell you to lie, Mr. Wilson?

6 A They made suggestions.

7 Q Did they tell you to lie?

8 A No.

9 Q Carrying on, here, it says:

11:56 10 "I don't remember if Dave had his shoes
11 on or off when he left the car."

12 Or, I'm sorry, it says:

13 "I said "You what" and that ended the
14 conversation."

11:56 15 And I take it that's not true? I think you told
16 me the first part's not true, is it fair to say
17 that --

18 A Yeah, the second part is not true either.

19 Q Okay. It says:

20 "I don't remember if Dave had his shoes
21 on or off when he left the car. I don't
22 remember just when we got out, if it was
23 before or after Dave came back to the
24 car that 2 men in a cream coloured dodge
11:57 25 or chrysler pushed us out by hand."



1 Is that a true statement?

2 A Yes it is.

3 Q It says:

4 "I think we were stuck there about 6:30
11:57 5 - 7:00 a.m.";

6 is that a true statement?

7 A I don't know what time it was.

8 Q Okay. Are you able to give us some idea, today,
9 of what --

10 A It was early morning.

11 Q Was it dark?

12 A It was still dark, yes.

13 Q It says:

14 "We eventually got to Cadrain's about
11:57 15 9:00 a.m. after we drove around, got a
16 map at a motel where Dave had his shoes
17 off, got stuck in a lane."

18 Is that a true statement?

19 A Could you break that down a little?

11:57 20 Q Sure. Yeah. I think -- so it says:

21 "We eventually got to Cadrain's about
22 9:00 a.m. after we drove around, ...",
23 I think you have already told us you got to
24 Cadrain's; do you remember it being 9:00?

11:58 25 A I don't remember what time it was now.



1 Q And that you:

2 "... got a map at a motel where Dave had
3 his shoes off, ...";

4 is that a true statement?

11:58 5 A The 'shoes off' part I don't know.

6 Q You don't remember that?

7 A No.

8 Q Do you remember getting a map at a motel?

9 A Yes.

11:58 10 Q And then it says:

11 "... got stuck in a lane."

12 Do you remember getting stuck in a lane?

13 A Yes.

14 Q Okay. Let's just scroll down here, please. Let's
11:58 15 just do this paragraph here, okay, Mr. Wilson. It
16 says:

17 "At Cadrain's I changed my pants because
18 of acid on them."

19 Is that a true statement?

11:58 20 A Yes:

21 Q "Dave also changed his clothes."

22 Is that a true statement?

23 A Yes.

24 Q "When he went out to get his suitcase I
11:58 25 noticed blood on the front of his pants



1 at Cadrain's, I also noticed they were
2 ripped up the ass."

3 Is that a true statement?

4 A No.

11:59 5 Q And why is it not true?

6 A Because he never had blood on his pants.

7 Q Were his pants ripped up the ass?

8 A That I can't recall.

9 Q Why would you tell the police that you noticed
11:59 10 blood on the front of his pants when you now tell
11 us that's not true?

12 A Because I was told Mr. Cadrain had seen blood on
13 his pants so I must have.

14 Q So who told you that?

11:59 15 A I believe it was the police officers.

16 Q So you were told that Mr. Cadrain saw blood on
17 David Milgaard's pants and then you said "so I
18 must have"; what do you mean by that?

19 A Well this was getting to the point where, okay, I
11:59 20 missed stuff in my memory so, if Cadrain said he
21 saw it, I must have saw it.

22 Q Okay. At the time you made this statement to the
23 police, in your mind, Mr. Wilson, did you think
24 that you had seen blood on Mr. Milgaard's pants?

12:00 25 A Can we come back to that?



1 Q Sure. Are you okay to continue? Did you want to
2 --

3 A Could I have a break?

4 Q Yes. I'm not sure, Mr. Commissioner, it's 12:00.

12:00 5 COMMISSIONER MacCALLUM: We'll take our
6 lunch break now, then, thank you.

7 MR. HODSON: Sure.

8 COMMISSIONER MacCALLUM: Come back at 2:00,
9 please.

12:00 10 *(Adjourned at 12:00 p.m.)*

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

12 BY MR. HODSON:

13 Q Good afternoon. If we can call up document, the
14 statement 065361, which I think is part of 065360,
02:01 15 and when we broke at lunch, Mr. Wilson, we were
16 talking about this statement, and let me just tell
17 you again what it is. This is the typed version
18 of your May 23rd, '69 statement; right?

19 A Yes.

02:01 20 Q You know which one we're talking about. And when
21 we left -- just call out that paragraph, please.
22 And in this statement -- and I think you told us
23 this morning you confirmed that everything in this
24 statement you would have told the police; correct?

02:02 25 A Yes.



1 Q So here it says, you would have told the police:
2 "At Cadrain's I changed my pants because
3 of acid on them. Dave also changed his
4 clothes."

02:02 5 And I think you told me that that's true;
6 correct?

7 A Yes.

8 Q And then:

9 "When he went out to get his suitcase I
02:02 10 noticed blood on the front of his pants
11 at Cadrain's, I also noticed they were
12 ripped up the ass."

13 And I think you told me this morning that's not
14 true; correct?

02:02 15 A Correct.

16 Q And I asked you the question about whether or not
17 you knew that was not true when you said it and I
18 believe your words were, well, Cadrain saw it, so
19 I thought I must have, or words to that effect,
02:03 20 and then I think you asked me to come back to it,
21 so let's try this again. Did you or did you not
22 notice blood on the front of David Milgaard's
23 pants at Cadrain's house?

24 A No, I didn't.

02:03 25 Q So when you said it to the police on May 23rd,



1 1969, that would have been not truthful, that
2 would have been a lie; correct?

3 A Yes.

4 Q At the time you said it, did you know it was a lie
02:03 5 or did you think it was true?

6 A It was a lie.

7 Q And so you knew at the time you said it that you
8 didn't see blood?

9 A Repeat that, please?

02:03 10 Q Yeah. When you said that to the police that you
11 saw blood, you knew that you had not seen blood;
12 is that fair?

13 A Right, yes.

14 Q Now, what about the fact you said this morning
02:03 15 about the fact that Cadrain, Shorty Cadrain had
16 seen it, so you must have seen it, I think is what
17 you said, or --

18 A Yeah, that --

19 Q I'm sorry, go ahead.

02:03 20 A That's later. I was guesting confused.

21 Q Let me ask you this: Did the fact that -- well,
22 at this time do you know whether or not you knew
23 Cadrain had seen blood on David Milgaard's pants?

24 A No.

02:04 25 Q Would that have or did that influence you in your



1 statement?

2 A Give me the question again?

3 Q Sure. Did the fact that -- let's start out this
4 way. Do you know when you would have found out
02:04 5 that Shorty Cadrain was saying that he saw blood
6 on David Milgaard's pants?

7 A I believe it was prior to the statement.

8 Q Prior to the statement?

9 A Yes.

02:04 10 Q So you would have known when you gave this
11 statement that Shorty Cadrain had told the police
12 that he saw blood on David Milgaard's pants the
13 morning of January 31, 1969?

14 A Yes.

02:04 15 Q Did that fact, that he had said that, did that
16 influence you in providing this statement to the
17 police about you seeing blood on his pants?

18 A Yes, it did.

19 Q In what way?

02:05 20 A Like I said earlier, if he saw it, it must have
21 been there.

22 Q So you say since he saw it it must have been
23 there, but you did just tell us that you knew you
24 didn't see it?

02:05 25 A Yes.



1 Q Scroll down to the next paragraph, please, and I'm
2 sorry, just on the blood on the pants for a
3 moment, did you appreciate the consequences, sir,
4 of telling the police that you saw blood on David
02:05 5 Milgaard's pants?

6 A Yes, I did.

7 Q And you knew that that would not be good for him;
8 is that fair?

9 A Yes, I did.

02:05 10 Q Next paragraph:

11 "On the way to Calgary Nicky found a
12 white or cream colored compact with
13 flower design, I'm not just sure about
14 the color. She found this someplace in
02:05 15 the car. She asked Dave whose it was
16 and I don't know what he said, he just
17 took it and threw it out the window. I
18 remember on the road to Calgary --"

19 Sorry, let me just pause there. Is that a true
02:06 20 statement about the compact?

21 A No.

22 Q Is any of that true?

23 A No.

24 Q And did you know that was not true when you told
02:06 25 the police that?



1 A Yes.

2 Q And why did you tell them this when you knew it
3 wasn't true?

4 A It was another incriminating statement.

02:06 5 Q And where did you come up with this then if this
6 isn't true, where did you come up with this --

7 A I don't know.

8 Q -- compact? Did you make it up or fabricate it,
9 do you know, or did it come from somewhere else?

02:06 10 A I can't say right now.

11 Q It does say "...a white or cream colored compact
12 with flower design." You would agree that's a
13 fairly detailed description wouldn't you?

14 A Yes, it is.

02:06 15 Q And at the time did you appreciate the
16 consequences of making that untruthful statement
17 to the police?

18 A Yes, I did.

19 Q And in what way did you see the compact being
02:07 20 connected to David Milgaard and the Gail Miller
21 murder?

22 A I wasn't sure, sir. It was just more to add to
23 the story.

24 Q Were you suggesting that this may have been Gail
02:07 25 Miller's compact, is that what you were thinking?



1 A Yes.

2 Q And then you say:

3 "I remember on the road to Calgary Nicky
4 would scream every now and then, I don't
02:07 5 know what was the matter with her."

6 Is the first part of that true, do you remember
7 on the road to Calgary Nicky would scream every
8 now and then?

9 A Yes.

02:07 10 Q And is that true?

11 A Yes.

12 Q And you say, "I don't know what was the matter
13 with her." Is that true?

14 A Yes. No.

02:07 15 Q No, okay, that's fine.

16 A No.

17 Q Did you know what was the matter with her?

18 A Yes.

19 Q And what was that?

02:07 20 A Erratic driving.

21 Q And I think you told us about that already; is
22 that fair?

23 A Yes.

24 Q Go to the next page, please, call out the first
02:08 25 paragraph, it says:



1 "At Calgary we went to the bus depot,
2 that is Dave and I. Nicky and Shorty
3 stayed in the car. We went to make a
4 few phone calls for a girl I knew -
02:08 5 Heather Beaton who I couldn't find."

6 Let me pause there. Is that a truthful
7 statement?

8 A Yes, it is.

9 Q And then:

02:08 10 "This is when Dave told me he hit a girl
11 in Saskatoon, or maybe he said he did a
12 girl in in Saskatoon. I don't remember
13 for sure which. He told me he
14 grabbed her purse and she fought and he
02:08 15 said he jabbed her with a knife a few
16 times, and said he put her purse in a
17 trash can. He said he thought she'd be
18 alright."

19 Is that a true statement?

02:08 20 A No, it isn't.

21 Q Is any of that true?

22 A No.

23 Q And when you told the police that, did you know it
24 not to be true?

02:09 25 A Yes.



1 Q Why did you tell the police that?

2 A More incriminating evidence.

3 Q And why did you want to give them -- sorry,
4 incriminating evidence against David Milgaard?

02:09 5 A Yes.

6 Q And why were you giving incriminating evidence
7 against David Milgaard if you knew it not to be
8 true?

9 A To take everything away from me.

02:09 10 Q To take what away from you?

11 A Any -- how can I put that. Give me a second. I
12 need to think of the word.

13 Q Sure, take your time.

14 A Take any suspicion away from me.

02:09 15 Q Were you concerned about you being held
16 accountable for the Gail Miller murder when you
17 said these things?

18 A Yes.

19 Q And what caused you to think that?

02:09 20 A Just the way the whole day had gone.

21 Q Were you concerned at all, sir, about providing
22 untruthful, incriminating statements to the police
23 about your friend David Milgaard?

24 A No, I wasn't.

02:10 25 Q Why not?



1 A Because it got to the point where I didn't care.

2 Q And why was that?

3 A Because I wanted to go home.

4 Q Any particular reason?

02:10 5 A It had been a couple of days since I had done any
6 drugs and it was starting to hurt.

7 Q Now -- so this statement that I read about David
8 hitting a girl, etcetera, there's a bit of detail
9 in there you would agree?

02:10 10 A Yes.

11 Q And where did you -- where and how did you come up
12 with that statement?

13 A Where and how? I can't tell you right now.

14 Q Okay. Would you have fabricated that, sir?

02:10 15 A Quite likely.

16 Q Scroll down to the next paragraph, please:

17 "A little later in Calgary when Nicky
18 and I were together I told her what Dave
19 had told me and she said she already
02:11 20 knew. I don't know when he told her.
21 We talked about ditching Dave but we
22 were afraid of him so we decided against
23 it."

24 Is that a true statement?

02:11 25 A No.



1 Q And again, at the time you made it, did you know
2 it to be untruthful?

3 A Yes.

4 Q Did you appreciate the consequences of that
02:11 5 statement with respect to Mr. Milgaard?

6 A Yes.

7 Q Why did you make that statement?

8 A To make David look more guilty.

9 Q And for the same reasons you've told us about the
02:11 10 other statements?

11 A Yes.

12 Q Now, in this case -- so what you are telling me,
13 that Nicky did not tell you -- first of all, let
14 me back up. Let me rephrase that. You are
02:11 15 telling me that when you made this statement you
16 had not told Nicky about Dave's admission and she
17 had not told you that she already knew; is that
18 fair?

19 A That's fair.

02:12 20 Q At this time did you think about -- did you know
21 what Nicky was going to say?

22 A No, I didn't.

23 Q Were you concerned at all about whether or not,
24 with this, as you say, is not -- with this lie,
02:12 25 whether she would -- let me rephrase that,



1 Mr. Wilson. Were you concerned at all about
2 Nichol John saying, "I don't know what Ron Wilson
3 is talking about, that never happened"?

4 A It didn't matter to me.

02:12 5 Q Did you discuss this with Nichol John before you
6 made this statement?

7 A No, I didn't.

8 Q Next paragraph, it says:

9 "Other than these 4 pages I can't think
02:12 10 of anything different than before."

11 I pause there. I take it you are referring to
12 your March 3rd, '69 statement?

13 A Yes.

14 Q It says:

02:13 15 "I might also add that I am sure
16 Milgaard killed that nurse, Gail
17 Miller."

18 Did you believe that statement at the time you
19 made it?

02:13 20 A No.

21 Q Why did you make it then?

22 A Basically to finalize it.

23 Q Pardon me?

24 A Basically to finalize the story.

02:13 25 Q Okay. Let's cover this again, Mr. Wilson, because



1 I think you've said a couple of things about what
2 you thought at the time, and tell me again, at
3 this time you are saying -- at this time you
4 weren't sure Milgaard had killed that nurse, Gail
02:13 5 Miller. What did you think at the time as to
6 whether or not David Milgaard was responsible for
7 the murder of Gail Miller, and I'm talking at the
8 time you gave this statement on May 23rd, 1969.

9 A I was thinking there was a good possibility he
02:13 10 could have, so I said that.

11 Q Okay. So you thought he was, but --

12 A That was starting again in my thinking process,
13 yes.

14 Q So when you say here that I am sure Milgaard
02:14 15 killed that nurse, you are saying you weren't
16 sure, but you thought probably?

17 A Yes.

18 Q I don't want to put words in your mouth, I want
19 you to tell me. I just want to make sure I
02:14 20 understand.

21 A I thought probably.

22 Q You thought probably?

23 A Yes.

24 Q But not certain?

02:14 25 A Not certain.



1 Q And why did you think probably he was responsible?

2 A The way the day had all gone.

3 Q Okay. Now, you were with him that morning;
4 correct, Mr. Milgaard, the morning of the murder?

02:14 5 A Yes.

6 Q And had you in your mind then reached the point
7 where you thought, okay, he probably did it?

8 A I would think so, yes.

9 Q And at what point did you think he probably did
02:16 10 it?

11 A I wanted to -- like, at what point did I start
12 thinking that he probably did it?

13 Q No, the morning of January 31, 1969, when you were
14 with him, when that morning did you think he did
02:16 15 it?

16 A When we had separated from each other.

17 Q Okay. And I think you told us, today, that that
18 was for no more than two minutes?

19 A Yes.

02:16 20 Q Okay. How did you reconcile that in your mind?

21 A Because I didn't know how long it took to kill
22 somebody.

23 Q So, at the time, tell me what you thought at the
24 time you made this statement; did you think he was
02:16 25 gone for two minutes? The statement says 15



1 minutes.

2 A I said 15 minutes.

3 Q I know that, and I think you told me this morning
4 that what you recalled, or your truthful
02:16 5 recollection I think you said, was two minutes?

6 A Yes.

7 Q So how did you reconcile that in your mind, sir,
8 at this time?

9 A I don't know.

02:16 10 Q And when you made this statement, here, did you
11 appreciate the consequences of that statement
12 vis-a-vis Mr. Milgaard?

13 A Yes.

14 Q And did that concern you?

02:16 15 A No.

16 Q Do you remember anything else, Mr. Wilson,
17 about -- about the May 23rd statement? I have
18 just gone through it all with you; is there
19 anything else that you recall about the giving of
02:16 20 that statement?

21 A No, there isn't.

22 Q If you could call up a document 325546, please.
23 And yesterday when we started, Mr. Wilson, you
24 will remember I showed you a document that had ten
02:16 25 points on that; remember, we went through that --



1 A Yes.

2 Q -- and I asked you to tell me currently truthful
3 evidence, truthful recollection, of a number of
4 items? Remember we went through that?

02:17 5 A Yes.

6 Q And what I have done, hopefully accurately, is
7 simply go through, and you will see where I have
8 got May 23rd Statement (Underlined), just a quick
9 note, and it's not always exact, but just a quick
02:17 10 note so that we can keep track of what -- where
11 you were at on these ten points after the May 23rd
12 statement, okay?

13 A Okay.

14 Q And so we could just go through them, I just read
02:17 15 through the May 23rd statement with you, okay.

16 So item number 1, drug use on
17 trip to Saskatoon and during investigation and
18 trial; it doesn't appear that that's in the May
19 23rd statement, is that fair?

02:17 20 A Correct.

21 Q Do you remember discussing that with them at the
22 time; would that have come up?

23 A No.

24 Q And just scroll down to number 2. I think what
02:17 25 you told us about the knife in the statement,



1 brown bone-handled knife but not from the
2 elevator; is that -- again, the May 23rd statement
3 speaks for itself, but I think what you told us is
4 you identified a brown bone-handled knife?

02:18 5 A A bone-handled-looking knife, yes.

6 Q And that -- but that you told the police it wasn't
7 from the elevator, is that fair, in the statement?

8 A Yes.

9 Q And scroll down to number 3. The statement, I
02:18 10 think you confirmed in the statement the purse
11 snatching/break and enter discussion on the trip
12 to Saskatoon; correct?

13 A Correct.

14 Q And Mr. Commissioner, just for the record, what's
02:18 15 in the statement is in the statement, this is just
16 something that I wish to have so that it's easier
17 for me to go back with the witness.

18 Number 4, the woman stopped for
19 directions; I think in your statement you referred
02:18 20 to her as a young lady?

21 A Yes I did.

22 Q Which I don't think you had previously; is that
23 fair?

24 A That's fair.

02:19 25 Q And, as well, the comments "stupid bitch" that you



1 attributed to David Milgaard is in the statement;
2 correct?

3 A Yes.

4 Q And scroll down to the vehicle, umm, and under
02:19 5 location I put -- and I think your words were "the
6 location the police showed you near the all night
7 cafe", and I think you said you weren't sure where
8 that was; is that --

9 A That's correct.

02:19 10 Q And the duration that you were apart, I think you
11 said 15 minutes, and I believe the statement only
12 referred to David; remember us going through that?

13 A Yes.

14 Q And then as well as his statements upon return
02:19 15 were "I got her" or "I fixed her"; remember that
16 in the statement?

17 A Yes.

18 Q And then down to number 6, the blood observed on
19 David Milgaard's clothes, the statement says you
02:19 20 noticed it on pants at Cadrain's; correct?

21 A Correct.

22 Q And then number 7, the changing of clothes, I
23 think that, you have already said that earlier,
24 that's the same.

02:20 25 Number 8, cosmetic bag, you



1 stated that David Milgaard discarded it from the
2 car, correct, in the statement?

3 A Correct.

4 Q And so number 9, David Milgaard admission in
02:20 5 Calgary that he hit a girl or did a girl in
6 Saskatoon, grabbed her purse and he jabbed her
7 with a knife and put purse in trash can, that's
8 what you said in your statement; correct?

9 A Correct.

02:20 10 Q And then, lastly, you told Nichol John of David
11 Milgaard's admission in Calgary and Nichol John
12 said she already knew; that's in your statement?

13 A Correct.

14 Q Okay. And we may come back to that, Mr. Wilson, I
02:20 15 just wanted to go through that with you.

16 If we could go back to the
17 police report and go to page 106672 -- I think
18 that's part of 106669 -- and this is -- again,
19 this is, for the record, Mr. Karst's May 25th,
02:21 20 '69, report, we've gone through parts of it, I
21 just want to carry on. If you could call out the
22 bottom half, and again, these are Detective
23 Karst's words in this report:

24 "Also in this statement ...",

02:21 25 and he is referring to the May 23rd statement :



1 "... Wilson states that he had seen
2 blood on Milgaard's trouser when
3 changing his clothes at the Cadrain
4 residence at 334 Avenue O South on the
02:21 5 morning of January 31st, 1969. This he
6 had previously denied."

7 If I can pause there for a moment, Mr. Wilson, it
8 appears -- well let me ask you this. Had, prior
9 to the May 23rd statement, had the police ever
02:21 10 said to you "did you see blood on David
11 Milgaard's clothes" and you deny it?

12 A Yes, I did deny it.

13 Q Pardon me?

14 A Yes, I did deny it.

02:22 15 Q Okay. Next page, please, and first paragraph:

16 "He also states that at Cadrains he
17 noted Milgaard's trousers were ripped
18 around the seat which he had not
19 previously noticed while on this trip.
02:22 20 He further adds that on the road to
21 Calgary, when leaving Saskatoon, Nickey
22 seemed very nervous and would
23 occasionally scream to which he could
24 offer no explanation at that time but
02:22 25 now he feels that this was because of



1 what she knew."

2 And, again, the ripped trousers I think we've
3 talked about. Now this statement about:

4 "... when leaving Saskatoon, Nickey
5 seemed very nervous and would
6 occasionally scream ...",

7 I think your statement simply said that she would
8 scream; is that right?

9 A Yes.

02:23 10 Q And in your statement you said:

11 "... I don't know what was the matter
12 with her."

13 Here it's reported:

14 "... but now he feels that this was
02:23 15 because of what she knew."

16 Did you tell the officers that at any time?

17 A I don't recall.

18 Q Next paragraph:

19 "Wilson also recalls Nickey finding a
02:23 20 ladies compact in the vehicle when
21 leaving Saskatoon and when inquiring
22 whose it was Milgaard grabbed it out of
23 her hands and threw it out of the
24 window."

02:23 25 Just on that point, did you know what -- I think



1 you said this didn't happen; is that right?

2 A That's correct.

3 Q And I think, when I said "did you make it up", you
4 said you weren't sure; is that right?

02:23 5 A That's right.

6 Q Were you concerned at all about what Nicky might
7 say about the compact?

8 A I wasn't concerned about anything Nicky was going
9 to say.

02:23 10 Q Well is it possible you would have discussed, with
11 Nicky, this issue of the compact?

12 A No.

13 Q And then carrying on, the next paragraph:

14 "This statement goes on to relate that
02:24 15 in Calgary Milgaard and himself had gone
16 to the Bus Depot to make a phone call
17 where Milgaard told him about a girl in
18 Saskatoon that he had grabbed and had
19 tried to take her purse, however, she
02:24 20 fought, and he had jabbed her with a
21 knife and he had put her purse in a
22 trash can and he had thought she would
23 be alright. Later, when Wilson was
24 telling Nickey about this incident, she
02:24 25 had stated to him that she already



1 knew."

2 And I think that tracks what we had covered in
3 your statement fairly closely, doesn't it?

4 A Yes it does.

02:24 5 Q Now after you gave the May 23rd, '69 statement do
6 you recall, any later that day, talking to the
7 police or Inspector Roberts about anything?

8 A I recall talking to somebody, but I don't know
9 who.

02:25 10 Q Okay. So, after you gave this statement, you
11 would have talked to --

12 A Somebody.

13 Q About the matter of the case?

14 A I believe so, yes.

02:25 15 Q Do you think it was a police officer?

16 A Yes I do.

17 Q And do you know what you would have talked about?

18 A I can't remember right now.

19 Q Now the next day, May 24th, '69, and there is a
02:25 20 second statement from you that I'll go through in
21 a moment, you remember giving a second
22 statement -- or a third statement, I guess, --

23 A Yes.

24 Q -- the morning of May 24th; do you remember giving
02:25 25 that statement?



1 A Yes, I remember giving it.

2 Q Tell us how that came about?

3 A That part I don't remember. I did -- I believe it
4 was after talking to the officers, again, after my
02:26 5 statements.

6 Q Okay, I'm sorry, it's again from talking to the
7 officers?

8 A After they had my last statement.

9 Q Okay. So after you gave your May 23rd statement
02:26 10 you talked to the officers again?

11 A Yes.

12 Q And, what, did something cause you to want to add
13 more?

14 A I --

02:26 15 Q You don't recall?

16 A I don't recall.

17 Q If we could call up the statement, please, it's
18 002246, and you will see this is May 24th, '69 I
19 think at 9:30 a.m.; do you see that?

02:27 20 A Yes.

21 Q And is that your signature in the bottom
22 right-hand corner?

23 A Yes it is.

24 Q And it appears to be witnessed by E. Karst?

02:27 25 A Yes.



1 Q Do you remember who you gave this statement to?

2 A No I don't.

3 Q If you could just go to the next page, please.

4 And, again, that's your signature there --

02:27 5 A Right.

6 Q -- at the bottom right?

7 A Yes.

8 Q And, again, this is sworn before a Justice of the
9 Peace; do you see that?

02:27 10 A Yes.

11 Q Do you remember swearing this statement before a
12 Justice of the Peace?

13 A No I don't.

14 Q Do you have any reason to believe that you did not
02:27 15 swear this before a Justice of the Peace?

16 A No I don't.

17 Q And, again, I'll go through. There is, we have a
18 typed version of this, it's 065360. And do you
19 recall this interview when you gave this
02:27 20 statement, Mr. Wilson, how long it took or
21 questions, --

22 A No.

23 Q -- answers, narratives?

24 A No I don't.

02:28 25 Q Do you know if the police had asked you if you had



1 any more information or whether you had contacted
2 them?

3 A I don't recall.

4 Q Do you recall whether or not you saw Nichol John
02:28 5 before you gave this statement?

6 A I don't recall that.

7 Q And go through this. You have had a chance, on
8 previous occasions, to look at this statement, is
9 that fair, you have read it before?

02:28 10 A I have read it before, yes.

11 Q Yes. And are you able to confirm that you would
12 have stated these words to the officers, officer
13 or officers, on May 24th, '69?

14 A Yes.

02:28 15 Q In other words, what they have got written down
16 here is what you would have told them?

17 A Yes.

18 Q And it starts out saying:

19 "I would like to add further occurrences
02:28 20 to what I said yesterday in my sworn
21 statement. When Dave and I got out to
22 push the first time we were stuck we
23 couldn't push the car so I said to Dave
24 "You go one way for help and I'll go the
02:29 25 other". I went to the corner on the



1 drivers side of the car and walked down
2 the block, I couldn't find help so I
3 went back to the car the same way I had
4 left. The car was still stuck."

02:29 5 Now I think when we looked at your May 23rd
6 statement, when we went through it, you had said
7 David had left for 15 minutes; is that right?

8 A That's right.

9 Q And, here, you are now saying that you also left
02:29 10 the car?

11 A Yes.

12 Q And can you explain why that wouldn't have been in
13 the May 23rd statement or why you were adding it
14 the next day?

02:29 15 A Because it happened. I had forgot about that we
16 both left at the same time.

17 Q Okay, so you forgot about this on the 23rd of May,
18 and on the May 24th you were adding that to say
19 "lookit, I left the car too"?

02:30 20 A Yes.

21 Q And you are saying that's a truthful statement?

22 A Yes.

23 Q The red bracketed one, that's true?

24 A Yes.

02:30 25 Q And then it says:



1 "Nicky was waiting in the car almost
2 hysterical."

3 Is that a true statement?

4 A No.

02:30 5 Q And, at the time you made this statement, did you
6 know it to be untrue?

7 A Yes.

8 Q And, again, your reason for making that statement?

9 A To make it look like something happened.

02:30 10 Q Had you talked to Nichol John prior to May 24th,
11 '69, to find out if she was saying she was
12 hysterical on your return?

13 A No, I hadn't.

14 Q You hadn't? And it says here:

02:30 15 "I asked her what was wrong and she told
16 me she saw Dave carry or drag a girl
17 down the lane and bring out the knife
18 and stab her a few times. Then she
19 broke down again."

02:30 20 Is that a true statement?

21 A No, it's not.

22 Q And, again, when you made that to the police you
23 knew it not to be true?

24 A Yes.

02:31 25 Q You understood the consequences of that statement?



1 A Yes.

2 Q And what you have told us already about the
3 untruthful statements you gave to the police;
4 would it apply to this one as well?

02:31 5 A Yes.

6 Q Now, at this time, had you talked to Nichol to
7 find out if she had, or would be, saying that:
8 "... she saw Dave carry or drag a girl
9 down the lane and bring out the knife
02:31 10 and stab her a few times."?

11 A No, I hadn't.

12 Q What if Nichol would have said "that's just not
13 true, that never happened", were you not concerned
14 about that?

02:31 15 A Like I said earlier, I wasn't concerned what Nicky
16 said at all.

17 Q Pardon me?

18 A I wasn't concerned of what Nicky said at all.

19 Q And then it says:

02:31 20 "Dave came back to the car from the back
21 I think and got in beside Nickey. She
22 shrugged away from him."

23 Is that a truthful statement?

24 A No.

02:31 25 Q It says:



1 "The rest is the same as I told you in
2 the other statement. The car that
3 helped us out there was about 1967-8
4 dodge or chrysler, cream or yellow car.
02:32 5 The 2 men were in about their middle
6 forties and were casually dressed, one
7 wore glasses."

8 Is that a truthful statement?

9 A Yes.

02:32 10 Q So this statement was given at 9:30 a.m. on May
11 24th, 1969, correct, that's what I showed you?

12 A Yes.

13 Q Were you aware that Nichol John gave a statement
14 to the police on that day at 10:00 a.m., on May
02:32 15 24th, '69?

16 A No I wasn't.

17 Q Are you aware that she gave a statement to the
18 police at or around that time?

19 A No.

02:32 20 Q Do you recall seeing her at the police station?

21 A No I don't.

22 Q I want to call up, I'll call up the typed version,
23 018589. And this is a typed version of her
24 statement, May 24th, and on the written statement
02:33 25 it shows at 10:00 a.m. to 11:55 a.m. And so your



1 May 23rd statement was at 3:30, your May 24th
2 statement was at 9:30 a.m., okay?

3 A Okay.

4 Q And in this statement Ms. John states:

02:33 5 "This knife was a kitchen knife used to
6 peel potatoes and things like that. It
7 had a maroon handle. This knife was the
8 same as one of a group of knives that I
9 was shown by Mr. Roberts."

02:33 10 Do you recall any discussion with Nichol John
11 about knives or identifying knives?

12 A No.

13 Q Scroll down to here, and Nichol John says:

14 "Dave closed the door and said "The
02:33 15 stupid bitch"."

16 Now you told us a little while ago, in your May
17 23rd, '69 statement, that you told the police
18 that's what David said, and you said that you
19 made that up; right?

02:34 20 A Yes.

21 Q Do you have any explanation as to how Nicky would
22 also say the same thing?

23 A No I don't.

24 Q Did you talk to Nichol John about the words "the
02:34 25 stupid bitch" being uttered by David Milgaard?



1 A No I didn't.

2 Q Scroll down to the bottom. And, again, Mr. John's
3 statement says:

4 "The next thing I recall is seeing Dave
02:34 5 in the alley on the right side of the
6 car. He had a hold of the same girl we
7 spoke to a minute before. I saw him
8 grab her purse. I saw her grab for her
9 purse again. Dave reached into one of
02:34 10 his pockets and pulled out the knife. I
11 don't know which pocket he got the knife
12 from. The knife was in his right hand.
13 I don't know if Dave had a hold of this
14 girl or not at this time. All I recall
02:34 15 seeing is him stabbing her with the
16 knife."

17 We can stop there. That sounds a bit similar,
18 does it not Mr. Wilson, to what's in your May
19 24th, '69 statement?

02:35 20 A Yes.

21 Q In fact, and I'll just read it for you, you say:
22 "I asked her what was wrong and she told
23 me she saw Dave carry or drag a girl
24 down the lane and bring out the knife
02:35 25 and stab her a few times."



1 And I guess I'm wondering, Mr. Wilson, is it
2 coincidence that that's in your statement and her
3 statements, or did you discuss it with her?

4 A Never discussed it with her.

02:35 5 Q And Ms. John says:

6 "I remember Dave coming back and getting
7 into the front seat of the car. I
8 remember moving over toward the drivers
9 side because I didn't want to be near
02:35 10 him."

11 And in your May 24th statement you say, and this
12 is what you attribute or this is what you say
13 Nicky told you:

14 "... I think and got in beside Nicky.
02:36 15 She shrugged away from him."

16 So, again, that is similar to what she has in her
17 statement; correct?

18 A Yes.

19 Q Did you discuss that with her?

02:36 20 A No I didn't.

21 Q Next page, 018591, and Ms. John's statement says
22 the following:

23 "On the our way about half way between
24 Saskatoon and Rosetown I looked in the
02:36 25 glove compartment for a map. I saw a



1 cosmetic case which I opened up. There
2 was a compact, 2 lipstick and an eye
3 shadow in it. I asked whose it was.
4 Nobody knew whose it was then dave
02:36 5 grabbed it and threw it out the window.
6 Dave was driving at this time. He was
7 supposed to stop because he was driving
8 too fast. Ron didn't like it and we
9 were all getting scared."

02:37 10 Now, again, you would agree that that is similar
11 to what you said to the police about a compact
12 bag; correct?

13 A Yes.

14 Q Do you have any explanation -- and I think you
02:37 15 told us that that didn't happen?

16 A Correct.

17 Q And you lied to the police about that?

18 A Yes.

19 Q Did you have any idea how Nichol John would have a
02:37 20 similar statement in her statement?

21 A No I don't.

22 Q Do you recall discussing that with anybody?

23 A No.

24 Q Scroll down, please, to -- here Ms. John says:

02:37 25 "We ...",



1 this is being Nichol and Ron:

2 "... sat on the steps inside an
3 apartment block. Here Ron told me Dave
4 had killed a girl in Saskatoon. I told
02:37 5 him "I know". I do not recall anything
6 further being said about this murder."

7 And in your May 24th statement -- I'm sorry, I
8 think it's in your May 23rd statement -- in your
9 May 23rd statement you say, and I'll read it to
02:38 10 you:

11 "A little later in Calgary when Nicky
12 and I were together I told her what Dave
13 had told me and she said she already
14 knew."

02:38 15 Again, that's fairly similar to what's in
16 Nichol's statement, as to what's in your
17 statement?

18 A Yes it is.

19 Q Did you discuss that with Nichol John?

02:38 20 A No I didn't.

21 Q Did you discuss it with anybody else?

22 A No I didn't.

23 COMMISSIONER MacCALLUM: Which was -- what
24 was the date of his statement there?

02:38 25 MR. HODSON: That one was the May 23rd



1 statement.

2 COMMISSIONER MacCALLUM: May 23rd.

3 BY MR. HODSON:

4 Q Now, Mr. Wilson, I think you have told us -- and,
02:38 5 again, I'm not sure how many -- but a number of
6 untruthful statements in your May 23rd and 24th
7 statements you now say were not true; correct?

8 A Correct.

9 Q And some of those appear to be in Nichol John's
02:39 10 statement as well, maybe different words, but
11 similar; you would agree?

12 A Yes.

13 Q Do you have any explanation as to how that could
14 happen?

02:39 15 A No I don't.

16 Q If you could go back to the police report, it's
17 page 106673, and again this is Detective Karst's
18 statement -- police report, pardon me, and this
19 just talks about their account of what happened.
02:39 20 And it says:

21 "The morning of May 24th, 1969, further
22 interviews were again held with Wilson
23 where he stated he would like to change
24 and add to various parts of his
02:39 25 statement given the previous day."



1 Do you recall interviews with the police on the
2 morning of May 24th?

3 A I can't remember if it was the morning or later on
4 in the day on the 23rd.

02:40 5 Q So -- okay. Now before -- let me put it this way;
6 between the time that you finished giving your May
7 23rd, 1969 statement, and before you gave your May
8 24th statement, were you interviewed by the
9 police?

02:40 10 A Yes.

11 Q Do you recall who interviewed you?

12 A No I don't.

13 Q And do you recall what was discussed?

14 A No I don't.

02:40 15 Q It goes on to say:

16 "This was to the effect that when they
17 originally got to Saskatoon, and had
18 become stuck, Wilson had said to
19 Milgaard, "you go one way for help, I'll
02:40 20 go the other"., and that when he
21 returned 10 - 15 minutes later Milgaard
22 had not yet returned, however, Nickey
23 was still in the car but in a hysterical
24 condition. She had told Wilson that she
02:40 25 saw Milgaard drag a girl down the lane



1 and stab her with a knife, shortly after
2 that Milgaard returned to the vehicle
3 and sat beside Nickey, however, she
4 shrugged away as she was afraid of the
02:41 5 youth, understandably, at that time."

6 And again, although the officer uses different
7 words, he appears to be describing what you said
8 in your May 24th statement; correct?

9 A Correct.

02:41 10 Q Scroll down, please. It says:

11 "At present Detective Sergeant Mackie is
12 in Regina making further inquiries with
13 regards to other investigations along
14 this line, and it should be noted that
02:41 15 several other investigations should be
16 conducted at this point with regard to
17 anyone, including the Millar girl's
18 parents being aware of or being able to
19 identify a compact which was found in
02:41 20 the car by Nickey, also trying to locate
21 the compact, possibly in the ditches on
22 the outskirts of the City, and also as
23 far as having Mrs. Indeyk see Nickey in
24 her dark coloured coat to see whether it
02:42 25 is similar and whether the girl is



1 similar to that of the girl which had
2 approached her at the church at Avenue O
3 and 20th Street on the morning in
4 question."

5 And scroll down to the bottom:

6 "Inquiries have been made in Regina in
7 regards to Milgaards whereabouts,
8 however, no one had any information to
9 offer with regards to his present
10 employment or residence, in fact, it was
11 revealed to me by the Wilson youth that
12 Milgaard assaulted another girl in
13 Regina and that he was being sought by
14 various members of the Criminal Element
15 in that Centre, and if the Police didn't
16 get to Milgaard before they do, they
17 didn't need to worry about him."

18 Do you recall any discussion with Detective Karst
19 about what I just read to you?

02:42 20 A No I don't.

21 Q Do you have any recollection -- well, it says
22 here:

23 "... it was revealed to me by the Wilson
24 youth that Milgaard assaulted another
02:42 25 girl in Regina ...";



1 any recollection of that?

2 A No.

3 Q And it says, here, that you also told him that:

4 "... various members of the Criminal
02:42 5 Element ...",

6 who would the criminal element be?

7 A Just about everybody I knew, so --

8 Q And it says here:

9 "... and if the Police didn't get to
02:42 10 Milgaard ..."

11 they needn't worry about him. What -- do you
12 know what that means?

13 A I know what it means, but, it means he would
14 probably get wasted or something.

02:43 15 Q Do you have any knowledge or any recollection as
16 to what this is referring to?

17 A No.

18 Q Then it goes on to say:

19 "Statement obtained from Nickey by
02:43 20 Detective Sergeant Mackie which
21 co-incides with above story related by
22 Wilson."

23 If I could go to document 106676, now this is a
24 different police report, Mr. Wilson, it's
02:43 25 prepared by Ray Mackie, Detective Sergeant. I



1 think you have told us you recognize that name?

2 A Yes I do.

3 Q If you could go to the next page please, and this
4 is Mackie's report, and he says:

02:43 5 "On May 24th, I returned to Regina with
6 Ronald Wilson and Nichol John, and on
7 returning Wilson to 126 Cornwall Street
8 North, I received from him one black
9 Atlas Flashlight, which he stated he had
02:44 10 obtained from David Milgaard after the
11 break in at the elevator at Aylesbury,
12 Sask. I also received from him one blue
13 sweater with white trim around the neck
14 which he stated that Milgaard had been
02:44 15 wearing when leaving Regina on the early
16 morning of Jan. On May 26th, I called
17 at the Welfare Department where I
18 interviewed Robert Larsen in regard to
19 the return of Ronald Wilson and Nichol
02:44 20 John to Regina."

21 Now, according to this, Mackie is saying that you
22 gave him a black Atlas flashlight which you
23 obtained from David Milgaard after the break in
24 at the elevator; do you recall that?

02:44 25 A No I don't.



1 Q Is it possible that you gave him a flashlight and
2 you don't recall?

3 A I don't recall.

4 Q What about the blue sweater with white trim that
02:45 5 Milgaard had been wearing, what do you recall
6 about that?

7 A Nothing.

8 Q I believe I read somewhere that that may have been
9 your father's sweater that you lent to him. Does
02:45 10 that ring a bell?

11 A I lent him a curling sweater. I can't remember
12 what colour it was.

13 Q Now, according to this, it appears, at least from
14 this report, that Sergeant Mackie drove you and
02:45 15 Nichol John back to Regina. Do you remember that?

16 A No, I don't.

17 Q Do you remember how you got back from Saskatoon?

18 A No, I don't.

19 Q Scroll down to this paragraph, please, it says:

02:45 20 "Prior to leaving Regina, I called again
21 at the Wilson home where I interviewed
22 Ron Wilson and his sister in regards to
23 toque's that might be missing but I was
24 unable to gain any information. I
02:46 25 described the toque to them, but they



1 did not recall ever having a toque in
2 the home which the description of the
3 one we have possession of in regards to
4 this matter. Wilson had made inquiries
02:46 5 in regard to Milgaard, but was unable to
6 offer any information in regards to
7 Milgaard's whereabouts. On returning to
8 Saskatoon, I called at the UGG elevator
9 at Aylesbury, where I received a
02:46 10 statement from the agent George William
11 Pratt and he was shown the flashlight
12 which I had received from Wilson and he
13 stated this was an identical flashlight
14 that the glass in this flashlight was
02:46 15 broken and was not when it was taken.
16 The knife which I had was shown to him,
17 and he stated that he had never had a
18 knife of this nature at the elevator and
19 he did not know of any toque of the
02:46 20 description of the one we had being at
21 the elevator office either."

22 Let's just go back and go in order. Do you
23 recall talking to Mackie about a toque, anything
24 about a toque?

02:47 25 A No.



1 Q Do you remember anything about David Milgaard
2 having a toque on the trip?

3 A No.

4 Q It says here:

02:47 5 "Wilson had made inquiries in regard to
6 Milgaard."

7 Were you looking for Mr. Milgaard for the police
8 to find out where he was?

9 A No.

02:47 10 Q Next if I can call up 042740, and this is a Regina
11 City Police report of May 30, 1969 and it's an
12 Officer Dyck, and I think you said you remember
13 the name Dyck from the Regina City Police?

14 A Yes.

02:47 15 Q And it refers to a fellow by the name of George
16 Fedor, F-E-D-O-R, who appears to be the fellow
17 that bought your vehicle that had been impounded
18 by the police. If we can just call out paragraph
19 1, and it says:

02:48 20 "A 1958 Pontiac sedan --"

21 Etcetera,

22 -- at one time owned by one Ronald
23 Wilson of 126 Cornwall Street north was
24 sold by public auction on May 3, 1969,
02:48 25 to one George Fedor, 909-10th Avenue



1 east. As this vehicle was used by
2 Wilson along with Nichol John and David
3 Milgaard to travel to Saskatoon, Sask.
4 the early morning of January 31, 1969
02:48 5 and involved in the murder of Gail
6 Miller in Saskatoon, Sask., the writer
7 located the vehicle and also interviewed
8 Fedor, the present owner."

9 Next paragraph:

02:48 10 "According to Fedor, who was just
11 beginning to demolish the vehicle for
12 parts -- "

13 You see he had the same view as you did of your
14 car, sir?

02:49 15 A Yes.

16 Q "-- the only article he could definitely
17 recall being removed from this vehicle
18 since he purchased it was a tube of
19 lipstick from the glove compartment.
02:49 20 This tube of lipstick had been given to
21 his daughter-in-law, however, she can
22 not recall what became of it since,
23 possibly having been discarded in the
24 garbage. If this article is located,
02:49 25 Fedor will contact the writer."



1 Do you have any knowledge of any lipstick being
2 in the glove compartment of your car?

3 A No.

4 Q Paragraph 3, scroll down:

02:49 5 "The following items were located and
6 retained by the writer at the time, this
7 being 1:15 p.m. on May 29th, 1969:
8 (i) glove compartment which had been
9 removed from its fastenings by Fedor.
02:49 10 Same contained a quantity of silver
11 material, quite fine and had the
12 appearance of similar substance used in
13 applying to women's hair. Possibly fell
14 out of Miller's makeup kit which was
02:49 15 supposedly in the glove compartment
16 shortly after the murder."

17 Do you have any knowledge or recollection of a
18 silver material being in the glove compartment of
19 your car?

02:50 20 A Tinfoil maybe.

21 Q Pardon me?

22 A Tinfoil possibly.

23 Q And why would tinfoil be in your glove box?

24 A You wrap hash in it.

02:50 25 Q "(ii) one pair of ladies dark blue wool



1 gloves which had various dark stains on
2 them, found in the trunk."

3 Do you know whose those might have been?

4 A No, I don't.

02:50 5 Q "(iii) one pair of men's black oxfords,
6 one located in trunk of above vehicle,
7 the other in rear seat of another old
8 auto on Fedor's property, this shoe
9 having been placed there by children
02:50 10 playing about the vehicles.

11 (iv) paper bag containing men's shorts
12 (one pair) found in trunk."

13 Do you know whose those would have been?

14 A No.

02:50 15 Q "(v) one maroon men's housecoat found in
16 rear seat."

17 Do you know whose that would have been?

18 A No.

19 Q Next page:

02:51 20 "(vi) one black razor case,
21 "Phillishave", handed to the writer by
22 Fedor, same located by Fedor on the
23 floor of the auto."

24 Do you know whose that would have been?

02:51 25 A No.



1 Q "(vii) one piece of paper, same being the
2 "tear out" portion from an "Esso" credit
3 card book. On the back of this was a
4 ink drawing of what appeared to be a "T"
02:51 5 intersection of streets or lanes and
6 several other lines and small circles
7 designating points along the street or
8 lane."

9 Do you know what that would have been?

02:51 10 A No, I don't. Possibly instructions from the
11 motel.

12 Q Okay. Instructions -- the map?

13 A Yes, the map.

14 Q Do you remember seeing that map, that document?

02:51 15 A I don't remember it, no.

16 Q Next:

17 "(viii) one piece of tapered plastic,
18 pink in colour, appears to the broken
19 handle off a ladies comb, measures about
02:51 20 2 1/4 inches in length."

21 Do you know whose that would have been?

22 A No.

23 Q "(ix) one pair of men's trousers, grey in
24 color, found in rear seat."

02:51 25 Do you know whose those might have been?



1 A I do now, but I didn't then.

2 Q Now do you know whose those were?

3 A Yes.

4 Q Whose?

02:52 5 A David's.

6 Q David Milgaard's?

7 A Yes.

8 Q And how do you know that?

9 A Because what I saw earlier --

02:52 10 Q Yes.

11 A -- indicated that those were his pants.

12 Q And would those have been the pants that he wore
13 on the morning of January 31, '69 before he
14 changed at Cadrain's?

02:52 15 A I don't believe so.

16 Q And then:

17 "(x) complete front seat from the auto
18 which had a large number of stains, some
19 of which had appearances of dried
02:52 20 blood."

21 And then scroll down. Did you have any knowledge
22 of any substance being on the seat of your car?

23 A No.

24 Q And I believe you touched on this yesterday, but
02:53 25 did you ever have a discussion with any police



1 officer about the results of any testing on any
2 materials found in your car?

3 A Yes.

4 Q And what did they tell you?

02:53 5 A That it was clean.

6 Q Paragraph 5:

7 "It may be noted that just prior to
8 writing of this report Ronald Wilson
9 telephoned the writer requesting
02:53 10 verification of Milgaard's arrest which
11 had been reported on local radio
12 stations. At this time the writer asked
13 Wilson about the above articles and he
14 advised the grey trousers belonged to
02:53 15 Milgaard. The black oxfords and shorts
16 he believed were Cadrain's. Wilson
17 denied any knowledge of the other
18 articles located in the vehicle."

19 Does that report, is that accurate? Do you have
02:53 20 any recollection of any of that?

21 A I have no recollection of it at all.

22 Q Do you know if you would have phoned the police to
23 see whether or not David Milgaard had been
24 arrested?

02:53 25 A I might have, yes.



1 Q And can you give us any reason why you would have
2 done that?

3 A No, I can't.

4 Q And again this information, that it's reported
02:54 5 that you told the police here's who the articles
6 belong to, any reason to believe that that's not
7 correct or accurate?

8 A No reason to believe that, no.

9 Q Next, if I could call up 009304, please, and this
02:54 10 is a letter of June 20th, 1969 from the Saskatoon
11 City Police to the RCMP about criminal record,
12 fingerprints and photographs, do you see that, of
13 Ronald Wilson, and if you could go to page
14 009309 -- sorry to show you a picture of you from
02:55 15 36 years ago, but is that you?

16 A Yeah.

17 Q And this appears to be a February 17th, 1968
18 photo; is that correct?

19 A Yes.

02:55 20 Q If you can go to the next page, please, and this
21 appears to be as of June 20th -- or pardon me,
22 March 4, 1969, your police record. Maybe we'll
23 just go through this a bit at a time. And the
24 first one is February 19th, 1968, theft of auto,
02:55 25 name and number is Ronald Wilson and it was



1 withdrawn. Do you recall that charge at all?

2 A No.

3 Q Scroll down to the next one, please, February 27,
4 1968 in Regina, possession, section 296, and
02:56 5 taking auto -- I'm sorry, I don't know those code
6 sections. You got a suspended sentence for one
7 year and a \$100 bond. Do you remember those
8 charges?

9 A No.

02:56 10 Q Next, June 24th, 1968, Kenora, Ontario. Were you
11 in Kenora, Ontario?

12 A Yes.

13 Q It says possession of stolen property and then it
14 says withdrawn. Do you recall that?

02:56 15 A Not withdrawn, no.

16 Q Scroll down. July 11th, 1968, Regina, break,
17 enter and theft, number 1; number 2, theft of
18 auto; number 3, breach of recognizance, and on the
19 first two charges, six months on each charge
02:56 20 concurrent, number 3 one month consecutive, and
21 then it says appealed. Do you recall that?

22 A Yes.

23 Q And what was that about?

24 A I believe that's the time I broke into my uncle's
02:57 25 place and I took his car.



1 Q And if you could scroll down, it says September
2 19, 1968, appeal dismissed, so would you have gone
3 to jail?

4 A Yes.

02:57 5 Q In September of '68?

6 A Roll back?

7 Q Sure. Scroll back up, please.

8 A I went to jail, I believe it was July 11th, and
9 you appealed while you were in jail.

02:57 10 Q Okay. So July 11th you are in jail -- scroll
11 down -- the appeal is dismissed -- scroll down
12 further -- November 30th, released on parole this
13 date, or as soon after as possible, sentence to
14 expire January 28, 1969. So from this it looks as
02:57 15 though the end of November, '68 you got out of
16 jail on parole?

17 A Yes.

18 Q And that your parole expired a couple of days
19 before you went on the trip to Saskatoon?

02:58 20 A Yes.

21 Q So would that have been your first occasion in
22 jail?

23 A Yes.

24 Q So from July until about November of 1968?

02:58 25 A Yes.



1 Q And then if you could scroll down, February 25,
2 '69 theft, and you got three months, and I think
3 that's when we talked about already you were in
4 jail?

02:58 5 A Yes.

6 Q And do you recall what that was about?

7 A Not that one, no.

8 Q That's what you were in jail for when the police
9 came and questioned you. Do you remember what --

02:58 10 A I can't remember, theft of what.

11 MR. HODSON: Mr. Commissioner, I now
12 propose to move into the trial evidence, and it's
13 three o'clock, I'm not sure if this might be --

14 COMMISSIONER MacCALLUM: That would be
02:58 15 fine. We'll take 15 minutes.

16 MR. HODSON: Yeah.

17 (*Adjourned at 2:58 p.m.*)

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

19 BY MR. HODSON:

03:24 20 Q Mr. Wilson, I would like to now move on to David
21 Milgaard's preliminary hearing and trial. Before
22 I do that, when and how did you become aware that
23 Mr. Milgaard was charged with the murder of Gail
24 Miller?

03:24 25 A I believe it was on the radio in Regina.



1 Q When you left the Saskatoon City Police on May
2 24th, 1969, did you have any understanding or
3 knowledge as to what might happen as far as a
4 charge against Mr. Milgaard?

03:24 5 A I believe it was coming, but I don't believe I was
6 told.

7 Q Would it be fair to say that that was your
8 impression, that based on what you had told the
9 police, he was going to be charged?

03:25 10 A Yes.

11 Q Now, do you recall testifying at the preliminary
12 hearing and at the trial?

13 A Yes.

14 Q And do you know the difference between the two,
03:25 15 the preliminary hearing and the trial?

16 A Yes.

17 Q And the preliminary hearing was in Provincial
18 Court; do you remember that?

19 A Yes.

03:25 20 Q And the trial was before a jury. Do you remember
21 testifying there?

22 A Yes.

23 Q Do you remember the prosecutor Mr. Caldwell?

24 A Barely.

03:25 25 Q You recall there was a prosecutor that you would



1 have dealt with?

2 A Yes.

3 Q And do you recall defence counsel for Mr.
4 Milgaard, do you recall who that was?

03:25 5 A I believe his name was Tallis.

6 Q Now, prior to, and I'll just give you some dates
7 here that I don't think are in dispute, the
8 preliminary hearing started in August of 1969,
9 towards the end of August, didn't run consecutive
03:26 10 dates, but in around I think August 18th or
11 somewhere in there it started, okay, and your
12 statement again was May 23rd and 24th, so about
13 three months after that, okay?

14 A Yes.

03:26 15 Q And the trial started I think January 18th or 19th
16 of 1970.

17 A Yes.

18 Q So the following, you know, again four or five
19 months later. Now, before the preliminary hearing
03:26 20 do you recall coming in to testify at that in
21 Saskatoon?

22 A Repeat that?

23 Q I'm sorry. Do you recall coming to Saskatoon to
24 testify at the preliminary hearing?

03:26 25 A Yes.



1 Q Were you in jail at the time?

2 A Yes.

3 Q Where were you in jail?

4 A In Edmonton, Alberta. Fort Saskatchewan.

03:26 5 Q Fort Saskatchewan. And what were you in jail for?

6 A Conspiracy to commit fraud and possession of
7 drugs.

8 Q And where did those -- when and where did those
9 events take place that gave rise to those charges?

03:27 10 A It happened in Edmonton. Exact date I couldn't
11 tell you right now.

12 Q Was it on the trip that you had with Mr. Milgaard
13 to Edmonton?

14 A No.

03:27 15 Q Was it later?

16 A Yes.

17 Q Now, prior to the preliminary hearing, and prior
18 to your evidence, did you -- do you recall having
19 any discussion with any police officers?

03:27 20 A Prior to the hearing?

21 Q Yes.

22 A While I was in jail, yes.

23 Q And what do you recall?

24 A Just that I had to phone Saskatoon police and tell
03:27 25 them where I was and then I had to tell them that



1 I got thrown back in remand and I wanted them to
2 do something about it and they said they would,
3 but they didn't.

4 Q Okay. Explain that to me a bit further. Was this
03:27 5 while you were in Fort Saskatchewan?

6 A Yes.

7 Q And you were in remand?

8 A Yes. No, I was -- I was in population.

9 Q And then you went into remand?

03:27 10 A Yes.

11 Q And why did that happen?

12 A Because they thought I was wanted for murder.

13 Q Who did?

14 A The authorities in Fort Saskatchewan.

03:28 15 Q And why do you say that, on what basis do you say
16 that?

17 A Because that's what they told me.

18 Q So you went from general population into remand.
19 Was this before the preliminary hearing?

03:28 20 A Yes.

21 Q And how long were you in remand for?

22 A Until they came and got me for the preliminary
23 hearing, and I can't recall how long that was. I
24 believe a few weeks.

03:28 25 Q And so would you have phoned the Saskatoon City



1 Police?

2 A Yes.

3 Q And to try and get you -- to what, to have them
4 explain to the people at Fort Saskatchewan that
03:28 5 you weren't wanted for murder?

6 A Yes.

7 Q And to get you out of remand?

8 A Yes.

9 Q And do you recall who you talked to?

03:28 10 A No, I don't.

11 Q And do you recall what they said to you?

12 A Don't worry about it, it will get looked after.

13 Q And did it get looked after?

14 A No.

03:28 15 Q So then you were in remand when you were taken out
16 of Fort Saskatchewan?

17 A Yes.

18 Q And then you were brought to Saskatoon for the
19 preliminary hearing?

03:28 20 A Yes.

21 Q And were you housed in the jail here during the
22 preliminary hearing?

23 A Yes, I was.

24 Q And then when you were -- after the preliminary
03:29 25 hearing were you returned?



1 A Yes, I was.

2 Q And to the general population?

3 A Yes.

4 Q So apart from your phone call while you were in
03:29 5 remand, did you talk to any Saskatoon city police
6 officer prior -- and I'm talking after you gave
7 the May 24th statement, okay, prior to the
8 preliminary hearing did you have occasion to talk
9 to any city police officer about --

03:29 10 A I might have when they escorted me from Fort
11 Saskatchewan back to Saskatoon.

12 Q You say you might have. Do you have any
13 recollection of --

14 A No, I don't.

03:29 15 Q Do you have any recollection of meeting with the
16 prosecutor before the preliminary hearing?

17 A No, I don't.

18 Q Do you recall while you were here at the
19 preliminary hearing talking to any of the other
03:29 20 witnesses?

21 A No.

22 Q Now, what about the trial, and so when the trial
23 happened in January were you out of jail?

24 A Yes, I was.

03:30 25 Q And where were you living?



1 A In Regina.

2 Q And do you recall any discussion with any police
3 prior to the trial?

4 A No.

03:30 5 Q Do you recall how you were transported or how you
6 got to Saskatoon for the trial?

7 A I believe George Lapchuk drove me up.

8 Q Now, we have -- do you recall -- let me just back
9 up. I think you told us yesterday Lapchuk and
03:30 10 Melnyk were very close friends of yours?

11 A Yes.

12 Q Do you recall any discussion with Lapchuk and/or
13 Melnyk about an incident they may have had with
14 David Milgaard in a motel room?

03:30 15 A I believe on the drive up to Saskatoon, yes.

16 Q And what do you recall of the discussions with
17 Melnyk -- was it Melnyk or Lapchuk or both do you
18 know?

19 A Both.

03:30 20 Q What do you recall them telling you?

21 A I don't recall anything now, just what I've read
22 and heard.

23 Q Okay. And what have you read and heard?

24 A That he reenacted the murder at a party.

03:31 25 Q Do you recall telling anyone at the Saskatoon



1 Police Service or the city police about your
2 discussion with Melnyk and Lapchuk?

3 A I might have, yes.

4 Q Do you recall that?

03:31 5 A No, I don't.

6 Q I believe we've heard from others, Mr. Wilson,
7 that you would have informed the police officers,
8 and I believe it may have been Detective Karst, or
9 at least a Saskatoon police officer, about Melnyk
03:31 10 and Lapchuk being in a motel room and an incident
11 with David Milgaard and based on that the officers
12 contacted Melnyk and Lapchuk. Does that -- do you
13 have any recollection of that?

14 A I don't have any recollection of it, no.

03:31 15 Q Do you dispute that that may be what happened?

16 A No, I don't.

17 Q Now, prior to the trial in January of 1970, do you
18 recall any discussions with the prosecutor Mr.
19 Caldwell?

03:32 20 A Yes, I do.

21 Q What do you recall of those discussions?

22 A Can you repeat that? I didn't hear.

23 Q What do you recall of those discussions?

24 A That he came to see me in my hotel room and just
03:32 25 kind of asked me if I was sure about the length of



1 time that David and I were separated.

2 COMMISSIONER MacCALLUM: Who came to see
3 you, sir, I'm sorry?

4 A The prosecutor.

03:32 5 BY MR. HODSON:

6 Q And you say you were at a -- he came to your hotel
7 room?

8 A Yes.

9 Q Do you remember what hotel you were staying at?

03:32 10 A No, I don't.

11 Q And this is prior to you giving evidence at the
12 trial?

13 A Yes, it was.

14 Q And what do you recall of those discussions again?

03:32 15 A That he asked me to make sure about the length of
16 time that we were separated.

17 Q Okay. Anything else?

18 A If I was sure that's the length of time and that
19 was about all.

03:32 20 Q And did you tell him that you were sure?

21 A I believe I did.

22 Q Did you ever meet with Mr. Tallis, David
23 Milgaard's lawyer, prior to the trial or the
24 prelim?

03:33 25 A No.



1 Q Did you meet with anybody from the Milgaard family
2 or anyone on behalf of David Milgaard prior to the
3 preliminary hearing or the trial?

4 A No.

03:33 5 Q If I can call up document 007043, and these are, I
6 believe, Mr. Caldwell's notes from August 15th,
7 1969 which would be right around the time of the
8 preliminary hearing, and it talks about,
9 "Superintendent Corey: Re Wilson: Appeared
03:33 10 Magistrate Court Edmonton this a.m. before
11 Magistrate John Coughlan. Charged conspiracy to
12 commit fraud, section 408(1)(d) - sentenced three
13 months, Fort Sask jail. Second charge, section
14 42(2)(c), Public Health Act - possession LSD.
03:34 15 Sentence one month concurrent." I think that's
16 what you told us a bit earlier; is that right?

17 A Yes.

18 Q And if you could go to document 153371, please,
19 and this is an affidavit -- now, this is an
03:34 20 unsworn copy, but I believe it's a file copy of
21 something that was sworn. If you can go to the
22 next page, please, this is Mr. Caldwell's
23 affidavit before the Saskatchewan Provincial
24 Magistrates' Court, it says:

03:34 25 "I, am advised by Superintendent Cory of



1 the Saskatoon police, and do verily
2 believe, that Ronald Wilson is presently
3 serving a sentence in the Fort
4 Saskatchewan Goal in Alberta --"

03:35 5 Etcetera,

6 "-- and that he received his sentence on
7 August 15, 1969."

8 Does that sound right?

9 A Yes.

03:35 10 Q And the affidavit is made in support of an
11 application for an order to require you to appear.
12 So that's -- I think that's what you told us, Mr.
13 Wilson, that you were in jail and the authorities
14 here in Saskatoon made arrangements for you to
03:35 15 appear?

16 A Yes.

17 Q If I could call up document 065441, please, and
18 this will just help us to fill in some gaps. This
19 is a letter of September 16, 1969 from Deputy
03:36 20 Chief of Police Forbes to the Deputy Attorney
21 General, and just call out paragraph 1, it says:
22 "The preliminary hearing in the above
23 case commenced in Magistrates' Court at
24 the Saskatoon Court House before Judge
03:36 25 H.J. Cumming on August 18 and concluded



1 on September 11 with Milgaard, the
2 accused, being committed for trial."

3 Scroll down:

4 "One of the chief prosecution witnesses
5 in this case was a young man named
6 Ronald Dale Wilson, who was serving a
7 term of imprisonment in Fort
8 Saskatchewan jail, near Edmonton, when
9 this Preliminary Hearing took place. It
10 was, therefore, necessary to bring
11 Wilson to Saskatoon on August 25 and
12 return him to Fort Saskatchewan on
13 September 8. The police escort for
14 Wilson was provided by this department
15 at the request of Mr. T.D.R. Caldwell,
16 who wished to have him escorted by
17 detectives who had dealt with him while
18 this murder case was being investigated.
19 It was, therefore, necessary to provide
20 air transportation for Detective Karst
21 from Saskatoon to Edmonton and return on
22 August 25, as well as a ticket for his
23 prisoner from Edmonton to Saskatoon.
24 Then, on September 8, similar
25 transportation had to be provided for



1 Lieutenant Short and the prisoner,
2 Wilson, from Saskatoon to Edmonton and
3 Lieutenant Short's transportation back
4 from Edmonton to Saskatoon on September
03:37 5 9."

6 Does that sound right, Mr. Wilson?

7 A Yes, it does.

8 Q Tickets cost \$26 -- I think that would be Jetsgo
9 pricing -- each way or a total of \$156, so that
03:37 10 sounds right. Detective Karst would have picked
11 you up in Edmonton, brought you to Saskatoon?

12 A I don't know which one did what.

13 Q Do you have any reason to dispute what's stated
14 here?

03:37 15 A No.

16 Q And you knew both Detective Karst and Lieutenant
17 Short?

18 A Yes.

19 Q Now, what I propose to do, I'll call up document
03:37 20 325547, and, Mr. Wilson, you understand that when
21 you testified at the preliminary hearing and at
22 the trial, there was a transcript prepared by a
23 court reporter that put down what you said at
24 those two proceedings?

03:38 25 A Yes.



1 Q And what I propose to do is to, rather than go
2 through the entire two transcripts, I have
3 attempted to divide the transcript by subject
4 matter based on those areas that we touched on
03:38 5 yesterday and again today, and so I will go
6 through each of these subject matters and at the
7 end there's sort of a miscellaneous grouping and
8 what I intend to do is go through and read to you
9 portions of what you said at the preliminary
03:38 10 hearing and at the trial, okay?

11 A (Nods head).

12 Q Yes?

13 A Yes.

14 Q And did you tell the truth at the preliminary
03:38 15 hearing in all respects?

16 A No.

17 Q Did you tell the truth in all respects at the
18 trial?

19 A No.

03:39 20 Q So what I propose to do, Mr. Wilson, is to go
21 through some of these parts and have you identify
22 for us those parts where you said you were being
23 truthful and those where you were not truthful.
24 Do you understand?

03:39 25 A Yes.



1 Q So we'll start off with drug use which is the
2 first item, and if you could go to the prelim and
3 call up 007595, and again this is Mr. Caldwell
4 examining you about:

03:39 5 "Q Now, I believe that at the present time
6 you are in custody and serving a
7 sentence?

8 A Yes, I am.

9 Q And how long a sentence?

03:39 10 A Three months.

11 Q On how many charges is that?

12 A Two.

13 Q What are they?

14 A Possession of L.S.D. and conspiracy to
03:39 15 commit fraud."

16 Do you remember how much LSD you had when you
17 were charged?

18 A It wasn't enough to be charged with possession for
19 the conspiracy of trafficking.

03:40 20 Q It was not enough?

21 A No.

22 Q Page 007698, please. And this, this is
23 cross-examination by Mr. Tallis at the preliminary
24 hearing, and question 406:

03:41 25 "Q So that May 22nd would be the first



1 occasion on which you implicated David?

2 A Yes."

3 Now let's just pause there, Mr. Wilson. You will
4 recall we went through your statements, your
03:41 5 first, your statement of May 23rd, 1969. Did you
6 implicate David Milgaard on May 22nd?

7 A I don't recall that.

8 Q You recall, when I went through, that's when you
9 met with the police and were driven around; do you
03:41 10 recall that?

11 A Yes.

12 Q It says here that, at least you answer this
13 question saying that you implicated him on May
14 22nd, do you know if that's true?

03:41 15 A No I don't.

16 Q Carrying on:

17 "Q And by that time you had been
18 interviewed by quite a number of police
19 officers?

03:41 20 A Yes.

21 Q Now, I gather that, from what you told
22 my learned friend, you had been using
23 L.S.D.?

24 A Yes, I have.

03:42 25 Q Have you gone on trips with it?



1 A Yes, I have.

2 Q And when did you start using L.S.D.?

3 A The spring of '68.

4 Q The spring of '68. And I suppose you
03:42 5 have gone on a fair number of trips with
6 it since then, have you?

7 A Yes, I have.

8 Q How frequently would you say you have
9 gone on trips with it?

03:42 10 A About twice a week

11 Q About twice a week. And that doesn't
12 include the time you had been in
13 custody?

14 A No.

03:42 15 Q Have you been able to get it
16 occasionally when you're in jail?

17 A No."

18 And that question and answer, Mr. Wilson, is that
19 correct?

03:42 20 A No.

21 Q And I think you told us, yesterday, that you did
22 get drugs while you were in jail?

23 A Yes.

24 Q Is that correct? What about when you were in Fort
03:42 25 Saskatchewan prior to the prelim?



1 A Not there, no.

2 Q No? And then next page, please:

3 "Q But when you were on the street, if I
4 may use that term, you did use it about
03:43 5 twice - you used to go on trips about
6 twice a week?

7 A Yes, when I had the money and I
8 usually did."

9 Now is that accurate and truthful evidence?

03:43 10 A No.

11 Q No?

12 A No.

13 Q I'm sorry, did you say "no" or "don't know"?

14 A I said "no".

03:43 15 Q Okay. What is the truth?

16 A It would be a lot more than twice a week.

17 Q Seven times a week?

18 A Including pot and hash and stuff, yeah.

19 Q So would it be every day, Mr. Wilson?

03:43 20 A Yes.

21 Q And what time frame would this be, would this be
22 from, let's take January 1969 to January 1970?

23 A Probably more like August '67.

24 Q August '67 'til --

03:43 25 A When I quit.



1 Q Okay. That would be in the '80s?

2 A Yeah.

3 Q And you are telling us that you would do it pretty
4 much every day?

03:44 5 A As much as you could every day. Depends how much
6 money you had, and if you were dealing it you had
7 a lot of extra and got -- it was cheap for you, so
8 --

9 Q In 1969 and 1970 did you have access to both money
03:44 10 and drugs for your own use?

11 A Yes I did.

12 Q Where from?

13 A Dealing and stealing.

14 Q Page 007766. And, again, this is Mr. Tallis
03:44 15 cross-examining you, at the bottom, question 1137:

16 "Q Now, you had told me that you have used
17 L.S.D. and have gone on trips on it
18 about twice a week when you had the
19 money and you said you nearly always had
03:45 20 the money, and this, I take it, is when
21 you, of course, were out of jail from
22 what you have told me?

23 A Yes.

24 Q In particular, were you using it in
03:45 25 January of 1969?



1 A Yes, I was.

2 Q And for how long had you been using
3 L.S.D. in January of 1969?

4 A Not too long."

03:45 5 I think you told me August of '67; is that right?

6 A Yes.

7 Q So "not too long" would not be quite right; is
8 that fair?

9 A Well probably, I think he probably meant in the
03:45 10 month of January, not the length of time --

11 Q Okay.

12 A -- that I had started doing it.

13 Q And then he says:

14 "Q Well, could you help me out by
03:45 15 giving me an estimate of the months or
16 weeks?

17 A I only had it about maybe once a week
18 in January."

19 And I think you are talking in 1969; do you see
03:45 20 that? Is that truthful?

21 A No.

22 Q And what's the truthful answer to that?

23 A Most of January '69.

24 Q We're talking every day?

03:46 25 A Not LSD every day, no, but drugs every day, close



1 to it.

2 Q And I think he is talking about LSD in these
3 questions, so LSD?

4 A Yeah. You can't do LSD every day.

03:46 5 Q Okay. So how many times a week?

6 A You can do it three, two, four times a week.

7 Q Okay. If you did that, would it affect you for
8 the entire week?

9 A Oh yeah.

03:46 10 Q And then the question, scrolling down, 1141:

11 "Q Once a week prior to that?

12 A Yes.

13 Q When did you start taking it twice a
14 week?

03:46 15 A When I got out of jail this last time,
16 since May.

17 Q Since May of this year?

18 A Yes."

19 And I take it -- is that accurate?

03:46 20 A No.

21 Q So, again, I think you said August of '67?

22 A Yes.

23 Q Would there be -- what would the reason be that
24 you wouldn't be telling the truth, here, before
03:47 25 the Court?



1 A Because a lot of that was done in jail, and they
2 wanted to know how I would get it there, and --

3 Q What about your drug use when you were not in
4 jail? I think you have told me on a few
03:47 5 occasions, here, --

6 A Uh-huh.

7 Q -- that you didn't -- that you maybe understated
8 your drug use; is that fair?

9 A Yeah, I did.

03:47 10 Q And why did you do that?

11 A I don't know.

12 Q And then scroll down, please, question at 1145:

13 "Q When you got out on May 9th ...",
14 and I think that's the day you got out of jail,
03:47 15 remember, 1969?

16 A Yes.

17 Q You talked about:

18 "... you started to hit it a little
19 heavier, did you?

03:47 20 A Yes, I did.

21 Q And when you say twice a week, I take it
22 this was taking it on your own, that is,
23 without any medical supervision?

24 A Yes, I was taking it on my own."

03:47 25 Next page, Mr. Tallis says:



1 "Q And not having used L.S.D., can you tell
2 me the effect or sensation that you
3 would feel from it? Maybe you can give
4 us a short course on it here.

03:48 5 A Well, you see it hallucinates things
6 and there's more colours.

7 Q Well, when was the first trip you took
8 after you got out of jail this May, was
9 it the first day you were out, or ...

03:48 10 A No, it wasn't, not for a couple of
11 weeks.

12 Q After a couple of weeks. And was this
13 in Regina?

14 A Yes, it was.

03:48 15 Q How long do you feel the effects of this
16 type of a trip?

17 A Anywhere from eight to twelve hours."

18 Is that truthful?

19 A Parts of it, yes.

03:48 20 Q What parts? Is the eight to twelve hours, is that
21 --

22 A That's truthful, yeah.

23 Q And what's not truthful?

24 A No, it -- that it -- the answer:

03:48 25 "No, it wasn't ... for a couple of



1 weeks."

2 It was the first day I was out.

3 Q Okay. If you go to page 007769 you are asked, and
4 again this is Mr. Tallis:

03:49 5 "Q Well, you say in these hallucinations,
6 what do you see?

7 A Things that aren't real.

8 Q Things that aren't real. And they're
9 sort of blown up out of proportion, are
03:49 10 they, size-wise?

11 A Yes.

12 Q What are some of the things that you
13 recall seeing when you have been on some
14 of these trips?

03:49 15 A Oh, I don't know what to call them,
16 because I don't know what they are.

17 Q Are they ghastly or pleasant?

18 A You can see right through them, they
19 are there and yet they're not there,
03:49 20 you know.

21 Q I see. You can see it and yet you can't
22 see them?

23 A Yes."

24 Does that accurately describe --

03:49 25 A Some of it, yes.



1 Q And is some of it not quite right?

2 A No, there is more that could have been included in
3 it.

4 Q Well, why don't you tell us what more could have
03:49 5 been included?

6 A Hmm, this -- can I think about it for a minute.

7 Q Yeah, sure.

8 A I have to try to remember.

9 Q Yeah.

03:50 10 A Okay. Like you are hearing sounds that really
11 aren't there, and if sounds are there they are
12 magnified. Umm, you are seeing all kinds of
13 colours, you are seeing movement. Oh, it's,
14 sometimes it's like a dream.

03:50 15 Q Like a dream?

16 A Like a dream, sometimes a good dream, sometimes a
17 bad dream.

18 Q In your case, sir, did it cause you to suffer from
19 any paranoia or anything of that nature?

03:50 20 A It did at one point. At one point my mother got
21 me into a doctor's care, but I can't remember
22 when.

23 Q Okay, I'm sorry, your mother did?

24 A Yes.

03:50 25 Q And that was as a result of your drug use?



1 A Yes.

2 Q And, I'm sorry, was that related to paranoia?

3 A Yes.

4 Q And what were you paranoid about; do you remember?

03:50 5 A It was just the way my mind was mixed up, I just
6 had done too much, and --

7 Q And do you recall; was that before or after the
8 David Milgaard --

9 A I don't --

03:51 10 Q -- investigation?

11 A I don't recall.

12 Q What about your memory, sir, what impact did your
13 drug use have on your memory at the time?

14 A While you're stoned, at the time, or just in
03:51 15 general?

16 Q In general, what -- in -- when -- let's go back to
17 1969 and 1970, and my question is whether you
18 believed or perceived that your drug use had any
19 effect on your memory at that time? And I just
03:51 20 want to know what your, your belief or your
21 perception was?

22 A Yes.

23 Q In what way?

24 A Oh, things were fuzzy, and actually you weren't
03:51 25 sure if -- "did that really happen last night" or,



1 you know, "did that happen two days ago".

2 **Q** If we could go to 007770, next page, again this is
3 Mr. Tallis cross-examining at the prelim:

4 "Q And as a result of that, instead of
03:52 5 going to liquor to any extent, you went
6 to L.S.D.?

7 A I had been drinking quite a bit when I
8 got out, of course.

9 Q You were drinking quite a bit too, in
03:52 10 addition to taking L.S.D. when you got
11 out. Did you also take any other drugs?

12 A Yes, I did.

13 Q And were they sort of mixed in with the
14 L.S.D.?

03:52 15 A No.

16 Q Or a separate type of trip?

17 A Separate.

18 Q Were you using drugs pretty well every
19 day after you got out of jail?

03:52 20 A No."

21 Let me pause there. Is that accurate?

22 A No.

23 **Q** What's not accurate there?

24 A That I was taking drugs more than once a day.

03:52 25 **Q** Okay. What about your drinking; were you drinking



1 alcohol at the time?

2 A Yeah, you mix the two together.

3 Q Carrying on to question 1169, scroll down, please:

4 "Q You drank for awhile?

03:53 5 A Yes, I did.

6 Q And then you said about two weeks after
7 you got out of jail, you started taking
8 L.S.D.?

9 A Yes, I did."

03:53 10 I think you have already told us that it was
11 right after you got out of jail; is that correct?

12 A Yes.

13 Q "Q And I think you said you used it about
14 twice a week or so?

03:53 15 A Yes."

16 And I think you told us it was more than that?

17 A Yes.

18 Q "Q Would there be some weeks when you would
19 use it more than twice?

03:53 20 A Yes.

21 Q Would you sometimes use it every day?

22 A No."

23 And I think you told us a bit earlier that you
24 couldn't do it every day?

03:53 25 A Well not unless you wanted to do about 25 hits,



1 and only get a buzz, and waste your money.

2 Q Okay. Page 007772, and Mr. Tallis, again, asking
3 about ways to do -- use it:

4 "Q It does. Well then I haven't been

03:54 5 misinformed. So that's one way in which
6 you take it, ...",

7 and I think they are talking about paper, and you
8 would take acid on paper, is that right?

9 A Yeah, it can be put on paper, yes.

03:54 10 Q He says:

11 "... just tell me the other ways there
12 are to take it.

13 A Well, you can crank, like with a
14 needle, the liquid stuff.

03:54 15 Q Pardon?

16 A Crank it, like

17 Q You call it cranking it?

18 A Yes."

19 And then a cap and a pill. Did you take it, did
03:54 20 you inject acid?

21 A Myself, no.

22 Q Why not?

23 A Because I didn't like doing it that way.

24 Q And then the next page, please, 07 -- or, pardon
03:54 25 me -- 007773. And again this is Mr. Tallis, and



1 you say:

2 "A Well, I'll describe this last time when
3 I got picked up in Edmonton, I was
4 stoned then, when they put me in my
03:55 5 cell, it didn't look like a cell, like
6 the walls were

7 Q What did the walls look like?

8 A Well, if they ever painted a drum like
9 that, it would be okay, like it's
03:55 10 different colours and stuff like this.

11 Q Now, when you were talking about a drum
12

13 A Cell

14 Q That's the term for cell, isn't it?

03:55 15 A Yes.

16 Q So alright, you were in your drum after
17 they picked you up and while you were in
18 your drum you were still on a trip?

19 A Yes.

03:55 20 Q And if your drum had only been the way
21 the colours were on your trip, it would
22 have been a wonderful drum?

23 A Yah."

24 Just carrying on to 1200:

03:55 25 Q Well, can you tell us some of the other



1 things you saw when you were in your
2 drum while you were under the influence?
3 The bars didn't look like bars, I take
4 it?

5 A Well, at one time, there weren't any.

6 Q I see. They just weren't there?

7 A No.

8 Q In your mind's eye?

9 A Yes.

03:55 10 Q And you could just walk right through?

11 A No, I ran into them."

12 Do you recall giving that evidence and do you
13 recall that happening?

14 A Yes, I do, but it was on crystal meth. I don't
03:55 15 think I told them that.

16 Q Okay. And you were taking crystal meth in 1969?

17 A Yes.

18 Q And what effect did that have on you?

19 A Well it, it was mixed at that time with speed, so
03:56 20 it did all kinds of things to you.

21 Q Different than LSD?

22 A Yes.

23 Q And can you describe those for us, please?

24 A It treated your body and your mind totally a
03:56 25 different way. It's hard to explain.



1 Q Okay. Well, can you try and explain it for us?

2 A That was the only time I did that one so I don't
3 recall too much about it.

4 Q Okay. And just scrolling down to question 1211:

03:56 5 "Q Can you tell us some of the other things
6 you have seen?

7 A Once I saw a car that wasn't there.

8 Q Once you saw a car that wasn't there.

9 So I gather there's a great variety of
03:56 10 things that you see that aren't there?

11 A Yes.

12 Q Some things are there and you don't see
13 them and so on?

14 A Yes."

03:56 15 Do you recall that incident?

16 A Several times.

17 Q Okay. And what -- tell us about that; you saw a
18 car that wasn't there?

19 A Yes.

03:57 20 Q When was that?

21 A Umm, in Regina. And then on the same trip, then
22 there was no cars there when you knew there was,
23 because it was that time of the night where you
24 can't drive around the city without seeing
03:57 25 anything, but we did.



1 Q So you drove around, you didn't see any cars
2 anywhere, and you knew that --

3 A Anywhere. And that was four people on the same
4 trip.

03:57 5 Q Okay. And so that's where you -- there were cars
6 there, but you didn't see them, and I think you
7 are talking about --

8 A Yeah, and at other times there was cars there that
9 couldn't have been there.

03:57 10 Q Did you have any of these experiences on your
11 January 31, 1969 trip? And when I say "trip" I'm
12 talking in the vehicle.

13 A I can't recall, because I was stoned, so I can't
14 recall.

03:58 15 Q Go to the next page, please, down to 1220:

16 "Q Do these other drugs enable you to
17 see things in the same way as L.S.D.?

18 A Sometimes.

19 Q You remember that some of us here
03:58 20 haven't used them so that when we ask
21 you about this, it's not ...

22 A Like mescaline, you can't -- there's
23 mostly colours in mescaline.

24 Q What is mescaline?

03:58 25 A I don't know.



1 Q You just know it as a drug, do you?

2 A Yes."

3 So I take it you were taking mescaline at the
4 time, were you?

03:59 5 A Yes, also.

6 Q And what effect did that have on you?

7 A Umm, there is too many ladies in the courtroom.

8 Q Well --

9 A I guess it helped your sexual drive, and you saw
03:59 10 colours, like it wasn't really hallucinogenic.

11 Q Next page, please, just down at the bottom. I
12 think, again, this is Mr. Tallis asking you, you
13 say:

14 "A Well, I tried heroin once.

03:59 15 Q You did?

16 A Yes.

17 Q What effect did heroin take on you as
18 far as ...

19 A I had what you call a bumer, that's a
03:59 20 bad trip.

21 Q Well now, when you have a bad trip on
22 heroin, just tell me what you see on
23 that kind of trip, or do you see
24 anything?

03:59 25 A You see stuff you don't want to see.



1 Well

2 Q Well ...

3 A It's hard to say. Like, your mind is
4 going one way and you want to go the
04:00 5 other."

6 Do you recall taking heroin at this time, Mr.
7 Wilson?

8 A Yes, once.

9 Q Once? And do you remember, where or when was that
04:00 10 in connection to the relevant events in the David
11 Milgaard matter, was it before or after January
12 31, 1969?

13 A After.

14 Q Before or after your May 23rd and 24th statement?
04:00 15 You are out of jail on May 9th.

16 A Before.

17 Q Before? And what, what makes you say that, or why
18 are you saying that?

19 A Because, I kind of remember it, because you are
04:00 20 actually sitting on the edge of the bathtub
21 getting sick all day.

22 Q And where did this take place and who was it with?

23 A I believe it was with Lapchuk, and I believe it
24 was at his house.

04:00 25 Q And you think this was before your May 23rd and



1 24th, 1969 -- before the polygraph session, was
2 it?

3 A Yes.

4 Q Pages 007780. And again, this is Mr. Tallis
04:01 5 cross-examining still, it says:

6 "A After you got to Calgary. Had Nickey
7 ever taken L.S.D. with you?

8 A Not with me.

9 Q I see. So you were never with her.

04:01 10 A No."

11 Is that true?

12 A She never dropped it with me. She would be
13 around, stoned, but she never, like, took it.

14 Q I'm sorry, around?

04:01 15 A We never took it together.

16 Q Okay.

17 A You know, like, she would be stoned but not -- she
18 didn't take it with me.

19 Q Did you know -- let me ask you this: At the time,
04:02 20 and again in 1969, did you know whether or not
21 Nichol John was taking LSD?

22 A Yes.

23 Q And how do you know that?

24 A Because I had saw her take it with other people,
04:02 25 like I said, not with me.



1 Q Okay. So -- and did you observe her reaction to
2 the LSD at all?

3 A Sometimes, yes, well if you paid any attention to
4 her.

04:02 5 Q Now you are asked here by Mr. Tallis:

6 "Q I take it on the morning of January
7 31st, you were not taking L.S.D.?

8 A No.

9 Q And I take it David wasn't that morning?

04:02 10 A No.

11 Q So that as far as -- and neither was
12 Nickey?

13 A No."

14 Now is that truthful?

04:02 15 A No.

16 Q And I think you had told us yesterday that you had
17 taken it prior to departing Regina; is that right?

18 A Yes.

19 Q And, I'm sorry, did you take it in the car on the
04:03 20 way down? Do you know?

21 A I believe just before we got to the car.

22 Q And can you tell us why you wouldn't have told the
23 truth when you were asked those questions about
24 LSD use on the trip?

04:03 25 A No, I can't tell you why.



1 MR. HODSON: I'm wondering,
2 Mr. Commissioner, that's -- we've done the prelim
3 part, this might be an appropriate time. I know
4 all counsel would like us to go right to 4:30,
04:03 5 but I'm sure I can convince them to quit at 4:00.

6 COMMISSIONER MacCALLUM: Okay. Monday,
7 then, at 10:00, please.

8 *(Adjourned at 4:03 p.m.)*
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