

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
Delta Bessborough Hotel at
Saskatoon, Saskatchewan

On Monday, April 4th, 2005

Volume 33

Inquiry Proceedings



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INDEX OF PROCEEDINGS

DESCRIPTION:

PAGE:

RONALD DALE WILSON, CONTINUED

- BY MR. HODSON

6428



Transcript of Proceedings

(Reconvened at 1:09 p.m.)

COMMISSIONER MacCALLUM: Good afternoon.

ALL COUNSEL: Good afternoon.

MR. HODSON: Good afternoon, Mr.

Commissioner. We're continuing with the evidence of Ron Wilson. Before we get into that, I would like to introduce a couple of new faces, counsel for the federal Minister of Justice, Mr. David Frayer, and Jennifer Cox are here as well with Stephen McLachlin.

COMMISSIONER MacCALLUM: Welcome, counsel.

RONALD DALE WILSON, continued:

BY MR. HODSON:

Q Now, Mr. Wilson, when we adjourned, I think it was March 22nd if I'm not mistaken, we were at a point where I was about to get into your interview with Eugene Williams in July of 1990. Do you recall us being at that point?

A Yes, I do.

Q And I wouldn't mind just taking a few minutes here just to quickly go over and touch on the key dates and statements that we dealt with since it has been a couple of weeks, and if I can call up 326530, please, and this is a document I showed



1 you at the start, it was a bit of an outline that
2 we went through, and number 1 was the March 3rd,
3 1969 statement to Riddell, and you are familiar
4 with that statement, Mr. Wilson?

01:10 5 A Yes, I am.

6 Q And that was the statement where -- I'll come back
7 to that in a moment. Number 2 was the polygraph
8 session of May 23, 1969 with Inspector Roberts.
9 Do you recall us discussing that?

01:10 10 A Yes.

11 Q And then followed by three and four, the two
12 statements, May 23 and 24, and you recall we went
13 through those in some detail?

14 A Yes.

01:10 15 Q We then went on to the August, 1969 preliminary
16 hearing and we went through some of your evidence
17 there. You'll recall that?

18 A Yes, I do.

19 Q And the trial that you testified in January of
01:11 20 1970, you recall we went through some of that?

21 A Yes.

22 Q And number 7 was the, I think it was April --
23 January and April, 1981, there were the two
24 transcripts of telephone interviews you had with
01:11 25 Joyce Milgaard. You recall going through that?



1 A Yes.

2 Q And then I went through your meeting with Paul
3 Henderson and your statement of June 4, 1990, I
4 think that's been termed somewhere the recantation
01:11 5 statement. You recall us going through that?

6 A Yes, I do.

7 Q And then we were right at the point right there
8 where I was getting into the interview with Eugene
9 Williams?

01:11 10 A Yes.

11 Q So what I plan to do with you today, and likely
12 tomorrow, Mr. Wilson, is to go through the
13 interview with Mr. Williams followed by the
14 interview with Kim Rossmo and Neil Boyd who are
01:11 15 some people who wrote a paper on this matter in
16 1991, then your Supreme Court of Canada
17 evidence -- now, I should point out the dates of
18 your evidence are January 22nd and 23rd, not 23rd
19 and 24th, I'll correct that, and then the last
01:12 20 item was the telephone interview with the RCMP on
21 September 13th, 1993 and, just for the record,
22 Mr. Wilson, on March 23rd I believe in your
23 absence the Commission heard the audiotape and
24 went through the transcript of your interview with
01:12 25 the RCMP. I advised the Commission that you would



1 listen to that and review that and can you confirm
2 that this morning at the Commission office you
3 listened to the entirety of that audiotape and
4 went through that transcript?

01:12 5 A Yes, I did.

6 Q So if we can just quickly go through the
7 statements, Mr. Wilson, to refresh your memory,
8 the -- if we could call up 026342, and this is the
9 typed version of your March 3rd statement, and
01:13 10 when we get into some of the subsequent interviews
11 and my questions, I'll be referring to the March
12 3rd statement and you'll understand that it's this
13 statement that I'm referring to?

14 A Yes.

01:13 15 Q And if you can just go to the second page of
16 that -- or actually the third page -- sorry, the
17 fourth -- and I think in this statement you say
18 here, "I am convinced that David Milgaard never
19 left our company during the morning we were in
01:13 20 Saskatoon," and I think when you had testified
21 earlier you said in this statement you did not
22 provide any incriminating evidence about
23 Mr. Milgaard; correct?

24 A Correct.

01:13 25 Q If we can then -- the next -- chronologically the



1 next item that we covered last time was the visit
2 of March 18th, 1969 by the police. If I could
3 call up 106640 and this was a police report of
4 March 22nd and if you can call up the bottom part,
01:14 5 and I don't plan to go through this, Mr. Wilson, I
6 just want to highlight for you what we had touched
7 on, on Tuesday, March 18th, '69 -- this is
8 Lieutenant Short is the myself -- and Detective
9 Karst took Cadrain to the Regina City Police and
01:14 10 interviewed Ron Wilson again, however, nothing
11 further was learned from him, and I believe, and
12 the record will reflect this, I think you did not
13 recall that specific meeting; is that correct?

14 A That's correct.

01:14 15 Q And I think you told us you remembered meeting
16 with city police, but you couldn't specifically
17 remember the meeting identified in this report; is
18 that fair?

19 A That's fair to say, yes.

01:14 20 Q So that's the March 18th meeting. The next
21 reference, just to get the chronology here, is
22 April 18th, '69. If I can call up 106661 and this
23 is an April 18th police report and the relevant
24 part here that I had put to you, if you could just
01:15 25 call out that portion:



1 "We were unable to contact the Wilson
2 youth who was in custody in gaol at that
3 point as he was out on a work crew some
4 90 miles from the city on that date."

01:15 5 And I think you told us about your recollection
6 of being at bush camp; is that right?

7 A Yes.

8 Q If we can just go ahead, and I think you testified
9 that you were out of jail on or about May 9th,
01:15 10 1969; is that right?

11 A Yes.

12 Q And then we spent a fair bit of time on the time
13 period May 21 to 24, 1969. You remember those
14 dates?

01:15 15 A Yes, I do.

16 Q And if I could just call up 106669, please, and
17 again I don't propose to go through these in
18 detail, Mr. Wilson, we've done that already, I
19 just wish to set out the chronology for you. That
01:16 20 paragraph, it says at 2:00 p.m., May 21st, you
21 were interviewed at the Regina City Police
22 station, etcetera, and I think you told us about
23 your recollection of being interviewed by the
24 police, travelling to Saskatoon and driving around
01:16 25 Saskatoon and then attending with Inspector



1 Roberts and then giving a police statement; is
2 that a fair summary?

3 A Yes.

4 Q And it was May 23rd that the polygraph took place?

01:16 5 A Yes, it was.

6 Q And then if we could call up document 002242 and
7 this is your May 23rd, 1969 statement, you recall
8 us going through that in some detail?

9 A Yes.

01:17 10 Q And that was the statement given at 3:30 p.m. on
11 the day of the polygraph; correct?

12 A Correct.

13 Q And I think we went through a typed version, and I
14 think it was this statement where you told us that
01:17 15 a number of things that you stated in this
16 statement were false; is that correct?

17 A Yes.

18 Q And I'll have a summary document I'll show you in
19 a moment. The next document in the chronological
01:17 20 sequence is your May 24th statement and that's
21 002246 and this was the May 24th, '69 and I think
22 that's 9:30 a.m., that's your second statement; do
23 you remember that?

24 A Yes.

01:17 25 Q And if I can call up 325546 and this was a



1 document that we had gone through in detail and it
2 was 10 items where you had given information to
3 the police and do you recall going through and
4 identifying for each of these, Mr. Wilson, the
01:18 5 underlined portion where you told us that that was
6 not truthful information in your statement?

7 A Correct.

8 Q We may come back to that a bit later. And next,
9 if I can call up the June 4th, 1990 statement to
01:18 10 Mr. Henderson, I think it's part of 003336 and
11 it's actually page number 37, and you recall that
12 we went through this handwritten statement in a
13 fair bit of detail?

14 A Yes, we did.

01:19 15 Q And this is a statement where you recanted some of
16 the matters that were in your May 23 and 24th
17 statement and some of your evidence at Mr.
18 Milgaard's preliminary hearing and trial; is that
19 correct?

01:19 20 A That's correct.

21 Q And then lastly the supplemental statement which
22 is 003343 and this was the June 4th, 1990 and it
23 was a supplement to your statement to Mr.
24 Henderson and you recall us going through that, I
01:19 25 think that dealt with the funeral home?



1 A Yes.

2 Q So with that quick review, Mr. Wilson, I would now
3 like to go into the interview with Eugene Williams
4 and it's document 124983 and do you have a
01:20 5 recollection of this interview, Mr. Wilson?

6 A Most of it, yes.

7 Q And was your counsel Ken Watson present at that
8 interview?

9 A Yes, he was.

01:20 10 Q Do you remember who else was there?

11 A Mr. Williams and I believe a court reporter.

12 Q Was there an RCMP officer there do you remember?

13 A I believe at the start, but I don't know if he
14 stayed there the duration.

01:20 15 Q And this transcript says here at the top that you
16 were sworn. Do you remember swearing to tell the
17 truth in this interview?

18 A No, I don't.

19 Q Is it likely or possible that that happened?

01:20 20 A Yes.

21 Q Do you have any reason to dispute what's stated in
22 the transcript?

23 A No.

24 Q And when you met with Mr. Williams -- just pause
01:20 25 here. I think the date we have of this is July



1 20th, 1990. Does that sound about right?

2 A Yes.

3 Q And so that would be about six weeks after your
4 June 4th statement to Mr. Henderson; correct?

01:21 5 A Correct.

6 Q And in this interview with Mr. Williams did you
7 understand what it was he was needing to speak to
8 you about?

9 A Yes, I did.

01:21 10 Q And what did you understand?

11 A He wanted to talk to me about my recantations.

12 Q And do you know why Mr. Williams was involved or
13 did you know who he worked for?

14 A Yes, I did.

01:21 15 Q And who was that?

16 A The justice department of Canada.

17 Q And did you understand why he was looking into
18 this matter?

19 A To see if there was going to be anything else
01:21 20 happening about it, about the case.

21 Q Did you understand that Mr. Milgaard had an
22 application before the federal Minister of Justice
23 to review his conviction?

24 A Yes, I believe I did.

01:21 25 Q And did you tell the truth to Mr. Williams when



1 you met with him in July of 1990?

2 A As much as I can recollect, yes.

3 Q When you say as much as you can recollect, are
4 you -- let me try rephrasing that. At the time
01:22 5 would you have told --

6 A Yeah, at the time it was the truth, yes.

7 Q The truth to the best of your recollection at the
8 time?

9 A Yes.

01:22 10 Q Is that what you intended to say?

11 A Yes.

12 Q And I think we touched on, the last time we
13 convened, that you had some hesitation about
14 meeting with Mr. Williams; is that fair?

01:22 15 A Yes.

16 Q And maybe you can just tell us again, why was
17 that?

18 A Just things I had heard about him, that he wasn't
19 a very nice fellow.

01:22 20 Q That he wasn't, I'm sorry?

21 A That he wasn't a very nice fellow, no.

22 Q And where did you hear that from?

23 A That I can't remember.

24 Q And was that from other people who had been
01:22 25 interviewed by him do you think?



1 A Not by interviewees, no, I don't believe so.

2 Q If you can go to page 124985 and what I propose to
3 do, Mr. Wilson, is just to go through parts of
4 this interview. I think you've told us you don't
01:23 5 dispute that it was under oath, to go through
6 parts, number 1, to see if it refreshes your
7 memory today about those events, and secondly, on
8 occasion I will ask you whether the answers you
9 gave to Mr. Williams are truthful today.

01:23 10 A Okay.

11 Q Okay. And if we can just start at question 25,
12 and there's parts here of the transcript where
13 Mr. Watson questions you. I will let you know if
14 it's Mr. Watson, your lawyer, questioning you.
01:23 15 Other than that, you can assume this is
16 Mr. Williams. Okay?

17 A Okay.

18 Q And he says:

19 "Q I take it, Mr. Wilson, from what you've
01:23 20 described that you had a certain number
21 of police contacts while you were still
22 an adolescent; is that fair to say?

23 A Yes.

24 Q I'm producing and showing to you a
01:23 25 criminal record. I would ask you to



1 take a look at it. I'm showing it to
2 your, Mr. Kenneth Watson, who is present
3 and advising you should the need arise.

4 A Okay. Some information is wrong.
01:24 5 There is another conviction here,
6 Edmonton, along with conspiracy.

7 Q There was another conviction?

8 A Yes. It was under the drug --

9 Q Food and Drugs Act?

01:24 10 A Food and Drugs Act, yes.

11 Q Is that correct; you are referring to an
12 entry dated August 15th, 1969 in
13 Edmonton, Alberta?

14 A Yes.

01:24 15 Q You don't dispute that you were
16 convicted of conspiracy under the then
17 Section 408 of the Code?

18 A No.

19 Q And you received a sentence of three
01:24 20 months?

21 A Yes."

22 And then carrying down to 34:

23 "Q In all other respects this criminal
24 record which I identify as Ronald Dale
01:24 25 Wilson, F.P.S. number 278859A, is



1 correct?

2 A Yes."

3 And then Mr. Williams says:

4 "MR. WILLIAMS: I'd like to mark this as an
01:24 5 exhibit so we know what we're dealing
6 with."

7 And he's got exhibit number 1, criminal record,
8 and if we can call up page 0 -- I think it's
9 001206 and maybe we can just highlight the --
01:25 10 actually, if we can just go to the second page
11 for a moment and I'll show you the exhibit stamp.
12 You'll see there that this is Exhibit "1" in your
13 examination, Mr. Wilson?

14 A Yes.

01:25 15 Q And so this is, appears to be a copy of the
16 criminal record that you identified for
17 Mr. Williams?

18 A Yes.

19 Q Just go back to the page, first page please, and I
01:25 20 think the FPS number that I quoted is there, if we
21 can just call out that portion. And so it looks
22 as though February 27th, 1968, which would be
23 about 11 months before Gail Miller's murder, that
24 you were convicted of possession of stolen
01:26 25 property; is that correct?



1 A Yes.

2 Q And a one-year suspended sentence; is that
3 correct?

4 A Yes.

01:26 5 Q And it looks as though, the take auto under
6 Section 281, that you were convicted of that as
7 well?

8 A Yes.

9 Q Do you remember what that related to?

01:26 10 A No, I don't.

11 Q And then July 11th, 1968 there are three charges;
12 break enter and theft, theft of auto, and breach
13 of recognizance, and it appears here that you got
14 six months on each charge concurrent; do you
01:26 15 recall that?

16 A Yes I do.

17 Q And would that have been the -- when did you serve
18 that sentence, was that -- would that have been in
19 1968?

01:26 20 A Yes, or early '69.

21 Q I think I read somewhere that you got out of jail
22 in January shortly before your trip to Saskatoon;
23 does that sound right?

24 A Yeah.

01:26 25 Q And do you remember what these charges related to?



1 A Umm, I think that related to my uncle.

2 Q And theft of an automobile?

3 A Yeah, I took his car.

4 Q Okay. So this time would have been served prior
01:27 5 to your trip to Saskatoon; is that what you are
6 telling us?

7 A Yes.

8 Q And if you could scroll down, and the next is
9 February 25, 1969, theft over \$50; do you recall
01:27 10 what that related to?

11 A Umm --

12 Q That's in Regina?

13 A No, I don't.

14 Q Would that have been -- I think you told us before
01:27 15 that you were in jail from February 25th to May
16 9th, 1969; is that right?

17 A Yes.

18 Q And that's when the police came to see you in the
19 Regina jail?

01:27 20 A Yes.

21 Q And so it would be for this theft charge that you
22 were in jail?

23 A Yes.

24 Q And do you recall anything about what that related
01:27 25 to?



1 A No, I don't.

2 Q And I take it that this February 25th would have
3 been the Court date as opposed to the day of the
4 offence?

01:28 5 A I would -- I believe so, yes.

6 Q And then the next one is August 15th, 1969,
7 conspiracy, Section 408, and again three months,
8 and I believe you have already told us that in
9 August of 1969 you were in Fort Saskatchewan,
01:28 10 Alberta; is that right?

11 A Yes.

12 Q And it was that sentence when you were called in
13 to the preliminary hearing, is that right, --

14 A Yes.

01:28 15 Q -- you were serving that sentence?

16 A Yes, sir.

17 Q And it appears that that relates to something that
18 happened in Edmonton?

19 A Yes.

01:28 20 Q Okay. Can you tell us what that was?

21 A It was a conspiracy to commit fraud and a charge
22 under the *Food and Drug Act* that's not present
23 there.

24 Q And the charge under the *Food and Drug Act*; was
01:28 25 that relating to possession of LSD?



1 A Yes, it was.

2 Q And do you recall, I take it the offence took
3 place in Alberta, is that right?

4 A Yes.

01:29 5 Q And do you recall when that would have taken
6 place?

7 A I pled guilty to it right away so it would have
8 been a couple days prior to conviction.

9 Q So this would have been after the trip that you
01:29 10 had with David Milgaard in January-February of
11 1969?

12 A Yes.

13 Q And then the next charge is May the 7th of 1970,
14 uttering, Section 311, two charges and two years
01:29 15 probation; do you recall what that related to?

16 A No I don't.

17 Q And then 1972, break and enter with intent, and
18 you got six months; do you recall what that
19 related to?

01:29 20 A Breaking into some houses.

21 Q And then an entry here, paroled, do you recall
22 what that --

23 A Yup.

24 Q -- what was that about?

01:29 25 A I got early release from my six months.



1 Q And if you scroll down it looks as though October
2 of 1973 a charge of failure to attend Court, and
3 then March of 1974, fraud, where you received a
4 suspended sentence and one-year probation and
01:30 5 restitution; is that right?

6 A Yeah.

7 Q And then July of 1975 in Calgary; were you living
8 there at the time?

9 A Umm, yes, I was.

01:30 10 Q And convicted of theft under and a fine of \$100?

11 A Yes.

12 Q And then it looks, the next one is September of
13 1980, failure to appear, possession of stolen
14 property over \$200, and it was a fine and
01:30 15 suspended sentence and probation; do you recall
16 that?

17 A Yes.

18 Q Do you remember what that was for?

19 A Umm, the fail to appear I believe was from the
01:30 20 charges in '75, I think; and possession of stolen
21 property, I took that for somebody else that was
22 already in jail.

23 Q When you say you 'took that' you -- explain that?

24 A Well, instead of him pleading guilty and getting
01:31 25 more time I said I did it, so he didn't have to



1 get any more time out of it.

2 Q Okay. The next page, please. It appears to be a
3 number of, if we could just call those out,
4 charges that were withdrawn or stayed. The first
01:31 5 one is February 19th, 1968, theft of auto, and
6 that may have been related to the charge that you
7 did plead guilty to; was it?

8 A Yes, it was.

9 Q And then July -- pardon me -- June of 1968 in
01:31 10 Kenora, Ontario, possession of stolen property,
11 withdrawn; do you know what that relates to?

12 A That was because I was brought back to Regina for
13 them charges anyway.

14 Q And were you out in Kenora at the time?

01:31 15 A That's where I got picked up, yeah.

16 Q And then down, in April 22nd, 1970, two charges of
17 forgery, two charges of uttering were withdrawn?

18 A Yes.

19 Q And were those related to, it appears to be close
01:32 20 to the date of the ones that you plead guilty to?

21 A Yes.

22 Q Would that be the same circumstance, same event,
23 then?

24 A I believe so.

01:32 25 Q And then, as well, August of '71, break, enter and



1 theft, withdrawn; November 2nd of '71, possession
2 of stolen property withdrawn; do you know what
3 those are about?

4 A No I don't.

01:32 5 Q Okay. If we can scroll down. And then it appears
6 some driving offences that were withdrawn; is that
7 right?

8 A Umm, yes.

9 Q So, and then if we can just go back, well we don't
01:32 10 need to go back to page 1 but I think page 1 ended
11 in September of 1980, and at the time that
12 Mr. Williams interviewed you in 1990 was it
13 correct that there had been no charges or
14 convictions after the last one in 1980?

01:33 15 A I believe so, yes.

16 Q If we can just go back to the Williams' transcript
17 please, and go to page 988, and Mr. Williams has
18 some questions for you about your dealings with
19 the police. He asked:

01:33 20 "Q But by July you had already had an
21 additional three convictions?

22 A Right.

23 Q So you had become accustomed to dealing
24 with law enforcement officers by that
01:33 25 time?



1 A To a point yes.

2 Q To what point was that?

3 A I knew what to expect from them.

4 Q Okay. They would question you?

01:33 5 A Yes.

6 Q Well, are you suggesting that in your
7 early dealings with them that you had
8 bad experiences?

9 A No. My first convictions I was
01:34 10 actually treated quite well.

11 Q And your second and third and fourth?

12 A I was treated kind of decent with
13 those I guess. I got out on bail and
14 just pleaded guilty to everything
01:34 15 anyway and just went to gaol.

16 Q And your theft over in February of '69?

17 A That was just pled guilty and went to
18 gaol."

19 And if you could scroll down to 59 it says:

01:34 20 "Q And was there any rough treatment in
21 relation to those charges?

22 A Yes, there was.

23 Q By whom?

24 A An officer in Edmonton.

01:34 25 Q That was in August of 1969?



1 A Right."

2 What was that about, Mr. Wilson?

3 A Well an officer kind of beat me up a little bit
4 while I was getting questioned.

01:34 5 Q And what charges did that relate to?

6 A Umm, the possession of LSD.

7 Q The possession of LSD?

8 A Yup.

9 Q And was that, where did that physically take
01:34 10 place, was it in Alberta?

11 A Yup.

12 Q And what police force were those officers with?

13 A Edmonton.

14 Q Did you make a complaint or anything?

01:35 15 A No.

16 Q If we go to 124992 -- or pardon me -- 124997, and
17 Mr. Williams asks you about -- and, again, this is
18 the trip to Saskatoon January 31, 1969:

19 "Q Between Regina and Aylesbury did you and
01:35 20 Dave talk about how you were going to
21 finance the trip?

22 A Not really, no.

23 Q No discussions about B & E's before the
24 break-in?

01:35 25 A I think we had discussions about



1 breaking and entering to get some
2 cash, yes.

3 Q Did you discuss other methods of getting
4 cash?

01:36 5 A Not that I can recall at this time."
6 And I think that's what you told us last session;
7 is that right?

8 A Yes.

9 Q And that's true?

01:36 10 A Yes.

11 Q Then go to page 125000, and some questions here
12 about asking for directions, Mr. Williams asks:

13 "So you had asked somebody for
14 directions?

01:36 15 A Yes.

16 Q Who was it?

17 A A woman I believe.

18 Q Did you speak with her?

19 A No, I didn't.

01:36 20 Q Did you overhear the conversation?

21 A Yes, I did.

22 Q Are you certain of that?

23 A Yes.

24 Q Then what happened?

01:36 25 A Then that person could not help us so



1 we just pulled away, and like I said,
2 we went to make a U-turn and we got
3 stuck.

4 Q What was the question that was asked?

01:36 5 A Something to the point she knew where
6 Albert -- the area where Albert
7 lived."

8 And do you recall having that type of discussion
9 with Mr. Williams?

01:37 10 A Yes I do.

11 Q And is that truthful?

12 A Yes.

13 Q I wonder if we could skip ahead to 125005. And,
14 again, Mr. Williams is questioning you about
01:37 15 getting stuck after you asked the woman for
16 directions, question 225:

17 "Q Did David go in the same direction as
18 you?

19 A No, opposite.

01:37 20 Q He went opposite. What did Nichol do?

21 A She stayed in the car.

22 Q Did you see anybody on your way?

23 A No.

24 Q How long were you gone?

01:37 25 A About -- no more than two minutes.



1 Q You are certain of that?

2 A Yes."

3 Next page:

4 "Q Then what happened?

01:37 5 A I got back in the car.

6 Q Was anybody at the car when you arrived?

7 A Nickie was.

8 Q Yes?

9 A David was about thirty seconds to a
01:38 10 minute behind me."

11 Was that evidence truthful, and in particular the
12 times, you said there month more than two minutes
13 that you were gone?

14 A Yes, no more than two minutes, yes.

01:38 15 Q And just scroll down to 236, and Mr. Williams asks
16 you about what Mr. Milgaard said, he said:

17 "Q Did he say anything to you?

18 A Not that I recall.

19 Q Did anybody do or say anything?

01:38 20 A No.

21 Q Did you observe her to make any motions
22 when Dave came back?"

23 And the 'her' is Nichol John.

24 "A No.

01:38 25 Q That's your present recollection?



1 A Yes.

2 Q What you told me about the time that had
3 elapsed between your leaving the car and
4 your return, that's your present
01:38 5 recollection?

6 A Yes."

7 And is that truthful?

8 A Yes.

9 Q "Q Now, in relation to your observations of
01:38 10 Nichol, am I correct in understanding
11 you to say that you have no recall of
12 what she did or is it that you observed
13 her and she didn't do anything?

14 A I observed her and she didn't do
01:39 15 anything.

16 Q And that is your present recollection?

17 A Yes.

18 Q Did you speak with Nickie in the
19 interval between your arrival and David
01:39 20 Milgaard's?

21 A I probably did.

22 Q What did you talk about?

23 A How damned cold I was.

24 Q Anything else?

01:39 25 A No. "



1 Is that truthful evidence today, Mr. Wilson?

2 A Yes.

3 Q And at page 125009 I think you told Mr. Wilson,
4 here at 267 you say:

01:39 5 "A The Danchuk thing I don't remember
6 anything about it."

7 Is that your recollection today as well?

8 A Well I recall about it now because I have read so
9 much about it.

01:39 10 Q Pardon me?

11 A I say I recall about it now as I have read so much
12 about it that --

13 Q And is your recall from reading what others said
14 happened or from you remembering in your own mind
01:40 15 what happened?

16 A Umm, a little bit of both.

17 Q And what do you remember, today, about the
18 Danchuks again?

19 A Umm, basically getting stuck and being in their
01:40 20 house for a couple of hours.

21 Q If we could go to 125017, 355, and Mr. Williams is
22 now asking you questions about when you arrived in
23 Calgary, I think it would be January 31, '69, and
24 he is referring -- could you just scroll up one
01:40 25 question, please, it says:



1 "Q Does the name Heather Beaton ring a
2 bill?"

3 I think it should be 'a bell':

4 "A Yes, it does. That's the girl.

01:41 5 Q And where did you try and get hold of
6 her?

7 A I believe it was in the bus depot in
8 Calgary through the phone book.

9 Q Were you by yourself?

01:41 10 A No, I wasn't. I was with David.

11 Q Who else was with you?

12 A David was with me.

13 Q Where was Shorty and Nichol?

14 A At that time I don't know.

01:41 15 Q Did you have a conversation with David
16 then?

17 A I believe I did, yes.

18 Q Did you have a conversation with David
19 about any event happening in Saskatoon?

01:41 20 A No, I didn't.

21 Q What did you talk about?

22 A About getting hold of Heather and
23 going to buy some drugs."

24 Is that evidence truthful, Mr. Wilson?

01:41 25 A Yes it is.



1 Q And you will recall, when we went through your May
2 23rd, '69 statement, I believe in that statement
3 that you had said at this time, when you were
4 calling Heather Beaton, was when David Milgaard
01:41 5 had made statements to you about hitting a girl;
6 do you remember those?

7 A Correct.

8 Q And so that what you are telling Mr. Williams is
9 that the -- you did go to phone Heather Beaton,
01:41 10 David went with you, but you didn't have a
11 discussion about anything in Saskatoon; is that
12 correct?

13 A That's correct.

14 Q Go to page 125022, and here is where Mr. Williams
01:42 15 starts to question you about the statement that
16 you gave to Mr. Henderson, the June 4th, 1990
17 statement, and starting at the top:

18 "Q March, all right. Now, I'm producing
19 and showing to you this document. By my
01:42 20 count it's a seven-page handwritten
21 document which is comprised of two
22 parts. I'm drawing your attention to
23 page 6, part one, there is signature at
24 the bottom right-hand corner. You
01:42 25 recognize that signature?



1 A Yes, I do. That's mine.

2 Q The document headed up under page 1,
3 'Ronald Dale Wilson,' is dated June 4th,
4 1990 at Nakusp, B.C. Your signature
01:43 5 appears at page 6. I'm drawing your
6 attention to the next page which follows
7 called page 7, a Supplementary Statement
8 of Ronald Dale Wilson dated June 4th,
9 1990. Is that your signature at the
01:43 10 bottom right-hand corner?

11 A Yes, it is.

12 Q Could I ask you to read the document and
13 tell me firstly whether you confirm its
14 contents and if you do not confirm them
01:43 15 I would ask you to write in any changes
16 you wish to make to it.

17 A There is only one addition I would
18 like to make to this.

19 Q Okay, I'm presenting you with a pen.

01:43 20 A Just right on here.

21 Q Yes, put an asterisk beside the point of
22 the initial statement and to indicate
23 where the insertion will be.

24 A Could I go this way?

01:43 25 Q Sure go all the way. Now I just ask



1 you, I noticed you made a notation.
2 Just put a star at the place where you
3 would have that inserted and put the
4 star at the start of that sentence,
01:43 5 thank you. So, for the record, that
6 notation is then on page 4 in the third
7 full paragraph, the paragraph which
8 starts, 'This was not the truth,' and
9 you have written in, 'He had gotten a
01:44 10 bone handled hunting knife out of the
11 elevator he broke into'?

12 A Yes.

13 Q Am I correct in thinking that that
14 elevator was located in Aylesbury,
01:44 15 Saskatchewan?

16 A Yes."

17 Just pause there. Do you recall that exchange
18 with Mr. Williams?

19 A Yes I do.

01:44 20 Q And if I could call up -- or just let me back up.
21 The part about the bone-handled hunting knife,
22 then, was that not in the statement when you read
23 through it?

24 A No it wasn't.

01:44 25 Q And you are questioned about this later, but why



1 was that not included in the statement with
2 Mr. Henderson?

3 A That was just something that slipped my mind at
4 the time.

01:44 5 Q Okay. If we could call up, and I'm not sure if we
6 have document 017096, it's a version of the
7 statement with the asterisk and I'm not sure of --
8 great. If we could go to the page 017099, and if
9 we could just -- it says:

01:45 10 "He had gotten a bone handled hunting
11 knife out of the elevator he broke
12 into."

13 Is that your writing, Mr. Wilson?

14 A Yes it is.

01:45 15 Q And so that's the asterisk that you put in, in the
16 statement, is that right?

17 A Yes.

18 Q Okay. Just go back to the full page, and maybe
19 we'll just read that paragraph, the paragraph in
01:45 20 the original statement says:

21 "This was not the truth. I saw no knife
22 prior to our arrival in Saskatoon. I
23 recall that David purchased a paring
24 knife to cut our meat and cheese on the
01:45 25 trip. But this was when we stopped for



1 groceries in Rosetown - after we had
2 left Saskatoon."

3 And what you have added here is:

4 "He had gotten a bone handled hunting
01:45 5 knife out of the elevator he broke
6 into."

7 Is that correct?

8 A Yes, correct.

9 Q And if we could just go to page 017103 just to
01:46 10 show that this is the exhibit, so that's Exhibit 2
11 of the examination, so that's a copy of the
12 statement that you annotated or wrote on at the
13 interview?

14 A Yes.

01:46 15 Q So this would be about six weeks after your
16 meeting with Mr. Henderson, your statement to
17 Henderson was June 4th, 1990; correct?

18 A Correct.

19 Q And this is July 20th, 1990?

01:46 20 A Yes.

21 Q When, when did you first realize that you had
22 forgotten to include the bone-handled hunting
23 knife in the statement?

24 A Probably not too long after Mr. Henderson had
01:46 25 left.



1 Q Did you tell Mr. Henderson anything about that
2 knife?

3 A I can't recall if I did or not.

4 Q And then while we -- maybe if we could just go
01:46 5 back while we have this statement up, if we could
6 go to page 097, 017097, and you will see there's
7 another asterisk here; do you see that?

8 A Yes I do.

9 Q And can you tell us, is that your writing, do you
01:47 10 remember putting an asterisk there; "DW"?

11 A That's my writing, yes.

12 Q Okay. And if we can just go back, I think what
13 it's referring to in the statement, it says:

14 "Sometime later, maybe two weeks after
01:47 15 police started questioning me, I ended
16 up somehow being questioned by police in
17 Saskatoon. I don't recall being
18 escorted there by police but know that I
19 wouldn't have gone there on my own."

01:47 20 Now we'll just go back to the transcript with
21 Mr. Williams, and you are asked about that, if we
22 go to page 125024. And, again, this is Mr.
23 Williams about -- you have just made the note
24 about the bone-handled hunting knife and he says:

01:48 25 "In relation to that ...",



1 actually if we just go up to, yeah, 410:

2 "Q In relation to that, in relation to the
3 contents of that paragraph, do you wish
4 to add anything?

01:48 5 A Yes.

6 Q What is that?

7 A That I was escorted to Saskatoon.

8 Q Anything else?

9 A By Saskatoon City Police.

01:48 10 Q Are there any other areas to which his
11 attention to should be directed?

12 MR. WATSON: No."

13 So do I take it, from that, that when you read
14 the statement -- actually, I'm sorry, I should --
01:48 15 if we could just go up to 409, and I should have
16 read that first, I apologize. It says:

17 "Q Okay, if you would just -- you are
18 referring to page 2 of what has been
19 marked as Exhibit '2', in the last full
01:48 20 paragraph, the third line thereof, I
21 have put an asterisks and the number '2'
22 beside it. Would you initial that for
23 me, please? Is that the paragraph to
24 which you now refer?

01:49 25 A Yes."



1 So I take it, Mr. Wilson, you were simply
2 identifying an asterisk on the statement saying
3 you remembered being escorted by the Saskatoon
4 City Police?

01:49 5 A Yes.

6 Q Go to page 125025, and there's some questions here
7 about your meeting with Mr. Henderson, and would
8 it be fair to say, Mr. Wilson, that this is six
9 weeks after your meeting with Mr. Henderson; would
01:49 10 this, your recollection of what happened with
11 Mr. Henderson, be likely more accurate at this
12 time than it would be on a subsequent occasion?

13 A I believe so, yes.

14 Q So this would be six weeks after, would it be fair
01:49 15 to say this is likely your best recollection of
16 what happened?

17 A Close, yes.

18 Q And it says:

19 "Q And what time of day did you complete
01:49 20 this document?

21 A I believe it was four, five o'clock in
22 the afternoon.

23 Q When did you start?

24 A In-depth, I don't think we started
01:50 25 in-depth until after dinner.



1 Q When you say 'after dinner', what time?

2 A Around one o'clock.

3 Q And what am I to understand by
4 'in-depth?'

01:50 5 A Well, prior it was just basic
6 chitchat.

7 Q About what?

8 A About what he was doing with the case.

9 Q What information did you obtain?

10 A I got to see I believe a statement
11 from Shorty.

12 Q Albert Cadrain?

13 A Yes.

14 Q What statement of Albert Cadrain did you
01:50 15 see?

16 A I don't know which statement it was.

17 Q Was it a handwritten statement?

18 A No, I believe that one was typed.

19 Q A typewritten statement from Albert
01:50 20 Cadrain?

21 A It was from his brother, not Albert.

22 Q From Kenneth?

23 A Yes."

24 I pause there. Does that assist your
01:50 25 recollection at all?



1 A Yes.

2 Q Now is it possible -- I -- is it possible the
3 statement was from a Dennis Cadrain as opposed to
4 Kenneth?

01:50 5 A It's possible, yes.

6 Q Yeah, so one of the Cadrain brothers?

7 A Yes.

8 Q Do you know the, do you know the difference
9 between Kenneth and Dennis, as to who they are --

01:51 10 A No.

11 Q -- by age?

12 A No I don't.

13 Q Do you remember what was in the Cadrain statement
14 that you had read?

01:51 15 A At this time, no, I don't.

16 Q And then, just carrying on:

17 "Q Did you see anything else?

18 A He ..., "

19 and I believe you are referring to Mr. Henderson:

01:51 20 "... showed me my transcripts.

21 Q You say he showed you your transcripts?

22 A Yes.

23 Q From what proceeding?

24 A From the Preliminary trial.

01:51 25 Q Did you read them?



1 A Yes, I did.

2 Q How long did it take you to read them?

3 A Quite awhile. There was a lot of
4 reading there.

01:51 5 Q You read it all?

6 A Yes.

7 Q If I understand you correctly you began
8 at nine a.m.?

9 A Close to that. We had breakfast, yes.

01:51 10 Q Did you obtain any other information?

11 A After I read my statements I read one
12 of Nichol's Preliminary, from the
13 Preliminary trial.

14 Q You read her transcript or her
01:51 15 statement?"

16 Next page:

17 "A Her transcripts.

18 Q Were you told anything else or given
19 anything else?

01:51 20 A No."

21 Is that, what I have read, is that correct?

22 A Yes.

23 Q "Q So an in-depth discussion started around
24 one o'clock?

01:52 25 A Yes.



1 Q And you finished up about what time?

2 A Four or five.

3 Q And was it a question and answer
4 session?

01:52 5 A It started that way, yes.

6 Q And how did it end up?

7 A I just kind of said, 'Enough is enough
8 and I'll tell you the truth.'"

9 Do you recall that happening?

01:52 10 A I don't recall those exact words, no, but I recall
11 something to that effect.

12 Q "Q Did you obtain any information about the
13 investigation that Mr. Henderson was
14 conducting?

01:52 15 A Just the basic background that I even
16 heard from my sister who had seen him
17 on T.V."

18 Can you tell us what that refers to?

19 A I believe I talked to my sister after I had seen
01:52 20 Mr. Henderson and she came -- kind of told me
21 this, some of his background, what he had been
22 doing.

23 Q Okay. Was that --

24 A I can't remember if that was prior or after I had
01:52 25 seen Mr. Henderson.



1 Q So, and what sister was this?

2 A Umm, my sister in Calgary.

3 Q And what's her name, first?

4 A Gail.

01:53 5 Q Gail? And so do you recall what she told you
6 about Mr. Henderson?

7 A At this time, no.

8 Q It carries on:

9 "Q What was that?

01:53 10 A It was that he was investigating the
11 Milgaard trial and was tracking down
12 the witnesses.

13 Q Anything else?

14 A No.

01:53 15 Q Was there any discussion about what
16 information he had obtained?

17 A Just from Albert's brother."

18 Then you are asked:

01:53 19 "Q Were you shown any medical or scientific
20 reports?

21 A No, I wasn't.

22 Q Were the contents of any medical or
23 scientific reports described to you?

01:53 24 A I believe I was told there was reports
25 coming out.



1 Q That's all?

2 A Yes.

3 Q Anything else?

4 A No."

01:53 5 Do you recall any of that, as to what
6 Mr. Henderson had advised you of, about what he
7 had uncovered in his investigation?

8 A I -- I didn't know what he was talking about at
9 that time.

01:53 10 Q Did he say certain things to you though?

11 A Umm, no.

12 Q Carrying down, 454:

13 "Q No news articles were given to you?

14 A No.

01:54 15 Q Or described to you?

16 A No.

17 Q The contents of medical or scientific
18 reports were not described or given to
19 you?

01:54 20 A No.

21 Q No professional opinions were suggested
22 to you?

23 A No."

24 Is that all correct?

01:54 25 A Correct.



1 Q 458:

2 "Q Did you talk about the fact that David
3 Milgaard was due for a parole hearing in
4 the next three or four days?

01:54 5 A I don't think I knew about that until
6 a couple of days after.

7 Q A couple days after what?

8 A After I talked to Henderson."

9 Is that truthful?

01:54 10 A Yes.

11 Q Next page, 461, it says:

12 "Q I gather you didn't read the statements
13 you had provided to the police in 1969
14 when you gave that statement, or before
01:54 15 you gave that statement?",

16 and it's referring to the June 4th one:

17 "A No I haven't."

18 Is that correct?

19 A That's correct, yes.

01:54 20 Q So, at your meeting with Henderson in June of
21 1990, had you read your March 3rd, May 23rd or
22 March 24th, '69 statements?

23 A I don't believe so.

24 Q Go down to the bottom, 468, and I won't read it,
01:55 25 but that's just referring to your March 3rd, '69



1 statement, and then on the next page it has some
2 questions, 470:

3 "Q On the 3rd of March, 1969 you gave a
4 statement to Inspector Riddell?

01:55 5 A Yes, I did.

6 Q Will you look at this document, please?

7 A Want me to read it?

8 Q Please. You've read the document?

9 A Yes, I have.

01:55 10 Q That four-page document generally
11 describes some of the events that
12 happened on your trip to Saskatoon on
13 January 31st, 1969?

14 A Yes.

01:55 15 Q I think you will agree with me that it
16 does not and it did not contain all of
17 the detail that happened on that day?

18 A No, it didn't.

19 Q Things were left out?

01:55 20 A A couple, yes."

21 Is that truthful?

22 A Yes.

23 Q 476:

24 "Q Now, I'm going to return to that. But
01:56 25 before I do that I'm going to draw your



1 attention to Exhibit "2" once more, and
2 particularly on page 4 --"

3 And Exhibit "2" is the June 4th, 1990 statement
4 and page 4 is where you put the asterisk about
01:56 5 bone-handled hunting knife. Mr. Williams says:

6 " -- and I think we may have gone over
7 this, but you now added that on page 4.
8 You stated, "From reading the transcript
9 of my 1970 trial testimony, a copy --"

01:56 10 And let me pause here. This is a quote from your
11 June 4th, 1990 statement. Carrying on, it says:

12 " -- a copy of which was provided to me by
13 Paul Henderson this date, I can attest
14 to having made the following additional
01:57 15 allegations against Milgaard in the
16 trial: That I saw Milgaard with a
17 maroon-handled paring knife prior to
18 our arrival in Saskatoon from Regina on
19 the morning of the Gail Miller stabbing
01:57 20 death. This was not the truth. I saw
21 no knife prior to our arrival in
22 Saskatoon. I recall that Dave purchased
23 a paring knife to cut our meat and
24 cheese on the trip but this was when we
01:57 25 stopped for groceries in Rosetown after



1 we had left Saskatoon." Now, I take it
2 with your addition that you are taking
3 back the suggestion that you lied by
4 saying that you saw a knife. Did you in
01:57 5 fact -- you are now telling us that you
6 did in fact see a knife?

7 A Yes.

8 Q But you describe it as a bone-handled
9 hunting knife?

01:57 10 A Yes.

11 Q And you say that this bone-handled
12 hunting knife came out of the elevator
13 that he broke into?

14 A Yes.

01:57 15 Q That was in Aylesbury?

16 A Yes.

17 Q Now, having said that do you still
18 maintain that the detective pressured
19 you to say that you saw Milgaard with a
01:57 20 knife?

21 A Yes, I do.

22 Q And --

23 A With the paring knife.

24 Q They pressured you to say that you saw
01:58 25 Milgaard with the paring knife?



1 A Yes.

2 Q When was that pressure applied?

3 A During the polygraph.

4 Q By how many people and by what means?

01:58 5 A By saying it was kind of like a shell
6 game."

7 Is that truthful, Mr. Wilson?

8 A Yes.

9 Q And is that what you told us, I think you told us
01:58 10 last time we convened, some questions about the
11 knife with Inspector Roberts. Is that what you
12 are referring to?

13 A Yes, it is.

14 Q Go to page 125035, question 522, Mr. Williams is
01:58 15 now asking you about the polygraph:

16 "Q When you were on the polygraph machine
17 can you tell me just what questions were
18 asked of you?

19 A I started off with my name and stuff
01:59 20 like to that nature. First I was told
21 to lie about my name and certain other
22 answers so we could get a reading on
23 the machine.

24 Q Then what happened?

01:59 25 A And then I believe I was given a list



1 of questions to read what he was going
2 to ask me and then I can't remember
3 them all, and then the questioning
4 started and if I killed David
01:59 5 Milgaard -- no, killed Gail Miller, if
6 David had, Nickie or Al Cadrain."

7 If I can pause there. Is that truthful,
8 Mr. Wilson?

9 A I just don't recall seeing a list of questions.

01:59 10 Q And I think last day or when we last convened I
11 think you told us that you didn't recall being
12 given a list of questions?

13 A That's true.

14 Q Is this able to refresh your memory in any way?

01:59 15 A No.

16 Q Do you have any reason to believe that what you
17 told Mr. Williams on this date is either truthful
18 or not truthful?

19 A No, I don't.

01:59 20 Q Do you have any reason to lie to him about that on
21 that date?

22 A No.

23 Q Carrying on, 524:

24 "Q How often -- firstly how long did it
02:00 25 take Mr. Roberts to ask the questions on



1 the sheet of paper?

2 A Altogether about three hours.

3 Q How many questions were there?

4 A I don't recall.

02:00 5 Q Was it one sheet of paper or more
6 sheets?

7 A I believe there was one sheet of
8 paper.

9 Q Were the questions repeated?

02:00 10 A Not on the sheet of paper, no, but he
11 repeated them.

12 Q He repeated them but they were the same
13 questions that were being asked?

14 A Yes."

02:00 15 Was that truthful?

16 A Yes.

17 Q Next page, please, and there's a number of
18 questions here, Mr. Wilson, that Mr. Williams
19 asked you that I'll go through and then ask you
02:00 20 whether this is accurate, and it's again your
21 dealings with Inspector Roberts. Question 539:

22 "Q What was his tone of voice like?

23 A I imagine something like yours, quite
24 pleasant.

02:01 25 Q No grimaces or no sematics?



1 A Not that I recall, no.

2 Q He didn't yell?

3 A No.

4 Q Didn't raise his voice?

02:01 5 A No, he didn't.

6 Q During the session were you free to get
7 up and move around?

8 A No.

9 Q You were strapped to a chair because
02:01 10 there was machine electrodes hooked into
11 you?

12 A Yes.

13 Q Did you take a break during that period
14 of time?

02:01 15 A No.

16 Q At the conclusion of the session you
17 went to the police station, you got fed?

18 A Yes."

19 Pause there. Is that correct?

02:01 20 A Yes.

21 Q The entire part that I just read you?

22 A The police station and getting fed, I don't recall
23 that right now.

24 Q And then carrying on:

02:01 25 "Q What happened at the police station?



1 A I don't recall.

2 Q How long did you stay at the police
3 station?

4 A It wasn't all that long. When I
02:01 5 finished eating I went back to the
6 hotel.

7 Q And you've told me that you remained at
8 the hotel another hour to an hour and a
9 half?

02:02 10 A Yes.

11 Q That would put it into the -- what time
12 did you leave the hotel?

13 A Seven, seven-thirty.

14 Q So when you talk about a sweat session
02:02 15 in your statement Exhibit "2", are you
16 referring to your time when the
17 polygraph as you just described it?

18 A Yes.

19 Q Are you including the fifteen minutes
02:02 20 between what you have described to me as
21 the knife session?

22 A Yes."

23 Is that truthful?

24 A Yes.

02:02 25 Q And down at the bottom, 559, Mr. Williams asks



1 you:

2 "Q So that when you say in Exhibit "2" -- "

3 And that's the June 4th statement,

4 " -- at that time, the top of page 3, "I

02:02 5 recall that I was questioned on the

6 polygraph twice more maybe as long as

7 six hours" that statement isn't quite

8 correct?

9 A I might be out by half an hour.

02:02 10 Q Okay. Is it correct to say, having

11 regard to what you just told me, that

12 you were questioned on the polygraph

13 twice?

14 A Yes.

02:02 15 Q I thought I understood you to say that

16 you weren't hooked up the second time?

17 A Maybe I wasn't hooked up the second

18 time. I can't recall that.

19 Q So you are not certain?

02:03 20 A No."

21 Is that correct, the part I just read to you,

22 Mr. Wilson?

23 A Yes.

24 Q And then he carries on:

02:03 25 "Q So maybe as long as six hours might be a



1 bit of an exaggeration?

2 A A little bit, yes."

3 And do you agree with that comment today?

4 A Yes.

02:03 5 Q Carrying on at 564:

6 "Q Then you next go on to say, --"

7 And this is again from your June 4th statement,

8 " -- "finally I began to implicate

9 Milgaard in the murder telling the

02:03 10 police the things they wanted to hear"?

11 A Yes.

12 Q I suggest to you that you had implicated

13 Mr. Milgaard in the murder before you

14 got on the polygraph?

02:03 15 A That's what I have been told.

16 Q By whom?

17 A I believe it was in the transcripts.

18 Q That's what you have been told or is

19 that what you answered in response to

02:04 20 questions that were asked by counsel for

21 Mr. Milgaard at both the Preliminary

22 Inquiry and at the trial?

23 A That's what the transcripts say, yes.

24 Q Well, you were asked certain questions

02:04 25 under oath at the Preliminary Inquiry?



1 A Yes, I was.

2 Q You were under oath and you swore then
3 to tell the truth?

4 A Yes.

02:04 5 Q And did you at that time?

6 A No, I didn't."

7 Then just carry on`to 571, I don't propose to go
8 through this, but Mr. Williams goes through --
9 well, I will go through that, Mr. Wilson, maybe
02:04 10 that's not fair, it says:

11 "Q When we left off, Mr. Wilson, I would
12 like to draw your attention to your
13 Preliminary Inquiry transcript at page
14 473, question 393. You were asked on
02:04 15 cross-examination by Mr. Tallis, as he
16 then was in any event, "I take it that
17 the first time that you ever implicated
18 or suggested that David implicated --
19 that David was implicated in the Gail
02:05 20 Miller murder was on May 23rd, 1969?"
21 Your answer, "No." Question, "To the
22 police?" Answer, "No, it was the day
23 before." Question, "The day before?"
24 Answer, "In Regina." Question, "In
02:05 25 Regina? Well, now who did you see in



1 Regina?" Answer, "Ken Walters."
2 Question, "I see." "And Ken and Ed
3 Karst was down there at the time," was
4 your answer. Question, "I see. And did
02:05 5 you give them a statement at that time?"
6 Answer, "No, I didn't." Question, "I
7 see, but you were interviewed on that
8 particular date?" Answer, "Yes, I was.
9 That was when they asked me to come up
02:05 10 here and take the polygraph."
11 Question, "I see. And this would be on
12 May 22rd?" Answer, "Yes." Now, were
13 you asked those questions and did you
14 give those answers?
02:05 15 A Yes, I did."
16 And then Mr. Williams says:
17 "Q And were those answers correct?
18 A Possibly they were.
19 Q Possibly they were?
02:05 20 A Yes, because if I can elaborate on
21 that a little bit.
22 Q Certainly?
23 A Okay. When they were coming down to
24 get me, I'm scared, and to keep on
02:06 25 mentioning David, and I believe I



1 said, "Well, it's possible that David
2 did do it," and that's the only way I
3 can see that he was implicated the day
4 before."

02:06 5 If I can pause there. Does that assist your
6 recollection at all, Mr. Wilson?

7 A Yes, it does.

8 Q And is what you say there truthful?

9 A Yes.

02:06 10 Q Now, I think what Mr. Williams was saying, that
11 you had, at the preliminary hearing, you had
12 testified that you had implicated -- I better get
13 the words right here -- that you had implicated
14 David Milgaard in the Gail Miller murder prior to
02:06 15 May 23rd, prior to your statement, and then he
16 read through the questions and answers and it
17 looks like here -- is that how you answered him
18 then, that possibly you did?

19 A Yes.

02:06 20 Q Now, you recall last session, I think you told us
21 you did not recall implicating Mr. Milgaard prior
22 to May 23rd, or am I wrong on that?

23 A No, you are correct on that.

24 Q And do you have any present recollection of
02:06 25 whether you implicated David Milgaard prior to --



1 A Not present, no.

2 Q But what you told Mr. Williams here is the truth?

3 A Yes.

4 Q Carrying on at 575:

02:07 5 "Q Now, they came down to get you, right?

6 A Yes.

7 Q That was Ed Karst and Charlie Short?

8 A I believe, yes.

9 Q They spoke with you in Regina?

02:07 10 A Yes.

11 Q They then took you by car to Saskatoon?

12 A Yes.

13 Q You talked in the car, didn't you?

14 A Yes.

02:07 15 Q You filled in more details?

16 A I don't know if I did or not. I did
17 about the break and entering at Craik
18 and stuff. I don't know if we stopped
19 at Craik but we stopped at the break
02:07 20 and entering place.

21 Q And why did the police stop at the break
22 and entering place?

23 A I don't know why.

24 Q Didn't they in fact talk to the elevator
02:07 25 operator there?



1 A I do believe so, yes.

2 Q Didn't they ask the elevator operator
3 what was -- whether or not he had a
4 break-in?

02:07 5 A I believe they did. I wasn't present.

6 Q I suggest to you that by that time you
7 had told them what you saw as the loot
8 from the break and enter?

9 A Yes, I did.

02:08 10 Q And that included a flashlight?

11 A Yes."

12 If I can pause there. I think last session,
13 Mr. Wilson, you told us you did not recall a
14 flashlight?

02:08 15 A No, I don't.

16 Q Does this assist your recollection at all?

17 A No.

18 Q Any reason to believe you wouldn't have told
19 Mr. Williams the truth on that point?

02:08 20 A No.

21 Q Down to 589 at the bottom, it says:

22 "Q I suggest to you that you told them at
23 that time that you had seen a knife on
24 Milgaard and that they asked the
02:08 25 elevator operator at that time if a



1 knife was missing?

2 A I don't know.

3 Q I'm suggesting to you that you told the
4 police about the knife on the way up to
02:08 5 Saskatoon. Would you disagree with
6 that?

7 A The hunting knife possibly.

8 Q Do you know a place called Champ's Steak
9 House?

02:08 10 A Used to be called Champ's Hotel I
11 believe.

12 Q Didn't you in fact say to the police
13 that the knife was kind of like a steak
14 knife and I think David may have gotten
02:08 15 it there?

16 A I believe I said that, yes."

17 Is that correct, Mr. Wilson, do you recall that?

18 A I don't recall that, no.

19 Q Go to the next page, please, question 600, and
02:09 20 again Mr. Williams goes through with you,
21 Mr. Wilson, some of the answers you gave at the
22 trial, and it relates to whether or not you had
23 implicated anybody in your group prior to May 22nd
24 or May 23rd, okay, that's the subject matter, and
02:10 25 I'll just read those portions that he put to you.



1 "Q I also want to direct your attention to
2 the trial transcript at page 332, bottom
3 of 331, you were questioned by the
4 court. Page 331, the court tells you,
02:10 5 I'm going to produce and show this to
6 you, "Well, you've told counsel that you
7 denied to the police officers that any
8 one of the party had any implication
9 insofar as this crime was concerned?"
02:10 10 Answer, "What do you mean by that?"
11 Question, "You denied that there was any
12 blame on your part or on the part of the
13 accused or on the part of Nichol John
14 with relation to this woman who was
02:10 15 found dead in the alley?" Answer,
16 "That's right," and question, "And you
17 continued to deny that?" Answer, "Not
18 always. Well, up until I came to
19 Saskatoon." Question, "Well that's
02:10 20 what I'm getting at?" Answer, "Yes."
21 Question, "All the time that you were in
22 gaol you continued to deny it; is that
23 right?" Answer, "Yes." Question, "And
24 when did you first tell the police the
02:11 25 story that you have told in this



1 courtroom?" Answer, "I told --"
2 question, "Just a minute, please. Which
3 tended to implicate -- now implicate
4 means to bring the accused into the
02:11 5 thing as a possible culprit. When did
6 you first tell that to the police?"
7 Answer, "In Regina on approximately May
8 22nd just before I came up here I told
9 part of it, and then I told the rest of
02:11 10 it up here." Question, "And was it
11 after you saw the purse that you told
12 them the story about the statement that
13 the accused was supposed to have made to
14 you in the washroom in Alberta?"
02:11 15 Answer, "I'm not sure about that."
16 Question, "It may have been that you
17 told them that after you learned that a
18 purse was found; is that right?"
19 Answer, "Yes, it may have been." Now,
02:11 20 you were asked those question?
21 A Yes.
22 Q You gave those answers?
23 A Yes."
24 If I can just stop there, Mr. Wilson. Those
02:11 25 questions and answers I read to you I think on



1 our first day, that's when the trial judge asked
2 you those questions. Do you remember when we
3 went through that?

4 A Yes.

02:11 5 Q And then Mr. Williams goes on:

6 "Q Those answers indicate that you had
7 implicated Milgaard in a murder before
8 you got to Saskatoon?

9 A Yes, it does.

02:12 10 Q Those answers were correct; were they
11 not?

12 A Yes."

13 Now, if we pause there. Is that correct,
14 Mr. Wilson?

02:12 15 A Yes.

16 Q So are you telling us then that you had implicated
17 Milgaard in the murder before you got to
18 Saskatoon?

19 A I'm just going even with this, I was going by what
02:12 20 I read and stuff, so I was going by what I read,
21 so I thought the answer was yes.

22 Q Are you describing for me what you were thinking
23 at the time you were answering Mr. Williams'
24 questions?

02:12 25 A Yes.



1 Q And are you able to tell us, is that -- I think
2 you just told me that that's correct?

3 A Yes.

4 Q And let me try this again. I'm not sure I'm
02:12 5 clear.

6 A No, neither am I. Can you go through that again,
7 please?

8 Q Why don't I ask you this, are you able to tell us,
9 based on your own independent recollection,
02:13 10 whether you implicated David Milgaard in the
11 murder before you got to Saskatoon on May 22nd,
12 1969?

13 A I don't believe I did.

14 Q You don't believe you did?

02:13 15 A No.

16 Q And why do you say that?

17 A Because I don't think I had anything to implicate
18 him with at that time, you know, over.

19 Q Are you -- is this recollection or are you trying
02:13 20 to think back in your mind as to what you would
21 have done or said?

22 A Trying to think back.

23 Q Is it based on recollection or on trying to figure
24 out what you might have done or said?

02:13 25 A Probably the latter.



1 Q And then if we then go to 1990, and I just read
2 through this part and you told Mr. Williams when
3 you were asked this question, you ended up telling
4 him that you had implicated David Milgaard in the
02:14 5 murder before you got to Saskatoon; correct?

6 A Correct.

7 Q You see that. And at that time are you able to
8 tell us whether you were telling the truth based
9 on a recollection or just what was going through
02:14 10 your mind at the time?

11 A Just what was going through my mind at the time.

12 Q Are you able to tell us whether what you told
13 Mr. Williams here is truthful or not?

14 A It's only truthful to the part of what I read.
02:14 15 Like, I can't really recall.

16 Q Well then Mr. Williams goes on, presses you a bit
17 further on this point at 604, he says:

18 "Q If those answers are correct, I take it
19 then that the portion of your statement
02:14 20 of June 4th, which was Exhibit "2",
21 which state that you implicated
22 Milgaard only after you had been
23 brainwashed and after you had been
24 through a sweat session by the police,
02:14 25 that those statements are incorrect?



1 A Part of it is, yes.

2 Q Which part?

3 A Because I didn't remember about the
4 22nd.

02:15 5 Q I'm not -- would you care to elaborate?

6 A I didn't remember implicating David on
7 the 22nd. As I said before, I
8 probably did that to get some of the
9 heat off me because they were already
02:15 10 implicating him as it was.

11 Q They were?

12 A Yes, they were.

13 Q How?

14 A Because they were always bringing up
02:15 15 his name."

16 Does that assist your recollection at all?

17 A No, it doesn't.

18 Q And is that part that I just read you the truth?

19 A I don't know. I can't recall.

02:15 20 MR. HODSON: I'm wondering,

21 Mr. Commissioner, if we might want to take a
22 break here?

23 COMMISSIONER MacCALLUM: 15 minutes.

24 *(Adjourned at 2:15 p.m.)*

25 *(Reconvened at 2:37 p.m.)*



1 BY MR. HODSON:

2 Q I'll carry on, Mr. Wilson, with the interview
3 under oath with Mr. Williams and 125048, and this
4 is Mr. Williams asking you about your interviews
02:37 5 with the police in 1969 and he says:

6 "Q But they weren't questioning you as if
7 you were the murderer were they?

8 A They were questioning me as a suspect.

9 Q But they didn't suggest that, "Come on,
02:37 10 come clean, Dale. Tell us all you know.
11 Tell us why you did it." It wasn't that
12 type of questioning, was it?

13 A Some of it was."

14 Pause there. Is that correct, Mr. Wilson?

02:38 15 A Yes.

16 Q And then 620:

17 "Q Are you telling me that they were
18 putting questions to you that suggested
19 to you that they thought that you did
02:38 20 it?

21 A More so that David had done it and not
22 me but I was a suspect also at the
23 time.

24 Q So they thought that David had done it
02:38 25 and that you were part of it?



1 A Yes."

2 And is that correct?

3 A Yes.

4 Q So -- and again I want you to tell me from your
02:38 5 recollection, was there some questioning or
6 suggestion from the police in 1969 that you and
7 Mr. Milgaard had done this together?

8 A Not together, no.

9 Q Okay. Well, what did you mean when you said that
02:38 10 David had done it and you were part of it?

11 A Just that I was also a suspect, that's what I
12 meant by it.

13 Q Okay. Go to page 125053 and down at the bottom,
14 Mr. Williams continues questioning you about the
02:39 15 June 4th statement, and he says:

16 "Q It's in that context, sir, that the
17 story comes out. "This is when David
18 told me that he hit a girl in Saskatoon
19 or maybe he said he did a girl in
02:39 20 Saskatoon. I don't remember for sure
21 which. He told me he grabbed her purse
22 and she fought and he said he jabbed her
23 with a knife a few times and he said he
24 put her purse in the trash can. He said
02:39 25 he thought she'd be all right."



1 And that's a quote from your May 23rd statement.

2 "Q The reference --"

3 And this is Mr. Williams,

4 " The reference to Heather Beaton comes
02:40 5 at the same time and place, as close in
6 time and place, to your relating to the
7 police what Milgaard told you in
8 Calgary, isn't that --

9 A It didn't come in Calgary. He didn't
02:40 10 tell me that at any time.

11 Q Sorry?

12 A He did not tell me that at any time.

13 Q He did not tell you that at any time?

14 A No.

02:40 15 Q You are suggesting that the police
16 planted that story?

17 A Yes.

18 Q How would they know about Heather Beaton
19 to put the story in that context?

02:40 20 A Because it all fit in that way, that's
21 why. Sure I told them about probably
22 Heather Beaton and everything else and
23 needed a place to put it someplace.
24 That was a good place to put it.

02:40 25 Q Why would they go to all the trouble of



1 getting Heather Beaton involved in this?

2 A I'm the one that mentioned Heather
3 Beaton, not them."

4 Is that correct and truthful information?

02:40 5 A Yes.

6 Q And down at the bottom:

7 "Q Doesn't it stand to reason, Mr. Wilson,
8 that if the police didn't know about
9 Heather Beaton they couldn't have
02:41 10 planted Heather Beaton into the context
11 of what follows?

12 A This whole thing is a piece of shit.
13 That's what I'm trying to get across
14 to you."

02:41 15 Did you become upset in the interview with
16 Mr. Williams do you recall?

17 A At times I did, yes.

18 Q He says:

19 "Q Just answer my question. If the police
02:41 20 didn't know about Heather Beaton how
21 would -- they couldn't have put it in
22 that context, could they?

23 A They gave me the pieces and let me put
24 it together the way I wanted to."

02:41 25 Is that truthful information?



1 A Yes.

2 Q And:

3 "Q When did they do that, sir?

4 A During the polygraph and the
02:41 5 questioning."

6 And is that correct?

7 A Yes.

8 Q And is that what you told us last session, I think
9 we covered that; did we not?

02:41 10 A Yes.

11 Q And scroll down to 670, please, it says:

12 "Q Let's go back to the polygraph and the
13 questioning. You told us that the first
14 session lasted between three and a half
02:41 15 to five hours?

16 A Yes.

17 Q That that session was divided up into
18 two portions, fifteen minutes with
19 regard to a discussion about a knife?

02:42 20 A Yes.

21 Q When another police officer was present
22 and the balance of the time was with Art
23 Roberts?

24 A Yes.

02:42 25 Q Before the polygraph, did you talk to



1 the police the day you took the
2 polygraph?

3 A I imagine we had discussions."
4 Is that correct?

02:42 5 A Yes.

6 Q Page 125060 and at question 715, it says:

7 "Q How much time did you spend with her?

8 A It wasn't very long. Five, ten
9 minutes.

02:43 10 Q Was it your recollection that you
11 discussed the case."

12 And this is the interaction you had with Nichol
13 John during the polygraph:

14 "Q Was it your recollection that you
02:43 15 discussed the case, discussed any of the
16 items that you had seen?

17 A I'm not sure. I thought of something
18 last night but I can't say it for
19 sure."

02:43 20 Do you know what you were referring to there?

21 A Yeah, about the conversation that Nicky and I had
22 in the hallway.

23 Q And what was that conversation?

24 A Give them what they want, give them David.

02:43 25 Q And is this the first time that you would have



1 told anybody about that, Mr. Wilson?

2 A I don't recall.

3 Q When it says I thought of something last night,
4 did that come to your mind the night before the
02:43 5 interview with Mr. Williams?

6 A Yes.

7 Q I don't think that was in your statement to Mr.
8 Henderson was it?

9 A I don't believe so.

02:44 10 Q And it says:

11 "Q Had you seen Nichol John before your
12 return from the trip to Saskatoon in
13 January and February of 1969 and your
14 visit and your seeing her on May
02:44 15 23rd, 1969?

16 A No.

17 Q You hadn't spoken to her by phone?

18 A No."

19 And then to 722:

02:44 20 "Q Did you discuss the case and why you
21 were there?

22 A I don't think we did.

23 Q Did you recall her telling you anything
24 about the case that stands out?

02:44 25 A No.



1 Q After you spoke with Nichol what
2 happened?

3 A I went back in the room with Mr.
4 Roberts.

02:44 5 Q What happened between you and Mr.
6 Roberts in that room?

7 A Just more basic questions.

8 Q What am I to understand by that?

9 A I believe it was questions that he
02:45 10 asked me on the polygraph he wanted to
11 talk about because I guess my
12 statement was given before I went back
13 there, so he was probably talking
14 about this with me also."

02:45 15 Now, is that correct?

16 A I believe so, yes.

17 Q And so here it appears, and please correct me if
18 I'm wrong, that you gave your May 23rd statement
19 after your first session with Mr. Roberts?

02:45 20 A I believe so, yes.

21 Q And then you are describing here about questions
22 after?

23 A Yes.

24 Q Go to the next page, please, and if you can go to
02:45 25 page 125063, next page, please, and Mr. Williams



1 is asking about the second statement, the May
2 24th, remember I showed you that earlier this
3 morning?

4 A Yes.

02:46 5 Q And he says:

6 "Q Between the time the police left you on
7 the 23rd and the time they picked you up
8 on the 24th did they have contact with
9 you to discuss your testimony?

02:46 10 A I believe not.

11 Q So you went in and it is then I draw
12 your attention to D178, --"

13 And that's the May 24th statement --

14 " -- "I would like to add further
02:46 15 occurrences to what I said yesterday in
16 my sworn statement. When Dave and I got
17 out to push the first time we were stuck
18 we couldn't push the car so I said to
19 Dave you go one way for help and I'll go
02:46 20 the other. I went to the corner on the
21 driver's side of the car and walked down
22 the block. I couldn't find help so I
23 went back to the car the same way I had
24 left. The car was still stuck. Nickie
02:46 25 was waiting in the car almost



1 hysterical." Did Nickie tell you the
2 day before that she was hysterical?

3 A I don't know."

4 And again, the day before would be May 23rd. Do
02:47 5 you understand that?

6 A Yes.

7 Q So here Williams asks you whether on May 23rd
8 Nicky would have told you that she was hysterical,
9 you say you don't know. Do you have any
02:47 10 recollection of that?

11 A No, I don't.

12 Q And then Mr. Williams says:

13 "Q Certainly the police didn't tell you?

14 A I don't imagine they did.

02:47 15 Q The police didn't tell you and Nickie
16 didn't tell you, how is it that that
17 came to be there?

18 A Because sitting in my hotel room I'm
19 thinking they want more so I gave them
02:47 20 more.

21 Q Isn't it a fact that the decision as to
22 whether to give an additional statement
23 was made the night before, before you
24 left Art Roberts?

02:47 25 A Yes, it had been discussed.



1 Q In fact the areas had been discussed?

2 A Yes, they had been discussed.

3 Q They knew what additional matters you
4 had recalled after your session with Mr.
02:47 5 Roberts, did they not?

6 A I suppose so.

7 Q What information did you have that
8 prompted you to say "I suppose so"?

9 A I didn't have really any information.
02:48 10 It was stuff that I figured I had to
11 make up to make them happy."

12 Is that part that I read to you, is that
13 truthful?

14 A Yes, it is.

02:48 15 Q And then it says, 750:

16 "Q Well, you talked about it. You talked
17 to Art Roberts, right?

18 A Yes.

19 Q You indicated at the time that there was
02:48 20 some additional things to be said,
21 correct?

22 A I imagine so. I can't say for sure.

23 Q In any event, the next morning you came
24 down and you gave these two pages?"

02:48 25 And that's the May 24th statement.



1 "A Yes.

2 Q And they relate to Nickie's hysterics --

3 A Yes, they do.

4 Q -- when you first came back to the car.

02:48 5 And they relate to the man who helped
6 push the car out?

7 A Yes.

8 Q And the statement relates to or
9 describes your car?

02:48 10 A Yes."

11 Is that correct?

12 A Yes.

13 Q Then if we can go to page 125066 and at 762

14 Mr. Williams was asking you again about

02:49 15 discussions with Nichol and he says:

16 "Q But you don't recall whether you spoke
17 to Nickie about this the day before?"

18 And I think this is the hysterics and referring
19 to May 23rd, and your answer:

02:49 20 "A Could I talk to Ken about this for a
21 minute? I thought of something last
22 night and I don't know."

23 And then it's adjourned. And Ken is your lawyer,
24 Ken Watson; is that right?

02:49 25 A Yes.



1 Q And then next page and you will see, then,
2 Mr. Williams carries on:

3 "Q Mr. Wilson, just before we broke you
4 requested an opportunity to speak to
02:50 5 Mr. Watson, your counsel?

6 A Yes.

7 Q And you've had that opportunity?

8 A Yes, I have.

9 Q Is there anything you wish to respond to
02:50 10 my question in a full fashion?

11 A Yes, I do.

12 Q What is your response?

13 A Okay, it was the day of the polygraph
14 when Nickie and I were together in the
02:50 15 hallway of the hotel. We were left
16 alone and we started discussing
17 things, that she was scared, I was
18 scared and I just told her, 'Well,
19 let's give them what they want. Let's
02:50 20 sink him.' And that's the main thing
21 I remember about that.

22 Q This discussion we talked about saying,
23 'Let's give them what they want,' did
24 you and Nickie make up a version of
02:50 25 events to give to the police?



1 A That I can't remember."

2 Let's just stop there. Is that truthful, Mr.
3 Wilson?

4 A Yes, it is.

02:50 5 Q And it appears from this, and correct me if I'm
6 wrong, would this have been the first occasion
7 when you disclosed this discussion that you had
8 with Nichol John with anybody?

9 A I believe so.

02:51 10 Q And, if we can scroll down, Mr. Williams asks:

11 "Q You say, 'Let's give them what they
12 want'. Would I be wrong in thinking
13 that what you were referring to was,
14 'Let's tell everything we know'?

02:51 15 A No.

16 Q Just to be clear on this, you and Nickie
17 in saying, 'Let's give them what they
18 want,' did not mean, 'Let's tell them
19 everything we know'?

02:51 20 A It meant let's tell them what they
21 want.

22 Q What did you perceive 'they' by that?

23 A The police.

24 Q You understand the police to be looking
02:51 25 for?



1 A Evidence to charge David Milgaard with
2 murder."

3 Is that correct?

4 A Yes.

02:51 5 Q "Q In terms of the details of that evidence
6 did you discuss the details that you
7 were going to give to the police and
8 cross check those details with what
9 Nickie was going to give to the police?

02:52 10 A That I don't recall."
11 Did you understand that question?

12 A Yes I do.

13 Q And at that time you don't recall, and I think
14 when I asked you last session I think you told me
02:52 15 you didn't have any discussions with Nichol John,
16 did you?

17 A No.

18 Q Other than --

19 A Just other than what I was quoted as saying here.

02:52 20 Q So are you telling us today -- let me try this
21 again -- as to whether or not on May 23rd, or even
22 the 24th, whether you had any discussion with
23 Nichol John about any details regarding the
24 statements that either you were going to give or
02:52 25 Nichol John was going to give to the police; did



1 you have any discussion with her about those
2 details?

3 A None at all.

4 Q Okay. Is it a case of not recalling or it not
02:52 5 happening?

6 A Not happening.

7 Q And then carrying on, and this is again 773:

8 "Q You described your meeting as lasting
9 approximately five minutes?

02:53 10 A Yes.

11 Q How much of that time was spent with a
12 greeting?

13 A Pardon?

14 Q How much of that time was spent, 'Hi,
02:53 15 how are you'?

16 A I don't know. This just twigged into
17 my head last night. It has been
18 bothering me all day."

19 And I think you had told us earlier that this was
02:53 20 the first time, or you think this was the first
21 time you told people this?

22 A Yes.

23 Q "Q Did you spend any time catching up on old
24 times?

02:53 25 A No. "



1 "Q Did you talk about whether you had given
2 statements to the police?

3 A Possibly."

4 Now is that correct, that last part?

02:53 5 A I don't recall.

6 Q Next page, 779:

7 "Q Did you know what she had told the
8 police?

9 A No.

02:53 10 Q Did you tell her what you had told the
11 police?

12 A I don't know."

13 Stop there. Are you able to -- is that correct,
14 what you said there in 780?

02:53 15 A Yes.

16 Q So is it possible you would have told Nichol John
17 what you had told the police?

18 A Probably not, because there wasn't time.

19 Q Do you have any independent recollection of what
02:54 20 you would have told Nichol John on May 23rd other
21 than this, "Let's give them what they want", or
22 words to that effect?

23 A As far as I can recollect, that's all I ever told
24 her.

02:54 25 Q Okay. Go to page 125072, and I want to read you



1 some questions and answers regarding police
2 interaction with you that Mr. Williams asked, and
3 I want to go through them, when I'm done I would
4 ask whether this is correct. And Mr. Williams
02:54 5 asked:

6 "Q Did the police promise you a light
7 sentence for your testimony?"

8 He is talking about testimony at the David
9 Milgaard trial:

02:55 10 "A No.

11 Q Did the police offer to withdraw any
12 charges in return for your testimony?

13 A No.

14 Q Did they offer you any deal whatsoever?

02:55 15 A No.

16 Q Did you get any favours?

17 A Just when I was in custody at the
18 Preliminary.

19 Q I take it at that time you were
02:55 20 downstairs in the police lock-up?

21 A Yes.

22 Q And you were able to make phonecalls in
23 detective Short's office?

24 A Yes.

02:55 25 Q Were there any other favours?



1 A Well, I got basically ordered in what
2 I wanted to eat any time I wanted it.
3 Got to go up and watch T.V.

4 Q So you got food, good food, what you
02:55 5 ordered?

6 A (WITNESS NODDED HEAD).

7 Q Access to the phones?

8 A (WITNESS NODDED HEAD).

9 Q And privileges to watch television?

02:55 10 A Yes.

11 Q Anything else?

12 A No."

13 And is that truthful?

14 A Yes.

02:55 15 Q And then he says:

16 "At the preliminary was that type of
17 handling, the good food, the phone
18 privileges and the T.V. privileges, was
19 that typical of the way the police
02:56 20 treated you while you were testifying?

21 A Yes.

22 Q They didn't threaten you?

23 A No.

24 Q Similarly at the trial were you
02:56 25 threatened?



1 A I was never threatened."

2 Is that truthful, --

3 A Yes.

4 Q -- what I read there?

02:56 5 "Q Did the police discuss your testimony
6 between Preliminary and trial?

7 A Yes, they did.

8 Q Was that in the presence of the Crown
9 attorney?

02:56 10 A I believe so, yes."
11 Do you recall what that -- or is that correct?

12 A Yes.

13 Q Do you recall what you discussed with the police
14 regarding your testimony between the preliminary
02:56 15 and trial?

16 A It would just be reading my transcripts,
17 basically, going -- helping me go over them.

18 Q And at 814:

19 "Q Were there any other occasions in which
02:56 20 your testimony was discussed?

21 A I believe we discussed it on the air
22 flight from Edmonton to Saskatoon for
23 the Preliminary.

24 Q For the Preliminary?

02:56 25 A Yes.



1 Q What was said?

2 A I think we discussed my statement
3 mostly.

4 Q You went over your statement?

02:57 5 A I believe so, yes."

6 Is that truthful?

7 A Yes.

8 Q And then 819:

9 "Q During that review of the statement did
02:57 10 anyone suggest that you add anything
11 else to what you had said in that
12 statement?

13 A No.

14 Q We were discussing the -- your time in
02:57 15 Saskatoon earlier. We talked about the
16 hour and a half session which followed
17 your first statement, the polygraph.
18 The next morning you gave the second
19 portion represented by pages D178 and
02:57 20 179?

21 A Yes.

22 Q After you gave that statement I
23 understand that you went and you had
24 that sworn?

02:57 25 A I believe so, yes.



1 Q Did you have any further discussions
2 with the police about that statement
3 after it was sworn?

4 A I don't recall.

02:57 5 Q Did you discuss the contents of your
6 first statement with Nichol John when
7 you met on the 23rd?

8 A I don't recall."

9 And is that truthful?

02:57 10 A Yes.

11 Q Next page, please, and at question 830 you are
12 asked about Exhibit 2, and that is your June 4th,
13 1990 statement, the one to Mr. Henderson, and it
14 says:

02:58 15 "Q If I can draw your attention to what is
16 Exhibit '2' in these proceedings and
17 particularly to page 2. The paragraph
18 beginning, 'I distinctly remember
19 telling the detective during the initial
02:58 20 questioning that I knew nothing about
21 the murder and hadn't even heard about
22 it. They told me they thought I was
23 lying but it was true.' From what you
24 have told us today you still maintain
02:58 25 that your original statement to them was



1 true?"

2 And that's the March 3rd statement, and your
3 answer:

4 "A Yes, I do."

02:58 5 Is that truthful?

6 A Yes.

7 Q "Q Even though that original statement did
8 not contain any references to a knife?

9 A Yes. I should have but it didn't.

02:58 10 Q Okay. So it wasn't totally correct?

11 A No.

12 Q There were some things missing?

13 A A couple of things, yes.

14 Q So when you say that it was true in your
02:59 15 statement of June 4th, that's not
16 completely accurate?

17 A What they wrote down was true, just I
18 deleted a few things, that's all.

19 Q What I'm trying to say to you --

02:59 20 A I didn't remember a few things at that
21 time."

22 And is that truthful?

23 A Yes.

24 Q And then Mr. Williams asks:

02:59 25 "Q Is it not fair to say that as a result



1 of your later revelations to the police
2 that they were justified in thinking
3 that you were holding back when you
4 first spoke to them?

02:59 5 A Not until after they told me that
6 Shorty had seen blood on David's
7 pants.

8 Q Did they say Shorty had seen blood on
9 David pants?

02:59 10 A Yes, they did."

11 And is that correct?

12 A Yes.

13 Q Do you remember when that was? We touched on this
14 last session, and do you have any recollection of
02:59 15 when you were told about Albert Cadrain's
16 statement that--

17 A I don't know if it was prior to going to
18 Saskatoon, on the way to Saskatoon, or in
19 Saskatoon.

03:00 20 Q Is it possible while you were in Regina in jail?

21 A Not while I was in jail, no.

22 Q And why do you say that?

23 A Because I don't think anything like that was
24 brought up.

03:00 25 Q Okay. Here, in fairness, 838:



1 "Q Did they say where Shorty seen blood on
2 David's pants?

3 A I believe they did. That's when I was
4 still doing time in Regina."

03:00 5 So it appears that you told Mr. Williams that the
6 --

7 A Yeah, it might have been, because I don't remember
8 one of them visits so --

9 Q So are you able to tell us, by independent
03:00 10 recollection, as to when you would have found out
11 about Albert Cadrain's statement about seeing
12 blood?

13 A Prior to Saskatoon, prior to --

14 Q May 22nd?

03:00 15 A -- May 22nd, yes.

16 Q Page 125078, and this is discussing your time,
17 February to May of '69 when you were in jail:

18 "Q Sir, while you were being held in the
19 Regina Correctional Centre, you were
03:01 20 seventeen?

21 A Yes.

22 Q But it's fair to say you weren't a naive
23 seventeen, you had been out and about
24 for awhile?

03:01 25 A Yes.



1 Q You had contact with the police?

2 A Yes.

3 Q They didn't intimidate you in any of
4 their dealings with you, did they?

03:01 5 A Some of them did but not too many of
6 them."

7 Next page:

8 "Q Were you afraid of the police?

9 A Certain ones, yes.

03:01 10 Q Were you afraid of Eddy Karst?

11 A No.

12 Q Were you afraid of Charlie Short?

13 A No.

14 Q Those were the two fellows with whom you
03:01 15 dealt with?

16 A Yes."

17 Pause there. Is that correct, the part I read to
18 you?

19 A Yes.

03:02 20 Q "Q Charlie Short is not a tall man, is he?

21 A I don't think he was.

22 Q About five foot six?

23 A I can't remember how big they were.

24 Q You got along with Eddy Karst and
03:02 25 Charlie Short?



1 A Seemed to, yes.

2 Q They didn't intimidate or threaten or
3 challenge you?

4 A No."

03:02 5 Is that correct?

6 A Yes.

7 Q "Q Certainly by the time you went to
8 Saskatoon, they didn't tell you that
9 they were still looking at you as the
03:02 10 prime suspect in the murder of Gail
11 Miller; is that fair to say?

12 A I would say that, yes."

13 Is that truthful?

14 A I can't recall.

03:02 15 Q Do you understand the question?

16 A Repeat it?

17 Q Sure. What Mr. Williams asked you in 1990, he
18 says:

19 "Certainly by the time you went to
03:02 20 Saskatoon ...",

21 which would have been May 22nd of 1969:

22 "... they ...",

23 I think being Karst and Short:

24 "... didn't tell you that they were
03:03 25 still looking at you as the prime



1 suspect in the murder ...",

2 and:

3 "... is that fair to say?"

4 And it appears that you agree with him?

03:03 5 A No, I don't agree with him.

6 Q Okay. So at the time -- let me ask it this way.

7 At the time you went to Saskatoon on May 22nd,

8 1969, did you understand that the police were

9 looking at you as the prime suspect in the murder

03:03 10 of Gail Miller?

11 A As a suspect, yes.

12 Q And 862:

13 "Q You say with reference to page 3 and the

14 second, I call it the second full

03:03 15 paragraph beginning, 'I am now certain

16 that I was manipulated by police into

17 lying and later giving false testimony

18 against Milgaard.' Sir, have you always

19 held that fear?"

03:03 20 And this is again referring to the June 4th

21 statement, and your answer is:

22 "A Yes."

23 I'm not sure what fear. Okay, the next page:

24 "Q By what means were you manipulated?

03:04 25 A Pressuring and questioning, and frame



1 of mind that I was in at the time.

2 Q When you say the frame of mind you were
3 in at the time, what am I to understand
4 by that?

03:04 5 A Well, I had only been straight for one
6 day before I went up there and I was a
7 mess.

8 Q Are you saying that you were susceptible
9 to suggestions?

03:04 10 A Yes.

11 Q What suggestions were made to you?

12 A As in for instance with the knives,
13 having pointed out the knives asking
14 if it was this one, that one, or this
03:04 15 one, and it always seemed to come back
16 to the one they wanted me to pick out.
17 That's the one they pointed at the
18 most and that's the one I picked out.

19 Q You had nothing to lose or to gain?

03:04 20 A I was scared.

21 Q Were you afraid because of anything the
22 police did other than their questioning?

23 A I think I was scared that if they
24 weren't going to charge David with
03:04 25 this they were going to charge me with



1 it."

2 Is that truthful?

3 A Yes.

4 Q It says:

03:04 5 "What did they do to prompt you to that
6 conclusion?

7 A Because from day one I had been a
8 suspect.

9 Q Isn't it a fact, Mr. Wilson, that you
03:04 10 were brought up to Saskatoon because of
11 the interview in Regina at which time
12 you implicated Milgaard?

13 A No, they were coming down to get me
14 anyway.

03:05 15 Q But you had implicated him before you
16 got to Saskatoon?

17 A From what I have read, yes."

18 Now is that what you alluded to earlier?

19 A Yes.

03:05 20 Q And when you say "from what I have read" what are
21 you referring to?

22 A Other statements from other periods of time.

23 Q Go to page 125082, please, and at the bottom it
24 says:

03:06 25 "Q Now, you have earlier told us, Mr.



1 Wilson, that after you gave your
2 statements you discussed them briefly on
3 the plane trip between Edmonton and
4 Saskatoon?

03:06 5 A Yes."

6 I think this was on the trip to the preliminary:

7 "Q For the Preliminary Inquiry?

8 A Yes.

9 Q You have also told us there was no
03:06 10 police pressure?

11 A Not with them, no.

12 Q So that at the time that you testified
13 the police weren't leaning on you in any
14 way?

03:06 15 A No.

16 Q At the time you testified at trial in
17 1970, in January of 1970, the police
18 weren't leaning on you in any way; they
19 had no hold on you?

03:06 20 A They had no hold on me, no."

21 Is that correct, those questions and answers,
22 those answers I just read to you?

23 A Yes.

24 Q "Q You weren't in custody at that time?

03:06 25 A No.



1 Q You had opportunity at trial to tell the
2 truth as you knew it then?

3 A I had opportunities, yes.

4 Q Didn't you in fact tell the truth as you
03:06 5 then knew it?

6 A No, I didn't.

7 Q Why not?

8 A I was scared.

9 Q Of what?

03:07 10 A Who is going to believe me now?

11 Q Counsel for Mr. Milgaard questioned you?

12 A Yes.

13 Q The judge questioned you?

14 A Yes.

03:07 15 Q Why were you concerned?

16 A Going back to gaol."

17 Is that correct and truthful information?

18 A Yes.

19 Q And what were you referring, there, to going back
03:07 20 to jail, being concerned?

21 A Being charged with perjury.

22 Q Then it says:

23 "You knew that you had outstanding
24 charges at the trial and the likelihood
03:07 25 of you going back to gaol in any event?



1 A But I was worried about big time.

2 Q You have a friend sitting in the
3 prisoner's dock; he is facing a life
4 sentence, a life sentence. You have got
03:07 5 a couple of charges coming up for
6 uttering and you may be charged with
7 perjury. Those aren't life sentences,
8 correct?

9 A Correct.

03:07 10 Q And you are saying that the fear of
11 going back to gaol for a few more months
12 or a year was such that --

13 A Plus I was awful messed up on drugs.
14 For that I was only straight one day
03:08 15 before I hit the stand.

16 Q Now, so even though a number of months
17 have passed between when the police
18 questioned you and when you testified it
19 is your position that you were
03:08 20 manipulated into lying?

21 A Yes.

22 Q And that manipulation came by what
23 means, by pointing out the knives?

24 A The knives and the polygraph.

03:08 25 Q And the polygraph?



1 A Yes.

2 Q The repeated questions?

3 A He kept on repeating them until I
4 finally started saying yes to some
03:08 5 questions. Those questions
6 disappeared from being asked."

7 Were those truthful answers?

8 A Yes.

9 Q If we can just go back a page, there, to the
03:08 10 question 900 that Mr. Williams asked, and I don't
11 know that you answered it there, and let's just go
12 through it again. And I think what he was doing,
13 and I may have touched on this last session,
14 comparing your concern about jail time for perjury
03:09 15 compared to a life sentence for Mr. Milgaard; do
16 you see that question?

17 A Yes.

18 Q And did you ever draw that, or did that ever come
19 to mind, your risk versus his risk?

03:09 20 A I believe it did at times, yes, that -- well I
21 figured -- excuse me -- life at that time, I
22 didn't know he had the natural life, I thought he
23 only had 25 years so he would be out in ten, and I
24 figured I would be in, for perjury for that bad, I
03:09 25 would probably be in jail for ten years also.



1 Q And when you say you were worried about perjury,
2 what perjury were you worried about?

3 A That I would have to tell the people that I had
4 been lying.

03:09 5 Q Okay. Was it perjury at your statement -- in your
6 statement then?

7 A My statements, at the preliminary hearing, the
8 trial.

9 Q I think Mr. Williams' question was 'at the time of
03:10 10 trial', so I think this would be before you
11 testified at trial?

12 A Okay, then it would be prior statements and at the
13 preliminary hearing.

14 Q Okay. And what about at the preliminary hearing;
03:10 15 were you worried about --

16 A Well I didn't think it was even going to go to
17 trial.

18 Q You didn't think it would?

19 A No.

03:10 20 Q Why not?

21 A Because I always thought I would have been found a
22 non-credible witness.

23 Q Pardon me?

24 A I always thought I was going to be found a
03:10 25 non-credible witness.



1 Q Okay. And why was that?

2 A Because of my lifestyle and the kind of drugs I
3 had been doing, the kind of shape I was in.

4 Q And did it ever occur to you to tell anybody that
03:11 5 you weren't a credible witness?

6 A No.

7 Q Go to page 125093, question 953:

8 "Q Next that, 'When we were alone together
9 in Calgary Milgaard told me that he had
03:12 10 hit a girl or got a girl in Saskatoon
11 and put her purse in the trash can.
12 This testimony was planted in my mind by
13 police. At no time did Milgaard confess
14 anything like this to me.'"

03:12 15 If I can stop there, this is your May 23rd, 1990
16 statement, and Mr. Williams asks:

17 "And how was that idea planted in your
18 mind?

19 A From showing me where the purse was
03:12 20 hid and through the questioning.

21 Q And how -- you had to have told them
22 some of the things?

23 A Not that I know of.

24 Q You had to tell them about being alone
03:12 25 with Milgaard in Calgary?



1 A Yes.

2 Q And you had to have told them about
3 Heather Beaton?

4 A Yes.

03:13 5 Q Did you discuss that portion of your
6 evidence with Nickie?

7 A I don't know other than what I said
8 previous if Nickie and I discussed
9 anything or not.

03:13 10 Q But you know that's a pretty key --
11 that's a confession. That's the heart
12 of the Crown's case in one respect,
13 isn't it?

14 A I would imagine, yes.

03:13 15 Q And you even at that time realized the
16 importance of that?

17 A No.

18 Q You didn't realize the importance of
19 that evidence?

03:13 20 A No.

21 Q But you knew that a confession was
22 fairly important?

23 A Yes.

24 Q It was your friend saying, 'I got her, I
03:13 25 hit her in Saskatoon'?



1 A But he did not say that.

2 Q Here is you saying to the police, as you
3 have told us, 'My friend told me this'?

4 A Yes.

03:13 5 Q Now, the reason you would say that to
6 them is because you would think that
7 would be incriminating evidence; isn't
8 that a fact?

9 A I would imagine.

03:13 10 Q You would imagine. Come on, 'yes' or
11 'no'?

12 A Back then I don't know. I can say
13 now, yes. Back there I don't know.

14 Q But in a straight mode you would
03:13 15 recognize what would be incriminating
16 and what would not be?

17 A Yes.

18 Q And you weren't on drugs when you gave
19 that statement?

20 A I still would have after effects I
21 guess. I wasn't stoned at the time."

22 Is that truthful?

23 A Yes.

24 Q 968:

03:14 25 "You weren't stoned at the time, all



1 right. How was it planted?

2 A All by being mixed up, confused and
3 having things fall into place with the
4 answering and the questioning.

03:14 5 Q What did they do to plant it, that's
6 what I'm trying to get at?

7 A Too much questioning. I just fell
8 apart and --

9 Q Did you break down?

03:14 10 A Pretty damned close.

11 Q Did you say to the police officers,
12 'Look, I've had enough, let's call it a
13 day'?

14 A I don't know if I did or not. All I
03:14 15 know I wanted to get back home and get
16 loaded again."

17 Is that truthful?

18 A Yes.

19 Q "Q But in any event, at the time of the
03:14 20 trial you believed in the truthfulness of
21 what -- of the things about which you
22 testified?

23 A No, I didn't.

24 Q At the time of the trial you didn't
03:14 25 believe that?



1 A No, I had doubts.

2 Q You had doubts. Were you able to tell a
3 version of events at the Preliminary
4 Inquiry, a version that you repeated at
03:14 5 the trial, correct?

6 A Right.

7 Q Did you review your Preliminary Inquiry
8 transcript before trial?

9 A Yes, I did.

03:15 10 Q Did you memorize them?

11 A Some of them, yes.

12 Q What part did you memorize?

13 A Mostly stuff that was in my statement.

14 Q So you remember your statement?

03:15 15 A Well, most of the stuff that was
16 included in the statement.

17 Q You didn't memorize all of it?

18 A No.

19 Q Did you think about what had happened
03:15 20 between the Prelim and the trial?

21 A Yes, I had, well, like I had
22 conversations with the Crown
23 prosecutor prior to that. And they
24 were suggesting to make sure that I,
03:15 25 you know, remember this part and



1 remember that part.

2 Q Where do you think the police got this
3 idea about the Calgary incident?

4 A I don't know.

03:15 5 Q I say that because you gave that portion
6 of your statement before Nickie gave her
7 statement?

8 A That I don't know."

9 Is that correct, the part that I read you?

03:15 10 A Yes.

11 Q "Q So some things of the manipulation
12 basically you attribute to the repeated
13 questions?

14 A Yes.

03:15 15 Q And those questions were repeated at the
16 time of the polygraph session?

17 A Yes."

18 Next page:

19 "Q Were those questions repeated at any
03:16 20 other time?

21 A They were all basic questions that I
22 have always been asked.

23 Q And it's that continued questioning
24 along the lines of the questions asked
03:16 25 at the polygraph that you feel was



1 manipulation?

2 A Yes.

3 Q Was there anything else?

4 A Well, they kind of had me convinced
03:16 5 maybe I was just blocking out the
6 memory of the whole thing and they
7 said they were bringing it out."

8 Is that correct, the part that I have read to you
9 there?

03:16 10 A Yes.

11 Q And this last question and answer, 987, is that
12 what you have told us about last session?

13 A Yes.

14 Q I think you described that; is that right?

03:16 15 A Yes.

16 Q Or is that something new?

17 A No.

18 Q Who was it that had kind of had you convinced that
19 you were blocking out the memory of the whole
03:16 20 thing?

21 A The polygraph operator.

22 Q And did you believe him?

23 A I started to. I -- I was so screwed up at times
24 that anything is possible.

03:17 25 Q Page 125099, and here you are questioned about the



1 funeral home, again this is relating to the
2 question from -- questions relating to the
3 statement that you gave to Mr. Henderson, and it
4 says at 1005:

03:17 5 "Q Yes, you testified to that effect at
6 trial that it was not behind the funeral
7 home?

8 A All right.

9 Q And in fact you pointed out its location
03:17 10 at trial; do you recall doing that?

11 A I believe so. It was after I was
12 showing supposedly where we were
13 stuck. I don't know if we were stuck
14 there for sure or not."

03:17 15 Now pause there. Is that truthful, Mr. Wilson?

16 A Yes.

17 Q I thought you had told us, last time, that you
18 weren't stuck near -- well, in this vicinity?

19 A I was pointing out where they showed me I was
03:18 20 stuck.

21 Q Right. And then -- well, let's just back up. I
22 think your testimony last session, you said you
23 were stuck, in fact I showed you the drawing and
24 you said it was at a T intersection by an open
03:18 25 field?



1 A Yeah.

2 Q And that it wasn't near a funeral home; is that
3 right?

4 A Right, that's correct.

03:18 5 Q And, here, Mr. Williams is asking you in 1006, you
6 pointed out its location at trial, and remember we
7 went through that and the transcript where you put
8 an S, I think, right by the funeral home up near
9 the corner of Avenue N and 20th Street?

03:18 10 A Yes.

11 Q Do you remember that --

12 A Yes.

13 Q -- at the trial? And here you say:

14 "It was after I was showing supposedly
03:18 15 where we were stuck. I don't know if we
16 were stuck there for sure or not."

17 And so I -- and my question is, in 1990 to Mr.
18 Williams you are expressing, or it appears you
19 are saying you are not sure if you were stuck
03:19 20 there or not?

21 A No, we weren't stuck there.

22 Q Pardon me?

23 A We weren't stuck there.

24 Q And so do you know why you would have told Mr.
03:19 25 Williams you weren't sure at this time?



1 A No I don't.

2 Q Page 125100, and Mr. Williams again is questioning
3 you on the statement to Mr. Henderson, and this
4 part here quoting:

03:19 5 "I'm providing the statements to
6 Milgaard's investigator Paul Henderson
7 because I believe that he is innocent
8 and because I believe that my testimony
9 was coerced by the police.'"

03:20 10 And Mr. Williams says:

11 "Clearly and concisely, sir, can you
12 explain to us in detail the steps by
13 which the police coerced your testimony
14 at that trial?

03:20 15 A Starting from the beginning?

16 Q Everything that you think is relevant to
17 that coercion?"

18 Next page. I'm just going to go through some of
19 this with you, Mr. Wilson and ask you if this is
03:20 20 the full, complete, and accurate list. And you
21 say:

22 "A From the time they started coming to see
23 me when I was doing time in Regina.

24 Q Sorry, I can't hear you?

03:20 25 A Right from the time they started



1 coming to see me when I was doing time
2 in Regina.

3 Q Yes?

4 A Just nothing seemed -- why they should
03:20 5 be coming on to me or even asking
6 about David or anything because to me
7 at that time nothing happened.

8 Q But what was it about their visits that
9 was coercion?

03:20 10 A Well, when they mentioned to me about
11 blood on the -- Shorty had seen blood
12 on David clothes. So I started to
13 think, well, if Shorty saw it I must
14 have saw it, so something must be
03:20 15 wrong here.

16 Q And what was coercive about that or was
17 that not coercive?

18 A I don't think it should even have been
19 suggested to me.

03:21 20 Q Anything else?

21 A And when they started taking me to
22 Saskatoon and the places that we
23 stopped at, where supposedly we had
24 been, where the body was, where the
03:21 25 purse had been dropped, how they got



1 me to pick out the knife. The
2 badgering and the questions. I
3 shouldn't say badgering, the repeating
4 of the questions on the polygraph
03:21 5 machine until I started saying yes to
6 the right ones and then they stopped
7 being asked.

8 Q Okay. Anything else?

9 A Yes, it was a total mess.

03:21 10 Q All right. Did you feel badgered, sir,
11 when you spoke with Mr. Henderson?

12 A No.

13 Q And I understand you started ...",
14 or let me just pause right there. The part that
03:21 15 I read out, is that correct, where you were
16 describing the coercion?

17 A Yes.

18 Q Carrying on:

19 "Q And I understand you started around nine
03:21 20 in the morning and ended up around six,
21 seven at night?

22 A Yes.

23 Q And took a break; you had breakfast?

24 A We had breakfast and we had dinner.

03:21 25 Q Did you continue talking over that



1 period of time?

2 A During lunch, no.

3 Q How about during dinner?

4 A That's what I meant, dinner lunch.

03:22 5 Q Okay. So how long did you take for
6 lunch?

7 A Probably an hour.

8 Q So you have roughly seven hours?

9 A Um-hum.

03:22 10 Q With an hour in between?

11 A (WITNESS NODDED HEAD).

12 Q Would you agree with me by your estimate
13 the worst session you had with the
14 police in 1969 may have been that
03:22 15 polygraph session which could have been
16 anywhere from three and a half to five
17 hours?

18 A Yes."

19 Pause there. Is that correct?

03:21 20 A Yes.

21 Q "Q And that prior to that all the visits
22 with the police were basically friendly
23 and courteous?

24 A Basically but they got my mind going.

03:22 25 Q Well, are you saying that they started



1 you thinking about the event?

2 A Yes.

3 Q But they were friendly, courteous
4 visits?

03:22 5 A Yes.

6 Q No heavy handlings?

7 A No.

8 Q No leaning, and you were also saying
9 they suggested --"

03:22 10 Let me pause there. Is that correct, the parts
11 that I read you?

12 A Yes.

13 Q And then:

14 "Q No leaning, and you were also saying
03:22 15 that they suggested to you that a
16 purse had been found?

17 A Yes.

18 Q What words were used in relation to that
19 purse finding?

03:23 20 A Walking down the alley they told me
21 this was the garbage can where the
22 purse had been found.

23 Q And in relation -- was anything else,
24 any other incriminating thoughts or
03:23 25 other things planted in that fashion?



1 A I would say yes, but I can't be
2 specific.

3 Q Now, did you hear or know of the other
4 evidence which was important to the
03:23 5 Crown's case in the Milgaard trial?

6 A No, I didn't."

7 Is that part that I read to you truthful?

8 A At that time, yes.

9 Q At what time?

03:23 10 A Well, like, after I got to see more stuff, more
11 evidence from the Milgaard trial.

12 Q Are you referring to this question here, 1038?

13 A Yes.

14 Q So at the time in 1970, or the time you were being
03:23 15 questioned in 1969, did you know what other
16 evidence they had?

17 A No, not at that time, no.

18 Q And then you were asked:

19 "Q And what role do you think your evidence
03:24 20 played in his conviction?

21 A Well, now that -- or now I can see
22 since I read Nichol's statements I
23 would say I was the main person."

24 And what do you mean by that?

03:24 25 A Then I realized she hadn't said anything.



1 Q Okay. What did -- at the time of trial did you
2 understand that Nichol had made a statement?

3 A Not even at the trial, no, just by her testimony
4 that I had read in the newspapers.

03:24 5 Q Well, let's back up. At the time that you
6 testified at the preliminary hearing and trial,
7 did you know that Nichol John had given the police
8 a statement where she said she saw David Milgaard
9 stab a girl in the alley?

03:24 10 A I don't recall.

11 Q At some point you found that out did you?

12 A Yes, after I read her statement, but that was
13 quite a while after.

14 Q So at the time that you testified do you recall,
03:25 15 and I'm not -- I don't want to know what you have
16 read subsequently or what you may have
17 rationalized, I want to know what you recall. Do
18 you recall knowing at the time you testified
19 either at the preliminary hearing or the trial
03:25 20 whether or not Nichol John had given a statement
21 to the police saying that she had witnessed David
22 Milgaard stabbing a girl in the alley?

23 A I don't recall seeing it or hearing it, no.

24 Q What about having any knowledge of what Nichol
03:25 25 John testified to at the preliminary hearing or



1 trial, the nature of her evidence?

2 A I hadn't read it, no.

3 Q So if on February 1st, 1970 I would have come
4 across you and said can you tell me what Nichol
03:26 5 John said at the trial or what she said to the
6 police, would you have been able to tell me?

7 A No.

8 Q So you had no knowledge?

9 A No. I didn't hang around.

03:26 10 Q Can you help explain this question and answer
11 here, it says:

12 "Q And what role do you think your evidence
13 played in his conviction?"

14 And you say:

03:26 15 "A Well, now that -- or now I can see since
16 I read Nichol's statements I would say I
17 was the main person."

18 Does that not suggest that you had some belief
19 that Nichol played a part in the conviction?

03:26 20 A Well, I had found out -- I don't know if it was
21 her statements or some of the transcripts that she
22 hadn't said anything, so --

23 Q Okay.

24 A I don't know how to explain this one.

03:26 25 Q Well, let's go back to the day after Mr. Milgaard



1 is convicted, if I asked you the question what
2 role do you think Nichol John played in convicting
3 David Milgaard?

4 A At that point I would have said I don't know.

03:27 5 Q Are you aware she testified at trial?

6 A Yes.

7 Q So again back to this question and answer, can you
8 help us out as to why, in 1990, you would be
9 saying now that you read Nichol's statements, and
03:27 10 I take it from that what you were referring to is
11 the fact that she didn't repeat her statement at
12 trial; is that fair?

13 A I believe so, yes.

14 Q And so you are now saying, correct me if I'm
03:27 15 wrong, that now that I see Nichol didn't repeat
16 her statement at trial, I now see that I was the
17 main guy. Is that what you are saying here?

18 A Basically, yes.

19 Q And so back to knowledge of when you learned of
03:27 20 what Nichol said at trial, does that help you at
21 all?

22 A No.

23 Q Next page, please. How are you doing there,
24 Mr. Wilson. Do you want a break? It's 3:30, or
03:28 25 do you want to --



1 A A short one would be nice.

2 MR. HODSON: Okay.

3 COMMISSIONER MacCALLUM: We'll take 10
4 minutes.

5 *(Adjourned at 3:28 p.m.)*

6 *(Reconvened at 3:42 p.m.)*

7 BY MR. HODSON:

8 Q If we can go back to page 125104 of the Eugene
9 Williams interview, and you can just ignore this,
03:43 10 Mr. Commissioner, I'm sorry, this is someone's
11 version of the documents, it's not part of the
12 official transcript, and 1040:

13 "Q And what about Nichol's statements?

14 A Compared to the Preliminary and the
03:43 15 trial there was a hell of a lot of
16 difference."

17 Pause there. And I think that's what you
18 referred to before; is that right?

19 A Yes.

03:43 20 Q That in her statement she said she saw David
21 Milgaard grab a girl whereas at the prelim and
22 trial she didn't say that under oath did she?

23 A Correct.

24 Q And Mr. Williams says:

03:43 25 "Q Were you aware that Nichol in her



1 statement to the police described a
2 situation in which she said that David
3 grabbed the woman, started jabbing at
4 her?

03:43 5 A No, I didn't know about that until I
6 read it.

7 Q And having read it you still feel that
8 you were the main man?

9 A Yes.

03:43 10 Q Even though you didn't see what Nichol
11 allegedly saw?

12 A Right, well, like I said from reading
13 the trial transcript when she stopped
14 saying anything I would say at the
03:44 15 trial I was the main man.

16 Q And without you of course he might not
17 have been convicted is your view?

18 A That's the way I think of it now,
19 yes."

03:44 20 And is that correct?

21 A Yes.

22 Q And is that what you think today?

23 A Yes.

24 Q And is that what you thought back in 1970 at the
03:44 25 time of trial?



1 A No.

2 Q And why not?

3 A Because I hadn't read anything of Nicky's at that
4 point.

03:44 5 Q I think -- let me just try this again, Mr. Wilson.
6 The question is, let's look at this one right
7 here:

8 "Q And without you of course he might not
9 have been convicted is your view?"

03:44 10 And my question back in 1970, I think you told me
11 you didn't know what Nichol said or you didn't
12 recall what Nichol John said at trial; right?

13 A That's correct.

14 Q So I think you said today it's your view that
03:44 15 David Milgaard might not have been convicted
16 without your evidence; is that fair?

17 A Yes.

18 Q And it appears that that's what you thought in
19 1990; correct?

03:45 20 A Yes.

21 Q And back in 1970 at the time you testified at the
22 trial what did you think?

23 A Back at that time I don't know what I thought,
24 what my testimony would be like in relationship to
03:45 25 it.



1 Q Pardon me?

2 A In relationship to everything, I didn't know what
3 was, how significant it was going to be.

4 Q Would it be fair to say, and please correct me if
03:45 5 you don't agree, would it be fair to say that you
6 knew your evidence was damning or damaging to Mr.
7 Milgaard?

8 A Yes.

9 Q It was incriminating?

03:45 10 A Yes.

11 Q In fact, you were telling the Court and the jury
12 that he had admitted stabbing a girl; correct?

13 A Yes.

14 Q And so you would have known that would have
03:45 15 been --

16 A Damaging, yes.

17 Q Yes?

18 A (Nods head).

19 Q So is the part you don't know relevant to the
03:45 20 other witnesses; is that what you are --

21 A Yes, basically.

22 Q 1045:

23 "Q Now, if you were called to testify today
24 what would you tell us about the events
03:46 25 of January 30th that you haven't already



1 told me?

2 A I would go back -- can I use the
3 exhibit the number? To Exhibit
4 "3" -- "

03:46 5 Which is the March 3rd statement,

6 " -- and add in some of the part I added
7 in here.

8 Q Even though the contents of Exhibit "2"
9 were put to you on a polygraph which you
03:46 10 successfully passed at the time?

11 A I don't know if I passed it or not.

12 Q Take it from me, you passed it.
13 Notwithstanding that, you still say that
14 that is not correct?

03:46 15 A No.

16 Q It's not correct?

17 A I believe what I'm saying now is
18 correct."

19 This part about passing the polygraph, did you
03:46 20 understand -- what did you understand about
21 whether you passed the polygraph or not?

22 A Well, what he said there, that he had seen it, so
23 he knew I passed it.

24 Q Okay. I want to know what you understood. Did
03:47 25 you understand back -- let's go back in 1969, did



1 you understand that you had passed a polygraph?

2 A Yes.

3 Q And what do you mean by that?

4 A Well, the only way I can understand that is when I
03:47 5 started answering the questions the right way and
6 they stopped going, like, stopped coming back at
7 me, that I passed the polygraph test.

8 Q And so I think when you said yes, were those to
9 statements implicating David Milgaard?

03:47 10 A Yes.

11 Q Go to page 125106, down at the bottom, it says:

12 "Q Did you have any conversations with
13 anyone else other than Mr. Watson
14 concerning that interview?"

03:48 15 And I think this, just to help you out, it refers
16 to the June 18th attempt to interview you in
17 1990. Remember last session we went through some
18 documents where the RCMP I think showed up at
19 your house and that you wouldn't agree to meet
03:48 20 with them?

21 A Yes.

22 Q And I think Mr. -- so just to put that in context,
23 he says:

24 "Q Did you have any conversations with
03:48 25 anyone else other than Mr. Watson



1 concerning that interview."

2 And that interview being the June 18th.

3 "A I think C.B.C. phoned me and I let it
4 slip."

03:48 5 Do you know what that's referring to?

6 A No, I don't.

7 Q "Q Did you speak with any other lawyer
8 before the 18th in connection with that
9 interview?

03:48 10 A I might have talked to Mr. Asper about
11 it.

12 Q What was the nature of that discussion?
13 Was it a solicitor client discussion?

14 A No, I think that was a long time --
03:49 15 when I was finding out if I could get
16 my own counsel. I asked him if I
17 could get my own counsel.

18 Q How did you come into contact with Mr.
19 Asper?

03:49 20 A I believe it was through Mr.
21 Henderson.

22 Q You called Mr. Asper once, contact had
23 been made with you?

24 A Yes.

03:49 25 Q As a result of that contact what if



1 anything did you learn?

2 A What was going on with the case kind
3 of.

4 Q Would you elaborate?

03:49 5 A It was being re-investigated.

6 Q Anything else?

7 A Not really. Not that I remember.

8 Q Was there any discussion about the form
9 or type of questioning?

03:49 10 A No.

11 Q Was there any discussion about the
12 questioning of other witnesses who had
13 been called?

14 A I got that from the newspaper
03:49 15 clippings."

16 If I can pause there. Does that assist your
17 recollection at all, Mr. Wilson?

18 A At this point, no.

19 Q Is that truthful, are you able to tell us whether
03:49 20 you were giving accurate information to
21 Mr. Williams?

22 A Yes.

23 Q And it says:

24 "Q What did you get from the newspaper
03:50 25 clippings?



1 A Other interviews that had been done."

2 And I think that's referring to Mr. Williams. Do
3 you remember looking at any newspaper clippings
4 about other witness interviews?

03:50 5 A I believe that was Henderson interviews. I don't
6 know if it was Williams or not.

7 Q Okay. And what -- I'm sorry, you remember looking
8 at newspaper clippings about Mr. Henderson's
9 interviews?

03:50 10 A I believe so, yes.

11 Q Next page, and Mr. Williams says:

12 "Q Any mention in those newspaper clippings
13 about the nature of the questioning?

14 A I believe in one there was.

03:50 15 Q What was that?

16 A I can't remember. I would have to
17 read them.

18 Q What if any impression did that make on
19 you?

03:50 20 A Made me scared of you.

21 Q You had never met me?

22 A No.

23 Q What about it frightened you?

24 A That someone like you not being a very
03:51 25 nice guy, which I must admit they were



1 wrong.

2 Q I haven't changed in the last little
3 while.

4 A Just hearsay, you know."

03:51 5 Is that correct information there, Mr. Wilson?

6 A Yes.

7 Q Then go to page 125110, and again ignore the
8 handwriting there, and this is again Mr. Williams,
9 he says:

03:51 10 "Q Other than what is contained in that
11 statement and the comments you had in
12 relation to another exhibit, and I
13 believe it's Exhibit "7", is there
14 anything else that you recall about that
03:52 15 trial testimony having reviewed your
16 evidence recently, both at trial and at
17 the Preliminary Inquiry, with which you
18 now take issue and say is not correct?

19 A The only thing I can see is not right
03:52 20 he didn't have a decent defence
21 lawyer.

22 Q And why do you say that?

23 A Because he should have used my
24 original statement first and then I
03:52 25 might have broken down and told the



1 truth."

2 If I can pause there. Is that correct
3 information that you would have given
4 Mr. Williams?

03:52 5 A Yes.

6 Q Now, if you'll recall, I think the first or second
7 day when we went through your trial evidence do
8 you remember going through questions about the
9 March 3rd statements?

03:52 10 A Yes.

11 Q At the time, or maybe you can elaborate here, what
12 are you referring to here, "-- because he should
13 have used my original statement first"?

14 A Well, I thought from that they could elaborate on
03:52 15 it more and try and pick the other ones apart.

16 Q At the time of the interview with Mr. Williams
17 what was your understanding of whether the March
18 3rd statement had been put to you at the trial?

19 A I couldn't recall.

03:53 20 Q Go to the next page, 125111, and here are some
21 questions your counsel then put to you after. Do
22 you remember Mr. Watson asking you some questions
23 when Mr. Williams was done?

24 A Yes.

03:53 25 Q And he says:



1 "Q Mr. Wilson, when Mr. Williams asked you
2 a few moments ago about what you thought
3 the value of your evidence was, you told
4 him what you thought the value of it was
03:53 5 as you look at it today?

6 A Yes.

7 Q What did you think of the value at that
8 time, at the time of the trial?

9 A I didn't think it was that damaging or
03:53 10 that important at the time."

11 Can you explain that for us?

12 A Well, I thought everybody else's testimony would
13 be more damaging than mine.

14 Q Would be more damaging than yours?

03:54 15 A Yes.

16 Q And who were you thinking of?

17 A Cadrain and Nichol John.

18 Q And what did you think they were going to say that
19 was more damaging than yours?

03:54 20 A Well, that they saw him do it.

21 Q That who saw him do it?

22 A Nicky saw him do it and Cadrain had seen all the
23 blood on his pants.

24 Q And on what basis did you form the belief that
03:54 25 they would be saying that, how did you know that?



1 A Just in my own mind.

2 COMMISSIONER MacCALLUM: Just what?

3 A Just in my own mind, sir.

4 BY MR. HODSON:

03:54 5 Q Now, the question -- so at the time of the trial,
6 in your own mind you thought that Nichol John
7 would be giving more damaging evidence than you?

8 A Yes.

9 Q And I think you said she would say she saw him
03:54 10 kill her or words to that effect?

11 A Words to that effect, yes.

12 Q Now, a little bit earlier this afternoon I had
13 asked you about that; do you remember?

14 A Yes.

03:54 15 Q And I think you told me that you didn't know what
16 Nichol had said?

17 A I had -- at this time I already had.

18 Q Okay. But the question here was what did you
19 think of the value at that time, at the time of
03:55 20 the trial.

21 A I just took it for granted what she had said and I
22 think I was just hypothesizing all the things that
23 had gone on.

24 Q Well, when I look at this question and answer
03:55 25 here, Mr. Wilson, it looks as though -- or and in



1 fact what you just told me is that you at the time
2 of trial thought that Nichol John was giving more
3 damaging evidence than you. Is that what you just
4 told me?

03:55 5 A Yes.

6 Q And what at the time of trial, what did you
7 believe or know that damaging evidence to be?

8 A I don't know because I didn't hear it.

9 Q Okay. Well then when you are asked this question
03:55 10 by your counsel, when he says:

11 "Q What did you think of the value at that
12 time, at the time of trial?"

13 You say:

14 "A I didn't think it was that
03:55 15 damaging or that important at the time."

16 And then you told me because you thought Cadrain
17 and Nichol John had or would give more damaging
18 evidence?

19 A Yes.

03:56 20 Q So at the time of trial, I'm trying to figure out,
21 Mr. Wilson, what you meant by that.

22 A That I didn't think I was the number 1 witness
23 basically.

24 Q You didn't think you would be the main witness?

03:56 25 A Yes.



1 Q Then you are asked:

2 "Q You also just suggested to him that you
3 felt that the defence lawyer would take
4 issue with what you were saying I
03:56 5 gather?

6 A Yes.

7 Q Did you feel that your evidence would be
8 destroyed?

9 A It should have been destroyed."

03:56 10 And why do you say that?

11 A Because I wasn't pushed enough, nobody pushed me
12 enough. I figured I could have been pushed harder
13 and maybe broke down.

14 Q Well, at the time, I think you told us last
03:56 15 session, Mr. Wilson, that you believed, I think at
16 the time, please correct me if I'm wrong, that you
17 had thought Mr. Milgaard had done it?

18 A I had thoughts of it, yes.

19 Q So when you say pushed, if someone would have said
03:57 20 look, you are lying, tell the truth?

21 A It might have happened.

22 Q Next page, and you say:

23 "Q Is that a feeling you had from the time
24 of the trial or is that a feeling you
03:57 25 just have now?



1 A I had that at the trial. Not as much
2 as I do now.

3 Q At some point earlier you mentioned that
4 there were discussions with police
03:57 5 officers concerning your testimony.
6 Were there discussions prior to the
7 trial about your testimony with police
8 officers?

9 A Both Preliminary and trial.

03:57 10 Q How close to the trial?

11 A The day before.

12 Q Do you remember what you were told at
13 that time by the police officer?

14 A To make sure I recalled certain things
03:57 15 that were in the Preliminary
16 transcripts."

17 Is that truthful information?

18 A Yes.

19 Q Can you tell us which police officer -- or who you
03:58 20 are referring to there by way of police officer?

21 A I don't recall.

22 Q And what is it that they told you?

23 A Just to read over and make sure things were right.

24 Q And when you say read over, what are you referring
03:58 25 to?



1 A My transcripts.

2 Q From the preliminary hearing?

3 A Yes.

4 Q And then carrying on, 1106:

03:58 5 "Q Was any -- was your attention
6 directed to any particular things?

7 A Basically the knife and how long he
8 had been away from the car.

9 Q Did you have discussions with anyone
03:58 10 else about either of those points?

11 A Yes, with the Crown prosecutor.

12 Q Do you recall when that was?

13 A That would have been the day before
14 also.

03:58 15 Q The day before the trial?

16 A Yes.

17 Q And what was -- what is your
18 recollection of those discussions?

19 A That he wanted to make sure I was
03:58 20 clear on the length of time that he
21 was gone and I was sure that's how
22 long he was gone. And from that, and
23 if you look at the transcripts, you
24 can tell they changed the length of
03:59 25 time he was gone because I figured,



1 well, they wanted more time so I gave
2 them more time."

3 And is that truthful information there,
4 Mr. Wilson?

03:59 5 A Yes, it is.

6 Q And is that what you discussed with us last
7 session, I think we went over this, is this the
8 same incident you are talking about here?

9 A Yes it is.

03:59 10 Q Carrying on:

11 "Q At the time you were testifying at the
12 trial were you aware that you were
13 giving a different statement at trial as
14 to the length of time you and Milgaard
03:59 15 were away from the car than you did at
16 the Preliminary Inquiry?

17 A Yes, I was.

18 Q And are you saying it's because of the
19 suggestion from the Crown prosecutor
03:59 20 that they required more time that you
21 gave that?

22 A Yes.

23 Q Did anyone pressure you to give that
24 time?

04:00 25 A Not really, no, just suggested."



1 Is that truthful information that I read to you?

2 A Yes it is.

3 Q And then, carrying on:

4 "Q This was just a whole part of the
04:00 5 sequence of events that had snowballed
6 on you?

7 A Yes.

8 Q Prior to the trial when was the last
9 time you had used drugs?

04:00 10 A The day before I got to Saskatoon."

11 And carrying on:

12 "Q Sorry?

13 A The day before I got to Saskatoon,
14 which would be the day before the
04:00 15 trial."

16 Is that correct?

17 A Yes it is.

18 Q Next page:

19 "Q What was the nature of the drugs you
04:00 20 were using at that point?

21 A Still a lot of LSD and speed and hash
22 and --

23 Q What was the frequency of your use at
24 that time?

04:00 25 A With everything combined just about



1 every day.

2 Q At various points in the trial, and
3 without being specific, you gave
4 estimates of the amount of drugs you had
04:00 5 been using. You have reread those
6 estimates I presume?

7 A Yes, I have.

8 Q How would you compare what your actual
9 usage of drugs was compared to the
04:01 10 evidence you gave at the trial?

11 A About ten-fold over."
12 Is that truthful information that I have read to
13 you?

14 A Yes it is.

04:01 15 Q "Q Are you were using in fact far more
16 drugs than you let on at the trial?

17 A Yes. I was also using it in gaol
18 which I didn't tell them at the time.

19 Q At one point I believe you denied you
04:01 20 used them in gaol?

21 A Yes.

22 Q And that was not true?

23 A No, it wasn't true.

24 Q And to your knowledge did the wardens or
04:01 25 authorities at the gaol have knowledge



1 of your drug use?

2 A Yes, they did.

3 Q What makes you think so?

4 A Because in a couple of instances I was
04:01 5 called down to talk to some other
6 prisoners down that were on bad trips.
7 So I had to babysit them all night, so
8 they knew I was into it and knew that
9 I knew all about them."

04:01 10 Is that accurate?

11 A Yes.

12 Q Down to 1130, please, you were asked -- again this
13 is Mr. Watson, your counsel, questioning you:

14 "Q You mentioned today, Mr. Wilson, that
04:02 15 police officers had indicated or
16 suggested to you that perhaps through
17 your drug usage your mind had repressed
18 some of the events. Can you elaborate
19 some more on that?

04:02 20 A Just the point they figured since I
21 was doing so many drugs that it
22 happened I must have blanked it out of
23 my memory."

24 Next page:

04:02 25 "Q This was suggested to you in that form



1 of language?

2 A Yes.

3 Q Did they refer to any specific event,
4 any of the items of evidence, that you
04:02 5 must have or might have blanked out?

6 A The knife and some conversations.

7 Q Was there any suggestion about the blood
8 on Milgaard's pants?

9 A Yes, there was.

04:02 10 Q Do you recall when that was suggested to
11 you?

12 A It was suggested to me while I was
13 doing time in Regina."

14 Is that truthful information?

04:02 15 A Most of it, yes.

16 Q Is there something there that isn't?

17 A Well I can't recall when I was told about the
18 blood on the pants.

19 Q So when Mr. Watson asked you about when blood on
04:03 20 Milgaard's pants was suggested to you, you told
21 him then:

22 "It was suggested to me while I was
23 doing time in Regina."

24 A Right.

04:03 25 Q And I think you are now telling us you don't



1 remember when?

2 A No, I don't remember when I was told.

3 Q And then carrying on:

04:03 4 "Q Do you recall the officers who suggested
5 that to you?

6 A It was officers from Saskatoon and I
7 can't remember which ones.

8 Q Did you come to believe that that might
9 in fact be the case?

04:03 10 A Yes, I did. I figured if Shorty saw
11 it I must have saw it."

12 And is that truthful?

13 A Yes.

14 Q So 1138:

04:03 15 "Q So you are telling us by the time you
16 are giving the polygraph statement you
17 have at least some belief that you might
18 be telling the truth?

19 A Yes."

04:03 20 Can you explain that?

21 A Well just collective, if Shorty saw blood I must
22 have, because I was there before Shorty.

23 Q So at that May 23rd, 1969, did you believe that
24 you saw blood, or not?

04:04 25 A I had got to the point where they were all



1 suggesting that I blocked things out, that I
2 thought it could have been one of the parts that I
3 blocked out in my head.

4 Q Next page, please, 1141:

04:04 5 "Q Do you recall the incident prior to your
6 being taken to Saskatoon to testify and
7 being taken off the ward?

8 A Yes, I do.

9 Q Could you tell us about that?

04:04 10 A I was doing time. When I was in
11 population one day they came and got
12 me and threw me back into remand and
13 told me that I was wanted in Saskatoon
14 for murder.

04:04 15 Q Not that you were a witness?

16 A No. And I tried to explain to them I
17 was just a witness but that didn't
18 seem to make any difference to them.
19 So I was in remand lock up until they
04:05 20 came and got me for Saskatoon, which
21 shook me up pretty good."

22 Can you elaborate on that, please?

23 A That was the incident in Edmonton.

24 Q So would this have been in August of 1969, then,
04:05 25 when you were in jail there?



1 A Yes.

2 Q And so tell us what happened?

3 A Well I was doing time, and all of a sudden out of
4 the blue they came and threw me back in -- on
04:05 5 remand, and I wanted to know why, and they said I
6 was wanted for murder in Saskatoon. And I said
7 "whoa", you know, I wanted them to phone Saskatoon
8 or let me phone them, get things straightened out.
9 And I called Saskatoon Police force, I forget who
04:05 10 I talked to, but they told me not to worry about
11 it, they would get things straightened out, that I
12 would end up back in population. But that never
13 happened until I got back after the preliminary
14 hearing.

04:06 15 Q How long were you in remand, then, before you came
16 to the prelim?

17 A Probably a couple of weeks.

18 Q And when you say "that shook me up pretty good"
19 what did you mean by that?

04:06 20 A Well you try to convince guys on the other side
21 that you are not wanted for murder, eh, "I'm just
22 in here for drugs", and it makes things a little
23 different.

24 Q You are talking about in jail?

04:06 25 A Yeah.



1 Q Go to page 125119, and after Mr. Watson was done
2 Mr. Williams had some re-examination, and he says:

3 "Q Mr. Wilson, you indicated to Mr. Watson
4 that you received suggestions by the
04:06 5 Crown --

6 A Yes.

7 Q -- in relation to the length of time.
8 Am I correct in understanding that the
9 suggestion came in the form of a -- no,
04:07 10 what form did that suggestion come in?
11 How was the suggestion made to you?

12 A 'Are you sure this is how long he was
13 gone?'

14 Q Anything else said?

04:07 15 A On this point, no."

16 And is that truthful?

17 A Yes.

18 Q "Q In relation to the suggestion made by the
19 police officer I gather it was on the
04:07 20 same day as the suggestion made by the
21 Crown?

22 A Yes.

23 Q What form did that suggestion take?

24 A 'Make sure you get the colour of the
04:07 25 knife right.'



1 Q Anything else said?

2 A There was probably some other smaller
3 stuff to make sure I got straight but
4 I can't remember those."

04:07 5 Is that truthful?

6 A Yes.

7 Q So do you know which officer -- so you are saying
8 an officer would have told you "make sure you get
9 the colour of the knife right"?

04:07 10 A Yes.

11 Q And when would that have been?

12 A Prior to the prelim, or prior to the trial, or
13 maybe both.

14 Q And do you know which officer that was?

04:08 15 A No I don't.

16 Q 1164:

17 "Q Now, in relation to the blood and the
18 suggestion by officers that you may have
19 forgotten it because it was blanked out,
04:08 20 you don't recall who made that
21 suggestion?

22 A No, I don't. Probably from Saskatoon.

23 Q How did you determine the size of the
24 blood stains and the location of the
04:08 25 blood stains?



1 A I believe I was told that also.

2 Q By whom?

3 A The same officers.

4 Q They told you the size?

04:08 5 A They told me it was on the front of
6 his pants.

7 Q And you took it from there?

8 A Yes.

9 Q And the suggestion of the blanking out
04:08 10 came I take it from the same officers?

11 A Yes."

12 Is that truthful?

13 A Yes.

14 Q Go to page 125123, 1194, this is Mr. Williams
04:09 15 asks:

16 "Q Were you tripping out when you
17 testified?

18 A Tripping out, no.

19 Q Were you hallucinating when you
04:09 20 testified?

21 A I was seeing colours once in awhile,
22 just flash backs as they call them.

23 Q Were you seeing colours about the events
24 on which you were testifying?

04:09 25 A I think I was at certain periods



1 because I was on there a long time.

2 Q You were seeing colours?

3 A Yes.

4 Q When you say you see colours I take it
04:09 5 you are not saying that you are
6 distorting your recall?

7 A I don't know.

8 Q All right. When you see colours, what
9 does that do to your memory?

04:09 10 A You just see colours, that's all.

11 Q Just a flash?

12 A Yes.

13 Q It has nothing to do with memory?

14 A I don't think so, no. I don't know
04:09 15 what the effects are from that stuff
16 yet except I have been a paranoid
17 person ever since."

18 And is that truthful, the answers I read to you?

19 A Yes.

04:09 20 Q So back at the time of trial, can you explain what
21 you were experiencing then, you were experiencing
22 when you were testifying about these
23 hallucinations or colours?

24 A Hmm, you see colours, you see lines, and, hmm,
04:10 25 like sometimes a table cloth would move or



1 something, and just basic little stuff -- well, it
2 would be little stuff to me, you know.

3 Q And so, back at the time when you testified at
4 David Milgaard's trial, do you recall any
04:10 5 hallucinations that you experienced while you were
6 testifying?

7 A Small ones, yes; big ones, no.

8 Q What's --

9 A Just colours and --

04:10 10 Q What small ones do you recall?

11 A Oh, seeing flashes of colours every once in a
12 while, and like if you took your hand and moved it
13 too fast you would see about five fingers go by
14 instead of one, like --

04:10 15 Q And you remember that from the trial, do you?

16 A I still get it.

17 Q Pardon me?

18 A I still get them once in a while.

19 Q But my question is I want to know, sir, what you
04:11 20 remember?

21 A I remember seeing that stuff at the trial, yes.

22 Q At the trial? Anything else?

23 A No, not offhand right now, no.

24 Q Okay. We're done with that transcript.

04:11 25 Next, if we could go to document



1 002131 -- or maybe, before we get to that
2 document, maybe you can tell us, Mr. Wilson, the
3 interview with Eugene Williams was July 20th, and
4 your statement to Paul Henderson was June 4th,
04:11 5 1990; what happened that summer as far as your
6 friends and acquaintances once they became aware
7 of this statement? And you recall, last session,
8 we went through a couple newspaper articles,
9 remember us showing you those, June 7th, June 9th,
04:12 10 where your statement was reported nationally?

11 A Yes.

12 Q What was the reaction of some of your friends, and
13 in particular Craig Melnyk, George Lapchuk?

14 A They were right pissed off.

04:12 15 Q And, what, tell me what discussions you had with
16 them?

17 A Basically I just had a discussion with George at
18 my sister Gail's wedding and he was just right
19 ticked off that I had opened up my mouth and got
04:12 20 the case going again.

21 Q And got the what?

22 A That, basically, that he figured that I got the
23 case re-opened.

24 Q Okay. And did he say why he was upset?

04:12 25 A Well, just that I should have kept my mouth shut.



1 Q And did you tell him why you did what you did?

2 A Yes.

3 Q And what did you tell him?

4 A I told him it was about time the truth came out.

04:12 5 Q And did you have a discussion with Craig Melnyk?

6 A I don't -- I don't recall.

7 Q I'm going to call up 002131, and this is August
8 the 6th, 1990, so this is a couple of months after
9 your statements. And this is a memorandum from
04:13 10 Mr. Williams to his file, okay, and it reports
11 about a discussion he had with George Lapchuk.
12 And if you could go to the second page, and Mr.
13 Williams writes here that:

14 "Mr. Lapchuck noted that he spoke with
04:13 15 Ron Wilson after the trial. Wilson told
16 him (Lapchuck) that he saw blood on the
17 clothes of David Milgaard when they were
18 in Saskatoon."

19 Do you recall whether you ever told Mr. Lapchuk
04:13 20 that you ever saw blood on the clothes of David
21 Milgaard?

22 A No, I never did.

23 Q You never did?

24 A No.

04:14 25 Q Okay. And then scroll down to the next paragraph,



1 it says:

2 "Recently Ron Wilson met George
3 Lapchuck. Mr. Wilson attempted to offer
4 and explanation for his recent actions.
04:14 5 According to Mr. Lapchuck, he (Lapchuck)
6 did not want to hear any explanations
7 from Wilson. (From his longterm
8 acquaintance with Wilson, Lapchuck gave
9 me some insights into Wilson's
04:14 10 character. I am left me with the
11 impression that Ron Wilson had gotten
12 more than religion for changing his
13 testimony).

14 (The writer was left with the
04:14 15 distinct impression that Lapchuck and
16 Melnik were very disappointed by the
17 Wilson retraction, because it reminds
18 them of a period of their life that they
19 would like to put behind them. It was
04:14 20 suggested that there was a financial
21 incentive for Mr. Wilson to recant his
22 earlier testimony.)"

23 Now if I could just go back, does Mr. Lapchuk's
24 account of his discussion with you, is that
04:15 25 consistent with your memory? Maybe just go back



1 to the full page, please, and where it says:

2 "Mr. Wilson attempted to offer an
3 explanation for his recent actions."

4 "... (Lapchuck) did not want to hear any
04:15 5 explanations ...".

6 Is that true?

7 A Yes.

8 Q Now did he discuss that with you, about financial
9 incentives to recant your testimony?

04:15 10 A No he didn't.

11 Q Have you heard that before, Mr. Wilson, from
12 others?

13 A No, this is the first time.

14 Q Okay. Has anybody asked you the question or
04:15 15 suggested to you that you got paid to recant your
16 statement?

17 A No.

18 Q There are -- in some later interviews you are
19 asked the question, maybe I can go to those to
04:15 20 refresh your memory. You don't have any
21 recollection of that?

22 A At this point in time, no.

23 Q Did anybody pay you any money to recant or to give
24 your statement of June 4th, 1990?

04:15 25 A No.



1 Q If you could go to, next is 016128, which I think
2 is part of 016125. I'm going to go through a few
3 letters here between your lawyer, Mr. Watson, and
4 Mr. Williams, and -- after your interview. Before
04:16 5 I do that, Mr. Wilson, do you remember having
6 discussions about taking another polygraph in
7 around this time, 1990?

8 A Yes.

9 Q Tell us what you remember about that?

04:16 10 A I remember talking to my lawyer that we should
11 suggest to Mr. Williams that we would take another
12 one if they wanted us to, because I -- I figured
13 that would bring out the truth for sure.

14 Q And were you prepared to undergo another
04:16 15 polygraph?

16 A Yes, I was.

17 Q Do you recall if you imposed any conditions on
18 that?

19 A I can't recall.

04:17 20 Q Okay. And go through some of these letters, this
21 one is August 9th, 1990 from Mr. Williams, you
22 will see that, to your lawyer, Mr. Watson. And
23 first paragraph, if you can call that out, and
24 we'll -- it says:

04:17 25 "I am writing with reference to our



1 telephone conversations of July 23, and
2 July 30, 1990 wherein I indicated my
3 desire to pose additional questions to
4 your client, Mr. Ronald Dale Wilson. I
04:17 5 also asked you to ascertain from your
6 client whether he would be prepared to
7 undergo a polygraph test."

8 Do you remember if the polygraph was your idea,
9 or their idea, or do you know?

04:17 10 A I can't recall.

11 Q If you could scroll down:

12 "You indicated that you would relay my
13 request to your client and advise me of
14 his decisions concerning the requests
04:17 15 noted above. I am anxious to obtain
16 your client's responses to our requests
17 so that suitable arrangements, if
18 necessary can be made."

19 And then scroll down:

04:18 20 "As you may be aware, there has been
21 considerable criticism of my department
22 concerning the pace at which our
23 investigations have proceeded. In an
24 effort to complete this aspect of the
04:18 25 investigation, I would appreciate your



1 assistance in obtaining a response from
2 Mr. Wilson in this matter."

3 And the next document is 003413, and this is a
4 letter actually of the same date back from
04:18 5 Mr. Watson to Mr. Williams, and refers to the
6 letter. If we could just -- actually, just
7 scroll down, it refers to the -- actually, if we
8 could just go back to the first paragraph,
9 please, it says:

04:18 10 "With reference to your letter of August
11 9th, 1990, my client and I have been
12 considering your requests. No final
13 decision has yet been made and your
14 response to the following will have a
04:18 15 bearing on my client's decision."

16 Scroll down:

17 "If my client is to undergo a polygraph
18 examination, the questions and charts of
19 his original polygraph examination done
04:19 20 by Mr. Roberts must be made available to
21 the person who conducts the polygraph
22 examination.

23 If there is to be a polygraph
24 examination, we must agree to the choice
04:19 25 of persons who will conduct the test."



1 And do you recall those conditions being
2 discussed, Mr. Wilson?

3 A Yes, I do.

4 Q And can you tell us why you wanted Mr. Roberts'
5 original charts and questions; is there any
6 particular reason?

7 A Probably from my counsel.

8 Q And then it goes on to suggest a Mr. John Weller.

9 If you could then go to 003412,
10 and this is a letter five days later, August 14th,
11 1990, from your counsel, and it deals with the
12 charts, and it says:

13 "... I understood you to say that the
14 charts and list of questions of Mr.
15 Wilson's original polygraph examination
16 by Inspector Roberts are no longer
17 available. Knowing of bureaucracy's
18 tendency to preserve records in general,
19 I find it incongruous that such
20 important records as polygraph results
21 would be destroyed in a murder case
22 while the prisoner was still serving
23 time. To that end, would you kindly
24 provide me with written details of all
25 efforts made to locate the charts and



1 questions and details of the results of
2 those efforts."

3 Do you recall information to that effect, Mr.
4 Wilson, about the original Roberts' polygraph
04:20 5 records?

6 A Yes I do.

7 Q And I don't think there's any issue with this, but
8 you are aware that, or to your knowledge they were
9 never -- they have not been located?

04:21 10 A That's correct.

11 Q And if I can call up 326528, and this is a letter
12 of September 6th, 1990 from Mr. Williams to your
13 counsel, and it says:

14 "I am writing with reference to your
04:21 15 earlier correspondence concerning the
16 polygraph testing of Ronald Dale Wilson.

17 After further consideration of
18 all the circumstances and following a
19 review of the materials obtained to
04:21 20 date, it appears that there may be
21 limited value in performing a polygraph
22 test on your client at this time.
23 Consequently this avenue of
24 investigation will not be pursued
04:21 25 further."



1 And did this letter come to your attention, Mr.
2 Wilson?

3 A Yes it did.

4 Q And, after this, was there any further request
04:22 5 from Federal Justice, to your knowledge, about a
6 polygraph exam?

7 A Well that --

8 Q About you undergoing --

9 A No, not Federal Justice, no, at that time.

04:22 10 Q Was there others that had asked?

11 A Later on.

12 Q Is that at the Supreme Court?

13 A Yes.

14 Q And that was Chief Justice Lamer, I believe?

04:22 15 A Yes.

16 Q At the time of this letter, September 6th, 1990,
17 were you prepared to undergo a polygraph
18 examination?

19 A Yes, I was.

04:22 20 Q Were you prepared to undergo that examination
21 knowing that Mr. Roberts' charts and records were
22 not available?

23 A Yes I was.

24 Q Could you go to --

04:22 25 COMMISSIONER MacCALLUM: Mr. Hodson, I



1 think I blocked that out with my coughing, would
2 you just put the question to him again?

3 BY MR. HODSON:

4 Q Oh, sure. The question was whether you would, as
04:22 5 at the date of this letter, September 6th, 1990,
6 the first question was, "Were you prepared to
7 undergo a polygraph exam", and the answer was,
8 "Yes", and then the next question was were you
9 prepared, knowing that Mr. Roberts' charts and
04:23 10 questions were no longer available, were you still
11 prepared to undergo a polygraph examination?

12 A Yes, I was.

13 Q And, next, if I could call up document 151588, and
14 this is on a bit of a related topic, Mr. Wilson.
04:23 15 This is a memo August 30, 1990, so that's the time
16 frame of these discussions, and it's a memorandum
17 from Eugene Williams to his file, and it deals
18 with the discussion that he had with Mr. Roberts,
19 and the question I want to put to you is just --
04:23 20 sorry, down at the bottom -- and this is Mr.
21 Williams' memo based on a discussion with Mr.
22 Roberts. I just want to read you parts of this
23 and ask you some questions. He says:

24 "I related to Mr. Roberts Mr. Wilson's
04:24 25 statement concerning the presentation



1 and selection of the knife as the one he
2 had observed on David Milgaard. Mr.
3 Roberts disagreed firmly with Mr.
4 Wilson's characterization. He noted
04:24 5 that Mr. Wilson's description reminded
6 him of a 'peak of tension test' that he
7 probably had perform."

8 If I can pause there, had you heard of a peak of
9 tension test?

04:24 10 A No.

11 Q Carrying on:

12 "He said that the test was one used to
13 determine whether an individual was
14 truthful in identifying objects. A
04:24 15 pre-test session would be performed; the
16 subject would be questioned to determine
17 the right questions to comfortably
18 elicit a yes or no answer; the questions
19 were reviewed with the subject and then
04:25 20 the subject was questioned on the
21 polygraph, twice.

22 Typically, the suspected weapon
23 would be placed in the middle of a row
24 of weapons, and the subject would be
04:25 25 asked, in turn, for example, 'Did you



1 see this knife in X's possession in the
2 car on the trip between Regina and
3 Saskatoon?' The subject would know the
4 order of the questions. By the time the
04:25 5 third question was asked, the tension in
6 the subject would peak and then would
7 subside. The subject's responses to the
8 questions would be monitored on the
9 polygraph machine.

04:25 10 As part of this pretest
11 procedure . . . , "

12 Let me just pause there, I think. Let's go back
13 to the viewing of the knives with Inspector
14 Roberts. I think you said you told us you
04:25 15 thought there was six?

16 A Yes.

17 Q And the knife that you identified, can you
18 remember where in the groupings it was, was it in
19 the middle?

04:25 20 A It was in the middle.

21 Q And do you recall undergoing anything like what's
22 described here by Mr. Williams as to what Mr.
23 Roberts told him?

24 A No.

04:26 25 Q Do you recall being hooked up to the polygraph



1 when being questioned about the knives?

2 A No, I don't recall.

3 Q Mr. Commissioner, the next area I plan to go into
4 is an October 7th, 1991 interview, it might be an
04:26 5 appropriate spot to break?

6 COMMISSIONER MacCALLUM: Okay.

7 MR. HODSON: We're on at 9:00 tomorrow
8 morning, I believe?

9 COMMISSIONER MacCALLUM: 9:00, yes, that's
04:26 10 right.

11 *(Adjourned at 4:26 p.m.)*

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OFFICIAL QUEEN'S BENCH COURT REPORTERS' CERTIFICATES:

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

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Karen Hinz, CSR

Official Queen's Bench Court Reporter

_____, RPR, CSR

Donald G. Meyer, RPR, CSR

Official Queen's Bench Court Reporter



\$	1141 - 6570:4 1164 - 6573:16 1194 - 6574:14 11th - 6442:11 124983 - 6436:4 124985 - 6439:2 124992 - 6450:16 124997 - 6450:16 125000 - 6451:11 125005 - 6452:13 125009 - 6455:3 125017 - 6455:21 125022 - 6457:14 125024 - 6462:22 125025 - 6464:6 125035 - 6475:14 125048 - 6494:3 125053 - 6495:13 125060 - 6499:6 125063 - 6501:25 125066 - 6505:13 125072 - 6510:25 125078 - 6518:16 125082 - 6523:23 125093 - 6529:7 125099 - 6535:25 125100 - 6538:2 125104 - 6547:8 125106 - 6552:11 125110 - 6556:7 125111 - 6557:20 125119 - 6572:1 125123 - 6574:14 13th - 6430:21 14th - 6584:10 15 - 6493:23 151588 - 6587:13 15th - 6440:12, 6444:6 179 - 6514:20 18th - 6432:2, 6432:7, 6432:20, 6432:22, 6432:23, 6552:16, 6553:2, 6553:8 1968 - 6441:22, 6442:11, 6442:19, 6447:5, 6447:9 1969 - 6429:3, 6429:8, 6429:15, 6432:2, 6433:10, 6433:13, 6434:7, 6440:12, 6443:9, 6443:16, 6444:6, 6444:9, 6445:11, 6449:25, 6450:18, 6471:13, 6472:3, 6472:13, 6482:20, 6491:12, 6494:5, 6495:6, 6500:13, 6500:15, 6520:21, 6521:8, 6541:14, 6543:15, 6551:25, 6569:23, 6570:24 1970 - 6429:20, 6445:13, 6447:16, 6473:9, 6524:17, 6543:14, 6545:3, 6548:24, 6549:10, 6549:21 1972 - 6445:17 1973 - 6446:2 1974 - 6446:3 1975 - 6446:7 1980 - 6446:13, 6448:11, 6448:14 1981 - 6429:23 1990 - 6428:18, 6430:3, 6435:9, 6435:22, 6437:1, 6438:1, 6448:12, 6457:16, 6458:4,	6458:9, 6461:17, 6461:19, 6471:21, 6473:3, 6473:11, 6492:1, 6515:13, 6520:17, 6529:15, 6537:17, 6546:8, 6549:19, 6552:17, 6577:5, 6578:8, 6580:24, 6581:7, 6581:21, 6582:2, 6583:11, 6584:11, 6585:12, 6586:16, 6587:5, 6587:15 1991 - 6430:16, 6590:4 1993 - 6430:21 19th - 6447:5 1:09 - 6428:2 1st - 6545:3	2 2 - 6429:7, 6461:10, 6463:18, 6463:19, 6463:21, 6473:1, 6473:3, 6479:15, 6480:2, 6492:20, 6515:12, 6515:16, 6515:17, 6551:8 2005 - 6424:21 20th - 6437:1, 6461:19, 6537:9, 6577:3 21 - 6433:13 21st - 6433:20 225 - 6452:16 22nd - 6428:16, 6430:18, 6432:4, 6447:16, 6487:23, 6489:8, 6491:11, 6493:4, 6493:7, 6518:14, 6518:15, 6520:21, 6521:7 22rd - 6483:12 23 - 6429:8, 6429:12, 6435:16, 6582:1 236 - 6453:15 23rd - 6430:18, 6430:22, 6434:4, 6434:7, 6457:2, 6471:21, 6482:20, 6484:15, 6484:22, 6487:24, 6496:1, 6500:15, 6501:18, 6502:7, 6503:4, 6503:7, 6505:19, 6508:21, 6510:20, 6515:7, 6529:15, 6569:23 24 - 6429:12, 6433:13 24th - 6430:19, 6434:20, 6434:21, 6435:16, 6471:22, 6502:2, 6502:8, 6502:13, 6504:25, 6508:22 25 - 6439:11, 6443:9, 6527:23 25th - 6443:15, 6444:2 267 - 6455:4 278859a - 6440:25 27th - 6441:22 281 - 6442:6 2:00 - 6433:20 2:15 - 6493:24 2:37 - 6493:25 2nd - 6448:1	30th - 6550:25 31 - 6450:18, 6455:23 311 - 6445:14 31st - 6472:13 325546 - 6434:25 326528 - 6585:11 326530 - 6428:25 33 - 6424:22 331 - 6488:3, 6488:4 332 - 6488:2 34 - 6440:22 355 - 6455:21 37 - 6435:11 393 - 6482:14 3:28 - 6547:5 3:30 - 6434:10, 6546:24 3:42 - 6547:6 3rd - 6429:2, 6431:9, 6431:12, 6471:21, 6471:25, 6472:3, 6516:2, 6551:5, 6557:9, 6557:18	762 - 6505:13 773 - 6509:7 779 - 6510:6 780 - 6510:14 7th - 6445:13, 6577:9, 6590:4	
•	'69 - 6432:7, 6432:22, 6434:21, 6442:20, 6449:16, 6455:23, 6457:2, 6471:22, 6471:25, 6518:17 '71 - 6447:25, 6448:1 '75 - 6446:20 'after - 6465:1 'are - 6572:12 'at - 6528:9 'did - 6588:25 'enough - 6468:7 'he - 6459:9 'her' - 6453:23 'hi - 6509:14 'im - 6538:5 'in - 6465:4 'in-depth - 6465:4 'look - 6532:12 'make - 6572:24 'my - 6531:3 'no' - 6531:11 'peak - 6588:6 'ronald - 6458:3 'they' - 6507:22 'this - 6459:8 'took - 6446:23 'well - 6506:18 'when - 6529:8 'yes' - 6531:10					
0	0 - 6441:8 001206 - 6441:9 002131 - 6577:1, 6578:7 002242 - 6434:6 002246 - 6434:21 003336 - 6435:10 003343 - 6435:22 003412 - 6584:9 003413 - 6583:3 016125 - 6581:2 016128 - 6581:1 017096 - 6460:6 017097 - 6462:6 017099 - 6460:8 017103 - 6461:9 026342 - 6431:8 097 - 6462:6					
1	1 - 6429:2, 6439:6, 6441:7, 6441:12, 6448:10, 6458:2, 6560:22 10 - 6435:2, 6547:3 1005 - 6536:4 1006 - 6537:5 1038 - 6543:12 1040 - 6547:12 1045 - 6550:22 106640 - 6432:3 106661 - 6432:22 106669 - 6433:16 11 - 6441:23 1106 - 6563:4 1130 - 6567:12 1138 - 6569:14		3 3 - 6480:4, 6521:13, 6551:4 30 - 6582:2, 6587:15	4 4 - 6430:3, 6459:6, 6473:2, 6473:4, 6473:7 408 - 6440:17, 6444:7 409 - 6463:15 410 - 6463:1 454 - 6470:12 458 - 6471:1 461 - 6471:11 468 - 6471:24 470 - 6472:2 473 - 6482:14 476 - 6472:23 4:26 - 6590:11 4th - 6424:21, 6435:9, 6435:22, 6437:4, 6457:16, 6458:3, 6458:8, 6461:17, 6471:16, 6473:3, 6473:11, 6480:3, 6481:7, 6492:20, 6495:15, 6515:12, 6516:15, 6521:20, 6577:4, 6580:24		
			5 522 - 6475:14 524 - 6476:23 539 - 6477:21 559 - 6479:25 564 - 6481:5 571 - 6482:7 575 - 6485:4 589 - 6486:21 59 - 6449:19			
			6 6 - 6457:23, 6458:5 600 - 6487:19 604 - 6492:17 620 - 6494:16 6428 - 6427:4 670 - 6498:11 6th - 6578:8, 6585:12, 6586:16, 6587:5			
			7 7 - 6429:22, 6458:7, 6556:13 715 - 6499:6 722 - 6500:19 750 - 6504:15			
		3 3 - 6480:4, 6521:13, 6551:4 30 - 6582:2, 6587:15		8 814 - 6513:18 819 - 6514:8 830 - 6515:11 838 - 6517:25 862 - 6521:12		
				9 90 - 6433:4 900 - 6527:10 953 - 6529:7 968 - 6531:24 987 - 6535:11 988 - 6448:17 9:00 - 6590:7, 6590:9 9:30 - 6434:22 9th - 6433:9, 6443:16, 6577:9, 6581:21, 6583:11		
				A Aaron - 6426:7 ability - 6591:7 able - 6476:14, 6491:1, 6491:8, 6492:7, 6492:12, 6510:13, 6511:22, 6518:9, 6533:2, 6545:6, 6554:19 absence - 6430:23 Access - 6512:7 According - 6579:5 account - 6579:24 accurate - 6464:11, 6477:20, 6516:16, 6538:20, 6554:20, 6567:10 accused - 6488:13, 6489:4, 6489:13 accustomed - 6448:23 acquaintance - 6579:8 acquaintances - 6577:6 Act - 6440:9, 6440:10, 6444:22, 6444:24 actions - 6579:4, 6580:3 actual - 6566:8 add - 6463:4, 6502:14, 6514:10, 6551:6 added - 6461:3, 6473:7, 6551:6 addition - 6458:17, 6474:2 additional - 6448:21, 6473:14, 6503:22, 6504:3, 6504:20, 6582:3 adjourned - 6428:15, 6505:23 Adjoined - 6493:24, 6547:5, 6590:11 admit - 6555:25 admitted - 6550:12 adolescent - 6439:22 advise - 6582:13 advised - 6430:25, 6470:6 advising - 6440:3 afraid - 6519:8,		



6519:10, 6519:12, 6522:21 afternoon - 6428:3, 6428:4, 6428:5, 6464:22, 6559:12 age - 6466:11 ago - 6558:2 agree - 6472:15, 6481:3, 6521:4, 6521:5, 6541:12, 6550:5, 6552:19, 6583:24 ahead - 6433:8, 6452:13 air - 6513:21 AI - 6476:6 Albert - 6452:6, 6465:12, 6465:14, 6465:19, 6465:21, 6517:15, 6518:11 Albert's - 6469:17 Alberta - 6440:13, 6444:10, 6445:3, 6450:10, 6489:14 Alexander - 6426:13 allegations - 6473:15 allegedly - 6548:11 alley - 6488:15, 6542:20, 6544:9, 6544:22 alluded - 6523:18 almost - 6502:25 alone - 6506:16, 6529:8, 6529:24 Altogether - 6477:2 amount - 6566:4 annotated - 6461:12 answer - 6468:3, 6482:21, 6483:4, 6490:21, 6497:19, 6505:19, 6516:3, 6521:21, 6535:11, 6545:10, 6546:7, 6559:24, 6587:7, 6588:18 Answer - 6482:22, 6482:24, 6483:1, 6483:6, 6483:8, 6483:12, 6488:10, 6488:15, 6488:17, 6488:20, 6488:23, 6489:1, 6489:7, 6489:15, 6489:19 answered - 6481:19, 6484:17, 6527:11 answering - 6490:23, 6532:4, 6552:5 answers - 6439:8, 6475:22, 6483:14, 6483:17, 6484:16, 6487:21, 6489:22, 6489:25, 6490:6, 6490:10, 6492:18, 6511:1, 6524:21, 6524:22, 6527:7, 6575:18 anxious - 6582:15 anyway - 6447:13, 6449:15, 6523:14 apart - 6532:8, 6557:15 apologize - 6463:16 appear - 6446:13, 6446:19 Appearances - 6426:1 application - 6437:22 applied - 6475:2 appreciate - 6582:25 appropriate - 6590:5 April - 6424:21, 6429:22, 6429:23,	6432:22, 6432:23, 6447:16 area - 6452:6, 6590:3 areas - 6463:10, 6504:1 arise - 6440:3 arrangements - 6582:17 arrival - 6454:19, 6460:22, 6473:18, 6473:21 arrived - 6453:6, 6455:22 Art - 6498:22, 6503:24, 6504:17 articles - 6470:13, 6577:8 ascertain - 6582:5 aspect - 6582:24 Asper - 6553:10, 6553:19, 6553:22 assist - 6465:24, 6484:5, 6486:16, 6493:16, 6554:16 assistance - 6583:1 Assistant - 6425:5 assume - 6439:15 asterisk - 6458:21, 6460:7, 6460:15, 6462:7, 6462:10, 6464:2, 6473:4 asterisks - 6463:21 attempt - 6552:16 attempted - 6579:3, 6580:2 attend - 6446:2 attending - 6433:25 attention - 6457:22, 6458:6, 6463:11, 6473:1, 6482:12, 6488:1, 6502:12, 6515:15, 6563:5, 6586:1 attest - 6473:13 attorney - 6513:9 attribute - 6534:12 Audio - 6425:13 audiotape - 6430:23, 6431:3 August - 6429:15, 6440:12, 6444:6, 6444:9, 6447:25, 6449:25, 6570:24, 6578:7, 6581:21, 6583:10, 6584:10, 6587:15 authorities - 6566:25 auto - 6442:5, 6442:12, 6447:5 automobile - 6443:2 available - 6583:20, 6584:17, 6586:22, 6587:10 Avenue - 6537:9 avenue - 6585:23 aware - 6546:5, 6547:25, 6564:12, 6577:6, 6582:20, 6585:8 awful - 6526:13 awhile - 6467:3, 6518:24, 6574:21 Aylesbury - 6450:19, 6459:14, 6474:15	backs - 6574:22 bad - 6449:8, 6527:24, 6567:6 badgered - 6540:10 badgering - 6540:2, 6540:3 bail - 6449:13 balance - 6498:22 based - 6491:9, 6491:23, 6492:8, 6587:21 basic - 6465:5, 6468:15, 6501:7, 6534:21, 6576:1 basis - 6558:24 Bc - 6458:4 bearing - 6583:15 beat - 6450:3 Beaton - 6456:1, 6457:4, 6457:9, 6496:4, 6496:18, 6496:22, 6497:1, 6497:3, 6497:9, 6497:10, 6497:20, 6530:3 became - 6577:6 become - 6448:23, 6497:15 began - 6467:7, 6481:8 beginning - 6515:18, 6521:15, 6538:15 behind - 6453:10, 6536:6, 6579:19 Beitel - 6425:9 belief - 6545:18, 6558:24, 6569:17 bell - 6456:3 Bench - 6591:1, 6591:3, 6591:14, 6591:20 Beresh - 6426:9 beside - 6458:21, 6463:22 Bessborough - 6424:16 best - 6438:7, 6464:15, 6591:6 better - 6484:12 between - 6454:3, 6454:19, 6466:9, 6479:20, 6498:14, 6501:5, 6513:6, 6513:14, 6524:3, 6526:17, 6533:20, 6541:10, 6581:3, 6589:2 Between - 6450:19, 6502:6 big - 6519:23, 6526:1, 6576:7 bill - 6446:2 bit - 6429:1, 6433:12, 6435:8, 6435:13, 6450:3, 6455:16, 6481:1, 6481:2, 6483:21, 6492:16, 6559:12, 6587:14 blame - 6488:12 blanked - 6567:22, 6568:5, 6573:19 blanking - 6574:9 block - 6502:22 blocked - 6570:1, 6570:3, 6587:1 blocking - 6535:5, 6535:19 blood - 6517:6, 6517:8, 6518:1, 6518:12, 6539:11, 6558:23, 6568:7,	6568:18, 6568:19, 6569:21, 6569:24, 6573:17, 6573:24, 6573:25, 6578:16, 6578:20 blue - 6571:4 Bobs - 6426:5 body - 6539:24 bone - 6459:10, 6459:21, 6460:10, 6461:4, 6461:22, 6462:24, 6473:5, 6474:8, 6474:11 bone-handled - 6459:21, 6461:22, 6462:24, 6473:5, 6474:8, 6474:11 book - 6456:8 Boswell - 6425:4 bothering - 6509:18 bottom - 6432:4, 6457:24, 6458:10, 6471:24, 6479:25, 6486:21, 6488:2, 6495:13, 6497:6, 6523:23, 6552:11, 6587:20 Boyd - 6430:14 brainwashed - 6492:23 breach - 6442:12 break - 6442:12, 6445:17, 6447:25, 6450:24, 6478:13, 6485:17, 6485:19, 6485:21, 6486:4, 6486:8, 6493:22, 6532:9, 6540:23, 6546:24, 6590:5 break-in - 6450:24, 6486:4 breakfast - 6467:9, 6540:23, 6540:24 Breaking - 6445:20 breaking - 6451:1 Brian - 6426:9 briefly - 6524:2 bring - 6489:4, 6581:13 bringing - 6493:14, 6535:7 broke - 6459:11, 6460:11, 6461:5, 6474:13, 6506:3, 6561:13 broken - 6556:25 brother - 6465:21, 6469:17 brothers - 6466:6 brought - 6447:12, 6517:24, 6523:10 Bruce - 6426:8 bureaucracy's - 6584:17 bus - 6456:7 bush - 6433:6 buy - 6456:23	6455:23, 6456:8, 6469:2, 6496:8, 6496:9, 6529:9, 6529:25, 6534:3 Calvin - 6426:13 camp - 6433:6 Canada - 6426:12, 6430:16, 6437:16 Candace - 6425:3 car - 6443:3, 6452:21, 6453:5, 6453:6, 6454:3, 6485:11, 6485:13, 6502:18, 6502:21, 6502:23, 6502:24, 6502:25, 6505:4, 6505:6, 6505:9, 6563:8, 6564:15, 6589:2 care - 6493:5 carries - 6469:8, 6480:24, 6506:2 carry - 6482:7, 6494:2 carrying - 6440:22, 6466:16, 6478:24, 6509:7, 6563:4, 6565:3, 6565:11, 6569:3 Carrying - 6470:12, 6473:11, 6476:23, 6481:5, 6485:4, 6540:18, 6564:10, 6588:11 case - 6437:20, 6465:8, 6499:11, 6499:15, 6500:20, 6500:24, 6509:4, 6530:12, 6543:5, 6554:2, 6569:9, 6577:20, 6577:23, 6584:21 cash - 6451:2, 6451:4 catching - 6509:23 Catherine - 6426:5 Cbc - 6553:3 Centre - 6518:19 certain - 6439:20, 6451:22, 6453:1, 6470:10, 6475:21, 6480:19, 6481:24, 6521:15, 6562:14, 6574:25 Certain - 6519:9 Certainly - 6483:22, 6503:13, 6520:7, 6520:19 Certificates - 6591:1 certify - 6591:4 chair - 6478:9 challenge - 6520:3 Champ's - 6487:8, 6487:10 changed - 6556:2, 6563:24 changes - 6458:15 changing - 6579:12 character - 6579:10 characterization - 6588:4 charge - 6442:14, 6443:21, 6444:21, 6444:24, 6445:13, 6446:2, 6447:6, 6508:1, 6522:24, 6522:25 charged - 6525:21, 6526:6 charges - 6442:11, 6442:25, 6445:14, 6446:20, 6447:4, 6447:13, 6447:16, 6447:17, 6448:13, 6449:21, 6450:5, 6511:12, 6525:24,
C				
Cadrain - 6432:9, 6465:12, 6465:14, 6465:20, 6466:3, 6466:6, 6466:13, 6476:6, 6558:17, 6558:22, 6560:16 Cadrain's - 6517:15, 6518:11 Caldwell - 6426:5 Calgary - 6446:7,				



<p>6526:5 Charlie - 6485:7, 6519:12, 6519:20, 6519:25 charts - 6583:18, 6584:5, 6584:12, 6584:14, 6584:25, 6586:21, 6587:9 check - 6508:8 cheese - 6460:24, 6473:24 Chief - 6586:14 chitchat - 6465:6 choice - 6583:24 chronological - 6434:19 chronologically - 6431:25 chronology - 6432:21, 6433:19 circumstance - 6447:22 circumstances - 6585:18 City - 6432:9, 6433:21, 6463:9, 6464:4 city - 6432:16, 6433:4 clean - 6494:10 clear - 6491:5, 6507:16, 6563:20 Clearly - 6538:11 Clerk - 6425:9 client - 6553:13, 6582:4, 6582:6, 6582:13, 6583:11, 6583:17, 6585:22 client's - 6582:16, 6583:15 clippings - 6554:15, 6554:25, 6555:3, 6555:8, 6555:12 close - 6447:19, 6496:5, 6532:10, 6562:10 Close - 6464:17, 6467:9 cloth - 6575:25 clothes - 6539:12, 6578:17, 6578:20 Code - 6440:17 coerced - 6538:9, 6538:13 coercion - 6538:17, 6539:9, 6540:16 coercive - 6539:16, 6539:17 cold - 6454:23 collective - 6569:21 colour - 6572:24, 6573:9 colours - 6574:21, 6574:23, 6575:2, 6575:4, 6575:8, 6575:10, 6575:23, 6575:24, 6576:9, 6576:11 combined - 6565:25 comfortably - 6588:17 coming - 6469:25, 6483:23, 6523:13, 6526:5, 6538:22, 6539:1, 6539:5, 6552:6 comment - 6481:3 comments - 6556:11 Commission - 6424:2, 6424:14, 6425:1, 6425:2, 6425:9, 6430:23, 6430:25, 6431:2 Commissioner -</p>	<p>6428:3, 6428:6, 6428:12, 6493:21, 6493:23, 6547:3, 6547:10, 6559:2, 6586:25, 6590:3, 6590:6, 6590:9 commit - 6444:21 company - 6431:19 compare - 6566:8 Compared - 6547:14 compared - 6527:15, 6566:9 comparing - 6527:14 complaint - 6450:14 complete - 6464:19, 6538:20, 6582:24 completely - 6516:16 comprised - 6457:21 concern - 6527:14 concerned - 6488:9, 6525:15, 6525:20 concerning - 6552:14, 6553:1, 6562:5, 6582:14, 6582:22, 6585:15, 6587:25 concisely - 6538:11 conclusion - 6478:16, 6523:6 concurrent - 6442:14 conditions - 6581:17, 6584:1 conduct - 6583:25 conducting - 6468:14 conducts - 6583:21 confess - 6529:13 confession - 6530:11, 6530:21 confirm - 6431:1, 6458:13, 6458:14 confused - 6532:2 Congram - 6425:3 connection - 6553:8 Consequently - 6585:23 considerable - 6582:21 consideration - 6585:17 considering - 6583:12 consistent - 6579:25 conspiracy - 6440:6, 6440:16, 6444:7, 6444:21 contact - 6433:1, 6502:8, 6519:1, 6553:18, 6553:22, 6553:25 contacts - 6439:21 contain - 6472:16, 6516:8, 6591:5 contained - 6556:10 contents - 6458:14, 6463:3, 6469:22, 6470:17, 6515:5, 6551:8 context - 6495:16, 6496:19, 6497:10, 6497:22, 6552:22 continue - 6540:25 continued - 6428:13, 6488:17, 6488:22, 6534:23 Continued - 6427:3 continues - 6495:14 continuing - 6428:6 convened - 6438:13, 6475:10, 6476:10 conversation - 6451:20, 6456:15, 6456:18, 6499:21,</p>	<p>6499:23 conversations - 6533:22, 6552:12, 6552:24, 6568:6, 6582:1 convicted - 6440:16, 6441:24, 6442:6, 6446:10, 6546:1, 6548:17, 6549:9, 6549:15 conviction - 6546:2 Conviction - 6424:4 conviction - 6437:23, 6440:5, 6440:7, 6445:8, 6543:20, 6545:13, 6545:19 convictions - 6448:14, 6448:21, 6449:9 convince - 6571:20 convinced - 6431:18, 6535:4, 6535:18 copy - 6441:15, 6461:11, 6473:9, 6473:12 corner - 6457:24, 6458:10, 6502:20, 6537:9 correct - 6430:19, 6431:23, 6432:13, 6432:14, 6434:11, 6434:16, 6435:19, 6435:20, 6437:4, 6440:11, 6441:1, 6441:25, 6442:3, 6448:13, 6454:10, 6457:12, 6457:13, 6459:13, 6461:7, 6461:8, 6461:17, 6467:21, 6470:24, 6471:18, 6471:19, 6478:19, 6480:8, 6480:10, 6480:21, 6483:17, 6484:23, 6487:17, 6490:10, 6490:13, 6491:2, 6492:5, 6492:18, 6494:14, 6495:2, 6497:4, 6498:6, 6499:4, 6501:15, 6501:17, 6504:21, 6505:11, 6507:5, 6508:3, 6510:4, 6510:13, 6511:4, 6513:11, 6516:10, 6517:11, 6519:17, 6520:5, 6524:21, 6525:17, 6526:8, 6533:5, 6534:9, 6535:8, 6537:4, 6540:15, 6541:19, 6542:10, 6546:14, 6548:20, 6549:13, 6549:19, 6550:4, 6550:12, 6551:14, 6551:16, 6551:18, 6556:5, 6556:18, 6557:2, 6561:16, 6565:16, 6572:8, 6585:10, 6591:5 Correct - 6431:24, 6434:12, 6435:7, 6437:5, 6457:7, 6461:18, 6470:25, 6492:6, 6526:9, 6547:23 Correctional - 6518:19 correctly - 6467:7 correspondence - 6585:15 Cotler - 6426:12 coughing - 6587:1</p>	<p>counsel - 6428:8, 6428:12, 6436:7, 6481:20, 6488:6, 6506:5, 6553:16, 6553:17, 6557:21, 6560:10, 6567:13, 6584:7, 6584:11, 6585:13 Counsel - 6425:2, 6428:4, 6525:11 count - 6457:20 couple - 6428:8, 6428:24, 6445:8, 6455:20, 6471:6, 6471:7, 6472:20, 6516:13, 6526:5, 6567:4, 6571:17, 6577:8, 6578:8 course - 6548:16, 6549:8 court - 6436:11, 6488:4 Court - 6425:10, 6430:16, 6444:3, 6446:2, 6550:11, 6586:12, 6591:1, 6591:3, 6591:14, 6591:20 courteous - 6541:23, 6542:3 courtroom - 6489:1 covered - 6432:1, 6498:9 Cox - 6426:11, 6428:10 Craig - 6577:13, 6578:5 Craik - 6485:17, 6485:19 credible - 6528:22, 6528:25, 6529:5 crew - 6433:3 crime - 6488:9 criminal - 6439:25, 6440:23, 6441:7, 6441:16 criticism - 6582:21 cross - 6482:15, 6508:8 cross-examination - 6482:15 Crown - 6513:8, 6533:22, 6563:11, 6564:19, 6572:5, 6572:21 Crown's - 6530:12, 6543:5 Csr - 6425:10, 6425:11, 6591:2, 6591:12, 6591:13, 6591:18, 6591:19 culprit - 6489:5 custody - 6433:2, 6511:17, 6524:24 cut - 6460:24, 6473:23</p>	<p>damning - 6550:6 Danchuk - 6455:5 Danchuks - 6455:18 date - 6433:4, 6436:25, 6444:3, 6447:20, 6473:13, 6476:17, 6476:21, 6483:8, 6583:4, 6585:20, 6587:5 dated - 6440:12, 6458:3, 6458:8 dates - 6428:22, 6430:17, 6433:14 Dave - 6450:20, 6453:22, 6473:22, 6502:16, 6502:19 David - 6424:4, 6426:2, 6426:10, 6428:9, 6431:18, 6445:10, 6452:17, 6453:9, 6454:19, 6456:10, 6456:12, 6456:15, 6456:18, 6457:4, 6457:10, 6460:23, 6471:2, 6476:4, 6476:6, 6482:18, 6482:19, 6483:25, 6484:1, 6484:14, 6484:25, 6487:14, 6491:10, 6492:4, 6493:6, 6494:21, 6494:24, 6495:10, 6495:17, 6499:24, 6508:1, 6511:8, 6517:9, 6522:24, 6539:6, 6539:12, 6544:8, 6544:21, 6546:3, 6547:20, 6548:2, 6549:15, 6552:9, 6576:4, 6578:17, 6578:20, 6588:2 David's - 6517:6, 6518:2 day' - 6532:13 days - 6445:8, 6471:4, 6471:6, 6471:7, 6584:10 dead - 6488:15 deal - 6511:14 dealing - 6441:5, 6448:23 dealings - 6448:18, 6449:7, 6477:21, 6519:4 deals - 6584:11, 6587:17 dealt - 6428:23, 6435:25, 6519:15 death - 6473:20 decent - 6449:12, 6556:20 decision - 6503:21, 6583:13, 6583:15 decisions - 6582:14 defence - 6556:20, 6561:3 deleted - 6516:18 Delta - 6424:16 denied - 6488:7, 6488:11, 6566:19 Dennis - 6466:3, 6466:9 deny - 6488:17, 6488:22 department - 6437:16, 6582:21 depot - 6456:7 depth - 6464:24, 6464:25, 6465:4, 6467:23</p>
---	---	--	--	--



<p>describe - 6474:8 described - 6439:20, 6469:23, 6470:15, 6470:18, 6479:17, 6479:20, 6509:8, 6535:14, 6548:1, 6589:22 describes - 6472:11, 6505:9 describing - 6490:22, 6501:21, 6540:16 Description - 6427:2 description - 6588:5 desire - 6582:3 destroyed - 6561:8, 6561:9, 6584:21 detail - 6429:13, 6433:18, 6434:8, 6435:1, 6435:13, 6472:17, 6538:12 details - 6485:15, 6508:5, 6508:6, 6508:8, 6508:23, 6509:2, 6584:24, 6585:1 Detective - 6432:8 detective - 6474:18, 6511:23, 6515:19 determine - 6573:23, 6588:13, 6588:16 difference - 6466:8, 6547:16, 6570:18 different - 6564:13, 6571:23 dinner - 6464:25, 6540:24, 6541:3, 6541:4 dinner' - 6465:1 direct - 6488:1 directed - 6463:11, 6563:6 direction - 6452:17 directions - 6451:12, 6451:14, 6452:16 Director - 6425:3 disagree - 6487:5 disagreed - 6588:3 disappeared - 6527:6 disappointed - 6579:16 disclosed - 6507:7 discuss - 6451:3, 6500:20, 6502:9, 6508:6, 6513:5, 6515:5, 6530:5, 6580:8 discussed - 6499:11, 6499:15, 6503:25, 6504:1, 6504:2, 6513:13, 6513:20, 6513:21, 6514:2, 6524:2, 6530:8, 6564:6, 6584:2 discussing - 6429:9, 6506:16, 6514:14, 6518:16 discussion - 6452:8, 6457:11, 6467:23, 6469:15, 6498:19, 6506:22, 6507:7, 6508:22, 6509:1, 6553:12, 6553:13, 6554:8, 6554:11, 6577:17, 6578:5, 6578:11, 6579:24, 6587:18, 6587:21 discussions - 6450:23, 6450:25, 6499:3, 6505:15, 6508:15, 6515:1, 6562:4, 6562:6, 6563:9, 6563:18, 6577:15,</p>	<p>6581:6, 6587:16 dispute - 6436:21, 6439:5, 6440:15 distinct - 6579:15 distinctly - 6515:18 distorting - 6575:6 divided - 6498:17 dock - 6526:3 document - 6428:25, 6434:6, 6434:18, 6434:19, 6435:1, 6436:4, 6457:19, 6457:21, 6458:2, 6458:12, 6460:6, 6464:20, 6472:6, 6472:8, 6472:10, 6576:25, 6577:2, 6583:3, 6587:13 Document - 6425:4, 6425:5 documents - 6547:11, 6552:18 Don - 6425:11 Donald - 6591:2, 6591:19 done - 6433:18, 6491:21, 6491:24, 6494:21, 6494:24, 6495:7, 6495:10, 6511:3, 6555:1, 6557:23, 6561:17, 6572:1, 6576:24, 6583:19 doubts - 6533:1, 6533:2 Douglas - 6425:2 down - 6440:22, 6443:8, 6446:1, 6447:16, 6448:5, 6449:19, 6453:15, 6469:11, 6470:12, 6471:24, 6479:25, 6483:3, 6483:23, 6485:5, 6495:13, 6497:6, 6498:11, 6502:21, 6504:24, 6507:10, 6516:17, 6523:13, 6532:9, 6542:20, 6552:11, 6556:25, 6561:13, 6567:5, 6567:6, 6578:25, 6582:11, 6582:19, 6583:7, 6583:16, 6587:20 Down - 6486:21, 6567:12 downstairs - 6511:20 draw - 6472:25, 6482:12, 6502:11, 6515:15, 6527:18 drawing - 6457:22, 6458:5, 6536:23 driver's - 6502:21 driving - 6433:24, 6448:6 dropped - 6539:25 Drug - 6444:22, 6444:24 drug - 6440:8, 6567:1, 6567:17 drugs - 6456:23, 6526:13, 6529:2, 6531:18, 6565:9, 6565:19, 6566:4, 6566:9, 6566:16, 6567:21, 6571:22 Drugs - 6440:9, 6440:10 due - 6471:3 duration - 6436:14</p>	<p>during - 6431:19, 6478:13, 6499:13, 6515:19, 6541:3 During - 6475:3, 6478:6, 6498:4, 6514:9, 6541:2 Dw - 6462:10</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>E's - 6450:23 early - 6442:20, 6445:25, 6449:7 eat - 6512:2 eating - 6479:5 Ed - 6483:2, 6485:7 Eddie - 6426:7 Eddy - 6519:10, 6519:24 Edmonton - 6440:6, 6440:13, 6444:18, 6449:24, 6450:13, 6513:22, 6524:3, 6570:23 Edward - 6424:7 effect - 6468:11, 6510:22, 6536:5, 6559:10, 6559:11, 6585:3 effects - 6531:20, 6575:15 effort - 6582:24 efforts - 6584:25, 6585:2 either - 6476:17, 6508:24, 6544:19, 6563:10 elaborate - 6483:20, 6493:5, 6554:4, 6557:11, 6557:14, 6567:18, 6570:22 elapsed - 6454:3 electrodes - 6478:10 elevator - 6459:11, 6459:14, 6460:11, 6461:5, 6474:12, 6485:24, 6486:2, 6486:25 elicit - 6588:18 Elson - 6426:6 end - 6468:6, 6571:12, 6584:23 ended - 6448:10, 6462:15, 6492:3, 6540:20 enforcement - 6448:24 enter - 6442:12, 6445:17, 6447:25, 6486:8 entering - 6451:1, 6485:17, 6485:20, 6485:22 entire - 6478:21 entirety - 6431:3 entry - 6440:12, 6445:21 escorted - 6462:18, 6463:7, 6464:3 Esq - 6426:6, 6426:9, 6426:10, 6426:15 Esson - 6425:12 estimate - 6541:12 estimates - 6566:4, 6566:6 etcetera - 6433:22 Eugene - 6428:18, 6430:8, 6436:3, 6547:8, 6577:3, 6587:17 event - 6447:22, 6456:19, 6482:16,</p>	<p>6504:23, 6525:25, 6532:19, 6542:1, 6568:3 events - 6439:7, 6472:11, 6506:25, 6533:3, 6550:24, 6565:5, 6567:18, 6574:23 Evidence - 6508:1 evidence - 6428:6, 6429:16, 6430:17, 6430:18, 6431:22, 6435:17, 6453:11, 6455:1, 6456:24, 6508:5, 6530:6, 6530:19, 6531:7, 6543:4, 6543:11, 6543:16, 6543:19, 6545:1, 6545:12, 6549:16, 6550:6, 6556:16, 6557:7, 6558:3, 6559:7, 6560:3, 6560:7, 6560:18, 6561:7, 6566:10, 6568:4 exact - 6468:10 exaggeration - 6481:1 exam - 6586:6, 6587:7 examination - 6441:13, 6461:11, 6482:15, 6572:2, 6583:18, 6583:19, 6583:22, 6583:24, 6584:15, 6586:18, 6586:20, 6587:11 example - 6588:25 except - 6575:16 exchange - 6459:17 excuse - 6527:21 Executive - 6425:3 exhibit - 6441:5, 6441:7, 6441:11, 6461:10, 6551:3, 6556:12 Exhibit - 6441:12, 6461:10, 6463:19, 6473:1, 6473:3, 6479:15, 6480:2, 6492:20, 6515:12, 6515:16, 6551:3, 6551:8, 6556:13 expect - 6449:3 experienced - 6576:5 experiences - 6449:8 experiencing - 6575:21 explain - 6446:23, 6538:12, 6545:10, 6545:24, 6558:11, 6569:20, 6570:16, 6575:20 explanation - 6579:4, 6580:3 explanations - 6579:6, 6580:5 expressing - 6537:18</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>faces - 6428:8 facing - 6526:3 fact - 6471:2, 6474:5, 6474:6, 6485:24, 6487:12, 6503:21, 6504:1, 6523:9, 6525:4, 6531:8, 6536:9, 6536:23, 6546:11, 6550:11, 6560:1, 6566:15, 6569:9 fail - 6446:19</p>	<p>failure - 6446:2, 6446:13 fair - 6432:18, 6432:19, 6433:12, 6434:2, 6435:13, 6438:14, 6439:22, 6464:8, 6464:14, 6482:10, 6516:25, 6518:22, 6520:11, 6521:3, 6546:12, 6549:16, 6550:4, 6550:5 fairly - 6530:22 fairness - 6517:25 fall - 6532:3 false - 6434:16, 6521:17 familiar - 6429:3 far - 6510:23, 6566:15, 6577:5 fashion - 6506:10, 6542:25 fast - 6576:13 favours - 6511:16, 6511:25 fear - 6521:19, 6521:23, 6526:10 February - 6441:22, 6443:9, 6443:15, 6444:2, 6447:5, 6449:16, 6500:13, 6518:17, 6545:3 february - 6445:10 fed - 6478:17, 6478:22 Federal - 6586:5, 6586:9 federal - 6428:9, 6437:22 fell - 6532:7 fellow - 6438:19, 6438:21 fellows - 6519:14 felt - 6561:3 few - 6428:21, 6495:23, 6516:18, 6516:20, 6526:11, 6558:2, 6581:2 field - 6536:25 fifteen - 6479:19, 6484:18 figure - 6491:23, 6560:20 figured - 6504:10, 6527:21, 6527:24, 6561:12, 6563:25, 6567:20, 6569:10, 6577:22, 6581:12 file - 6578:10, 6587:17 filled - 6485:15 final - 6583:12 finally - 6481:8, 6527:4 finance - 6450:21 financial - 6579:20, 6580:8 fine - 6446:10, 6446:14 fingers - 6576:13 finished - 6468:1, 6479:5 firmly - 6588:3 First - 6475:20 first - 6441:19, 6447:4, 6449:9, 6461:21, 6463:16, 6469:3, 6482:17, 6488:24, 6489:6, 6490:1, 6498:13, 6499:25, 6501:19, 6502:17, 6505:4, 6507:6, 6509:20, 6514:17, 6515:6, 6517:4, 6556:24, 6557:6,</p>
---	--	---	---	---



6557:13, 6580:13, 6581:23, 6583:8, 6587:6 firstly - 6458:13, 6476:24 Fisher - 6426:9 fit - 6496:20 Five - 6499:8 five - 6464:21, 6468:2, 6498:15, 6509:9, 6519:22, 6541:16, 6576:13, 6584:10 flash - 6574:22, 6575:11 flashes - 6576:11 flashlight - 6486:10, 6486:14 flight - 6513:22 fold - 6566:11 followed - 6429:11, 6430:13, 6514:16 following - 6473:14, 6583:14, 6585:18 follows - 6458:6, 6497:11 food - 6512:4, 6512:17 Food - 6440:9, 6440:10, 6444:22, 6444:24 foot - 6519:22 force - 6450:12, 6571:9 foregoing - 6591:4 forgery - 6447:17 forget - 6571:9 forgotten - 6461:22, 6573:19 form - 6554:8, 6558:24, 6567:25, 6572:9, 6572:10, 6572:23 Fort - 6444:9 fought - 6495:22 four - 6429:11, 6464:21, 6471:4, 6472:10 Four - 6468:2 four-page - 6472:10 fourth - 6431:17, 6449:11 Fox - 6426:7 Fps - 6440:25, 6441:20 frame - 6521:25, 6522:2, 6587:16 fraud - 6444:21, 6446:3 Framer - 6426:10, 6428:10 free - 6478:6 frequency - 6565:23 friend - 6526:2, 6530:24, 6531:3 friendly - 6541:22, 6542:3 friends - 6577:6, 6577:12 frightened - 6555:23 front - 6574:5 full - 6459:7, 6460:18, 6463:19, 6506:10, 6521:14, 6538:20, 6580:1 funeral - 6435:25, 6536:1, 6536:6, 6537:2, 6537:8	6476:5, 6482:19, 6484:14, 6520:10, 6521:10 Gail's - 6577:18 gain - 6522:19 game - 6475:6 gaol - 6433:2, 6449:15, 6449:18, 6488:22, 6525:16, 6525:25, 6526:11, 6566:17, 6566:20, 6566:25 garbage - 6542:21 gather - 6471:12, 6561:5, 6572:19 general - 6584:18 generally - 6472:10 George - 6577:13, 6577:17, 6578:11, 6579:2 Gibson - 6426:8 girl - 6456:4, 6457:5, 6495:18, 6495:19, 6529:10, 6544:9, 6544:22, 6547:21, 6550:12 given - 6434:10, 6435:2, 6467:18, 6470:13, 6470:18, 6475:25, 6476:12, 6501:12, 6510:1, 6544:7, 6544:20, 6557:3 Government - 6426:4 grab - 6547:21 grabbed - 6495:21, 6548:3 granted - 6559:21 great - 6460:8 greeting - 6509:12 grimaces - 6477:25 groceries - 6461:1, 6473:25 group - 6487:23 groupings - 6589:18 guess - 6449:13, 6501:11, 6531:21 guilty - 6445:7, 6446:24, 6447:7, 6447:20, 6449:14, 6449:17 guy - 6546:17, 6555:25 guys - 6571:20	hash - 6565:21 head - 6509:17, 6550:18, 6570:3 Head - 6512:6, 6512:8, 6541:11 headed - 6458:2 hear - 6438:22, 6481:10, 6538:24, 6543:3, 6560:8, 6579:6, 6580:4 heard - 6430:23, 6438:18, 6468:16, 6515:21, 6580:11, 6588:8 hearing - 6429:16, 6435:18, 6444:13, 6471:3, 6484:11, 6528:7, 6528:13, 6528:14, 6544:6, 6544:19, 6544:23, 6544:25, 6563:2, 6571:14 hearsay - 6556:4 heart - 6530:11 heat - 6493:9 Heather - 6456:1, 6456:22, 6457:4, 6457:9, 6496:4, 6496:18, 6496:22, 6497:1, 6497:2, 6497:9, 6497:10, 6497:20, 6530:3 heavy - 6542:6 held - 6518:18, 6521:19 hell - 6547:15 help - 6451:25, 6502:19, 6502:22, 6545:10, 6546:8, 6546:20, 6552:15 helped - 6505:5 helping - 6513:17 Henderson - 6430:3, 6435:10, 6435:24, 6437:4, 6457:16, 6460:2, 6461:16, 6461:17, 6461:24, 6462:1, 6464:7, 6464:9, 6464:11, 6466:19, 6468:13, 6468:20, 6468:25, 6469:6, 6470:6, 6471:8, 6471:20, 6473:13, 6500:8, 6515:13, 6536:3, 6538:3, 6538:6, 6540:11, 6553:21, 6555:5, 6577:4 Henderson's - 6555:8 hereby - 6591:4 herein - 6591:6 Hersh - 6426:2 hesitation - 6438:13 hid - 6529:20 highlight - 6432:6, 6441:9 Hinz - 6425:10, 6591:2, 6591:13 hit - 6495:18, 6526:15, 6529:10, 6530:25 hitting - 6457:5 Hmm - 6575:24 hmm - 6575:24 Hodson - 6425:2, 6427:4, 6428:5, 6428:14, 6493:20, 6494:1, 6547:2, 6547:7, 6559:4, 6586:25, 6587:3, 6590:7 hold - 6456:5, 6456:22, 6524:19,	6524:20 holding - 6517:3 home - 6435:25, 6532:15, 6536:1, 6536:7, 6537:2, 6537:8 Hon - 6426:12 Honourable - 6424:6 hooked - 6478:10, 6480:16, 6480:17, 6589:25 Hotel - 6424:16, 6487:10 hotel - 6479:6, 6479:8, 6479:12, 6503:18, 6506:15 hour - 6479:8, 6480:9, 6514:16, 6541:7, 6541:10 hours - 6455:20, 6477:2, 6480:7, 6480:25, 6498:15, 6541:8, 6541:17 House - 6487:9 house - 6455:20, 6552:19 houses - 6445:20 Hugh - 6425:12 hum - 6541:9 hunting - 6459:10, 6459:21, 6460:10, 6461:4, 6461:22, 6462:24, 6473:5, 6474:9, 6474:12, 6487:7 hypothesizing - 6559:22 hysterical - 6503:1, 6503:2, 6503:8 hysteries - 6505:2, 6505:18	in-depth - 6464:25, 6467:23 incentive - 6579:21 incentives - 6580:9 incident - 6534:3, 6564:8, 6570:5, 6570:23 include - 6461:22 included - 6460:1, 6486:10, 6533:16 including - 6479:19 incongruous - 6584:19 incorrect - 6492:25 incriminating - 6431:22, 6531:7, 6531:15, 6542:24, 6550:9 independent - 6491:9, 6510:19, 6518:9 Index - 6427:1 indicate - 6458:22, 6490:6 indicated - 6504:19, 6567:15, 6572:3, 6582:2, 6582:12 individual - 6588:13 information - 6435:2, 6435:6, 6440:4, 6465:9, 6467:10, 6468:12, 6469:16, 6497:4, 6497:25, 6504:7, 6504:9, 6525:17, 6554:20, 6556:5, 6557:3, 6562:17, 6564:3, 6565:1, 6566:12, 6568:14, 6585:3 initial - 6458:22, 6463:22, 6515:19 Inland - 6425:13 innocent - 6538:7 Inquiry - 6424:2, 6424:23, 6481:22, 6481:25, 6482:13, 6524:7, 6533:4, 6533:7, 6556:17, 6564:16 inserted - 6459:3 insertion - 6458:23 insights - 6579:9 insofar - 6488:9 Inspector - 6429:8, 6433:25, 6472:4, 6475:11, 6477:21, 6584:16, 6589:13 instance - 6522:12 instances - 6567:4 instead - 6446:24, 6576:14 intended - 6438:10 intent - 6445:17 interaction - 6499:12, 6511:2 intersection - 6536:24 interval - 6454:19 interview - 6428:17, 6430:8, 6430:13, 6430:14, 6430:20, 6430:24, 6436:3, 6436:5, 6436:8, 6436:17, 6437:6, 6439:4, 6461:13, 6494:2, 6497:15, 6500:5, 6523:11, 6547:9, 6552:14, 6552:16, 6553:1, 6553:2, 6553:9, 6557:16, 6577:3, 6581:4, 6590:4 interviewed - 6432:10,
G Gail - 6441:23, 6469:4, 6469:5, 6473:19,	H half - 6479:9, 6480:9, 6498:14, 6514:16, 6541:16 hallucinating - 6574:19 hallucinations - 6575:23, 6576:5 hallway - 6499:22, 6506:15 hand - 6457:24, 6458:10, 6576:12 handled - 6459:10, 6459:21, 6460:10, 6461:4, 6461:22, 6462:24, 6473:5, 6473:17, 6474:8, 6474:11 handling - 6512:17 handlings - 6542:6 handwriting - 6556:8 handwritten - 6435:12, 6457:20, 6465:17 hang - 6545:9 happy - 6504:11 harder - 6561:12	I idea - 6529:17, 6534:3, 6582:8, 6582:9 identified - 6432:17, 6441:16, 6589:17 identify - 6440:24 identifying - 6435:4, 6464:2, 6588:14 ignore - 6547:9, 6556:7 imagine - 6477:23, 6499:3, 6503:14, 6504:22, 6530:14, 6531:9, 6531:10 implicate - 6481:8, 6489:3, 6491:17 implicated - 6481:12, 6482:17, 6482:18, 6482:19, 6484:3, 6484:12, 6484:13, 6484:25, 6487:23, 6490:7, 6490:16, 6491:10, 6492:4, 6492:21, 6523:12, 6523:15 implicating - 6484:21, 6493:6, 6493:10, 6552:9 implication - 6488:8 importance - 6530:16, 6530:18 important - 6530:22, 6543:4, 6558:10, 6560:15, 6584:20 imposed - 6581:17 impression - 6555:18, 6579:11, 6579:15 In-depth - 6464:24		



6433:21, 6433:23, 6438:25, 6448:12, 6483:7 interviewees - 6439:1 interviews - 6429:24, 6431:10, 6494:4, 6555:1, 6555:4, 6555:5, 6555:9, 6580:18 intimidate - 6519:3, 6520:2 into - 6459:11 introduce - 6428:8 investigated - 6554:5 investigating - 6469:10 investigation - 6468:13, 6470:7, 6582:25, 6585:24 investigations - 6582:23 investigator - 6538:6 involved - 6437:12, 6497:1 Irene - 6425:9 Irwin - 6426:12 Isabelle - 6425:5 issue - 6556:18, 6561:4, 6585:7 item - 6430:20, 6432:1 items - 6435:2, 6499:16, 6568:4	6461:17, 6471:16, 6471:20, 6473:3, 6473:11, 6480:3, 6481:7, 6492:20, 6495:15, 6515:12, 6516:15, 6521:20, 6552:16, 6553:2, 6577:4, 6577:9, 6580:24 jury - 6550:11 justice - 6437:16 Justice - 6424:6, 6426:11, 6426:13, 6428:9, 6437:22, 6586:5, 6586:9, 6586:14 justified - 6517:2	Knox - 6426:5 Krogan - 6426:4	6575:24 list - 6475:25, 6476:9, 6476:12, 6538:20, 6584:14 listen - 6431:1 listened - 6431:3 lived - 6452:7 living - 6446:7 loaded - 6532:16 locate - 6584:25 located - 6459:14, 6585:9 location - 6536:9, 6537:6, 6573:24 lock - 6511:20, 6570:19 lock-up - 6511:20 longterm - 6579:7 look - 6440:1, 6472:6, 6549:6, 6558:5, 6559:24, 6561:20, 6563:23 looking - 6437:17, 6507:24, 6520:9, 6520:25, 6521:9, 6555:3, 6555:7 looks - 6441:21, 6442:5, 6446:1, 6446:12, 6484:17, 6559:25 loot - 6486:7 lose - 6522:19 Lsd - 6444:25, 6450:6, 6450:7, 6565:21 lunch - 6541:2, 6541:4, 6541:6 lying - 6515:23, 6521:17, 6526:20, 6528:4, 6561:20	matter - 6430:15, 6437:18, 6487:24, 6583:2 matters - 6435:16, 6504:3 Mclachlin - 6426:10, 6428:11 McLean - 6426:3 mean - 6488:10, 6495:9, 6507:18, 6543:24, 6552:3, 6571:19 means - 6475:4, 6489:4, 6521:24, 6526:23 meant - 6495:12, 6507:20, 6541:4, 6560:21 meat - 6460:24, 6473:23 medical - 6469:19, 6469:22, 6470:17 meet - 6552:19 meeting - 6430:2, 6432:13, 6432:15, 6432:17, 6432:20, 6438:14, 6461:16, 6464:7, 6464:9, 6471:20, 6509:8 Melnyk - 6577:13, 6578:5, 6579:16 memo - 6587:15, 6587:21 memorandum - 6578:9, 6587:16 memorize - 6533:10, 6533:12, 6533:17 memory - 6431:7, 6439:7, 6476:14, 6535:6, 6535:19, 6567:23, 6575:9, 6575:13, 6579:25, 6580:20 mention - 6555:12 mentioned - 6497:2, 6539:10, 6562:3, 6567:14 mentioning - 6483:25 mess - 6522:7, 6540:9 messed - 6526:13 met - 6436:24, 6438:1, 6515:7, 6555:21, 6579:2 methods - 6451:3 Meyer - 6425:11, 6591:2, 6591:19 middle - 6588:23, 6589:19, 6589:20 might - 6480:9, 6480:25, 6491:24, 6493:21, 6518:7, 6548:16, 6549:8, 6549:15, 6553:10, 6556:25, 6561:21, 6568:5, 6569:8, 6569:17, 6590:4 miles - 6433:4 Milgaard - 6424:4, 6426:2, 6426:3, 6429:25, 6431:18, 6431:23, 6437:21, 6445:10, 6453:16, 6457:4, 6469:11, 6471:3, 6473:15, 6473:16, 6474:19, 6474:25, 6476:5, 6481:9, 6481:13, 6481:21, 6484:14, 6484:21, 6484:25, 6486:24, 6490:7,
J jabbed - 6495:22 jabbing - 6548:3 jail - 6433:9, 6442:21, 6443:15, 6443:19, 6443:22, 6446:22, 6517:20, 6517:21, 6518:17, 6525:20, 6527:14, 6527:25, 6570:25, 6571:24 January - 6429:19, 6429:23, 6430:18, 6442:22, 6445:10, 6450:18, 6455:23, 6472:13, 6500:13, 6524:17, 6550:25 January-february - 6445:10 Jennifer - 6426:11, 6428:10 Joanne - 6426:3 John - 6453:23, 6488:13, 6499:13, 6500:11, 6507:8, 6508:15, 6508:23, 6508:25, 6510:16, 6510:20, 6515:6, 6544:7, 6544:20, 6544:25, 6545:5, 6546:2, 6549:12, 6558:17, 6559:6, 6560:2, 6560:17, 6584:8 Joyce - 6426:3, 6429:25 judge - 6490:1, 6525:13 July - 6428:18, 6436:25, 6438:1, 6442:11, 6446:7, 6447:9, 6448:20, 6461:19, 6577:3, 6582:1, 6582:2 June - 6430:3, 6435:9, 6435:22, 6437:4, 6447:9, 6457:16, 6458:3, 6458:8,	K Kara - 6425:5 Karen - 6425:10, 6591:2, 6591:13 Karst - 6426:7, 6432:9, 6483:3, 6485:7, 6519:10, 6519:24, 6520:23 keep - 6483:24 Ken - 6436:7, 6483:1, 6483:2, 6505:20, 6505:23, 6505:24 Kenneth - 6426:15, 6440:2, 6465:22, 6466:4, 6466:9 Kenora - 6447:10, 6447:14 kept - 6527:3, 6577:25 key - 6428:22, 6530:10 kill - 6559:10 killed - 6476:4, 6476:5 Kim - 6430:14 kind - 6449:12, 6450:3, 6468:7, 6468:20, 6475:5, 6487:13, 6529:2, 6529:3, 6535:4, 6535:18, 6554:2 kindly - 6584:23 knife - 6459:10, 6459:21, 6460:11, 6460:21, 6460:24, 6461:5, 6461:23, 6462:2, 6462:24, 6473:5, 6473:17, 6473:21, 6473:23, 6474:4, 6474:6, 6474:9, 6474:12, 6474:20, 6474:23, 6474:25, 6475:11, 6479:21, 6486:23, 6487:1, 6487:4, 6487:7, 6487:13, 6487:14, 6495:23, 6498:19, 6516:8, 6540:1, 6563:7, 6568:6, 6572:25, 6573:9, 6588:1, 6589:1, 6589:17 knives - 6522:12, 6522:13, 6526:23, 6526:24, 6589:13, 6590:1 know - 6507:14, 6507:19 Knowing - 6584:17 knowing - 6544:18, 6586:21, 6587:9 knowledge - 6544:24, 6545:8, 6546:19, 6566:24, 6566:25, 6585:8, 6586:5, 6591:6 known - 6550:14	L Lamer - 6586:14 Lana - 6426:4 language - 6568:1 Lapchuck - 6578:14, 6578:16, 6579:3, 6579:5, 6579:8, 6579:15, 6580:4 Lapchuk - 6577:13, 6578:11, 6578:19 Lapchuk's - 6579:23 Larry - 6425:13, 6426:9 last - 6430:19, 6432:1, 6438:12, 6448:14, 6451:6, 6463:19, 6475:10, 6476:10, 6484:20, 6486:12, 6498:8, 6499:18, 6500:3, 6505:21, 6508:14, 6509:17, 6510:4, 6517:14, 6527:13, 6535:11, 6535:12, 6536:17, 6536:22, 6552:17, 6556:2, 6561:14, 6564:6, 6565:8, 6577:7 lasted - 6498:14 lasting - 6509:8 lastly - 6435:21 latter - 6491:25 law - 6448:24 lawyer - 6439:14, 6505:23, 6553:7, 6556:21, 6561:3, 6581:3, 6581:10, 6581:22 leaning - 6524:13, 6524:18, 6542:8, 6542:14 learn - 6554:1 learned - 6432:11, 6489:17, 6546:19 least - 6569:17 leave - 6479:12 leaving - 6454:3 left - 6431:19, 6461:2, 6461:25, 6472:19, 6474:1, 6482:11, 6502:6, 6502:24, 6503:24, 6506:15, 6579:10, 6579:14 length - 6563:20, 6563:24, 6564:14, 6572:7 letter - 6583:4, 6583:6, 6583:10, 6584:10, 6585:11, 6586:1, 6586:16, 6587:5 letters - 6581:3, 6581:20 lie - 6475:21, 6476:20 lied - 6474:3 Lieutenant - 6432:8 life - 6526:3, 6526:4, 6526:7, 6527:15, 6527:21, 6527:22, 6579:18 lifestyle - 6529:2 light - 6511:6 likelihood - 6525:24 likely - 6430:11, 6436:19, 6464:11, 6464:15 limited - 6585:21 line - 6463:20 lines - 6534:24,	M Maccallum - 6424:7, 6428:3, 6428:12, 6493:23, 6547:3, 6559:2, 6586:25, 6590:6, 6590:9 machine - 6475:16, 6475:23, 6478:10, 6540:5, 6589:9 main - 6506:20, 6543:23, 6545:17, 6546:17, 6548:8, 6548:15, 6560:24 maintain - 6474:18, 6515:24 man - 6505:5, 6519:20, 6548:8, 6548:15 Manager - 6425:4 manipulated - 6521:16, 6521:24, 6526:20 manipulation - 6526:22, 6534:11, 6535:1 March - 6428:16, 6429:2, 6430:22, 6431:9, 6431:11, 6432:2, 6432:4, 6432:7, 6432:20, 6446:3, 6457:18, 6471:21, 6471:22, 6471:25, 6472:3, 6516:2, 6551:5, 6557:9, 6557:17 mark - 6441:4 marked - 6463:19 maroon - 6473:17 maroon-handled - 6473:17 materials - 6585:19	



6490:17, 6491:10, 6492:4, 6492:22, 6495:7, 6496:7, 6508:1, 6511:9, 6521:18, 6523:12, 6525:11, 6527:15, 6529:9, 6529:13, 6529:25, 6543:5, 6543:11, 6544:8, 6544:22, 6545:25, 6546:3, 6547:21, 6549:15, 6550:7, 6552:9, 6561:17, 6564:14, 6578:17, 6578:21, 6588:2 Milgaard's - 6435:18, 6454:20, 6538:6, 6568:8, 6568:20, 6576:4 Miller - 6473:19, 6476:5, 6482:20, 6484:14, 6520:11, 6521:10 Miller's - 6441:23 mind - 6428:21, 6455:14, 6460:3, 6491:20, 6492:10, 6492:11, 6500:4, 6522:1, 6522:2, 6527:19, 6529:12, 6529:18, 6541:24, 6559:1, 6559:3, 6559:6, 6567:17 mine - 6458:1, 6558:13 Minister - 6426:11, 6428:9, 6437:22 minute - 6453:10, 6489:2, 6505:21 minutes - 6428:21, 6452:25, 6453:12, 6453:14, 6479:19, 6493:23, 6498:18, 6499:9, 6509:9, 6547:4 missing - 6487:1, 6516:12 mistaken - 6428:16 mixed - 6532:2 mode - 6531:14 moment - 6429:7, 6434:19, 6441:11 moments - 6558:2 Monday - 6424:21 money - 6580:23 monitored - 6589:8 month - 6453:12 months - 6440:20, 6441:23, 6442:14, 6444:7, 6445:18, 6445:25, 6526:11, 6526:16, 6578:8 morning - 6431:2, 6431:19, 6473:19, 6502:3, 6504:23, 6514:18, 6540:20, 6590:8 most - 6522:18, 6533:15 Most - 6436:6, 6568:15 mostly - 6514:3 Mostly - 6533:13 motions - 6453:21 mouth - 6577:19, 6577:25 move - 6478:7, 6575:25 moved - 6576:12 murder - 6441:23, 6481:9, 6481:13, 6482:20, 6484:14, 6490:7, 6490:17,	6491:11, 6492:5, 6508:2, 6515:21, 6520:10, 6521:1, 6521:9, 6570:14, 6571:6, 6571:21, 6584:21 murderer - 6494:7 must - 6539:13, 6539:14, 6555:25, 6567:22, 6568:5, 6569:11, 6569:21, 6583:20, 6583:24 N naive - 6518:22 Nakusp - 6458:4 name - 6456:1, 6469:3, 6475:19, 6475:21, 6493:15 nationally - 6577:10 natural - 6527:22 nature - 6475:20, 6545:1, 6553:12, 6555:13, 6565:19 near - 6536:18, 6537:2, 6537:8 necessary - 6582:18 need - 6440:3, 6448:10 needed - 6496:23 needing - 6437:7 Neil - 6430:14 never - 6431:18, 6513:1, 6555:21, 6571:12, 6578:22, 6578:23, 6585:9 new - 6428:8, 6535:16 news - 6470:13 newspaper - 6554:14, 6554:24, 6555:3, 6555:8, 6555:12, 6577:8 newspapers - 6544:4 Next - 6453:3, 6467:16, 6471:11, 6477:17, 6510:6, 6515:11, 6519:7, 6529:8, 6534:18, 6538:18, 6546:23, 6555:11, 6561:22, 6565:18, 6567:24, 6570:4, 6576:25 next - 6431:25, 6432:1, 6432:20, 6434:19, 6435:8, 6443:8, 6444:6, 6445:13, 6446:12, 6447:2, 6458:6, 6471:4, 6472:1, 6481:6, 6487:19, 6501:24, 6501:25, 6504:23, 6506:1, 6514:18, 6521:23, 6557:20, 6578:25, 6581:1, 6583:3, 6587:8, 6587:13, 6590:3 nice - 6438:19, 6438:21, 6547:1, 6555:25 Nichol - 6452:20, 6453:23, 6454:10, 6456:13, 6488:13, 6499:12, 6500:11, 6501:1, 6505:15, 6507:8, 6508:15, 6508:23, 6508:25, 6510:16, 6510:20, 6515:6, 6544:2, 6544:7, 6544:20, 6544:24, 6545:4, 6545:19, 6546:2, 6546:15,	6546:20, 6547:25, 6548:10, 6549:11, 6549:12, 6558:17, 6559:6, 6559:16, 6560:2, 6560:17 Nichol's - 6467:12, 6543:22, 6545:16, 6546:9, 6547:13 Nickie - 6453:7, 6454:18, 6476:6, 6502:24, 6503:1, 6503:15, 6505:17, 6506:14, 6506:24, 6507:16, 6508:9, 6530:6, 6530:8, 6534:6 Nickie's - 6505:2 Nicky - 6499:21, 6503:8, 6558:22 Nicky's - 6549:3 night - 6499:18, 6500:3, 6500:4, 6503:23, 6505:22, 6509:17, 6540:21, 6567:7 nine - 6467:8, 6540:19 nobody - 6561:11 non - 6528:22, 6528:25 non-credible - 6528:22, 6528:25 None - 6509:3 notation - 6459:1, 6459:6 note - 6462:23 noted - 6578:14, 6582:15, 6588:4 notes - 6591:6 nothing - 6432:10, 6515:20, 6522:19, 6539:4, 6539:7, 6575:13 noticed - 6459:1 Notwithstanding - 6551:13 November - 6448:1 number - 6429:2, 6429:22, 6434:15, 6435:11, 6439:6, 6439:20, 6440:25, 6441:7, 6441:20, 6447:3, 6463:21, 6477:17, 6526:16, 6551:3, 6560:22 Number - 6429:7 O o'clock - 6464:21, 6465:2, 6467:24 oath - 6439:5, 6481:25, 6482:2, 6494:3, 6547:22 objects - 6588:14 observations - 6454:9 observe - 6453:21 observed - 6454:12, 6454:14, 6588:2 obtain - 6465:9, 6467:10, 6468:12, 6582:15 obtained - 6469:16, 6585:19 obtaining - 6583:1 occasion - 6439:8, 6464:12, 6507:6 occasions - 6513:19 occur - 6529:4 occurrences - 6502:15 October - 6446:1, 6590:4	offence - 6444:4, 6445:2 offences - 6448:6 offer - 6511:11, 6511:14, 6579:3, 6580:2 offhand - 6576:23 office - 6431:2, 6511:23 officer - 6436:12, 6449:24, 6450:3, 6498:21, 6562:13, 6562:19, 6562:20, 6572:19, 6573:7, 6573:8, 6573:14 Officer - 6425:12 officers - 6448:24, 6450:12, 6488:7, 6532:11, 6562:5, 6562:8, 6567:15, 6569:4, 6569:6, 6573:18, 6574:3, 6574:10 official - 6547:12 Official - 6425:10, 6591:1, 6591:3, 6591:14, 6591:20 often - 6476:24 old - 6509:23 on'to - 6482:7 once - 6473:1, 6553:22, 6574:21, 6576:11, 6576:18, 6577:6 one - 6442:2, 6444:6, 6446:4, 6446:12, 6447:5, 6448:14, 6455:24, 6457:23, 6458:17, 6465:2, 6465:18, 6466:6, 6467:11, 6467:24, 6471:16, 6477:5, 6477:7, 6488:8, 6497:2, 6502:19, 6515:13, 6518:8, 6522:5, 6522:14, 6522:15, 6522:16, 6522:17, 6522:18, 6523:7, 6526:14, 6530:12, 6545:24, 6547:1, 6549:6, 6555:14, 6566:19, 6570:2, 6570:11, 6576:14, 6581:12, 6581:21, 6588:1, 6588:12 one-year - 6442:2, 6446:4 ones - 6447:20, 6519:9, 6540:6, 6557:15, 6569:7, 6576:7, 6576:10 Ontario - 6447:10 open - 6536:24 opened - 6577:19, 6577:23 operator - 6485:25, 6486:2, 6486:25, 6535:21 opinions - 6470:21 opportunities - 6525:3 opportunity - 6506:4, 6506:7, 6525:1 opposed - 6444:3, 6466:3 opposite - 6452:19, 6452:20 order - 6589:4 ordered - 6512:1, 6512:5 original - 6460:20,	6515:25, 6516:7, 6556:24, 6557:13, 6583:19, 6584:5, 6584:15, 6585:4 outline - 6429:1 outstanding - 6525:23 overhear - 6451:20 own - 6455:14, 6462:19, 6491:9, 6553:16, 6553:17, 6559:1, 6559:3, 6559:6 P pace - 6582:22 page - 6431:15, 6431:16, 6435:11, 6440:12, 6441:8, 6441:10, 6441:19, 6447:2, 6448:10, 6448:17, 6451:11, 6453:3, 6455:3, 6457:14, 6457:20, 6457:23, 6458:2, 6458:5, 6458:6, 6458:7, 6459:6, 6460:8, 6460:18, 6461:9, 6462:6, 6462:22, 6463:18, 6464:6, 6467:16, 6471:11, 6472:10, 6473:2, 6473:4, 6473:7, 6475:14, 6477:17, 6480:4, 6482:13, 6487:19, 6488:2, 6495:13, 6501:24, 6501:25, 6505:13, 6506:1, 6510:6, 6510:25, 6515:11, 6515:17, 6519:7, 6521:13, 6521:23, 6523:23, 6527:9, 6529:7, 6534:18, 6538:18, 6546:23, 6547:8, 6552:11, 6555:11, 6556:7, 6557:20, 6561:22, 6565:18, 6567:24, 6570:4, 6572:1, 6574:14, 6578:12, 6580:1 Page - 6427:2, 6488:4, 6499:6, 6518:16, 6535:25, 6538:2 pages - 6504:24, 6514:19, 6591:4 paid - 6580:15 pants - 6517:7, 6517:9, 6518:2, 6558:23, 6568:8, 6568:18, 6568:20, 6574:6 paper - 6430:15, 6477:1, 6477:5, 6477:8, 6477:10 paragraph - 6433:20, 6459:7, 6460:19, 6463:3, 6463:20, 6463:23, 6515:17, 6521:15, 6578:25, 6581:23, 6583:8 paranoid - 6575:16 Pardon - 6455:10, 6509:13, 6528:23, 6537:22, 6550:1, 6576:17 pardon - 6447:9, 6450:16 paring - 6460:23, 6473:17, 6473:23,
---	---	---	---	---



6474:23, 6474:25 parole - 6471:3 paroled - 6445:21 Part - 6493:1 part - 6432:4, 6432:24, 6435:10, 6457:23, 6459:21, 6478:21, 6480:21, 6488:12, 6488:13, 6489:9, 6492:2, 6492:14, 6493:2, 6493:18, 6494:25, 6495:10, 6504:12, 6510:4, 6519:17, 6533:12, 6533:25, 6534:1, 6534:9, 6535:8, 6538:4, 6540:14, 6543:7, 6545:19, 6547:11, 6550:19, 6551:6, 6551:19, 6565:4, 6581:2, 6589:10 particular - 6453:11, 6483:8, 6563:6, 6577:13, 6584:6 particularly - 6473:2, 6515:17 parts - 6439:3, 6439:6, 6439:12, 6457:22, 6542:10, 6570:2, 6587:22 party - 6488:8 passed - 6526:17, 6551:10, 6551:11, 6551:12, 6551:21, 6551:23, 6552:1, 6552:7 passing - 6551:19 Paul - 6430:2, 6473:13, 6538:6, 6577:4 pause - 6436:24, 6459:17, 6465:24, 6473:10, 6476:7, 6484:5, 6486:12, 6490:13, 6536:15, 6540:14, 6542:10, 6554:16, 6557:2, 6588:8, 6589:12 Pause - 6478:19, 6494:14, 6519:17, 6541:19, 6547:17 pay - 6580:23 peak - 6588:8, 6589:6 pen - 6458:19 people - 6430:15, 6438:24, 6475:4, 6509:21, 6528:3 perceive - 6507:22 perform - 6588:7 performed - 6588:15 performing - 6585:21 perhaps - 6567:16 period - 6433:13, 6478:13, 6541:1, 6579:18 periods - 6523:22, 6574:25 perjury - 6525:21, 6526:7, 6527:14, 6527:24, 6528:1, 6528:2, 6528:5 person - 6451:25, 6543:23, 6545:17, 6575:17, 6583:21 persons - 6583:25 phone - 6456:8, 6457:9, 6500:17, 6512:17, 6571:7, 6571:8 phonecalls - 6511:22 phoned - 6553:3	phones - 6512:7 physically - 6450:9 pick - 6522:16, 6540:1, 6557:15 picked - 6447:15, 6502:7, 6522:18 piece - 6497:12 pieces - 6497:23 pissed - 6577:14 place - 6434:4, 6445:3, 6445:6, 6450:10, 6459:2, 6485:20, 6485:22, 6487:8, 6496:5, 6496:6, 6496:23, 6496:24, 6532:3 placed - 6588:23 places - 6539:22 plan - 6430:11, 6432:5, 6590:3 plane - 6524:3 plant - 6532:5 planted - 6496:16, 6497:10, 6529:12, 6529:17, 6532:1, 6542:25 played - 6543:20, 6545:13, 6545:19, 6546:2 plead - 6447:7, 6447:20 pleaded - 6449:14 pleading - 6446:24 pleasant - 6477:24 pled - 6445:7, 6449:17 Plus - 6526:13 Pm - 6428:2, 6433:20, 6434:10, 6493:24, 6493:25, 6547:5, 6547:6, 6590:11 point - 6428:16, 6428:19, 6430:7, 6430:17, 6433:3, 6449:1, 6449:2, 6452:5, 6458:21, 6486:19, 6492:17, 6544:11, 6546:4, 6549:4, 6554:18, 6562:3, 6565:20, 6566:19, 6567:20, 6569:25, 6572:15, 6580:22 pointed - 6522:13, 6522:17, 6536:9, 6537:6 pointing - 6526:23, 6536:19 points - 6563:10, 6566:2 Police - 6426:6, 6432:9, 6433:21, 6463:9, 6464:4, 6571:9 police - 6432:2, 6432:3, 6432:16, 6432:23, 6433:24, 6434:1, 6435:3, 6439:21, 6443:18, 6448:19, 6450:12, 6462:15, 6462:16, 6462:18, 6471:13, 6478:17, 6478:22, 6478:25, 6479:2, 6481:10, 6482:22, 6485:21, 6487:4, 6487:12, 6488:7, 6488:24, 6489:6, 6492:24, 6494:5, 6495:6, 6496:7, 6496:15, 6497:8, 6497:19, 6498:21, 6499:1, 6502:6,	6503:13, 6503:15, 6506:25, 6507:23, 6507:24, 6508:7, 6508:9, 6508:25, 6510:2, 6510:8, 6510:11, 6510:17, 6511:1, 6511:6, 6511:11, 6511:20, 6512:19, 6513:5, 6513:13, 6515:2, 6517:1, 6519:1, 6519:8, 6521:8, 6521:16, 6522:22, 6524:10, 6524:13, 6524:17, 6526:17, 6529:13, 6531:2, 6532:11, 6534:2, 6538:9, 6538:13, 6541:14, 6541:22, 6544:7, 6544:21, 6545:6, 6548:1, 6562:4, 6562:7, 6562:13, 6562:19, 6562:20, 6567:15, 6572:19 polygraph - 6429:7, 6434:4, 6434:11, 6475:3, 6475:15, 6475:16, 6479:17, 6480:6, 6480:12, 6481:14, 6483:10, 6498:4, 6498:12, 6498:25, 6499:2, 6499:13, 6501:10, 6506:13, 6514:17, 6526:24, 6526:25, 6534:16, 6534:25, 6535:21, 6540:4, 6541:15, 6551:9, 6551:19, 6551:21, 6552:1, 6552:7, 6569:16, 6581:6, 6581:15, 6582:7, 6582:8, 6583:17, 6583:19, 6583:21, 6583:23, 6584:15, 6584:20, 6585:4, 6585:16, 6585:21, 6586:6, 6586:17, 6587:7, 6587:11, 6588:21, 6589:9, 6589:25 population - 6570:11, 6571:12 portion - 6432:25, 6435:5, 6441:21, 6492:19, 6514:19, 6530:5, 6534:5 portions - 6487:25, 6498:18 pose - 6582:3 position - 6526:19 possession - 6441:24, 6444:25, 6446:13, 6446:20, 6447:10, 6448:1, 6450:6, 6450:7, 6589:1 possible - 6436:19, 6466:2, 6466:5, 6484:1, 6489:5, 6510:16, 6517:20, 6535:24 Possibly - 6483:18, 6483:19, 6510:3 possibly - 6484:18, 6487:7 pre - 6588:15 pre-test - 6588:15 Prehodchenko - 6425:13 Prelim - 6533:20 prelim - 6547:21,	6571:16, 6573:12 preliminary - 6429:15, 6435:18, 6444:13, 6484:11, 6512:16, 6513:14, 6524:6, 6528:7, 6528:13, 6528:14, 6544:6, 6544:19, 6544:25, 6563:2, 6571:13 Preliminary - 6466:24, 6467:12, 6467:13, 6481:21, 6481:25, 6482:13, 6511:18, 6513:6, 6513:23, 6513:24, 6524:7, 6533:3, 6533:7, 6547:14, 6556:17, 6562:9, 6562:15, 6564:16 prepared - 6581:14, 6582:6, 6586:17, 6586:20, 6587:6, 6587:9, 6587:11 presence - 6513:8 present - 6436:7, 6440:2, 6444:22, 6453:25, 6454:4, 6454:16, 6484:24, 6485:1, 6486:5, 6498:21 presentation - 6587:25 presenting - 6458:19 preserve - 6584:18 presses - 6492:16 pressure - 6475:2, 6524:10, 6564:23 pressured - 6474:18, 6474:24 Pressuring - 6521:25 presume - 6566:6 pretest - 6589:10 pretty - 6530:10, 6570:21, 6571:18 Pretty - 6532:10 previous - 6530:8 prime - 6520:10, 6520:25, 6521:9 Pringle - 6426:13 prisoner - 6584:22 prisoner's - 6526:3 prisoners - 6567:6 privileges - 6512:9, 6512:18 probation - 6445:15, 6446:4, 6446:15 procedure - 6589:11 proceeded - 6582:23 proceeding - 6466:23 Proceedings - 6424:12, 6424:23, 6427:1, 6428:1 proceedings - 6515:16 produce - 6488:5 producing - 6439:24, 6457:18 professional - 6470:21 promise - 6511:6 prompt - 6523:5 prompted - 6504:8 property - 6441:25, 6446:14, 6446:21, 6447:10, 6448:2 propose - 6433:17, 6439:2, 6482:7 prosecutor - 6533:23, 6563:11, 6564:19 provide - 6431:22, 6584:24 provided - 6471:13,	6473:12 providing - 6538:5 Province - 6591:3 pulled - 6452:1 purchased - 6460:23, 6473:22 purse - 6489:11, 6489:18, 6495:21, 6495:24, 6529:11, 6529:19, 6539:25, 6542:16, 6542:19, 6542:22 pursued - 6585:24 push - 6502:17, 6502:18, 6505:6 pushed - 6561:11, 6561:12, 6561:19 put - 6432:24, 6458:21, 6459:2, 6459:3, 6460:15, 6463:21, 6473:4, 6479:11, 6487:25, 6495:24, 6496:19, 6496:23, 6496:24, 6497:21, 6497:23, 6529:11, 6537:7, 6551:9, 6552:22, 6557:18, 6557:21, 6579:19, 6587:2, 6587:19 putting - 6462:10, 6494:18
Q				
Qb - 6425:10 Qc - 6426:2, 6426:7, 6426:10, 6426:13 Queen's - 6591:1, 6591:3, 6591:14, 6591:20 questioned - 6450:4, 6459:25, 6462:16, 6480:5, 6480:12, 6488:3, 6525:11, 6525:13, 6526:18, 6535:25, 6543:15, 6588:16, 6588:20, 6590:1 questioning - 6439:14, 6452:14, 6462:15, 6476:3, 6494:6, 6494:8, 6494:12, 6495:5, 6495:14, 6498:5, 6498:13, 6515:20, 6521:25, 6522:22, 6529:20, 6532:4, 6532:7, 6534:23, 6538:2, 6554:9, 6554:12, 6555:13, 6567:13 questions - 6431:11, 6439:13, 6448:18, 6451:11, 6455:22, 6464:6, 6472:2, 6475:10, 6475:17, 6476:1, 6476:9, 6476:12, 6476:25, 6477:3, 6477:9, 6477:13, 6477:18, 6481:20, 6481:24, 6483:13, 6484:16, 6489:25, 6490:2, 6490:24, 6494:18, 6501:7, 6501:9, 6501:21, 6511:1, 6524:21, 6527:2, 6527:5, 6534:13, 6534:15, 6534:19, 6534:21, 6534:24,				



6536:2, 6540:2, 6540:4, 6552:5, 6557:8, 6557:21, 6557:22, 6582:3, 6583:18, 6584:5, 6584:14, 6585:1, 6587:10, 6587:23, 6588:17, 6588:18, 6589:4, 6589:8 quick - 6436:2 quickly - 6428:22, 6431:6 Quite - 6467:3 quite - 6449:10, 6477:23, 6480:7, 6544:13 quote - 6473:10, 6496:1 quoted - 6441:20, 6508:19 quoting - 6538:4	6531:5, 6584:6 recalled - 6504:4, 6562:14 recalling - 6509:4 recant - 6579:21, 6580:9, 6580:15, 6580:23 recantation - 6430:4 recantations - 6437:11 recanted - 6435:15 received - 6440:19, 6446:3, 6572:4 recent - 6579:4, 6580:3 recently - 6556:16 Recently - 6579:2 recognizance - 6442:13 recognize - 6457:25, 6531:15 recollect - 6438:2, 6438:3, 6510:23 recollection - 6433:5, 6433:23, 6436:5, 6438:7, 6453:25, 6454:5, 6454:16, 6455:7, 6464:10, 6464:15, 6465:25, 6484:6, 6484:24, 6486:16, 6491:9, 6491:19, 6491:23, 6492:9, 6493:16, 6495:5, 6499:10, 6499:14, 6503:10, 6510:19, 6517:14, 6518:10, 6554:17, 6563:18, 6580:21 Reconvened - 6428:2, 6493:25, 6547:6 record - 6430:21, 6432:12, 6439:25, 6440:24, 6441:7, 6441:16, 6459:5 records - 6584:18, 6584:20, 6585:5, 6586:21 refer - 6463:24, 6568:3 reference - 6432:21, 6496:2, 6496:4, 6521:13, 6581:25, 6583:10, 6585:14 references - 6516:8 referred - 6547:18 referring - 6431:11, 6431:13, 6440:11, 6455:24, 6462:13, 6463:18, 6466:19, 6471:16, 6471:25, 6475:12, 6479:16, 6499:20, 6505:18, 6507:13, 6521:20, 6523:21, 6525:19, 6543:12, 6546:10, 6553:5, 6555:2, 6557:12, 6562:20, 6562:24 refers - 6468:18, 6552:15, 6583:5, 6583:7 reflect - 6432:12 refresh - 6431:7, 6476:14, 6580:20 refreshes - 6439:6 regard - 6480:11, 6498:19 regarding - 6508:23, 6511:1, 6513:14 Regina - 6432:9, 6433:21, 6443:12, 6443:19, 6447:12,	6450:19, 6473:18, 6482:24, 6482:25, 6483:1, 6485:9, 6489:7, 6517:20, 6518:4, 6518:19, 6523:11, 6538:23, 6539:2, 6568:13, 6568:23, 6589:2 relate - 6450:5, 6505:2, 6505:5 related - 6442:9, 6442:25, 6443:1, 6443:10, 6443:24, 6445:15, 6445:19, 6447:6, 6447:19, 6587:14, 6587:24 relates - 6444:17, 6447:11, 6487:22, 6505:8 relating - 6444:25, 6496:6, 6536:1, 6536:2 relation - 6449:21, 6454:9, 6462:25, 6463:2, 6488:14, 6542:18, 6542:23, 6556:12, 6572:7, 6572:18, 6573:17 relationship - 6549:24, 6550:2 relay - 6582:12 release - 6445:25 relevant - 6432:23, 6538:16, 6550:19 religion - 6579:12 remained - 6479:7 remand - 6570:12, 6570:19, 6571:5, 6571:15 Remember - 6552:17 remember - 6432:17, 6433:13, 6434:23, 6436:10, 6436:12, 6436:16, 6438:23, 6442:9, 6442:25, 6446:18, 6455:5, 6455:17, 6457:6, 6462:10, 6466:13, 6468:24, 6476:2, 6490:2, 6493:3, 6493:6, 6495:20, 6502:2, 6506:21, 6507:1, 6515:18, 6516:20, 6517:13, 6518:7, 6519:23, 6533:14, 6533:25, 6534:1, 6537:6, 6537:11, 6554:7, 6555:3, 6555:7, 6555:16, 6557:8, 6557:22, 6559:13, 6562:12, 6569:1, 6569:2, 6569:7, 6573:4, 6576:15, 6576:20, 6576:21, 6577:9, 6581:5, 6581:9, 6581:10, 6582:8, 6589:18 remembered - 6432:15, 6464:3 remembering - 6455:14 reminded - 6588:5 reminds - 6579:17 repeat - 6546:11, 6546:15 Repeat - 6520:16 repeated - 6477:9, 6477:11, 6477:12, 6527:2, 6533:4, 6534:12, 6534:15, 6534:19	repeating - 6527:3, 6540:3 rephrasing - 6438:4 report - 6432:3, 6432:17, 6432:23 reported - 6577:10 Reporter - 6591:14, 6591:20 reporter - 6436:11 Reporters - 6425:10, 6591:3 Reporters' - 6591:1 reports - 6469:20, 6469:23, 6469:24, 6470:18, 6578:10 represented - 6514:19 repressed - 6567:17 request - 6582:13, 6586:4 requested - 6506:4 requests - 6582:14, 6582:16, 6583:12 required - 6564:20 reread - 6566:5 respect - 6530:12 respects - 6440:23 respond - 6506:9 response - 6481:19, 6506:12, 6583:1, 6583:14 responses - 6582:16, 6589:7 rest - 6489:9 restitution - 6446:5 result - 6516:25, 6553:25 results - 6584:20, 6585:1 Retired - 6426:14 retraction - 6579:17 return - 6454:4, 6472:24, 6500:12, 6511:12 revelations - 6517:1 review - 6431:1, 6436:2, 6437:23, 6514:9, 6533:7, 6585:19 reviewed - 6556:15, 6588:19 Rick - 6426:6 Riddell - 6429:3, 6472:4 right-hand - 6457:24, 6458:10 ring - 6456:1 risk - 6527:19 Roberts - 6429:8, 6434:1, 6475:11, 6476:25, 6477:21, 6498:23, 6501:4, 6501:6, 6501:19, 6503:24, 6504:5, 6504:17, 6583:20, 6584:16, 6587:18, 6587:22, 6587:24, 6588:3, 6589:14, 6589:23 Roberts' - 6584:4, 6585:4, 6586:21, 6587:9 Rochelle - 6426:8 role - 6543:19, 6545:12, 6546:2 Ron - 6428:7, 6432:10, 6578:15, 6579:2, 6579:11 Ronald - 6426:15, 6427:3, 6428:13, 6440:24, 6458:8,	6582:4, 6585:16 room - 6501:3, 6501:6, 6503:18 Rosetown - 6461:1, 6473:25 Rossmo - 6430:14 rough - 6449:20 roughly - 6541:8 row - 6588:23 Rpr - 6425:11, 6591:2, 6591:18, 6591:19
S				
Sandra - 6425:4 Saskatchewan - 6424:17, 6426:4, 6444:9, 6459:15, 6591:4 Saskatoon - 6424:17, 6426:6, 6431:20, 6433:24, 6433:25, 6442:22, 6443:5, 6450:18, 6456:19, 6457:11, 6460:22, 6461:2, 6462:17, 6463:7, 6463:9, 6464:3, 6472:12, 6473:18, 6473:22, 6474:1, 6485:11, 6487:5, 6488:19, 6490:8, 6490:18, 6491:11, 6492:5, 6495:18, 6495:20, 6500:12, 6513:22, 6514:15, 6517:18, 6517:19, 6518:13, 6520:8, 6520:20, 6521:7, 6523:10, 6523:16, 6524:4, 6529:10, 6539:22, 6565:10, 6565:13, 6569:6, 6570:6, 6570:13, 6570:20, 6571:6, 6571:7, 6571:9, 6573:22, 6578:18, 6589:3 Saskatoon' - 6530:25 saw - 6460:21, 6473:16, 6473:20, 6474:4, 6474:19, 6474:24, 6486:7, 6489:11, 6539:13, 6539:14, 6544:8, 6547:20, 6548:11, 6558:20, 6558:21, 6558:22, 6559:9, 6569:10, 6569:11, 6569:21, 6569:24, 6578:16, 6578:20 scared - 6483:24, 6506:17, 6506:18, 6522:20, 6522:23, 6525:8, 6555:20 scientific - 6469:19, 6469:23, 6470:17 screwed - 6535:23 Scroll - 6583:16 scroll - 6443:8, 6446:1, 6448:5, 6449:19, 6453:15, 6455:24, 6498:11, 6507:10, 6578:25, 6582:11, 6582:19, 6583:7 second - 6431:15, 6434:22, 6441:10, 6449:11, 6480:16, 6480:17, 6502:1, 6514:18, 6521:14,				



<p>6557:6, 6578:12 secondly - 6439:7 seconds - 6453:9 Section - 6440:17, 6442:6, 6444:7, 6445:14 Security - 6425:12 see - 6437:19, 6439:6, 6441:12, 6443:18, 6452:22, 6462:6, 6462:7, 6465:10, 6465:15, 6466:17, 6474:6, 6482:25, 6483:2, 6483:4, 6483:7, 6483:11, 6484:3, 6492:7, 6506:1, 6527:16, 6538:22, 6539:1, 6543:10, 6543:21, 6545:15, 6546:15, 6546:16, 6548:10, 6556:19, 6575:4, 6575:8, 6575:10, 6575:24, 6576:13, 6581:22, 6589:1 seeing - 6476:9, 6500:14, 6518:11, 6544:23, 6574:21, 6574:23, 6575:2, 6576:11, 6576:21 seem - 6570:18 selection - 6588:1 sematics - 6477:25 sentence - 6440:19, 6442:2, 6442:18, 6444:12, 6444:15, 6446:4, 6446:15, 6459:4, 6511:7, 6526:4, 6527:15 sentences - 6526:7 September - 6430:21, 6446:12, 6448:11, 6585:12, 6586:16, 6587:5 sequence - 6434:20, 6565:5 serve - 6442:17 served - 6443:4 Service - 6426:6 serving - 6444:15, 6584:22 session - 6429:8, 6451:6, 6468:4, 6478:6, 6478:16, 6479:14, 6479:21, 6484:20, 6486:12, 6492:24, 6498:8, 6498:14, 6498:17, 6501:19, 6504:4, 6508:14, 6514:16, 6517:14, 6527:13, 6534:16, 6535:12, 6536:22, 6541:13, 6541:15, 6552:17, 6561:15, 6564:7, 6577:7, 6588:15 set - 6433:19 seven - 6457:20, 6479:13, 6540:21, 6541:8 Seven - 6479:13 seven-page - 6457:20 seven-thirty - 6479:13 seventeen - 6518:20, 6518:23 shape - 6529:3 sheet - 6477:1, 6477:5, 6477:7, 6477:10 sheets - 6477:6 shell - 6475:5</p>	<p>shit - 6497:12 shook - 6570:21, 6571:18 Short - 6432:8, 6485:7, 6519:12, 6519:20, 6519:25, 6520:23 short - 6547:1 Short's - 6511:23 shorthand - 6591:5 shortly - 6442:22 Shorty - 6456:13, 6465:11, 6517:6, 6517:8, 6518:1, 6539:11, 6539:13, 6569:10, 6569:21, 6569:22 show - 6434:18, 6441:11, 6461:10, 6488:5 showed - 6428:25, 6466:20, 6466:21, 6502:2, 6536:19, 6536:23, 6552:18 showing - 6439:24, 6440:1, 6457:19, 6529:19, 6536:12, 6537:14, 6577:9 shown - 6469:19 shut - 6577:25 side - 6502:21, 6571:20 signature - 6457:23, 6457:25, 6458:4, 6458:9 significant - 6550:3 Similarly - 6512:24 simply - 6464:1 sink - 6506:20 sister - 6468:16, 6468:19, 6469:1, 6469:2, 6577:18 sitting - 6424:15, 6503:18, 6526:2 situation - 6548:2 six - 6437:3, 6442:14, 6445:18, 6445:25, 6461:15, 6464:8, 6464:14, 6480:7, 6480:25, 6519:22, 6540:20, 6589:15 size - 6573:23, 6574:4 skill - 6591:6 skip - 6452:13 slip - 6553:4 slipped - 6460:3 Small - 6576:7 small - 6576:10 smaller - 6573:2 snowballed - 6565:5 solicitor - 6553:13 someone - 6555:24, 6561:19 someplace - 6496:23 Sometime - 6462:14 sometimes - 6575:25 somewhere - 6430:4, 6442:21 Sorry - 6496:11, 6538:24, 6565:12 sorry - 6431:16, 6438:20, 6463:14, 6547:10, 6555:7, 6587:20 sound - 6437:1, 6442:23 specific - 6432:13, 6543:2, 6566:3, 6568:3 specifically - 6432:16 speed - 6565:21 spend - 6499:7,</p>	<p>6509:23 spent - 6433:12, 6509:11, 6509:14 spoken - 6500:17 spot - 6590:5 stab - 6544:9 stabbing - 6473:19, 6544:22, 6550:12 Staff - 6425:1, 6425:8 stains - 6573:24, 6573:25 stamp - 6441:11 stand - 6497:7, 6526:15 stands - 6500:24 star - 6459:2, 6459:4 start - 6429:1, 6436:13, 6439:11, 6459:4, 6464:23 started - 6462:15, 6464:24, 6467:23, 6468:5, 6475:19, 6476:4, 6506:16, 6527:4, 6535:23, 6538:22, 6538:25, 6539:12, 6539:21, 6540:5, 6540:13, 6540:19, 6541:25, 6548:3, 6552:5 starting - 6457:17 Starting - 6538:15 starts - 6457:15, 6459:8 state - 6492:21 Statement - 6458:7 statement - 6429:3, 6429:4, 6429:6, 6430:3, 6430:5, 6431:9, 6431:12, 6431:13, 6431:17, 6431:21, 6434:1, 6434:7, 6434:10, 6434:14, 6434:16, 6434:20, 6434:22, 6435:6, 6435:9, 6435:12, 6435:15, 6435:17, 6435:21, 6435:23, 6437:4, 6457:2, 6457:15, 6457:17, 6458:22, 6459:22, 6460:1, 6460:7, 6460:16, 6460:20, 6461:12, 6461:16, 6461:23, 6462:5, 6462:13, 6463:14, 6464:2, 6465:10, 6465:14, 6465:16, 6465:17, 6465:19, 6466:3, 6466:13, 6467:15, 6471:14, 6471:15, 6472:1, 6472:4, 6473:3, 6473:11, 6479:15, 6480:3, 6480:7, 6481:7, 6483:5, 6484:15, 6489:12, 6492:19, 6495:15, 6496:1, 6500:7, 6501:12, 6501:18, 6502:1, 6502:13, 6502:16, 6503:22, 6504:25, 6505:8, 6514:2, 6514:4, 6514:9, 6514:12, 6514:17, 6514:22, 6515:2, 6515:6, 6515:13, 6515:25, 6516:2, 6516:7, 6516:15, 6517:16, 6518:11, 6521:21, 6528:5, 6528:6,</p>	<p>6529:16, 6531:19, 6533:13, 6533:14, 6533:16, 6534:6, 6534:7, 6536:3, 6538:3, 6544:2, 6544:8, 6544:12, 6544:20, 6546:11, 6546:16, 6547:20, 6548:1, 6551:5, 6556:11, 6556:24, 6557:13, 6557:18, 6564:13, 6569:16, 6577:4, 6577:7, 6577:10, 6580:16, 6580:24, 6587:25 statements - 6428:23, 6429:12, 6431:7, 6457:5, 6467:11, 6471:12, 6471:22, 6492:25, 6508:24, 6510:2, 6523:22, 6524:2, 6528:7, 6528:12, 6538:5, 6543:22, 6545:16, 6545:21, 6546:9, 6547:13, 6552:9, 6557:9, 6578:9 station - 6433:22, 6478:17, 6478:22, 6478:25, 6479:3 stay - 6479:2 stayed - 6436:14, 6447:4, 6452:21 Steak - 6487:8 steak - 6487:13 Stephen - 6426:10, 6428:11 steps - 6538:12 Still - 6565:21 still - 6439:21, 6474:17, 6502:24, 6515:24, 6518:4, 6520:9, 6520:25, 6531:20, 6548:7, 6551:13, 6576:16, 6576:18, 6584:22, 6587:10 stolen - 6441:24, 6446:13, 6446:20, 6447:10, 6448:2 stoned - 6531:21, 6531:25 Stop - 6510:13 stop - 6485:21, 6489:24, 6507:2, 6529:15 stopped - 6460:25, 6473:25, 6485:18, 6485:19, 6539:23, 6540:6, 6548:13, 6552:6 story - 6488:25, 6489:12, 6495:17, 6496:16, 6496:19 straight - 6522:5, 6526:14, 6531:14, 6573:3 straightened - 6571:8, 6571:11 strapped - 6478:9 Street - 6537:9 stuck - 6452:3, 6452:15, 6455:19, 6502:17, 6502:24, 6536:13, 6536:18, 6536:20, 6536:23, 6537:15, 6537:16, 6537:19, 6537:21, 6537:23 stuff - 6475:19,</p>	<p>6485:18, 6490:20, 6504:10, 6533:13, 6533:15, 6543:10, 6573:3, 6575:15, 6576:1, 6576:2, 6576:21 subject - 6487:24, 6588:16, 6588:19, 6588:20, 6588:24, 6589:3, 6589:6 subject's - 6589:7 subsequent - 6431:10, 6464:12 subsequently - 6544:16 subside - 6589:7 successfully - 6551:10 sudden - 6571:3 suggest - 6481:12, 6486:6, 6486:22, 6494:9, 6514:10, 6545:18, 6581:11, 6584:8 suggested - 6470:21, 6482:18, 6494:18, 6539:19, 6542:9, 6542:15, 6561:2, 6564:25, 6567:16, 6567:25, 6568:10, 6568:12, 6568:20, 6568:22, 6569:4, 6579:20, 6580:15 suggesting - 6449:6, 6487:3, 6496:15, 6533:24, 6570:1 suggestion - 6474:3, 6495:6, 6564:19, 6568:7, 6572:9, 6572:10, 6572:11, 6572:18, 6572:20, 6572:23, 6573:18, 6573:21, 6574:9 suggestions - 6522:9, 6522:11, 6572:4 suitable - 6582:17 summary - 6434:2, 6434:18 summer - 6577:5 supplement - 6435:23 supplemental - 6435:21 Supplementary - 6458:7 Support - 6425:8 suppose - 6504:6, 6504:8 supposed - 6489:13 supposedly - 6536:12, 6537:14, 6539:23 Supreme - 6430:16, 6586:12 susceptible - 6522:8 suspect - 6494:8, 6494:22, 6495:11, 6520:10, 6521:1, 6521:9, 6521:11, 6523:8 suspected - 6588:22 suspended - 6442:2, 6446:4, 6446:15 swearing - 6436:16 sweat - 6479:14, 6492:24 swore - 6482:2 sworn - 6436:16, 6502:16, 6514:24, 6515:3</p>
--	--	---	---	---

T



table - 6575:25 tall - 6519:20 Tallis - 6426:13, 6482:15 Tdr - 6426:5 Technician - 6425:13 telephone - 6429:24, 6430:20, 6582:1 television - 6512:9 ten - 6499:8, 6527:23, 6527:25, 6566:11 ten-fold - 6566:11 tended - 6489:3 tendency - 6584:18 tension - 6588:6, 6588:9, 6589:5 termed - 6430:4 terms - 6508:5 test - 6552:7, 6582:7, 6583:25, 6585:22, 6588:9, 6588:12, 6588:15 test' - 6588:6 testified - 6429:19, 6431:20, 6433:8, 6484:12, 6524:12, 6524:16, 6526:18, 6528:11, 6532:22, 6536:5, 6544:6, 6544:14, 6544:18, 6544:25, 6546:5, 6549:21, 6574:17, 6574:20, 6576:3 testify - 6550:23, 6570:6 testifying - 6512:20, 6564:11, 6574:24, 6575:22, 6576:6 Testimony - 6424:14 testimony - 6473:9, 6502:9, 6511:7, 6511:8, 6511:12, 6513:5, 6513:14, 6513:20, 6521:17, 6529:12, 6536:22, 6538:8, 6538:13, 6544:3, 6549:24, 6556:15, 6558:12, 6562:5, 6562:7, 6579:13, 6579:22, 6580:9 testing - 6585:16 that' - 6446:23 theft - 6442:12, 6443:2, 6443:9, 6443:21, 6446:10, 6447:5, 6448:1, 6449:16 thereof - 6463:20 thinking - 6459:13, 6490:22, 6503:19, 6507:12, 6517:2, 6542:1, 6558:16 third - 6431:16, 6449:11, 6459:6, 6463:20, 6589:5 thirty - 6453:9, 6479:13 this' - 6531:3 thoughts - 6542:24, 6561:18 threaten - 6512:22, 6520:2 threatened - 6512:25, 6513:1 three - 6429:11, 6440:19, 6442:11, 6444:7, 6448:21, 6471:4, 6477:2, 6498:14, 6541:16 threw - 6570:12,	6571:4 ticked - 6577:19 today - 6430:11, 6439:7, 6439:9, 6455:1, 6455:7, 6455:17, 6481:3, 6508:20, 6515:24, 6548:22, 6549:14, 6550:23, 6558:5, 6567:14 together - 6495:7, 6495:8, 6497:24, 6506:14, 6529:8 tomorrow - 6430:12, 6590:7 tone - 6477:22 took - 6432:9, 6434:4, 6443:3, 6445:2, 6446:21, 6485:11, 6499:1, 6540:23, 6559:21, 6574:7, 6576:12 top - 6436:15, 6457:17, 6480:4 topic - 6587:14 total - 6540:9 totally - 6516:10 touch - 6428:22 touched - 6432:6, 6438:12, 6517:13, 6527:13 tracking - 6469:11 transcript - 6430:24, 6431:4, 6436:15, 6436:22, 6439:12, 6448:16, 6462:20, 6467:14, 6473:8, 6482:13, 6488:2, 6533:8, 6537:7, 6547:12, 6548:13, 6576:24 Transcript - 6424:12, 6428:1 transcription - 6591:5 transcripts - 6429:24, 6466:20, 6466:21, 6467:17, 6481:17, 6481:23, 6513:16, 6545:21, 6562:16, 6563:1, 6563:23 trash - 6495:24, 6529:11 travelling - 6433:24 treated - 6449:10, 6449:12, 6512:20 treatment - 6449:20 trial - 6429:19, 6435:18, 6466:24, 6467:13, 6469:11, 6473:9, 6473:16, 6481:22, 6487:22, 6488:2, 6490:1, 6511:9, 6512:24, 6513:6, 6513:15, 6524:16, 6525:1, 6525:24, 6528:8, 6528:11, 6528:17, 6532:20, 6532:24, 6533:5, 6533:8, 6533:20, 6536:6, 6536:10, 6537:6, 6537:13, 6538:14, 6543:5, 6543:11, 6544:1, 6544:3, 6544:6, 6544:19, 6545:1, 6545:5, 6546:5, 6546:12, 6546:16, 6546:20, 6547:15, 6547:22, 6548:13, 6548:15, 6548:25, 6549:12, 6549:22,	6556:15, 6556:16, 6557:7, 6557:18, 6558:8, 6559:5, 6559:20, 6560:2, 6560:6, 6560:12, 6560:20, 6561:24, 6562:1, 6562:7, 6562:9, 6562:10, 6563:15, 6564:12, 6564:13, 6565:8, 6565:15, 6566:2, 6566:10, 6566:16, 6566:12, 6573:12, 6575:20, 6576:4, 6576:15, 6576:21, 6576:22, 6578:15 trial' - 6528:10 tried - 6570:16 trip - 6442:22, 6443:5, 6445:9, 6450:18, 6450:21, 6460:25, 6472:12, 6473:24, 6500:12, 6524:3, 6524:6, 6589:2 tripping - 6574:16 Tripping - 6574:18 trips - 6567:6 trouble - 6496:25 true - 6451:9, 6476:13, 6515:23, 6516:1, 6516:14, 6516:17, 6566:22, 6566:23, 6580:6, 6591:5 truth - 6436:17, 6437:25, 6438:6, 6438:7, 6459:8, 6460:21, 6468:8, 6473:20, 6482:3, 6485:2, 6486:19, 6492:8, 6493:18, 6525:2, 6525:4, 6557:1, 6561:20, 6569:18, 6578:4, 6581:13 truthful - 6435:6, 6439:9, 6452:11, 6453:11, 6454:7, 6455:1, 6456:24, 6471:9, 6472:21, 6475:7, 6476:7, 6476:17, 6476:18, 6477:15, 6479:23, 6484:8, 6492:13, 6492:14, 6497:4, 6497:25, 6504:13, 6507:2, 6512:13, 6513:2, 6514:6, 6515:9, 6516:5, 6516:22, 6520:13, 6523:2, 6525:17, 6527:7, 6531:22, 6532:17, 6536:15, 6543:7, 6554:19, 6562:17, 6564:3, 6565:1, 6566:12, 6568:14, 6569:12, 6572:16, 6573:5, 6574:12, 6575:18, 6588:14 truthfulness - 6532:20 try - 6438:4, 6456:5, 6491:4, 6508:20, 6549:5, 6557:15, 6571:20 trying - 6491:19, 6491:23, 6497:13, 6516:19, 6532:6, 6560:20 Trying - 6491:22 Tuesday - 6432:7 turn - 6452:2, 6588:25 Tv - 6468:17, 6512:3, 6512:18	twice - 6480:6, 6480:13, 6588:21 twiggled - 6509:16 two - 6429:11, 6429:23, 6445:14, 6447:16, 6447:17, 6452:25, 6453:12, 6453:14, 6457:21, 6462:14, 6498:18, 6504:24, 6519:14 type - 6452:8, 6494:12, 6512:16, 6554:9 typed - 6431:9, 6434:13, 6465:18 typewritten - 6465:19 typical - 6512:19 Typically - 6588:22	6567:17 uttering - 6445:14, 6447:17, 6526:6
V				
value - 6558:3, 6558:4, 6558:7, 6559:19, 6560:11, 6585:21 various - 6566:2 version - 6431:9, 6434:13, 6460:6, 6506:24, 6533:3, 6533:4, 6547:11 versus - 6527:19 vicinity - 6536:18 view - 6548:17, 6549:9, 6549:14 viewing - 6589:13 visit - 6432:1, 6500:14 visits - 6518:8, 6539:8, 6541:21, 6542:4 voice - 6477:22, 6478:4 Volume - 6424:22				
W				
waiting - 6502:25 walked - 6502:21 Walking - 6542:20 Walters - 6483:1 want' - 6507:12 ward - 6570:7 wardens - 6566:24 washroom - 6489:14 watch - 6512:3, 6512:9 Watson - 6426:15, 6436:7, 6439:13, 6439:14, 6440:2, 6463:12, 6505:24, 6506:5, 6552:13, 6552:25, 6557:22, 6567:13, 6568:19, 6572:1, 6572:3, 6581:3, 6581:22, 6583:5 weapon - 6588:22 weapons - 6588:24 wedding - 6577:18 weeks - 6428:24, 6437:3, 6461:15, 6462:14, 6464:9, 6464:14, 6571:17 Welcome - 6428:12 Weller - 6584:8 Wempe - 6426:8 whatsoever - 6511:14 whereas - 6547:21 wherein - 6582:2 whoa - 6571:7 whole - 6497:12, 6535:6, 6535:19, 6565:4 Williams - 6428:18, 6430:9, 6430:13, 6436:3, 6436:11, 6436:24, 6437:6, 6437:12, 6437:25, 6438:14, 6439:9, 6439:16, 6441:3, 6441:4, 6441:17, 6448:12, 6448:17, 6450:17, 6451:12, 6452:9, 6452:14, 6453:15, 6455:21, 6457:8, 6457:14, 6459:18, 6462:21, 6462:23, 6473:5, 6475:14, 6476:17, 6477:18, 6479:25,				



6482:8, 6483:16, 6484:10, 6485:2, 6486:19, 6487:20, 6490:5, 6492:2, 6492:13, 6492:16, 6494:3, 6494:4, 6495:14, 6496:3, 6497:16, 6500:5, 6501:25, 6503:7, 6503:12, 6505:14, 6506:2, 6507:10, 6511:2, 6511:4, 6516:24, 6518:5, 6520:17, 6527:10, 6529:16, 6537:5, 6537:18, 6537:25, 6538:2, 6538:10, 6547:9, 6547:24, 6554:21, 6555:2, 6555:6, 6555:11, 6556:8, 6557:4, 6557:16, 6557:23, 6558:1, 6572:2, 6574:14, 6577:3, 6578:10, 6578:13, 6581:4, 6581:11, 6581:21, 6583:5, 6585:12, 6587:17, 6589:22 Williams' - 6448:16, 6490:23, 6528:9, 6587:21 Wilson - 6426:15, 6427:3, 6428:7, 6428:13, 6428:15, 6429:4, 6430:12, 6430:22, 6431:7, 6432:5, 6432:10, 6433:1, 6433:18, 6435:4, 6436:2, 6436:5, 6439:3, 6439:19, 6440:25, 6441:13, 6450:2, 6455:1, 6455:3, 6456:24, 6458:3, 6458:8, 6460:13, 6464:1, 6464:8, 6475:7, 6476:8, 6477:18, 6480:22, 6482:9, 6482:11, 6484:6, 6486:13, 6487:17, 6487:21, 6489:24, 6490:14, 6494:2, 6494:14, 6497:7, 6500:1, 6506:3, 6507:3, 6523:9, 6524:1, 6536:15, 6538:19, 6546:24, 6549:5, 6554:17, 6556:5, 6558:1, 6559:25, 6560:21, 6561:15, 6564:4, 6567:14, 6572:3, 6577:2, 6578:15, 6579:2, 6579:3, 6579:7, 6579:8, 6579:11, 6579:17, 6579:21, 6580:2, 6580:11, 6581:5, 6582:4, 6583:2, 6584:2, 6585:4, 6585:16, 6586:2, 6587:14 Wilson's - 6579:9, 6584:15, 6587:24, 6588:4, 6588:5 wish - 6433:19, 6458:16, 6463:3, 6506:9 withdraw - 6511:11 withdrawn - 6447:4, 6447:11, 6447:17, 6448:1, 6448:2, 6448:6	witness - 6528:22, 6528:25, 6529:5, 6555:4, 6560:22, 6560:24, 6570:15, 6570:17 Witness - 6512:6, 6512:8, 6541:11 witnessed - 6544:21 witnesses - 6469:12, 6550:20, 6554:12 Wolch - 6426:2 woman - 6451:17, 6452:15, 6488:14, 6548:3 wonder - 6452:13 wondering - 6493:20 words - 6468:10, 6484:13, 6510:22, 6542:18, 6559:10 Words - 6559:11 worried - 6526:1, 6528:1, 6528:2, 6528:15 worry - 6571:10 worst - 6541:13 write - 6458:15 writer - 6579:14 writes - 6578:13 writing - 6460:13, 6462:9, 6462:11, 6581:25, 6585:14 written - 6459:9, 6584:24 Wrongful - 6424:3 wrote - 6430:15, 6461:12, 6516:17
X	
X's - 6589:1	
Y	
year - 6442:2, 6446:4, 6526:12 years - 6445:14, 6527:23, 6527:25 yell - 6478:2 yesterday - 6502:15 you' - 6509:15 yourself - 6456:9 youth - 6433:2 Yup - 6445:23, 6450:8, 6450:11	

