

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 Tuesday, April 5th, 2005

Volume 34

Inquiry Proceedings



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Mr. *Hersh Wolch, Q.C.*, **for** Mr. David Milgaard
Ms. *Joanne McLean*, **for** Ms. Joyce Milgaard
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and Ms. *Jennifer Cox*, (Canada), The Hon. Irwin Cotler
Mr. *Alexander Pringle, Q.C.*, **for** Justice Calvin Tallis
(Retired)
Mr. *Kenneth R. Watson, Esq.*, **for** Ronald Dale Wilson



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Transcript of Proceedings

(Reconvened at 10:00 a.m.)

COMMISSIONER MacCALLUM: Morning.

ALL COUNSEL: Morning.

RONALD DALE WILSON, continued:

BY MR. HODSON:

Q Good morning, Mr. Wilson.

A Morning.

Q Before we get into the interview with Neil Boyd
and Kim Rossmo, I just have a couple of questions
regarding some evidence that you gave yesterday.

You will recall, yesterday, that
when I was reading you questions and answers from
your interview with Eugene Williams, I believe you
told him and you told us that at trial you knew
you were giving false evidence; correct?

A Correct.

Q And I think you told Mr. Williams, and you told
us, that you were worried about perjury and going
back to jail. I think you told us you thought you
might get ten years for perjury and, in comparison
to David Milgaard, you thought that was about the
same, ten years for murder; is that what you told
us yesterday?

A Yes.



1 Q And that I think you the told us the perjury you
2 were concerned about was the fact that you had
3 given statements earlier, and as well your
4 preliminary hearing evidence under oath, you were
09:08 5 concerned about that; is that correct?

6 A Yes.

7 Q So apart from the fear of perjury which you have
8 told us about were there any other factors, Mr.
9 Wilson, that influenced you or caused or
09:08 10 contributed to you lying at the trial of David
11 Milgaard?

12 A Probably, at that point, I just didn't care.

13 Q Okay. Anything else?

14 A Drugs. That's all I can think of right now.

09:08 15 Q And, now, you also told us yesterday -- and,
16 again, this came out of a question that Eugene
17 Williams had asked you -- you said that you
18 thought David Milgaard's counsel at trial either
19 could have or should have, and I think the words
09:09 20 were cracked you or broke you at trial; remember
21 us discussing that?

22 A Yes.

23 Q And what could defence counsel have done, Mr.
24 Wilson, to overcome or alleviate your fear of
09:09 25 perjury or this I-don't-care attitude?



1 A At that time, I didn't know, but I just thought he
2 could have pressured me more in certain areas.

3 Q And would that have changed your fear of perjury?

4 A I don't know if it would have or not.

09:09 5 Q Let me put it this way, Mr. Wilson; what would it
6 have taken for you to have told the truth at the
7 trial of David Milgaard?

8 A A good kick in the butt.

9 Q Anything else?

09:09 10 A Just a lot more pressure and, you know, ask me
11 more questions about my drug use, and do you think
12 I, you know, I was in a good mental state at the
13 time and stuff like that.

14 Q Okay. My question is what would it have taken for
09:10 15 you to have told the truth as opposed to discredit
16 you?

17 A To get me around to the point of telling the truth
18 with extra questioning and whatever it took.

19 Q You were questioned quite extensively at trial,
09:10 20 though, weren't you?

21 A I believe so, yes.

22 Q So you are saying there should have just been more
23 of that?

24 A Yes.

09:10 25 Q If I could call up document 154640, please, and



1 this is a transcript of an interview in Kelowna,
2 B.C. at the Coast Hotel October 7th, 1991, and the
3 participants in this interview, according to the
4 transcript, are Neil Boyd and Kim Rossmo and you,
09:11 5 Mr. Wilson, and your counsel, Ken Watson. And I
6 believe Boyd and Rossmo were/are authors, Neil
7 Boyd is a Professor of Criminology at Simon
8 Fraser, or was at the time, and Kim Rossmo was a
9 Ph.D. candidate at Simon Fraser at the time; do
09:11 10 you recall meeting with those individuals?

11 A Yes, I do.

12 Q And that Mr. Watson was present?

13 A Yes.

14 Q And do you recall this interview being taped?

09:11 15 A I don't recall it right now.

16 Q And have you had a chance to go through this
17 transcript at some point?

18 A I don't believe I have.

19 Q If I could just go through and call out the first
09:11 20 paragraph, please. And some of this is not an
21 exact transcript, Mr. Wilson, it's just some words
22 are not audible. But KR, who is Kim Rossmo, says
23 "... transcribe it all afterward (inaudible) we're
24 very neutral. We're not coming from the position
09:12 25 of pro David Milgaard, pro justice department, pro



1 the police. We're trying to be as objective, as
2 academic as possible. We don't have any hidden
3 agendas, we don't have any ulterior motives, we
4 don't have any purpose that we're trying to
09:12 5 achieve other than try to examine this case and in
6 a small way try to determine as best you can what
7 might have actually happened."

8 Do you recall that being the
9 purposes of the interview, Mr. Wilson?

09:12 10 A Yes.

11 Q And just generally, when you were meeting with
12 these people, would you have told them the truth
13 to the best of your recollection at the time?

14 A I believe so, yes.

09:12 15 Q If you could go to 154643, please, and here
16 Mr. Rossmo is asking the question, "Did you ever
17 see the statement that David Milgaard wrote about
18 what happened when you got to Saskatoon?" RW, who
19 is Ron Wilson, "Yes, I did." Rossmo, "Was that
09:13 20 accurate?" Wilson, "It was, except for one point
21 he left out, the one time that we got stuck."
22 Rossmo, "When was that?" Wilson, "When we made
23 the U-turn after we asked the lady for
24 directions."

09:13 25 If we can pause there, can you



1 -- did you look at David Milgaard's statement?

2 A I must have. I don't recall it right now.

3 Q Were you aware at the time, and in fact today,
4 that Mr. Milgaard states that you did not get
09:13 5 stuck after asking the lady for directions?

6 A I know that now, yes.

7 Q Okay. And, at this time, it appears that
8 Mr. Rossmo asks you about that and you are telling
9 him, at that time, that David Milgaard's statement
09:13 10 was not accurate on that point; is that correct?

11 A That's correct.

12 Q And you state that today?

13 A Yes.

14 Q And, just to be clear, this is the, when you say
09:14 15 getting stuck after asking the lady for
16 directions, this is the incident that you told us
17 last session about the T intersection where you
18 and Mr. Milgaard left the car for, I think you
19 said, two minutes; is that -- that's the same
09:14 20 incident you are talking about?

21 A Yes it is.

22 Q And then if we can go to the next page, please,
23 and here Mr. Rossmo is asking you about getting
24 stuck and question, "How long did you try to push
09:14 25 it for?" Wilson, "Oh, probably five, ten



1 minutes." The next page, Boyd, "So this woman
2 that was stopped on the street that you asked
3 directions from, she was long gone after, or was
4 that about the same time that you got stuck, or
09:15 5 did they --". Wilson, "Well, we talked to her
6 prior to getting stuck." Boyd, "How much prior?"
7 Wilson, "Might have been two blocks from where we
8 got stuck." Rossmo, "Did you try driving it out
9 when you got stuck, first, before you started
09:15 10 pushing?" Wilson, "Yeah." Rossmo, "How long did
11 you try that for?" Wilson, "Well, not very long
12 because I had smooth summer tires on, and I didn't
13 have reverse gear, so they were just spinning on
14 the ice." Rossmo, "Thirty seconds, a minute, two
09:15 15 minutes?" Wilson, "Maybe a minute or two. Till
16 we realized we just weren't moving." Boyd,
17 "Yeah." Wilson, "And then some people came along
18 and pushed us out." Is that accurate?
19 A Yes.
09:15 20 Q And down at the bottom you are asked, here, or you
21 say, "Well, like, before this, David and I did go
22 look for some help and neither of us found any, so
23 we came back to the car and these people showed up
24 and helped push us out." Rossmo, "Did you go in
09:16 25 the same direction together, or did you split up?"



1 Wilson, "We split up." Next page, "Why did you
2 split up?" Wilson, "Be easier, hopefully, for one
3 of us to find somebody, in a different direction."
4 Rossmo, "And how long were you gone from the car?"
09:16 5 Wilson, "We weren't gone any more than two
6 minutes." Rossmo, "And how about him?" Wilson,
7 "Same." Rossmo, "He came back the same time as
8 you." Wilson, "Maybe ten seconds, thirty seconds
9 later. Somewhere in there."

09:16 10 Stop there. Is that truthful
11 answers, were those truthful answers?

12 A Yes.

13 Q And then asked, "How was Nichol John doing", the
14 answer is, "Fine", and is that truthful?

09:16 15 A Yes.

16 Q Go to page 154648, and again, this is discussing
17 the being stuck. Wilson, "Yeah, I had to because
18 I had my summer tires on. When the police took me
19 back up there, I tried to explain to them that we
09:17 20 were at a 'T', and they said we weren't at a 'T',
21 that the road went straight through, that there
22 must have been snow there, or something."

23 And if we could pause there, is
24 that truthful, Mr. Wilson?

09:17 25 A Yes it is.



1 Q And is that the T intersection that we described
2 last session or that you showed on the map?

3 A Yes it is.

4 Q And Boyd, "Could you have been in a back alley."
09:17 5 Wilson, "No." Rossmo, "No funeral parlour around,
6 that you saw?" Wilson, "No." Rossmo, "How about
7 a church?" Wilson, "I believe there was a church,
8 but not a funeral parlour."

9 And is that truthful?

09:17 10 A Yes.

11 Q What do you recall about a church being in the --

12 A I just vaguely recall a church being in the area.

13 Q Of where you got stuck?

14 A Yes.

09:17 15 Q And what do you recall about that church?

16 A Not, not much, I -- it had a steeple, I do
17 believe.

18 Q Pardon me?

19 A It had a steeple, I do believe, and that's all I
09:18 20 recall about it.

21 Q And how close to where you got stuck; do you
22 recall?

23 A No, I don't.

24 Q And then down at the bottom, please. Wilson,
09:18 25 "Like I tried to tell them that it was a 'T' right



1 from the start and they, once they kept on taking
2 me back to where it was supposed to have happened
3 I said, 'okay, you guys know the city; I don't.
4 So, I guess that's, maybe, where we were.' And
09:18 5 there is a lot of difference between May and
6 January, there is no snow around. Nothing looked
7 the same anyway."

8 Is that truthful?

9 A Yes.

09:18 10 Q Now just back at that time, Mr. Wilson, on the
11 vicinity, you have told us here at the Inquiry
12 that you did not get stuck at the corner of 20th
13 Street and Avenue N by the funeral home; correct?

14 A Correct.

09:18 15 Q At the time of trial, or at trial, you
16 testified -- you, in fact, testified that you were
17 stuck, I think, right beside the funeral home; do
18 you recall us going through your evidence there?

19 A Yes.

09:19 20 Q And I'm wondering at the time, just based on this
21 answer here, at the time -- let's talk, start with
22 May 1969, May 23rd-24th, 1969 -- did you believe
23 that you may have been stuck near 20th and Avenue
24 N, near the funeral home?

09:19 25 A That's what the police told me, so I figured yeah,



1 I must have.

2 Q No, I'm asking what you, at the time, believed,
3 sir?

4 A That we hadn't been there.

09:19 5 Q Pardon me?

6 A That we hadn't been there.

7 Q Okay. So -- and when you testified at trial, are
8 you telling us that you knew that you didn't get
9 stuck near the funeral home?

09:19 10 A Correct.

11 Q It was somewhere else?

12 A Yes.

13 Q And then why did you say at trial that it was near
14 the funeral home?

09:19 15 A Because it had been suggested to me that's where
16 we were stuck, because we never did find the place
17 where we were stuck.

18 Q Okay. But was it a case of you saying maybe it
19 was, maybe it wasn't, or did you definitely know
09:20 20 that wasn't where you were stuck? And I'm talking
21 at the time you testified at trial.

22 A I don't know the answer to that now.

23 Q At some point did you become -- at some point in
24 your life did you become more certain in your mind
09:20 25 that it wasn't near the funeral home that you got



1 stuck?

2 A Yes.

3 Q And when was that?

4 A It basically was in the back of my mind all the
09:20 5 time, but it was kind of thrown back in the back
6 of it and kind of forgot about, and just went with
7 what I said at trial.

8 Q And at, again, at the time of trial when you
9 testified -- and I'm talking about what you
09:20 10 thought at the time, and if you are able to answer
11 fine, if you can't tell us then don't guess -- I'm
12 wondering at the time of trial, at the time you
13 testified, whether in your own mind, sir, you
14 thought that maybe that's where you were stuck?

09:21 15 A I can't recall.

16 Q Okay. Go to the next page, please, and I want to
17 go through some questions and answers about your
18 interview with Paul Henderson and ask you to
19 comment on those. Rossmo asks, "How about when
09:21 20 Paul Henderson got in touch with you?" Wilson,
21 "Umm, at first I didn't want to talk to him
22 either, and then I gave it second thoughts. And
23 then when he phoned me again, I was in Nakusp
24 already. So, I decided what the hell, I'm going
09:21 25 to talk to him. He had nothing to do with it.



1 See what he had to offer, what he had."

2 If I can pause there it appears
3 here, Mr. Wilson, that there was two -- there was
4 an initial contact by Mr. Henderson and then a
09:21 5 subsequent call; is that right?

6 A I believe it was on the same day though.

7 Q It was on the same day?

8 A Yes.

9 Q And carrying on, "And how did he treat you, how
09:21 10 did he deal with you? Did he ever try to put
11 words in your mouth or suggest things to you?"
12 Wilson, "No."

13 Is that truthful?

14 A Yes.

09:22 15 Q "When the statement was written, did you
16 write it in his words?" Wilson, "No, I wrote it
17 in my words." Rossmo, "In your words, and so, you
18 found him to be professional?" Wilson, "Yes."
19 Rossmo, "And fair?" Wilson, "Very fair. And I
09:22 20 think, taking their time (inaudible)".

21 If we can pause there, is that
22 truthful?

23 A Yes.

24 Q Rossmo then asked, "When Eugene Williams spoke to
09:22 25 you how did you find he treated you?" Wilson,



1 "The way I felt then or the way I feel now."

2 Rossmo, "Both?" Wilson, "Then I thought he wasn't
3 too bad but I just read my transcripts from there
4 and he's a jerk." Rossmo, "Why do you say that?"

09:22 5 Wilson, "Because, in his saying something to
6 somebody, and you can sit down and read it, you
7 can see the different tone that they were using".

8 "It seems to me..." Wilson, "Like he didn't want
9 certain stuff to even be brought out. Which Ken
09:23 10 had to bring out himself."

11 If we can just pause there for a
12 moment; is that truthful, Mr. Wilson?

13 A Yes it is.

14 Q Can you explain to us what you meant by saying, I
09:23 15 think you said he wasn't too bad at the time but
16 after you read the transcripts you thought he was
17 a jerk; what did you mean by that?

18 A It was more towards the end of the transcripts
19 where he seemed to change his style and his tone,
09:23 20 and so I totally changed my opinion about him.

21 Q Do you recall, when we went through his transcript
22 yesterday at the end of his questioning, you paid
23 him a compliment?

24 A That was just prior to the end of questioning.

09:23 25 Q Pardon me?



1 A That was just prior to the end of questioning.

2 Q Okay. And so when you read your transcript,
3 what -- tell me now what is your conclusion and
4 what do you think about Mr. Williams' questioning
09:23 5 of you?

6 A I didn't like him.

7 Q Why not?

8 A Just the way the transcripts came out.

9 Q And you had your counsel present at that
09:23 10 interview?

11 A Yes I did.

12 Q And your counsel had a chance to ask you questions
13 after?

14 A Yes.

09:24 15 Q Was there anything specific about what Mr. Wilson
16 had asked you that you didn't like or were
17 concerned about?

18 A I can't recall.

19 Q And just carrying on, and this is your counsel
09:24 20 speaking I believe, "What he is pointing out is
21 that in transcripts the things that I finally
22 brought up, I didn't intend to say a word, but the
23 extent of Dale using drugs around the time that
24 (inaudible) all of that stuff, I had made known to
09:24 25 Eugene Williams beforehand and he elected not to



1 ask any questions about (inaudible) for his own
2 reasons." Rossmo, "Yeah, we do have to say we
3 were kind of surprised by the transcript of that
4 interview. The thrust, it looked more like a
09:24 5 cross-examination at trial". Ken Watson, "oh, but
6 it was very much a cross-examination, it was pure
7 trial work." Rossmo, "Rather than inquiry?"
8 Wilson, "Yeah." Boyd, "We did find that a little
9 bit disappointing considering the role that he
09:25 10 should have". Wilson, "Yeah, it felt like I was
11 on the stand again."

12 If I can pause there, do you
13 agree, is that correct or do you agree with what
14 was expressed there by your counsel?

09:25 15 A Yes, I agree with it.

16 Q And is that the sentiment you felt at the time of
17 this interview?

18 A Yes.

19 Q And do you feel that sentiment today?

09:25 20 A Yes.

21 Q And then just carrying on to the bottom, please,
22 here is your counsel talking, "Do you know how it
23 came about before that, that there's -- I reread
24 this coming over on the ferry, here, this morning.
09:25 25 This section about Williams asking, 'where were



1 you', I think it was June the 18th when you had
2 initially come from Nakusp, and we refused him an
3 audience at that stage because they had said they
4 contacted Dale but they had said they would phone
09:26 5 and confirm it. I knew about this in advance too,
6 and nobody bothered checking, they basically sent
7 a police officer to take him to the police
8 station. I went out to the police station
9 instead, and they were set up, it's a local
09:26 10 detachment and the cells are on one side and
11 directly opposite the cells is the interrogation
12 room and they had it set up where he was in with
13 another police officer, set up just as if you were
14 going to interrogate a witness. And there was
09:26 15 some indication, I'll tell you also there was some
16 indication given to me by Mr. Williams that this
17 was an inquiry under 693, I believe". Then Boyd
18 says, "Section 690."

19 And is this referring to the
09:26 20 first time, Mr. Wilson, when Mr. Williams tried to
21 interview you?

22 A Yes it does.

23 Q And is that accurate what Mr. Watson has said
24 here?

09:26 25 A Yes.



1 **Q** Next page, please, and here you are asked about
2 the polygraph, and Rossmo asks, "And they wanted
3 to polygraph you?" Wilson, "No, I wanted...no, I
4 can't remember, did they want to do it or did we
09:27 5 want to do it." Watson, "We wanted to, yeah."
6 Rossmo, "Didn't you ask for the results of the
7 very first polygraph that was done..." Watson,
8 "Right." Rossmo, "...and they said they don't
9 have them, or they can't find them...or didn't
09:27 10 want to produce them." Watson, "I realized
11 afterwards that it's actually...I confirmed it in
12 writing, I was so astounded about it all. Because
13 he only told me that on the phone, but you see, I
14 was smart enough to confirm it in writing with
09:27 15 them, which produced a client letter saying,
16 thanks but no thanks." Wilson, "Because we were
17 going to do one, as long as we brought in our own
18 person to do it. Right?" Watson, "Right."

19 And is what I've read there, is
09:27 20 that accurate -- does that accurately reflect what
21 your position was about the polygraph at the time?

22 **A** Yes.

23 **Q** Go to page 154654 and again there's an exchange
24 here between Mr. Rossmo and your lawyer,
09:28 25 Mr. Wilson, and I just want to know whether you



1 have any knowledge about this. Rossmo says, "I
2 don't know if you're aware, but when...was it
3 David Asper that asked for the information...from
4 the justice inquiry, they only produced 7 percent
09:28 5 of all the material." Watson says, "Yes. He told
6 me that." And Wilson is inaudible.

7 Are you aware of that at all,
8 Mr. Wilson, any discussion about that?

9 A I don't recall.

09:28 10 Q 154655, please -- actually, sorry, go ahead to
11 154657, and Boyd has put in some questions about
12 blood, he says, "But there was a lot of testimony,
13 or a lot of questions asked by Eugene Williams
14 about when...y'know, you first...you can't
09:29 15 remember that you first implicated...we sorted
16 through that, and we cancelled that. But
17 (discomfort with the question) it's just so...did
18 you believe then that you had seen blood too?"
19 Wilson, "No...I got to the point where I figured,
09:29 20 well, if Albert saw it, I must have seen it.
21 Like, I'm just taking it for granted, okay, like
22 my mind's gone blank on this...okay, what's...he
23 saw it, I must've seen it." "Why did your mind go
24 blank?" Wilson, "I don't know if it went blank or
09:30 25 not." Rossmo, "But at that time why did you



1 think..." Wilson, "Well, all the drugs I'd been
2 doing, I figured, okay, I'm packing that stuff...I
3 don't..." Boyd, "But you must've known, though,
4 that you weren't away from the car for very long,
09:30 5 and it's just like you said, that it was
6 impossible for David Milgaard to have committed
7 the crime."

8 Let's just go back up to the
9 part about the blood. Is that correct?

09:30 10 A Yes.

11 Q And back about the question about impossibility,
12 Wilson, "Exactly. But...the way questioning and
13 stuff...it's kind of you or him. Like, they're
14 looking for somebody to pin this on." Boyd,
09:30 15 "Right." Wilson, "To me...I don't want it to be
16 me, right. So, okay, you want this guy, you got
17 him, that time of thing. That's how everything
18 turned around."

19 Is that truthful?

09:30 20 A Yes.

21 Q And then Rossmo, "Did you have a lawyer at the
22 time?" Wilson, "No." Rossmo, "Didn't you know,
23 though, that...didn't you know they weren't going
24 to be able to pin that on you?" Wilson, "At that
09:31 25 time I didn't know much of anything. I wasn't,



1 how could you say...(inaudible) experience with
2 the law."

3 Just pause there. That question
4 where he says, "Didn't you know they weren't going
09:31 5 to be able to pin that on you," at the time did
6 you know that, back in 1969?

7 A No, I didn't.

8 Q Did you have a concern that you might be charged
9 with the murder of Gail Miller?

09:31 10 A At certain points, yes.

11 Q And based on what facts?

12 A Just with the questioning, how it was going and --

13 Q Did the police -- did you take it from the police
14 questions or statements that you might be charged?

09:31 15 A I just took it from the police statements and the
16 questions that they were going to charge somebody
17 and they didn't seem to care who it was.

18 Q Did anybody ever tell you, Mr. Wilson, here's the
19 evidence that we have that suggests you may have
09:31 20 killed Gail Miller or words to that effect?

21 A Not that I can recall.

22 Q And were you aware of any evidence that may have
23 implicated you in the murder of Gail Miller?

24 A No, I wasn't.

09:32 25 Q Next page, please, Mr. Boyd asks you, "When you



1 were testifying in court did you feel you were
2 lying?" Wilson, "I felt I was and I felt I
3 wasn't. I figured, well, somehow it was getting
4 put together, so it's got to be right."

09:32 5 What did you mean by that?

6 A I don't recall.

7 Q Just read it over again to yourself.

8 A Probably false testimony. I really can't recall.

9 Q Okay. And Boyd asks you, "Did you look at David
09:33 10 Milgaard at all, or how did you feel about that
11 whole menage?" Wilson, "I had no choice but to
12 look at David. He was right in front of you.

13 Kind of tried not to look at him." Rossmo, "Did
14 it not bother you...let me just back up a second,
09:33 15 here. So, at trial you knew what you were saying
16 wasn't correct, that you hadn't actually seen that
17 stuff, right?" Wilson. "Exactly."

18 Is that correct? That's
19 truthful?

09:33 20 A Yes.

21 Q "But, at that time, did you think that David
22 Milgaard had done the murder?" Wilson, "I was
23 starting to think he had, yeah." Rossmo, "So,
24 what you're saying, I see what you're saying now,
09:33 25 and correct me if I'm wrong, but what you're



1 saying is, "I lied, but it did actually happen,
2 therefore it's not...it's also the truth, in a
3 way." Wilson, "Yeah, I was starting to believe
4 it."

09:33 5 Now, is that correct?

6 A Yes.

7 Q Now, these are Mr. Rossmo's words I think trying
8 to interpret what you were saying when you felt
9 you were lying and you weren't. Now, I think you
09:34 10 told us last session that -- and maybe help us
11 out. At what point -- maybe I'll ask it this way.
12 At the time, let's go from May 23, 1969 through to
13 the conclusion of the trial in 1970, January, and
14 we've covered this before, Mr. Wilson, but I want
09:34 15 you to tell us again, at some point in there did
16 you believe or start to believe that David
17 Milgaard may have killed Gail Miller?

18 A Yes, I did.

19 Q And when was that feeling the strongest, are you
09:34 20 able to tell us that?

21 A When I was partying and I was stoned.

22 Q Well, when you were partying. Was it after you
23 gave your statement on May 23rd, before?

24 A After.

09:34 25 Q At the time of the trial just prior to you going



1 to testify at trial, what did you think about
2 whether or not David Milgaard had killed Gail
3 Miller?

4 A I wasn't sure.

09:35 5 Q Were you convinced that he had done it?

6 A Not totally, no. It depended what frame of mind I
7 was in at the time. It changed from day to day.

8 Q And I thought you told us last session that at
9 some point either at the end or shortly after the
09:35 10 end of the trial in your mind you had concluded
11 that he had not done it. Is that --

12 A Yes.

13 Q And when was that?

14 A A couple of months afterwards I believe.

09:35 15 Q So when Mr. Rossmo here is saying, "I lied, but it
16 did actually happen, therefore it's not...it's
17 also the truth in a way," and you say, "Yeah, I
18 was starting to believe it," is that what you
19 thought then? Is that accurate, what's stated
09:35 20 there?

21 A Yes.

22 Q So what -- and I believe what Mr. Rossmo is
23 putting to you and you are agreeing with is the
24 fact that you knew you were lying, but you didn't
09:36 25 think it mattered because you thought he was



1 guilty?

2 A Not in that context, no.

3 Q Well, tell me in your words.

4 A Okay, that I thought I was lying, but it was a
09:36 5 very small possibility it could have happened.

6 Q Okay. If you can scroll down, please, Rossmo
7 asks, "Did it bother you that David was going to
8 be put away for life?" Wilson, "Not really. At
9 that point in time I didn't give a shit."

09:37 10 Is that truthful?

11 A Yes.

12 Q Rossmo, "Okay, now, did you not give a shit
13 because you thought that he had done it, or did
14 you not give a shit because you didn't like him,
09:37 15 or didn't care for him, or you did not give a shit
16 because of your mind being messed up on drugs
17 or... (inaudible)." Wilson, "I would say I did
18 not give a shit because it wasn't me...and y'know,
19 I was happy for that. I just wanted to get the
09:37 20 hell out of there, and whatever happened,
21 happened. And I figured, well, okay, in two years
22 he'll be out on parole, no big deal. And then I
23 was kind of thinking if he gets out on parole he's
24 going to come looking for me, so, I was paranoid
09:37 25 about that."



1 Is that truthful, Mr. Wilson,
2 what you expressed there?

3 A Yes.

4 Q And today are you telling us that that's what you
09:37 5 thought at the time?

6 A Yes.

7 Q And when I say at the time, I'm talking about
8 1970. Is that what you thought?

9 A Yes.

09:37 10 Q And then Rossmo asks, "Why would he come looking
11 for you?" Wilson, "'Cause I testified against
12 him." Rossmo, "Just 'cause you testified against
13 him, or because you lied?" Wilson, "A combination
14 of both. Because the one time he did escape, the
09:38 15 police phoned me right away, warning me he was
16 headed in that direction. But I was not too
17 worried about it." Rossmo, "Had you seen any
18 violence on his part before?" Wilson, "No. None."

19 Is that truthful?

09:38 20 A Yes.

21 Q And Rossmo asks you some questions here about,
22 "There was some talk about a purse snatching you
23 guys were going to do to get money." Wilson, "We
24 talked about it. I mean, to me, that's not
09:38 25 violence. You just grab a purse and run. I've



1 never done one. Never did one, period. So, I
2 really don't know what happens when you do it.
3 There's easier ways to get money."

4 Is that truthful?

09:38 5 A Yes.

6 Q Do you recall discussing a purse snatching with
7 David Milgaard on the trip to Saskatoon on January
8 31, 1969?

9 A No, I don't.

09:38 10 Q Next page, please, 154660, and Mr. Boyd asks, "How
11 do you feel about how the police dealt with you
12 before the trial? Ed Karst, for example."
13 Wilson, "I was talking to Ken earlier today. They
14 all treated me nice. What I tried to get across
09:39 15 to Williams, which I never could, was that, like
16 when you're watching TV...you've got that bad cop
17 that wants to beat this out of you and stuff...it
18 doesn't happen that way. Like I had...later on in
19 my dealings, bad cops. But these guys were nice.
09:39 20 I think, now that I look back on it...being nice
21 gets them further ahead than being nasty to you."
22 Boyd, "Yeah. So there wasn't anything about the
23 way in which they conducted questioning that
24 uh..." Wilson, "I mean, they were questioning me
09:39 25 like I was a suspect also and that part always



1 scared me."

2 Is that truthful information
3 there, Mr. Wilson?

4 A Yes, it is.

09:40 5 Q Rossmo -- I'm sorry, can you just scroll down a
6 bit, please. Rossmo asks, "Why do you think
7 Nicole started talking to the police?" Wilson,
8 "That I don't have an idea. Don't have a clue."
9 Rossmo, "How about a guess?" Wilson, "Well, when
09:40 10 she got up there, I know it scared the hell out of
11 her." Rossmo -- or Boyd, "You talked to her at
12 the Cavalier?" Rossmo, "Just, sorry...who scared
13 the hell out of her?" Wilson, "Oh, the police
14 did. Put her in cells and stuff and back then a
09:40 15 girl in Saskatchewan wasn't supposed to be in a
16 cell at the age sixteen. Supposed to be eighteen,
17 so...and she'd never been in any trouble at all,
18 so I imagine she was scared shitless."

19 Can you tell us, where did you
09:40 20 become aware of this information here about her
21 being put in cells?

22 A Quite a while later.

23 Q Pardon me?

24 A Quite a while later after the trial was over.

09:41 25 Q And who told you that?



1 A I can't recall.

2 Q Would it have been around 1990 when you gave the
3 statements? This interview is 1991.

4 A I can't recall when.

09:41 5 Q Do you remember who it was that would have told
6 you that?

7 A No.

8 Q At the time back in 1970 did you have any personal
9 knowledge about Nichol John being kept in a police
09:41 10 cell?

11 A No.

12 Q And then you go on to say that it wasn't supposed
13 to be in the cell at the age of 16, it's supposed
14 to be 18. How did you know that?

09:41 15 A I believe that was the law back then.

16 Q And where did you get that information from?

17 A Probably from my sister.

18 Q Your sister?

19 A Yeah, because they tried to lock her up when she
09:41 20 was 16 and they couldn't.

21 Q Okay. Next page, and Rossmo asks, "Do you think
22 she believed David did it?" Wilson, "I don't
23 think so. I think she was more scared than I
24 was," and Watson, "Wasn't there something about,
09:42 25 at what stage they...there was a (inaudible) that



1 they held her." Wilson, "I think they held her
2 overnight."

3 And again this information that
4 you had there, do you know where you got that
09:42 5 from?

6 A No, I don't.

7 Q Scroll down, please, here Wilson says, "Yeah. I
8 was talking about (inaudible) I think we had a
9 longer conversation (inaudible) but that's the
09:42 10 main thing that stuck in my head. 'Cause I think
11 we were probably left together for about ten,
12 fifteen minutes, out in that hallway." This is
13 talking about Nichol John. Boyd, "What kinds of
14 things did you talk about?" Wilson, "Well, I know
09:42 15 we definitely said let's give them what they want,
16 so..." Boyd, "And what did that mean?" Wilson,
17 "Get us off the hook and let's get the hell out of
18 here, type of thing. I don't know if we discussed
19 what we were going to tell them or..."

09:43 20 Pause there. Is that truthful?

21 A Yes.

22 Q And then Rossmo, "Would it be fair to say that you
23 had no empathy for David, you didn't really care
24 about him?" Wilson, "Not really. He wasn't real
09:43 25 close friends." "Did he do anything to annoy you?"



1 Wilson, "Not really." Boyd, "So you didn't have
2 any reason to want to see him go down on this, or
3 anything?" Wilson, "Probably one of the reasons
4 was so I don't go down on it."

09:43 5 And is that truthful?

6 A Yes.

7 Q Then Rossmo, "How about Nicole, did he do anything
8 to Nicole to make her mad?" Wilson, "I
9 would...well, kind of...dumped her when we got to
09:43 10 Edmonton, sure." "Yeah, we wondered about that.
11 How did she react to that?" Wilson, "Jumped into
12 bed with Shorty." Rossmo, "Did she seem to be mad
13 at David?" Wilson, "Well, she wasn't very pleased
14 with him." And Boyd, "Was she mad with him at the
09:44 15 time you left Regina going to Saskatoon?" Wilson,
16 "Yeah, I think so. They'd just come out of the
17 sack then." "Was there any possibility that it
18 was coerced in any way...that he raped her or
19 forced himself on her?" And carrying on, and you
09:44 20 say, "Because I was in the next room and I didn't
21 hear nothing that was forcible then."

22 Is that truthful?

23 A Yes.

24 Q 154663, please, and Boyd questions you here, he
09:44 25 says, "You heard of Nicole's story about



1 seeing...the shtick she has with the police about
2 saying...seeing David stabbing somebody." "Yup."

3 If I can just pause there. When
4 did you first learn, Mr. Wilson, that Nichol John
09:44 5 had given a statement to the police saying that
6 she had witnessed David stabbing somebody on the
7 morning of January 31, 1969?

8 A I can't recall.

9 Q Would it be back around 1970, around the time of
09:45 10 trial?

11 A I can't remember if it was then or later.

12 Q And then Boyd says, "Where do you think that came
13 from?" Wilson, "I don't have a clue, 'cause to
14 me, if she would have seen that, she would have
09:45 15 been gone so fuckin' fast it would make your head
16 spin. There's no way she would have stuck
17 around."

18 If we can pause there. Is that
19 truthful?

09:45 20 A Yes.

21 Q Back in 1970, Mr. Wilson, when you testified at
22 the trial and gave your statement, you basically
23 testified and told the police that while Nichol
24 was in the car and you and David went out in
09:45 25 different directions, that's when he killed Gail



1 Miller; right?

2 A Yes.

3 Q So at that time you would have known Nichol John
4 would have been in the car at or about the time
09:45 5 you said Mr. Milgaard had committed this crime?

6 A Correct.

7 Q And at the time back in 1970 did you have the
8 thoughts that you've expressed here?

9 A Probably not, no.

09:46 10 Q And I think your statement and your evidence at
11 trial was that in Calgary you had told Nichol John
12 about David admitting to the stabbing or poking a
13 girl and you said she already knew and your May
14 24th statement you said that when you got back to
09:46 15 the car Nichol told you that she saw David drag a
16 girl down the alley. Do you remember that in your
17 statement?

18 A Yes, I do.

19 Q So at that time why didn't you say, "If she would
09:46 20 have seen that she would have been gone so fuckin'
21 fast it would have made your head spin. There's
22 no way she would have struck around"?

23 A I don't know.

24 Q So in 1991 you are saying, look, it doesn't make
09:46 25 sense, that if Nichol John saw it that she would



1 stick around. Is that what you are saying then?

2 A Yes.

3 Q And did you not think that in 1970?

4 A No, not really.

09:47 5 Q Why not?

6 A I never thought about it.

7 Q And Rossmo says, "What she described could not
8 have happened because of the way of stabbing

9 through her clothing." Wilson, "What she
09:47 10 described couldn't have happened, period, because
11 it never did happen." Next page. "So why do you
12 think she did that?" Boyd, "Yeah, this is one
13 the..." Wilson, "I think they scared her so bad
14 that she just told them a hell of a lot more than
09:47 15 I told them, and just to get her damn well out of
16 there."

17 And what causes you to say that,
18 or caused you to say that, Mr. Wilson?

19 A It's just my opinion.

09:47 20 Q Based on what?

21 A Just on what I thought might have happened to her.

22 Q Is it based on anything that Nichol John had told
23 you?

24 A No.

09:48 25 Q Boyd then says, "So, why do you think she hasn't



1 said any...I mean, since?" Wilson, "'Cause she
2 doesn't want to deal with it. Like I'm dealing
3 with it and I'm paying for it."

4 What did you mean by that?

09:48 5 A She didn't want to talk about it. I recanted for
6 it and then I knew I was going to get in trouble
7 over it.

8 Q Scroll down to the bottom there, please, and
9 Mr. Boyd asks, "Could you have been stuck where
09:48 10 Larry Fisher was? And it seems...how I might have
11 difficulty with that is, you guys come back to the
12 car, she's just seen a stabbing and she doesn't
13 say anything about it to you?" Wilson, "Exactly,
14 'cause the whole thing...the street thing, that
09:48 15 raping...the word go is where we're stuck, I don't
16 even know if we're close to where it happened.
17 Y'know, that's..." Boyd, "But you thought it was a
18 fairly main street, like a street with stores and
19 so on it..." Wilson, "No..okay, okay, I think
09:48 20 this was an empty field out on this side, I
21 think." Boyd, "And you were coming down this
22 street like that? And then tried to turn that way
23 and got stuck? So this street didn't go any
24 further, it just dead ended?" Wilson, "Just dead
09:49 25 end. And I believe where they took me there was



1 no dead end there." Boyd, "Any big buildings
2 around?" Wilson, "I can't remember that. I'm
3 pretty sure this was quite empty out in here on
4 this side."

09:49 5 And is that where you are
6 referring to the field at the end of the T
7 intersection that we talked about?

8 A Yes, it is.

9 Q And then kw, who is your counsel, Mr. Watson,
09:49 10 says, "The other thing, what you were asking
11 about, could she have seen something...the mood of
12 the trip, Dale afterwards, as he described it to
13 me afterwards, there was nothing that ever came up
14 that would give any indication that any of them
09:49 15 even knew that something violent had happened back
16 in Saskatoon, at that time?" And it says, Boyd
17 says, "Exactly." Wilson, "'Cause like, they're
18 even trying to say, well, David must've broke the
19 aerial on my car and it never had one. So we
09:50 20 couldn't listen to the radio or anything."

21 And pause there. Is what Mr.
22 Watson says, is that accurate?

23 A Yes, it is.

24 Q About what you said at the time?

09:50 25 A Yes.



1 Q Page 154667, this is Mr. Boyd, says, "This was
2 very hard for you to do." And he's talking about
3 the recantation. Wilson, "Oh yeah." Rossmo, "Why
4 did you decide to do it?" Wilson, "Because he
09:50 5 doesn't belong there." Rossmo, "Do you have any
6 concern that he might have done it, and what would
7 happen if he got out?" Wilson, "No. I don't
8 think he did so...I know he didn't do it." Boyd,
9 "There was no time, in other words, that you were
09:50 10 apart from him that long, in which he could have
11 done it?" Wilson, "No. There wasn't enough time
12 for him to do anything, except maybe get frostbit
13 on his nose a little bit."

14 Is that truthful information?

09:51 15 A Yes.

16 Q Next page, please, Rossmo, "Okay, to go back
17 though, to the original investigation, before they
18 even knew about Larry Fisher. What do you think
19 the police did wrong at that time, if anything?
09:51 20 Remembering that they don't know about Larry
21 Fisher." Wilson, "Okay, I would say, by
22 suggesting that David had done it and by showing
23 me, like, where it happened, where the purse was
24 found and...and suggesting stuff to me and then
09:51 25 just...okay, let's put it together and it



1 shouldn't have been done that way. They were just
2 looking for somebody to pin it on. That's the way
3 I look at it now."

4 And is that how you look at it
09:51 5 now today, Mr. Wilson?

6 A Yes.

7 Q Boyd, "Do you fault yourself at all?" Wilson,
8 "For what happened? That David's in jail? I do
9 now, quite a bit. 'Cause to me, especially at the
09:52 10 trial when Nicole clammed up, I think my testimony
11 sunk him."

12 And is that truthful?

13 A Yes.

14 Q Do you fault yourself today, Mr. Wilson?

09:52 15 A Yes, I do.

16 Q In what way?

17 A Because I still believe my testimony sunk him.

18 COMMISSIONER MacCALLUM: Sorry, say that
19 again?

09:52 20 A I still believe my testimony sunk him.

21 COMMISSIONER MacCALLUM: Sunk in?

22 BY MR. HODSON:

23 Q Sunk him I think.

24 A Yes.

09:52 25 Q And Rossmo says, "Why do you think Nicole clammed



1 up at the trial?" Wilson, "Because she didn't
2 want to lie any more."

3 Is that what you believed at the
4 time?

09:52 5 A That was my own thoughts.

6 Q Pardon me?

7 A That was my own thought.

8 Q Boyd, "Why didn't she take the stand at the
9 preliminary? Do you know?" Wilson, "Don't know,
09:52 10 I was in custody then. I didn't know she wasn't
11 on the stand."

12 And I believe she did testify at
13 the prelim. Are you aware of that?

14 A No.

09:52 15 Q Next page, please, Mr. Boyd asks you about Craig
16 Melnyk, he says, "There's been a lot of talk about
17 Melnick getting the lightest sentence ever in
18 Saskatchewan for that armed robbery, six months."
19 Wilson, "He was in the wrong place at the wrong
09:53 20 time, I think, and they busted the main guys that
21 they wanted. They were at his car and they knew
22 it but they had to convict Craig. That's the
23 reason that I think he got a light sentence. In
24 my own..." Boyd, "Didn't have anything to do with
09:53 25 being last minute witnesses at the..." Wilson, "I



1 don't think so, no."

2 Is that truthful?

3 A Yes.

4 Q And do you recall Mr. Melnyk getting that armed
09:53 5 robbery sentence back in 1970?

6 A Yes, I do.

7 Q And tell us what you recall about that?

8 A He just went to pick these guys up at a shopping
9 centre and they just, when they hopped into his
09:54 10 car, that was just after they had robbed the place
11 and he got nailed with them.

12 Q And Boyd says, "Why do you think Craig Melnick and
13 George Lapchuk don't want to come forward now and
14 say, "Look, it was just a joke..." Wilson, "I
09:54 15 don't know. George talks to my sister quite a
16 bit, and right now he'd like to wring my neck."
17 Boyd, "Why?" Wilson, "Because it's all my fault
18 he's getting hassled and he figures I'm gettin'
19 paid for this. I must have gotten paid for
09:54 20 opening my mouth." Rossmo, "Did you get paid for
21 anything? Wilson, "No." "Why do you think he at
22 the time, volunteered to give his information to
23 the police?" Wilson, "That...I don't have a clue.
24 It came like out of the blue, all of a sudden. He
09:54 25 was called up as a witness and I didn't even know



1 it."

2 Was that truthful?

3 A Yes.

4 Q And we may have covered this, Mr. Wilson, but
09:55 5 Mr. Melnyk I believe testified and Mr. Lapchuk in
6 a previous interview prior to his death. I think
7 both of those gentlemen indicated that it was
8 through you that the Saskatoon City Police became
9 aware of their evidence, that they had told you, I
09:55 10 don't know, at a party or somewhere. Do you have
11 any recollection of that?

12 A I don't.

13 Q And the bottom of the page, please, Boyd asks,
14 "What was it that made you want to talk to Paul
09:55 15 Henderson? Why, after so long? Did he have a
16 certain way about him or..." Wilson, "Okay, I
17 wanted to read my transcripts and I did and I
18 started thinking and thinking...and going through
19 what I did and knowing this is a lie and that's a
09:55 20 lie and...I just said, can we straighten this out?
21 And went on from there." Rossmo, "Weren't you a
22 little concerned about being charged with
23 perjury?" Wilson, "Yeah, I was. I figured if it
24 had to be, it had to be. I'm still waiting to be
09:56 25 charged, though." Rossmo, "For?" Wilson,



1 "Perjury." Rossmo, "Has anyone suggested that to
2 you?" Wilson, "No, not really. Just, well, on
3 the decision they're basically calling me a liar
4 again, so which way are they going to charge me
09:56 5 for perjury...for what I gave them now or for what
6 I gave them then?"

7 Is that truthful?

8 A Yes, it is.

9 Q Have you ever been charged with perjury in
09:56 10 relation to any matter related to David Milgaard?

11 A No, I haven't.

12 Q Have you been advised that you may be charged with
13 perjury by anybody in authority?

14 A Yes.

09:56 15 Q Who was that?

16 A Umm, the Supreme Court of Canada. They left it up
17 to the Province of Saskatchewan what they wanted
18 to do.

19 Q Go to page 154675. And just to put this in
09:57 20 context, there is a discussion here -- maybe I'll
21 just call that out -- about missing records. And
22 this is 1991, the time frame, and you are saying,
23 "He's a jail guard and we brought up the Milgaard
24 case and Fisher and stuff and he said well he has
09:57 25 got a friend in the Saskatoon Police force, there



1 is no records missing, they are all there, and I
2 just got mad and hung up on him."

3 Can you tell us what that is
4 about?

09:57 5 A I don't recall.

6 Q And do you have a brother-in-law who is a jail
7 guard?

8 A Yes I do.

9 Q And who is that?

09:58 10 A I have to remember which one he is.

11 Q Okay.

12 A Robert Daradich -- or Derek, Derek.

13 Q And where is he a jail guard?

14 A At the cells in Regina.

09:58 15 Q And do you recall any discussion with him about
16 missing police records?

17 A Not right now, I don't, no.

18 Q And just scroll down, and I believe this
19 discussion here is in relation to newspaper
09:58 20 articles in or around 1991, okay.

21 A Okay.

22 Q And you say, "And the prosecutor, basically, in
23 the paper, he called me a liar and three or four
24 days later, in the paper he kind of mellowed out a
09:58 25 little bit." Boyd, "Kujawa. Do you remember ...



1 I guess Kujawa wasn't the prosecutor. Did you
2 deal much with (inaudible) Caldwell, the
3 prosecutor." Wilson, "Yup." Boyd, "What was your
4 impression of him?" Wilson, "Very difficult,
5 demanding, he made sure he got what he wanted."
6 Boyd, "In terms of?" Wilson, "In terms of
7 especially at the trial when I changed the time",
8 it says "(inaudible)" or "from the",
9 "preliminary". Boyd, "Oh, he wanted you to get
10 more time?" Wilson, "Okay, put it in such a way
11 ... 'are you sure?' and 'make sure you are sure it
12 wasn't longer than you already said to begin
13 with.'" Boyd, "You said it was longer?" Wilson,
14 "Well, he insinuated he wanted to make sure I said
15 it was longer, that's what it seemed to me, so I
16 said it was longer at the trial. I think, because
17 he was very definite on that point and they were
18 going over the transcripts, (inaudible)."

19 Is that the same incident, then,
20 that you described for us last session about your
21 meeting with Mr. Caldwell?

22 A Yes it is.

23 Q Now you say, there, that he was very difficult,
24 demanding; what did you mean by that?

25 A At this time, I can't recall.



1 Q How are you doing, Mr. Wilson, should we carry on
2 or are you ready for a break?

3 A Carry on a little bit longer.

4 Q Go to page 154679. Rossmo, "Would it be fair to
10:00 5 characterize your personality or attitude as, your
6 personality as everyone else sort of being into --
7 more into yourself and protecting yourself and not
8 really that empathetic or concerned about these
9 sort of friends, sort of acquaintances?" Wilson,
10:00 10 "Not exactly. We were all that way at that point
11 in our lives. Like even Lapchuk and Melnyk were,
12 like look out for yourselves before you do, you
13 know, give a shit about them. If you get busted,
14 well too bad, I'm gonna try and get out of here
10:01 15 and you take the rap, big deal."

16 Is that truthful?

17 A Yes.

18 Q Next page. Rossmo, "Would you say it was sort of
19 a general street youth?" Wilson, "Yeah, that was
10:01 20 the general feeling back then." Boyd, "Was David
21 Milgaard any different?" Wilson, "No, I don't
22 believe so, no. He was the same as anybody else."

23 And is that truthful?

24 A Yes.

10:01 25 Q And what did you mean by that?



1 A Umm, just like the rest of us, went partying,
2 doing drugs, enjoying ourselves.

3 Q Rossmo, "So this general perception of hippies
4 being into love and that, you know, sort of
10:01 5 brotherhood and sisterhood wasn't really --".
6 Wilson, "Not in my age group at the time. Some of
7 the older ones, I would say it was that way, but
8 not with us. They were just getting into that
9 stage. I was gonna just quit school, start to
10:01 10 travel and have a good time, and say fuck the
11 system." Boyd, "Do you see, umm, one of the
12 things I have had the biggest trouble with is,
13 like, I can see -- guys turn over all the time on
14 drug offences, I mean it just happens lots, and it
10:02 15 happens with property offences. But sexual
16 assault, murder, it seems like, whoa, that's
17 something that, I mean can you think through that
18 kind of thing?" Wilson, "In fact, I don't know,
19 to me it was the same as breaking and entering,
10:02 20 you know, big deal." Rossmo, "Even though it was
21 a murder?" Wilson, "Umm, something that happened,
22 you know."

23 Let's just stop there. Can you
24 tell us what you meant by that? And the part I'm
10:02 25 looking at is, in particular, Boyd seems to be



1 saying 'lookit, turning, you know, turning over on
2 drug offences is one thing, but murder is
3 something else', and you say 'to me murder, sexual
4 assault was the same as breaking and entering, you
10:02 5 know, big deal'. Is that what you thought back in
6 1969 and 1970?

7 A Probably, yes.

8 Q Do you think that now?

9 A No.

10:03 10 Q Rossmo carrying on, if you could scroll down,
11 please, "Did they tell you details about the
12 murder?" Wilson, "Well, they showed me where the
13 body was and where the purse had been and where
14 the knife was found and --". Rossmo,
10:03 15 "Photographs?" Wilson, "They showed me
16 photographs later. Well, photographs, all that
17 stuff was in the room while I was taking the
18 polygraph test." Boyd, "When you saw the
19 photographs, did that make you think, how did you
10:03 20 feel then, because, like, how did that fit with
21 your sense of whether David Milgaard could have
22 done it?" Wilson, "I didn't even look at the
23 photographs that much, kind of I don't really want
24 to look at this."

10:03 25 Is that truthful?



1 A Yes.

2 Q And why was that?

3 A First time I seen a dead person I didn't like it.

4 Q Rossmo says, "Was your sense of it, when you were

10:04 5 thinking if it did happen, a purse snatching that

6 went wrong?" Wilson, "No, 'cause we could have

7 done a purse snatching together." Rossmo, "What

8 did you think it was, sexual assault?" Wilson,

9 "By what happened with the whole thing?", "Yeah."

10:04 10 Wilson, "There was some whacko that -- it's

11 totally whacko." Rossmo, "Do you think, at the

12 time, that it could have been David?" Wilson,

13 "(Squirming sigh) I had, how could I put that,

14 that sense that he possibly could have been and

10:04 15 that there -- not while he was straight, he had to

16 be doing some pretty bad drugs for something like

17 that." Boyd, "Think acid was a good --". Wilson,

18 "No, I have seen people flip on acid and don't get

19 violent, they just kind of get back within

10:04 20 themselves and they are scared to move."

21 Pause there. Is that truthful?

22 A Yes.

23 Q And this part here that I have circled about --

24 that starts off "I had -- how could I put that",

10:04 25 was that what you thought at the time, back in



1 1969 and 1970?

2 A Yes.

3 Q Rossmo says, "When you say bad drugs, you are
4 talking?" Wilson says, "Bad MDA or have a bad
10:05 5 trip on all kinds of -- people, when they do
6 heroin for the first time, they go nuts." "PCP".
7 Wilson, "And tons of shit.", "Speed?" Wilson,
8 "You stayed stoned for six months and wouldn't
9 come out of it. It's pretty heavy duty shit,
10:05 10 man." -- I didn't quite say that very well, did
11 I -- Rossmo, "STP?"

12 Now what is that?

13 A Some stuff that you can come down off of or you
14 never do.

10:05 15 Q Okay. Wilson, "I think so." Rossmo, "Was David
16 into any of that?" Wilson, "No, 'cause I didn't
17 get into any of that kind of stuff until around 17
18 or 18."

19 So is that truthful?

10:05 20 A Yes.

21 Q Down at the bottom Rossmo says, "If you haven't
22 seen this or you had -- let's say the evidence you
23 gave at the trial was correct, okay, let's say all
24 that stuff had to have happened, the stuff that
10:06 25 David said he would tell Gary and (inaudible)



Is that truthful?

Q And, just on that question, did you understand what Mr. Rossmo was asking you? I think what he was saying was --

Q No. I think what he is saying is assume for the moment that everything you said at trial was correct and that, in fact, David Milgaard had killed Gail Miller, and you knew that, and he was saying "what would you have done when the police

1 came to speak to you the first time", and you say
2 here "I would have rolled over right then and
3 there"; is that correct?

4 A Yes.

10:07 5 Q And why is that?

6 A Because I don't believe in murder or sexual
7 assault.

8 Q Scroll down, please, and if you could just scroll
9 back up, please, Boyd says -- Boyd, "When you met
10:07 10 her ...", and that's Nichol John "... in the
11 Cavalier Hotel in Regina ...," Wilson,
12 "Saskatoon." Boyd, "Saskatoon? Umm, how was she
13 then? Do you remember what her mood was, or?"
14 Wilson, "She was pretty rattled. We were both
10:08 15 pretty rattled."

16 Do you recall that?

17 A Yes.

18 Q Boyd, "Because?" Wilson, "You know, what was
19 going on." Boyd, "You felt you were possibly a
10:08 20 suspect, still at that time?" Wilson, "Yeah."

21
22 And pause there, and I think
23 we've been around this one before, Mr. Wilson.
24 At the time is this, what you said to Mr. Boyd,
10:08 25 correct; that you felt you were possibly a



1 suspect at the time of the polygraph?

2 A Yes.

3 Q And Boyd says, "And what about her? She couldn't
4 have thought she was a suspect." Wilson, "I don't
10:08 5 think she knew exactly what the hell was going on
6 'cause she was -- okay, I was starting to get some
7 street smarts in early May, but she had none at
8 all."

9 What did you mean by that,
10:08 10 'street smarts'?

11 A I was starting to know more about what's happening
12 on the street, like, how the cops treated people.

13 Q And where did you get those street smarts from
14 other than the street?

10:09 15 A Hanging around with people that had other offences
16 with the police.

17 Q From being in jail?

18 A That too, yes.

19 Q And from dealing with the police on other matters?

10:09 20 A Yes.

21 Q Go to page 154684, Boyd asks, "How did you feel
22 when it was over, when he was convicted. I mean,
23 what sense did you have?" Wilson, "When David got
24 convicted I was so stoned out of my mind it didn't
10:09 25 make any difference to me, and I was stoned for



1 quite a while after that. So, it's over, it's
2 over." Boyd, "You definitely remember doing the
3 acid before you left Regina?" Wilson, "Some time
4 prior to leaving Regina. Taken earlier in the
10:10 5 evening ...," actually, maybe that's a different,
6 let me just stop there.

7 Is that truthful, what you told
8 Mr. Boyd there, about --

9 A Yes it is.

10:10 10 Q -- your -- and then I think this question, it
11 says, "You definitely remember doing the acid
12 before you left Regina?" And I believe that's
13 referring to January 31, 1969. Wilson says, "Some
14 time prior to leaving Regina. Taken earlier in
10:10 15 the evening, at six o'clock, five o'clock, in
16 that."

17 Is that truthful?

18 A Yes it is.

19 Q Rossmo says, "You did see knife with him on the
10:10 20 trip up?" Wilson, "Yeah, I'm pretty sure."
21 Rossmo, "The knife that he stole from the
22 (inaudible)?" Wilson, "Yeah." Rossmo, "And it
23 was a hunting knife?" Wilson, "Yes." Rossmo,
24 "Bone-handled? How long?" Wilson, "About six
10:11 25 -inch blade, seven-inch blade." Rossmo, "With



1 what type of point?" "It was like a hunting
2 knife." Rossmo, "Was it like that, with a
3 Bowie-type point?" Wilson, "No, straight."
4 Rossmo, "Like that?" Wilson, "Yeah." Rossmo,
5 "And it wasn't folding or anything like that?"
6 Wilson, "No.", "Did it have a pouch or a case?"
7 Wilson, "No."

8 Is that truthful?

9 A Yes.

10:11 10 Q Rossmo, "What did he do with it?" Wilson, "I
11 don't know." Boyd, "Where did you see it?"
12 Wilson, "In the car." Boyd, "On him?" Wilson, "I
13 don't know if I saw it on him. Don't know if he
14 put it in his belt or the glove compartment."

10:11 15 Is that true?

16 A Yes.

17 Q And then scroll down, and Rossmo says, "So it
18 wasn't like a filleting knife, it was like a
19 hunting knife?" Wilson, "A hunting knife, a cheap
10:11 20 one though." Rossmo, "It didn't appear to be too
21 wide for stabbing (inaudible) did you ever see it
22 again?" Wilson, "Not that I would remember, no."
23 "Did he normally carry knives?" Wilson, "Who,
24 Dave did?" Rossmo, "Compact", they were -- looks
25 like that's inaudible.



1 Did David normally carry knives
2 back then?

3 A No.

4 Q Next page, please. And your counsel says, "Did
10:12 5 you want to talk about the polygraph and the
6 identification at the time?" Boyd, "Yeah. Did
7 you pick the one of the five knives that it was?"
8 Wilson, "Eventually." Boyd, "How did that
9 happen?" Wilson, "Well they kept on, like there
10:12 10 was five knives there and they were pointing at
11 this one, pointing at that one, always coming back
12 to this green-handled one, so a process of
13 elimination."

14 Where does the green-handled
10:12 15 knife come from?

16 A I just must have had the wrong colour at that
17 time.

18 Q Was there a green-handled knife that you picked
19 out; do you remember?

10:12 20 A No.

21 Q So why would you have said 'green' at this time;
22 are you able to tell us?

23 A Probably didn't recall what colour the handle --
24 what colour the handle was at the time.

10:13 25 Q And Boyd says, "Yeah it wasn't introduced in



1 Court, so I assume they didn't feel they could go
2 ahead with it." Rossmo, "They never showed you
3 your results, did they?" Wilson, "No."

4 I think that's polygraph. Is
10:13 5 that correct?

6 A Yes. Can we have that break now?

7 MR. HODSON: Break? Yes.

8 Mr. Commissioner, maybe we'll break at this
9 point?

10:13 10 COMMISSIONER MacCALLUM: 15 minutes.

11 (*Adjourned at 10:13 a.m.*)

12 (*Reconvened at 10:32 a.m.*)

13 BY MR. HODSON:

14 Q Just go back, again, to the interview with Rossmo
10:32 15 and Boyd, Mr. Wilson. If we could go to page
16 154691, please, and Mr. Boyd asks you the
17 following, he says, "Did you -- do you think it's
18 got anything to do" -- he is talking about the --
19 "anything to do with drugs and hippies, the
10:33 20 conviction, was that part of it? Is that
21 something that wouldn't have much to do?" Wilson,
22 "I would say, to the public and to the jury, yeah,
23 because when I was there for the preliminary,
24 okay, I was in custody and I was allowed to get a
10:33 25 drink of water with the handcuffs on and a cop



1 beside me, and a lot of people coming out of the
2 courtroom were calling me a junkie and a hippie.
3 And, you know, because I described what some drugs
4 were like in the Court so right away I'm a junkie,
5 okay, fine." Rossmo, "Someone said that to you in
6 the hallway?" "Yeah." "That's interesting. Why
7 did they put the little trick on ...," -- or let
8 me stop there.

9 Do you recall telling Boyd and
10 Rossmo that?

11 A Yes I do.

12 Q And who was it that made a comment to you in the
13 hallway; do you remember?

14 A Just general public.

15 Q And is this what you heard them say to you or is
16 this what you thought they were thinking?

17 A What I heard them say to me.

18 Q And what did they say?

19 A They called me a hippie and a junkie.

20 Q And was this at the preliminary hearing or at the
21 trial?

22 A Preliminary hearing.

23 Q And then, I think yesterday, you told us about
24 while you were in Edmonton or in Fort Saskatchewan
25 in jail you were put in remand before you came up



1 for the prelim; correct?

2 A Correct.

3 Q And Rossmo asks, "Why did they put the little
4 trick on your remand?", and you say, "I don't
10:34 5 know, that scared the hell out of me". Rossmo,
6 "Do you think it could have been done to scare
7 you?" Wilson, "I think so. I think it was done
8 intentionally because other guys know, and since
9 then, like, that doesn't happen to them. Like if
10:34 10 you are a witness someplace, you just stay in
11 population, they don't throw you in the hole."
12 Rossmo, "You don't think it was just an
13 administrative screw up?" Wilson, "I don't think
14 so."

10:34 15 Is that correct?

16 A Yes.

17 Q And is that what you think today?

18 A Yes.

19 Q And so you are suggesting that that was done
10:34 20 intentionally?

21 A Yes.

22 Q By whom do you think it was done?

23 A The Saskatoon Police force.

24 Q And why do you say that?

10:35 25 A To me it -- they are the only ones that had the



1 clout to do it.

2 Q And why do you -- why do you think they did that?

3 A Just having me a little bit more scared for when I
4 was going to Saskatoon.

10:35 5 Q Okay. And do you have any facts or information
6 other than your belief?

7 A No I don't.

8 Q Next if we could call up document 040497, which is
9 the report that Boyd and Rossmo produced, and
10:35 10 these are the people that you met with, correct,
11 Boyd and Rossmo?

12 A Yes it is.

13 Q And that was the interview you read. I think if
14 we can go to page 040515, and this is a report in
10:36 15 October of 1991, and I'll just read you a part
16 here. It's got The Credibility of Ron Wilson's
17 Recantation, it says:

18 "The Minister of Justice did not believe
19 the recantation given by Ron Wilson to
10:36 20 private investigator Paul Henderson in
21 June of 1990, and later confirmed before
22 Department of Justice investigator
23 Eugene Williams in July of that year.
24 The minister said that Wilson
10:36 25 exaggerated the length of his polygraph



1 testing with police, and she rejected
2 his claim of undue police pressure. She
3 noted that testimony at trial from
4 Albert Cadrain and Nichol John
5 contradicted Wilson's retraction."

6 Did you become aware, Mr. Wilson, back within the
7 -- at or around the time you gave your June 4th,
8 1990 statement or subsequent, that David
9 Milgaard's application -- or, first of all, that
10 your statement was filed in support of that
11 application?

12 A Yes, yes.

13 Q And did you become aware that that application was
14 rejected or turned down by the Minister of Justice
15 the first time?

16 A Yes, yes.

17 Q And how did you become aware of that; do you
18 remember?

19 A Probably through the newspapers, TV.

20 Q And were you aware that the Minister of Justice --
21 this part that I read you is what Rossmo and Boyd
22 have summarized based on their reading of it, but
23 did you become aware that the minister did not
24 accept the credibility of your recantation, or
25 words to that effect?



1 A Later on, yes.

2 Q Rossmo and Boyd go on and say:

3 "Wilson had told Paul Henderson, an
4 investigator working for David Milgaard,
10:37 5 that he had been subject to a six hour
6 'sweat session' by police, at the close
7 of which he provided his statement of
8 May 24, 1969. In fact, the session of
9 polygraph testing and questioning lasted
10:38 10 somewhere between three and a half and
11 five hours."

12 Now again, these are the words of Rossmo and Boyd
13 based on whatever data they have, is that -- this
14 last sentence, is that true, that the session of
10:38 15 polygraph testing and questioning lasted
16 somewhere between 3 1/2 and 5 hours?

17 A Yes.

18 Q They go on to say:

19 "Wilson's claims of manipulation and
10:38 20 pressure by police are difficult to
21 assess. The police were persistent in
22 their pursuit of Wilson, John, and
23 Cadrain, but this would not be
24 unexpected, given their perception that
10:38 25 David Milgaard was responsible for such



1 a serious crime. On the other hand,
2 Wilson, Cadrain and John were also
3 unsophisticated, socially and
4 economically disadvantaged teenagers,
5 and some of the tactics police employed
6 may have inadvertently helped to produce
7 the inconsistency of the statements that
8 these three witnesses provided between
9 January and May of 1969."

10:38 10 Stop there. And, again, please keep in mind, Mr.
11 Wilson, these are the words of Rossmo and Boyd
12 based on their work, and they describe you as
13 being an 'unsophisticated, socially and
14 economically disadvantaged teenager'; would you
10:39 15 agree with that assessment?

16 A No.

17 Q No? What don't you agree with?

18 A It's just their opinion.

19 Q No, I appreciate that, and I'm asking you this is
10:39 20 what they assess, I want you to, if you disagree
21 with that, tell me what part of it you disagree
22 with?

23 A The disadvantaged teenagers economically.

24 Q And what about unsophisticated?

10:39 25 A Back then nobody was.



1 Q And what about Rossmo and Boyd's opinion that some
2 of the tactics police employed may have
3 inadvertently helped to produce the
4 inconsistencies of the statements provided between
10:40 5 January and May of 1969; do you agree with that
6 opinion?

7 A Yes I do.

8 Q And then, carrying on down to the next paragraph:
9 "Ron Wilson indicated to Eugene Williams
10:40 10 in 1990, and in a more recent interview,
11 that police treated him well ...",
12 and then I won't read you that quote, that's a
13 quote that I read you before, correct, in the
14 interview with --

10:40 15 A Yes.

16 Q -- Eugene Williams. And then:

17 "Ron Wilson's description of the morning
18 of the murder has Milgaard away from the
19 car for about two minutes, a length of
10:40 20 time more consistent with the weather
21 conditions that day. He says that
22 Nichol John was 'fine' upon his return,
23 and that it would have been 'totally
24 impossible' for David Milgaard to have
10:41 25 killed anyone during this time."



1 Now do you agree with that?

2 A Yes I do.

3 Q Page 040519. And this, again, is Rossmo and
4 Boyd's opinion or assessment, Mr. Wilson, based on
10:41 5 what they did, and you don't have to agree with
6 it, but I simply want to read it to you and then
7 ask some questions.

8 A Okay.

9 Q It says:

10:41 10 "According to Ron Wilson, he was simply
11 interested in getting free from police
12 questioning on May 24, 1969, going home,
13 and 'getting loaded'. He was not forced
14 to implicate David Milgaard, but
10:41 15 implicating Milgaard was the easiest way
16 to remove himself from a persistently
17 stressful situation - two months of
18 questioning by police. Wilson was a 17
19 year old delinquent who would usually
10:42 20 place his own interests first. He was
21 involved in drugs and crime until the
22 early Eighties, using and selling heroin
23 and LSD, and for 10 years a member of
24 the Regina motorcycle club, the
10:42 25 Apollos."



1 If we can just take that first part that I read
2 there, would you agree with that?

3 A Yes.

4 Q And so when Boyd and Rossmo state that assessment
5 you -- you -- you're fine with that?

6 A Yes, I am.

7 Q It carries on:

8 "Ron Wilson sketches a picture of
9 disenfranchised street youth in 1969, on
10 the fringes of the fledgling hippie
11 culture and on the edge of a criminal
12 lifestyle. They were all involved in
13 using illegal drugs. 'Friends' were
14 passing acquaintances who you ran into
15 in the park, spent a few days with, and
16 who would then disappear for months.
17 Loyalties and allegiances were
18 non-existent, the primary concern being
19 only to look out for yourself -
20 survival, 'better him than me'."

21 And do you agree with that?

22 A Yes, I do.

23 Q And, again, that being the description of what
24 life was like for you back in 1969 and '70?

25 A Yes.



1 Q I think we can move to the Supreme Court. Now,
2 Mr. Wilson, you recall testifying at the Supreme
3 Court of Canada in the reference relating to David
4 Milgaard --

10:43 5 A Yes I do.

6 Q -- in 1992?

7 A Yes.

8 Q And I think the records indicate that you
9 testified -- maybe I can actually call up document
10 325548, and this is just a document that I
11 prepared, Mr. Wilson, to -- that I have taken from
12 the records, and I think it shows that on January
13 22 and 23, 1992, you were examined by Eric Neufeld
14 who was a lawyer for the Government of
10:44 15 Saskatchewan, and Hersh Wolch who was the lawyer
16 for David Milgaard; do you remember that?

17 A Yes I do.

18 Q And then scroll down. Resulting in your evidence
19 on January 22nd and 23rd you received a citation
10:44 20 for contempt and an order to appear before the
21 court on February 3, 1992?

22 A Yes.

23 Q And then on February 3rd, 1992, you appeared with
24 your counsel, Mr. Watson, and there was a contempt
10:44 25 hearing and you testified at that; correct?



1 A Yes.

2 Q And then on February 17th, 1992 you came back to
3 the court and you were re-examined again by Mr.
4 Neufeld and Mr. Wolch; is that correct?

10:44 5 A Yes.

6 Q So you had three occasions where you gave evidence
7 at the reference?

8 A Yes.

9 Q Who -- at the time you testified, what did you
10:45 10 understand was happening? What did you understand
11 the court was looking at?

12 A They were looking for the truth.

13 Q And did you understand what the court was going to
14 do, like, what was the process or the procedure?
10:45 15 Did you --

16 A Hopefully they would get David a new trial or get
17 him out of jail.

18 Q So you understood that they were reviewing his
19 conviction?

10:45 20 A Yes.

21 Q And who asked you to testify; do you remember?

22 A No, I don't.

23 Q And at the time I think the record indicates that
24 Mr. Watson was acting for you?

10:45 25 A Yes, he was.



1 Q He had started to act for you when you interviewed
2 with Eugene Williams in 1990?

3 A Yes.

4 Q And when you went to court on January 22nd and
10:45 5 23rd, the first time you appeared, did Mr. Watson
6 attend with you?

7 A No, he didn't.

8 Q Why not?

9 A Because the Crown had told me I didn't need to
10:45 10 have a lawyer there because they would look after
11 me.

12 Q And who told you that?

13 A That I can't recall.

14 Q I think you said -- did you say the Crown?

10:46 15 A I believe it was the Crown, yeah.

16 Q Was it someone --

17 A The minister of the department or federal ministry
18 department.

19 Q So someone connected with the proceedings told you
10:46 20 what?

21 A That I didn't need any counsel there, that they
22 would look after me.

23 Q If I can call up 026526, please, and this is a
24 note we've looked at before, but it's a telephone
10:46 25 note of Eric Neufeld who was the government lawyer



1 based on a discussion with Ron Fainstein, January
2 13, 1992, and it's a note about a discussion that
3 I think Mr. Fainstein may have had with Mr. Wolch.
4 I just want to draw your attention to here and ask
10:47 5 you a question, and it says here, I believe this
6 is attributed to Hersh Wolch, it says:

7 "Wilson won't co-operate fearing concern
8 who will pay for his lawyer. Feds don't
9 seem to see why they should."

10:47 10 Or actually fearing perjury. Sorry. Do you
11 recall a discussion before you went to the
12 Supreme Court about who would pay for your lawyer
13 to go?

14 A Yes, I do.

10:47 15 Q And what do you recall about that?

16 A I think I talked to Mr. Wolch about it.

17 Q Did you have the funds to pay for Mr. Watson to go
18 to the Supreme Court with you?

19 A No, I didn't.

10:47 20 Q And was there a discussion prior to the hearing
21 starting about getting funding for Mr. Watson do
22 you remember?

23 A I don't remember.

24 Q Now, I will go through your evidence and parts of
10:47 25 the transcript and the relevant parts, put those



1 in front of you, Mr. Wilson, but before I do, I'm
2 wondering if you can just tell us, and in
3 particular the contempt, the citation for
4 contempt, sort of your recollection of how that
10:48 5 came about and what happened, and again I will go
6 through the transcripts in detail and we'll cover
7 that, but I'm wondering if before we do that, if
8 you can just give in your own words what happened
9 at the court, and just before you do, I don't
10:48 10 think there's any issue with this, that after you
11 testified the court issued a citation for contempt
12 on the basis that you had given evidence that was
13 contradictory; is that fair?

14 A That's fair, yes.

10:48 15 Q And then you and your lawyer went back and you had
16 to deal with -- and you understood what contempt
17 was?

18 A Yes.

19 Q Can you tell us in your own words what happened?

10:48 20 A Well, at first the Saskatchewan lawyer was asking
21 me the questions which I thought was going to be
22 the hardest part of it because then I thought once
23 Mr. Wolch came up to ask me questions, that would
24 be easy street because I, you know, took it for
10:49 25 granted that I was on their side, and when the



1 questioning started it started getting a little
2 tougher and tougher and I started getting confused
3 and before I knew it I was charged for contempt.

4 Q And do you know if you were charged -- do you know
10:49 5 what area or subject matter, what questions you
6 were charged with contempt?

7 A I can't recall.

8 Q And then so what happened after that?

9 A I flew back to Regina and got arrangements for
10:49 10 Mr. Watson to come back with me.

11 Q And then what happened when you went back to the
12 court?

13 A We seemed to get everything straightened out.

14 Q And are you able to tell us -- and again I'll go
10:49 15 to the transcript with you and go through it, but
16 do you recall what area it was that you, the court
17 was having trouble with as far as your evidence
18 was concerned?

19 A I don't recall right now, no.

10:49 20 Q Maybe we'll start off, before I get to your
21 evidence, were you aware that Mr. Milgaard
22 testified before you before the Supreme Court?

23 A No.

24 Q Did you later learn that?

10:50 25 A I don't know if I did or not.



1 Q I'm just going to put up a couple of excerpts from
2 Mr. Milgaard's evidence. Let me put it this way,
3 were you, and I may have asked you this yesterday,
4 were you then or are you now aware that Mr.
10:50 5 Milgaard, David Milgaard takes a different
6 position than you do on whether or not you got
7 stuck after asking the lady for directions?

8 A Yes, I do.

9 Q And what is your understanding of what Mr.
10:50 10 Milgaard's evidence is?

11 A That we never got stuck there.

12 Q And what about the bone-handled hunting knife that
13 you say was in the car, are you aware as to
14 whether or not David Milgaard admits or denies
10:50 15 that?

16 A He denies that.

17 Q If we can just call up 120592 which is a page of
18 David Milgaard's Supreme Court reference. I'm
19 sorry, I don't have the doc ID. This is Mr.
10:51 20 Milgaard's evidence at the Supreme Court reference
21 and he was being examined by Mr. Neufeld, and I
22 believe this is prior to your evidence,
23 Mr. Wilson, and I'll just identify to the
24 Commission the parts -- Mr. Neufeld asks Mr.
10:52 25 Milgaard about a hunting knife and he says:



1 "Q Also a hunting knife, I think, too?

2 A There was never any knives in our car
3 until after we left Saskatoon.

4 Q Even Mr. Wilson, with his recantation,
10:52 5 says that you had a hunting knife in the
6 car. Is that right?

7 A If Mr. Wilson has said there was a
8 knife in the car, Mr. Wilson is
9 wrong."

10:52 10 So that's consistent with your understanding of
11 Mr. Milgaard's evidence; is that right?

12 A That's right.

13 Q And then if you could go to page 120599, and again
14 this is Mr. Milgaard being examined by Mr.
10:52 15 Neufeld, and he's asked:

16 "Q What I'm suggesting to you, sir, is that
17 you were stuck once before and it was
18 down in this area, around Avenue N or
19 thereabouts, in the alley, and it was
10:52 20 near the apartment block, wasn't it,
21 sir?

22 A The only place that we were ever stuck
23 in the whole trip that I can remember
24 besides the grain elevator, besides
10:53 25 kind of pulling around the boulevarded



1 section I just spoke about when we
2 came into Saskatoon in the morning and
3 the Danchuks, that's it."

4 And just for the record, there's a reference
10:53 5 earlier in the transcript about pulling around
6 the boulevarded section and Mr. Milgaard
7 describes that their wheels were stuck, but that
8 they didn't get out of the car, and I think I'm
9 characterizing that right, that's the reference
10:53 10 to the boulevarded section, and so you'll see
11 there that Mr. Milgaard is saying that you did
12 not get stuck. Is that consistent with your
13 understanding of what his position was?

14 A Yes.

10:53 15 Q If we could now go to your transcript, and again,
16 Mr. Wilson, I'll go through some of your evidence,
17 and given that some of it changed during the
18 course of the hearing, I will ask you whether
19 today it's truthful or not or whether it assists
10:54 20 in refreshing your memory.

21 COMMISSIONER MacCALLUM: Counsel, I wonder
22 if we can have the doc ID for 120592?

23 MR. HODSON: For the Milgaard transcript?

24 COMMISSIONER MacCALLUM: For what we've
10:54 25 just gone over, yeah.



1 MR. HODSON: 120408.

2 COMMISSIONER MacCALLUM: Thank you.

3 BY MR. HODSON:

4 Q So then if we could call up Mr. Wilson's
10:54 5 transcripts and it's page number 120769, and maybe
6 I'm -- and so 120748 is the doc ID of his
7 transcript and I'll be going through some
8 questions by Mr. Neufeld, and you remember Mr.
9 Neufeld?

10:54 10 A Yes, I do.

11 Q And he was the lawyer representing the Government
12 of Saskatchewan?

13 A Yes.

14 Q And at that time what did you understand his role
10:54 15 to be?

16 A To prove my recantation was a lie.

17 Q And why did you think that?

18 A I don't know. That's just what I thought at the
19 time.

10:55 20 Q So here we are on page 120769, Mr. Neufeld asks:

21 "Q But I understand, sir -- and correct me
22 if I'm wrong -- that you and Mr.
23 Milgaard discussed basically stealing,
24 breaking in, purse-snatching, whatever,
10:55 25 that would be required along the way to



1 raise the money."

2 And you answered yes. And you see the reference
3 to purse-snatching. And you've told us in this
4 session that you don't recall that. Is that a
10:55 5 truthful answer that you gave at the time?

6 A I still don't recall the purse-snatching, no.

7 Q Do you think you recalled it in 1992 when you
8 testified?

9 A I don't believe I did, no.

10:55 10 Q Do you know why you would have answered yes to
11 that question if you hadn't recalled it?

12 A Because I think he was just generalizing at the
13 time when the word "whatever" was brought up
14 afterwards.

10:56 15 Q Okay. And then the next page, please, they are
16 talking about the elevator break-in, and he says:

17 "Q Did he return with anything?

18 A Yes, he did.

19 Q What did he return with?

10:56 20 A A flashlight.

21 Q Anything else?

22 A This I'm not sure of, but I think the
23 bone-handled hunting knife came out of
24 there also.

10:56 25 Q The bone-handled hunting knife came out



1 of there. When did you first see this
2 bone-handled hunting knife, sir?

3 A A little while after we left
4 Aylesbury.

10:56 5 Q In whose possession did you see it?

6 A In David's.

7 Q The flashlight; in whose possession did
8 you see it?

9 A In David's.

10:56 10 Q Whatever happened to the flashlight,
11 sir?

12 A It ended up in my house."

13 Stop there. If you go back up -- first of all,
14 this is the same bone-handled hunting knife you
10:57 15 told us about last session; is that right?

16 A Yes, it is.

17 Q Now, when you say here "this I'm not sure of,"
18 what are you referring to; do you know?

19 A No, I don't.

10:57 20 Q And you'll see here that under oath you are
21 telling Mr. Neufeld about a flashlight. Do you
22 see that?

23 A Yes.

24 Q And I think when we last covered this area a
10:57 25 couple of weeks ago, you said you don't recall a



1 flashlight; is that right?

2 A No, I don't.

3 Q Does this assist your memory at all?

4 A No.

10:57 5 Q Any reason that you would not have told the truth
6 at the Supreme Court about the flashlight?

7 A I had been told about the flashlight, so I think
8 I -- since they did get it out of my house, it had
9 to be there.

10:57 10 Q Since what?

11 A Since apparently they did get it out of my house,
12 it had to be there and I just didn't see it.

13 Q So you say since it did get out of your house.
14 Was there a flashlight in your house back in 1969?

10:57 15 A Yes, there was.

16 Q And that came from where?

17 A Apparently from the elevator.

18 Q When you say apparently, you don't know that?

19 A Not for sure, no.

10:58 20 Q Next page, please. I'm sorry, go to 120777, and
21 you testified:

22 "A Then, we left the downtown area in the
23 direction David thought we were supposed
24 to go in. We drove around a little bit
10:58 25 further and really couldn't find where



1 we were supposed to be. We stopped this
2 lady that was walking down the street
3 and asked her for directions."

4 Was that truthful?

10:58 5 A Yes.

6 Q "Q Can you describe that whole incident for
7 me, please; the location, as you recall
8 it, where you were going, where the lady
9 was, what she looked like, those things?

10:58 10 A The location, even to this day, I'm
11 not sure where it was.

12 Q I understood from some of your previous
13 testimony that -- did your vehicle get
14 stuck there? Is that what happened?

10:59 15 A It got stuck after we talked to the
16 lady, yes.

17 Q So, you see this lady. What do you do
18 with your car?

19 A I pulled over and we asked her
10:59 20 directions."

21 Was that the truth?

22 A Yes.

23 Q Scroll down to here, please:

24 "A David rolls down the window and asks her
10:59 25 for directions.



1 Q And what does he say to her?

2 A I believe he wanted to know where the
3 Peace Hill district was.

4 Q The Peace Hill district?

10:59 5 A Yes.

6 Q Those were his words, as you recollect
7 them?

8 A That I recollect, yes."

9 Is that truthful?

10:59 10 A Yes.

11 Q Next page. Sorry, bottom of 779, Mr. Neufeld asks
12 about the lady:

13 "Q Do you recall what she looked like?

14 A She just had on a dark coat."

10:59 15 Is that truthful?

16 A Yes.

17 Q Next page, please, Mr. Neufeld asks:

18 "Q You didn't hear her. Does anyone say
19 anything to her?

11:00 20 A I believe David said "thank you" and
21 we left."

22 Is that the truth?

23 A Yes.

24 Q Next page, please, Mr. Neufeld says:

11:00 25 "Q You say "I believe he said thank you".



1 I take it you are not sure, then?

2 A Not totally, no.

3 Q So, if it was recorded somewhere else
4 that you recalled something more
5 specific, you would have to go with
6 that.

7 A Not necessarily.

8 Q Why would you change that view compared
9 to what you had a few minutes ago about
10 things you didn't recollect?

11 A Because at the time I gave the
12 statements, I added something at that
13 point.

14 Q We will get into that a bit later."

15 I think that's the stupid bitch comment; is that
16 right?

17 A Yes.

18 Q Go to the next page, please, and you testified:

19 "A We leave the lady. I believe we go up
20 three-quarters of a block to make a
21 U-turn and my car got stuck."

22 Is that correct?

23 A I believe it was further.

24 Q How much further?

25 A A couple of blocks.



1 Q So when you said three-quarters here, you were
2 underestimating that a bit, you think it was a
3 couple of blocks?

4 A Yes.

11:01 5 Q Any idea why you would have said three-quarters of
6 a block?

7 A No.

8 Q Down to the bottom, please:

9 "Q Can you describe the location where you
11:01 10 made this turn?

11 A Right in the middle of an
12 intersection.

13 Q In the middle of an intersection. All
14 right, tell us what happens next."
11:01 15 And again I think that's what you told us earlier
16 in these proceedings, that you got stuck in the
17 middle of an intersection; is that right?

18 A Yes.

19 Q Go to page 120786, you are asked by Mr. Neufeld:

11:02 20 "Q Any idea what time a day."

21 This is about getting stuck.

22 "Did you look at your watch or anything
23 like that, or you just don't know?

24 A I think it was around 6:00 o'clock in
11:02 25 the morning.



1 Q Is there anything that gives you a clue
2 to that? Why are you suggesting it was
3 6:00?

4 A It's what I recall it being."

11:02 5 And is that truthful?

6 A Yes.

7 Q How do you recall it being six o'clock?

8 A It started getting lighter out, so it was getting
9 close to that time at that time of the year.

11:02 10 Q Did you have a watch at the time?

11 A I don't believe I did, no.

12 Q Page -- next page, please, Mr. Neufeld asks:

13 "Q You try to push the car. Walk me
14 through what happens next, please?

11:03 15 A Then, David and I decide to go look
16 for some help, to see if we could find
17 anybody to help push us out, and we
18 both leave the vehicle."

19 Is that correct?

11:03 20 A Yes.

21 Q "Q Tell us where you go.

22 A I go in one direction and David went
23 in the other."

24 Is that correct?

11:03 25 A Yes.



1 Q "Q In relation to where you had left the
2 lady, who went which way?

3 A We both went in opposite directions
4 from the lady. One went in one
11:03 5 direction and one went the other.
6 Like our car was pointing towards
7 where the lady -- the direction we
8 came from."

9 Is that the truth?

11:03 10 A Yes.

11 Q Next page, please, Mr. Neufeld says:

12 "Q Go on, please."

13 And you testify:

14 "A I went down maybe four or five blocks
11:03 15 and couldn't find anybody and turned
16 around and came back."

17 Is that the truth?

18 A Yes.

19 Q "Q What happened when you got back?

11:03 20 A I jumped in the car. David was along
21 not too long after that.

22 Q Not too long. How long after?

23 A It couldn't have been any more than a
24 minute.

11:04 25 Q It couldn't have been any more than a



1 minute?

2 A No."

3 Is that the truth?

4 A Yes.

11:04 5 Q Next page:

6 "Q Nickey was in the car the whole time?

7 A Yes, Nicky was.

8 Q The car was running?

9 A Yes.

11:04 10 Q The heater was working?

11 A As far as I know, yes.

12 Q Warm?

13 A Yes."

14 Is that the truth?

11:04 15 A Yes.

16 Q "Q And you hadn't had any trouble with the
17 heater up until that point?

18 A No, I hadn't."

19 Is that the truth?

11:04 20 A Yes.

21 Q "Q You got back in the car. What happens
22 then?

23 A Then, David came back.

24 Q So, you didn't come back together. Is
11:04 25 that true?



1 A That's true, yes."

2 Is that the truth?

3 A Yes.

4 Q Next page:

11:04 5 "Q You were there first, and then David
6 came back later?

7 A Yes.

8 Q You told us it couldn't have been more
9 than a minute, but I take it you weren't
11:04 10 timing it.

11 A No, I wasn't timing it at all.

12 Q You didn't have a stopwatch?

13 A No.

14 Q That is just a guess on your part?

11:05 15 A I would suppose so, yes.

16 Q Sure. Sometimes, would you agree with
17 me, some events seem in your mind to
18 take a very short time and yet they have
19 taken a long time and sometimes vice
11:05 20 versa? Isn't that so?

21 A Yes."

22 Is that the truth?

23 A Yes.

24 Q "Q In any event, you are then back in the
11:05 25 car, both of you. Does anyone do or



1 say anything when David comes in?

2 A No."

3 Next page:

4 "Q You are sure about that?

11:05 5 A Yes, I am."

6 Is that the truth?

7 A Yes.

8 Q Go ahead to page 120833, Mr. Neufeld asks you:

9 "Q Do you recall if you were using drugs on
11:06 10 the 31st of January?

11 A Yes, I did.

12 Q How is it you recall that?

13 A Because the way I drive, the late
14 hours that we had, I had to be stoned
11:06 15 to be able to drive that far.
16 Something to keep me awake.

17 Q So, the drugs would keep you awake
18 driving from Saskatoon to Calgary.

19 A Yes."

11:06 20 Is that true?

21 A Yes.

22 Q "Q And I take it that you were equally tired
23 and late when you drove from Regina to
24 Saskatoon.

11:06 25 A Yes."



1 And I think you then go on to say that you were
2 also under the influence of drugs between Regina
3 and Saskatoon; is that correct?

4 A That's correct.

11:06 5 Q Next page, please, Mr. Neufeld asks you:

6 "Q And you were still under the influence
7 of drugs when you hit Saskatoon.

8 A Yes.

9 Q And Mr. Milgaard had also had some drugs
11:06 10 at that time.

11 A Yes.

12 Q What about Nicky?

13 A That I don't recall.

14 Q Was it grass, basically, or LSD, or
11:06 15 what?

16 A I believe we had done some LSD in
17 Regina."

18 Is that the truth?

19 A Yes.

11:07 20 Q Go to page 120846 and you are asked here, and I'll
21 show you a diagram in a moment, Mr. Wilson, do you
22 remember at the Supreme Court there being a sketch
23 or a map of the area?

24 A Not right now I don't, no.

11:07 25 Q Maybe if we could just call up, is it map B, I



1 think the Supreme Court, or map A. Yes, just turn
2 it around. You'll see here, I believe this is the
3 one that was referred to at the Supreme Court.
4 Does that map look familiar at all, and we can
11:07 5 maybe just enlarge it in this area, that might
6 help you out. Just to help you out, here's the T
7 intersection of the back alley and here's where
8 the body was found and here's the funeral home.
9 Do you see that?

11:08 10 A Yes.

11 Q And then just scroll up to the top, please, and
12 you'll see an apartment block reference there,
13 Gail Miller's house there. Does this map -- do
14 you recall looking at this at the Supreme Court?

11:08 15 A Yes, I do.

16 Q And if we can just scroll down a little bit there,
17 and here's where the body was found and so this is
18 20th Street and Avenue N and I believe at trial,
19 Mr. Wilson, that you identified being stuck
11:08 20 somewhere in that vicinity. Does that sound
21 right, from your trial evidence?

22 A Yes.

23 Q And I'll just draw your attention to an apartment
24 block here because Mr. Neufeld asks you about
11:08 25 that, and if we can go back to the transcript,



1 please, and I believe it's that sketch that he's
2 referring to here, he says:

3 "Q But this is a lot like what they showed
4 you at the trial? In fact you pointed
11:09 5 out things at the trial on these types
6 of diagrams?

7 A I believe so, yes.

8 Q But you recall that in the area -- in
9 fact I think the police at one point
11:09 10 drove you through this area where they
11 had found the body of Gail Miller.

12 A Yes.

13 Q This T intersection?"

14 Which I think is the back alley behind the
11:09 15 funeral home.

16 "A Yes."

17 Next page, he says:

18 "Q In fact you saw the apartment block, the
19 very one that you thought you had seen
11:09 20 earlier.

21 A Yes."

22 Now, do you recall -- is that truthful evidence,
23 Mr. Wilson? Let me just back up. I think you
24 told us earlier you remembered seeing -- I think
11:10 25 you did -- an apartment block in the area where



1 you got stuck, or did you?

2 A I believe it was residential and a church I
3 believe I saw.

4 Q Do you have any recollection of seeing an
5 apartment block in the area where you got stuck?

6 A No, just an area where I was taken by the police.

7 Q Can you help explain what you were referring to
8 here when you answered Mr. Neufeld's question that
9 you saw the apartment block, the very one that you
10 thought you had seen earlier, and I think he's
11 referring to the drive-around with the police.

12 A The only thing I can think of, it just reminded me
13 of the drive-around with the police.

14 Q Pardon me?

15 A It just reminded me of the drive-around with the
16 police.

17 Q When you were driving around with the police, and
18 I think that was May 22nd of 1969, May 21st, in
19 that time frame --

20 A Yes.

21 Q -- during that time frame do you recall, and I'm
22 asking for your recollection, not what you've
23 read, what you recall, do you recall seeing an
24 apartment block when you were driving around?

25 A No, I don't recall.



1 Q Do you recall an apartment block from when you
2 were stuck on January 31, 1969?

3 A No.

4 Q Go to page 120855 and Mr. Neufeld asks you:

11:11 5 "Q I take it you were aware that the
6 Milgaards were offering a reward for
7 information that might lead to Mr.
8 Milgaard being released from prison?

9 A No, I hadn't.

11:11 10 Q When did you first find out about that?

11 A Just now.

12 Q Just now today. You never heard of it
13 before?

14 A No, I hadn't.

11:11 15 Q You didn't know about the \$10,000?

16 A No."

17 Now, you recall last session when I went through
18 the transcript of your telephone conversation
19 with Mrs. Milgaard in 1981, you recall the
11:11 20 reference to the reward in that conversation?

21 A Yes, I do.

22 Q And here at the Supreme Court you were saying that
23 you hadn't heard about the reward; is that right?

24 A That's right.

11:12 25 Q And can you tell us why you would have given that



1 evidence at that time?

2 A I had forgot about hearing it before from
3 Mrs. Milgaard.

4 Q Go to page 120857, again here's Mr. Neufeld
11:12 5 questioning you about when you and Mr. Milgaard
6 got stuck:

7 "Q You can't tell us which direction that
8 was, but one went one and one went the
9 other.

11:12 10 A Yes.

11 Q And you said as well that you went about
12 four blocks.

13 A Yes.

14 Q Four or five blocks, was it? Which one?

11:12 15 A Yes, something like that.

16 Q And you would agree with me that you
17 didn't run those blocks?

18 A Oh, no.

19 Q You were probably taking a brisk walk at
11:12 20 best.

21 A Yes.

22 Q Would you agree with me that something
23 like that would take quite a number of
24 minutes, to go four or five blocks out
11:13 25 and come four or five blocks back?



1 A Not when it is cold. Coming back was
2 faster than going.

3 Q Were you jogging a bit, or what?

4 A Yes.

11:13 5 Q So, when you got back, you would be
6 puffing a bit and cold.

7 A Yes, definitely cold.

8 Q But you would agree with me that it
9 takes three to five minutes to walk a
11:13 10 city block; wouldn't you?

11 A I don't think. Not when it is cold,
12 sir.

13 Q But you walked five of them, in any
14 event?

11:13 15 A Pretty close to five, I would say,
16 yes.

17 Q It would take you at least a couple of
18 minutes to walk a block?

19 A Yes.

11:13 20 Q You can't do it in a minute?

21 A No.

22 Q So, at the very least, five blocks is 10
23 minutes out and 10 minutes back?

24 A It wouldn't have been. I wasn't
11:13 25 outside that long, no.



1 Q Fifteen minutes, 20 minutes away from
2 the car?

3 A Ten minutes was the maximum that I was
4 outside.

11:13 5 Q If you went four blocks, that would mean
6 you went eight blocks in 10 minutes.

7 A Yes.

8 Q You were really hoofing it, then?

9 A It was cold."

11:14 10 Is that truthful evidence, Mr. Wilson?

11 A I don't recall it at this time. I don't remember.

12 Q I'm sorry?

13 A I don't remember.

14 Q You don't remember what?

11:14 15 A That I -- I don't remember the questions or the
16 answers of that.

17 Q Okay. Well, let's try it this way. You testified
18 here that you walked four or five blocks when you
19 went looking for help?

11:14 20 A Uh-huh.

21 Q Did that happen?

22 A Yes.

23 Q So four or five blocks there and four or five
24 blocks back; is that right?

11:14 25 A Yes.



1 Q And then I think Mr. Neufeld asked you to put a
2 time on that and you said 10 minutes was the
3 maximum that you were outside?

4 A Yes.

11:14 5 Q And is that, is that the truth?

6 A No, ten minutes maximum outside, yes.

7 Q Okay. Now you have told us on a number of
8 occasions that it was two minutes, and you also
9 told Mr. Williams prior to this that it was two
11:15 10 minutes; can you help us understand the -- why the
11 difference between two minutes and ten minutes,
12 and maximum ten minutes, I'm sorry?

13 A Because I believe, by virtue of this, I got
14 confused, because he was extending the blocks with
11:15 15 the time, and just got confused.

16 Q Okay. Well what is the, what is the real answer,
17 if I can put it that way, Mr. Wilson, as to how
18 far you went that morning? And I want to know
19 from your recollection, not from what you have
11:15 20 read.

21 A The maximum you can go in two minutes.

22 Q Let's talk about blocks.

23 A Blocks? Depends on the length of blocks. If they
24 are long blocks --

11:15 25 Q Well, no, I'm --



1 A No, I'm just thinking to myself here, sorry. You
2 couldn't do any more than two long blocks in two
3 minutes.

4 Q Okay. Forget about time for the moment. I want
11:16 5 you to think back and tell me what you recall as
6 to how far you went, and forget whether they are
7 long or short blocks for the moment; how many
8 blocks, if you are able to tell us, that you
9 walked?

11:16 10 A Several.

11 Q Would it be four, would it be two, four, five? I
12 don't want to suggest, I want you to tell me what
13 you recall.

14 A I don't recall how many blocks, but the time was
11:16 15 -- couldn't have been any more than two minutes,
16 so --

17 Q And why do you say the two minutes for the time?

18 A Because it was too damn cold to be out there any
19 longer.

11:16 20 Q Can you tell us why then, at this point, that you
21 would have told Mr. Neufeld that ten minutes was
22 the maximum?

23 A I don't know.

24 Q Are you telling us that that's not correct, that
11:16 25 ten minutes was the maximum, are you saying it is



1 possible, or what are you telling us?

2 A It's not correct.

3 Q And why is it not correct?

4 A Because it should have been two minutes.

11:17 5 Q Mr. Neufeld asks:

6 "A It was cold.

7 Q It was cold.

8 When Mr. Milgaard got back to
9 the car, I take it that he, too,
10 appeared cold and he was puffing, out of
11 breath, in the same fashion that you
12 were?

13 A Yes."

14 Is that the truth?

11:17 15 A Yes.

16 Q If we could then go to page 720875, here is where
17 Mr. Neufeld questions you about your meetings with
18 Mr. Henderson, and he says:

19 "Q What happens then, sir.

20 A Then we had coffee and he started
21 talking to me about other witnesses he
22 had been to see.

23 Q Did he talk to you about -- which
24 witnesses did he talk to you about?

25 A Albert Cadrain and his brother.



1 Q So, he told you he had come to see
2 Dennis Cadrain and that Dennis had told
3 him that Albert hadn't changed his
4 story, but Albert was pretty mentally
5 unstable and probably he shouldn't have
6 been any good evidence at the trial.
7 That is what he told you.

8 A Yes, basically."
9 Is that the truth?

11:18 10 A Yes.

11 Q "Q And he also told you that they conducted
12 a great big investigation into the
13 offence and that there were doctors and
14 professors and scientific people who
15 were ready to say, if they hadn't
16 already said, that this couldn't have
17 happened. Right?

18 A Some of it, yes."
19 Is that the truth?

11:18 20 A Yes.

21 Q And do you recall what it was that Mr. Henderson
22 would have told you?

23 A No, I don't.

24 Q It carries on:

25 "Q Sure. He told you all of these things



1 before you really talked to him in any
2 great detail.

3 A Yes, I believe so."

4 Is that the truth?

11:18 5 A Yes.

6 Q "Q So, the general impression you were
7 getting from him is that he had done a
8 complete investigation. Right.

9 A Yes."

11:19 10 And is that the truth?

11 A Yes.

12 Q "Q He had talked to all of these witnesses,
13 had all of this evidence checked and
14 rechecked and viewed by scientific
15 experts, and he suggested to you that
16 what you had said earlier at the trial
17 couldn't be true.

18 A No.

19 Q He didn't suggest that to you?

20 A No, he didn't.

21 Q Not after he had set you up like
22 that?

23 A No."

24 Is that the truth?

11:19 25 A Yes.



1 Q Next page, please. It says:

2 "Q All right.

3 So, what else did he tell you
4 about his investigation? Let's hear the
5 rest of it.

6 A He wanted to know if it would be okay
7 with me if I went over my
8 transcripts.

9 Q Over your transcripts?

10 A Yes.

11 Q Did he tell you why you should go over
12 your transcripts?

13 A He wanted to refresh my memory and see
14 if everything was the way it was
15 supposed to be?

16 Q He had already told you that everything
17 couldn't be the way it was supposed to
18 be. Right?

19 A Well, from what he is investigating,
20 yes.

21 Q So, with that firmly planted in your
22 mind, you started to read transcripts.
23 Right?

24 A Yes."

11:20 25 Is that the truth?



1 A Yes.

2 Q "Q These transcripts; can you describe which
3 transcripts you read and how much of
4 them and how long it took.

5 A I believe I read my preliminary and my
6 trial.

7 Q I am sorry...?

8 A My preliminary and my trial
9 transcripts?

10 Q You exhibited some uncertainty there, I
11 detected. Is that so? Did you not read
12 the ---

13 A Well, I am not sure which one came
14 first.

15 Q Did he make a suggestion as to which one
16 you would read first?

17 A I don't believe so.

18 Q The transcripts -- actually, we have
19 them reproduced here and Volume VIII is
20 your trial evidence.

21 A Yes.

22 Q You will have to take my word for it
23 unless you want to look at them. And
24 Volume XIV is your testimony at the
25 preliminary inquiry.



1 A Yes.

2 Q Did he give you stuff this thick,
3 sir?

4 A Yes."

11:20 5 Is that the truth?

6 A Yes.

7 Q And Mr. Neufeld says:

8 "Q I have spent a lot of time reading these
9 things and it took me quite a while to
10 read just one of these. How long did it
11 take you to read your transcripts, sir.

12 A All of them, three or four hours."

13 Is that the truth?

14 A Yes.

11:21 15 Q Go to page 120881. And, again, this is
16 Mr. Neufeld questioning you about your interview
17 with Mr. Henderson, and he says:

18 "Q And talk to you about what you were
19 reading and about what you saw and what
20 you remembered.

21 A Yes.

22 Q It was always his --",
23 and this is Mr. Henderson he is referring to:

24 "... the point that he always started
25 from from the beginning was that Mr.



1 Milgaard never did it, everything you
2 said was a lie, and that was the way he
3 was coming at you all of the time.
4 Right?

5 A No.

6 Q It wasn't?

7 A No.

8 Q He thought you had told the truth?

9 A I imagine he did, yes.

10 Q Why do you say "I imagine he did?"

11 A Because up until the point when I told
12 him I lied, he had to go by what I had
13 said in that."

14 Is that the truth?

11:21 15 A Yes.

16 Q Next page, please, he asks:

17 "Q Did he give you your statements as well,
18 all the statements you had made to the
19 police?

20 A I believe I got the one.

21 Q Which one, sir?

22 A The one on the 23rd, 24th of May.

23 Q Of May?

24 A Yes.

25 Q And he provided that to you.



1 A Yes.

2 Q And you read that.

3 A Yes, I did.

4 Q Did you read these two transcripts cover
5 to cover verbatim?

6 A Probably not every line."

7 Is that the truth?

8 A Yes.

9 Q Next page, please, and skipping down here

11:22 10 Mr. Neufeld asks:

11 "Q So, your full attention was not focused
12 on these transcripts.

13 A No, I wasn't.

14 Q So, you would agree with me that maybe
15 you didn't see everything that was
16 there? It didn't register, in any
17 event.

18 A I would agree with that."

19 Is that the truth?

11:22 20 A Yes.

21 Q Next page, and you were asked:

22 "Q You weren't given your first statement,
23 the one you gave to the police
24 originally in March.

25 A No. "



1 Is that the truth?

2 A Yes.

3 Q And did you ask for that from Mr. Henderson?

4 A I don't recall.

5 Q "Q And isn't it true that at one point,
6 after you had finished reading, he asked
7 you: "Did you tell the truth or didn't
8 you?"

9 A I don't know if he said that before I
10 started crying or afterwards.

11 Q So, he had you crying.

12 A I started crying on my own.

13 Q You started crying on your own?

14 A Yes.

15 Q What did he say that made you start to
16 cry?

17 A He didn't say anything, sir. It was
18 while I was reading this and it had
19 been bothering me for a long time and
20 I just broke down."

21 Is that the truth?

22 A Yes it is.

23 Q Page 120891:

24 "Q He did, however, tell you that the
25 Milgaard camp, ...",



1 and again this is Henderson:

2 "... as it were, or family had a theory
3 that things happened quite differently
4 than the way you testified to it.

5 A He never told me that until after I
6 had told him what I wanted to tell
7 him."

8 Is that the truth?

9 A Yes.

11:24 10 Q Just wondering, Mr. Wilson, it's 11:00, I'm not
11 sure if we want to go right till noon without a
12 break or whether -- how are you faring there?

13 A We could try to, try to go to noon.

14 Q Okay, we'll carry on a bit further, and if not
11:24 15 maybe we could break. If you go to page 120892:

16 "Q What did you tell him you had lied about
17 at the trial.

18 A That I had seen a paring knife with
19 David and that he had said he hit a
20 girl, or something to that effect, and
21 a few other things.

22 Q That's it?

23 A And that he'd put a purse in a garbage
24 can, that he had called the lady that
25 we asked for directions from a "bitch"



1 and that Nicky had been hysterical.

2 Q Anything else?

3 A That just about covered it.

4 Q At that point, after you told him the
5 relationship you had had with the police
6 and the times they had seen you and the
7 questioning and the process, you hadn't
8 given a written statement at that point,
9 had you?

11:25 10 A No."

11 Is that the truth?

12 A Yes.

13 Q And then:

14 "Q Isn't it true, sir, one of the things he
15 suggested to you ...",
16 and 'he' being Henderson?

17 "... is that when you were crying and
18 when you told him what you had lied
19 about, that really he didn't consider it
20 to be your fault? Did he tell you that.

21 A I don't think that he did, sir.

22 Q He suggested to you that, really, you
23 had been misled by the police and caused
24 to lie by the police and had been
25 manipulated. Those are the words he



1 used.

2 A No, he didn't."

3 Is that the truth?

4 A Yes.

5 Q "Q He told you that he understood. He had
6 seen it happen hundreds of times before.

7 A No.

8 Q He never said that to you?

9 A No, sir.

11:26 10 Q He told you that you really shouldn't
11 blame yourself, these things happen.

12 A No, sir."

13 Is that the truth?

14 A Yes.

11:26 15 Q And then:

16 "Q Did you know you were being taped, sir.

17 A Yes.

18 Q Where did he have the tape
19 recorder?

20 A In his hand, I do believe."

21 Is that the truth?

22 A Yes.

23 Q "Q So, how long was the tape recorder on.

24 A Not too long.

25 Q Well, can you tell me when he switched



1 it on, to your knowledge, and when he
2 switched it off, to your knowledge?

3 A To my knowledge, I don't know when he
4 switched it on. He switched it off
5 when he asked if it was okay if he
6 took a written statement from me."

7 Is that the truth?

8 A Yes.

9 Q "Q Are you telling us that it might have
10 been on all day.

11 A It might have been, yes."

12 Is that the truth?

13 A Yes.

11:27 14 Q Go to page 120896. And, again, we're talking now
15 about the June 4th, 1990 statement:

16 "Q And that written statement was not
17 written by you.

18 A No, it wasn't.

19 Q It was written by Mr. Henderson?

20 A Yes, it was.

21 Q In some respects, the words chosen were
22 those he chose and not necessarily the
23 way you speak.

24 A No, they were all mine, sir.

25 Q So, you dictated to him verbatim?



1 A Yes, I did.

2 Q You said every word, you spoke every
3 word and he wrote every word down. Is
4 that how it happened?

5 A Yes."

6 Is that the truth?

7 A Not totally. 90, 90 percent of the words were
8 mine.

9 Q 90 percent? What -- can you tell us the 10
10 percent of the words that weren't yours?

11 A Some of the words I didn't know how to spell.

12 Q Pardon me?

13 A Some of the ones I didn't -- excuse me -- didn't
14 know how to spell.

11:27 15 Q And so what; you would have said those words to
16 him?

17 A Most of them, yes.

18 Q Okay. Why would it have mattered if you knew how
19 to spell it if he was writing it down?

11:27 20 A Because it was getting to the point where I liked
21 my spelling proper.

22 Q Pardon me?

23 A It was getting to the point I always liked my
24 spelling done proper at that time.

11:28 25 Q You were having spelling --



1 A I liked to have my spelling done properly.

2 Q Okay.

3 A So then I can read it.

4 Q So then let's get back. You said 10 percent of
11:28 5 the statement, the words were not your words; is
6 that right?

7 A Yeah, well I would ask him what this, okay, what I
8 said would mean in something else and he would
9 give me a word.

11:28 10 Q Okay. Can you give me an example of that?

11 A I don't know. Not offhand, I can't, no.

12 Q Okay. So there was some words where you would say
13 something and he, Mr. Henderson, would say --
14 would give you a word or two or --

11:28 15 A Yeah, I would ask him what this, what does this
16 mean, is there a different word I can use, you
17 know, that would relay it better.

18 Q Okay. And so did he assist you with that then?

19 A Yes, yes, he did.

11:28 20 Q If you could go to page 120922. And, again, this
21 is on the subject of Mr. Henderson, continuing:

22 "Q He was agreeing with you that the police
23 had manipulated you and that you had
24 been manipulated by your fragile state
25 with regard to drugs. Isn't that so.



1 A That's the way I had figured it.

2 Q That is how you figured it and that is a
3 suggestion with which he went along.
4 Right?

5 A A suggestion I gave him."

6 Is that correct, is that truthful?

7 A Yes.

8 Q "Q And it is a suggestion which really, in
9 your mind, takes the blame away from you.

10 A Not really, sir."

11 Is that the truth?

12 A Yes.

13 Q "Q In your statement you say you are even a
14 victim, don't you?

15 A Yes, I do.

16 Q You are not to blame, you are a
17 victim.

18 A Yes.

19 Q Wasn't Mr. Henderson suggesting, too,
20 that he could readily understand that an
21 individual who was drugged up, an
22 individual who was treated this way by
23 the police, would readily become
24 involved in such terrible things?

25 A No.



1 Q He never said that to you?

2 A No.

3 Q He never commiserated with you?

4 A No.

5 Q He did tell you, though, that you
6 shouldn't feel bad and he thanked you
7 for helping him?

8 A Yes."

9 Is that the truth?

11:30 10 A Yes.

11 Q If we could go to page 120932, and Mr. Neufeld is
12 questioning you about your June 4th statement, and
13 remember we went over the asterisk part where you
14 had put in about the knife when you were meeting
11:30 15 with Mr. Williams, remember we went over that?

16 A Yes.

17 Q So he asks you here:

18 "Q In fact, when you were examined by Mr.
19 Williams on the 20th of July of that
20 same year, a little better than a month
21 later you said that he had gotten a
22 bone-handled hunting knife out of the
23 elevator he broke into.

24 A Yes, sir.

25 Q In fact, that is asterisked on the copy



1 of that exhibit there because you wrote
2 it in when you were examined by Mr.
3 Williams.

4 A Yes, sir.

5 Q He didn't tell you to write that in, he
6 asked you "Is there anything here that
7 was incorrect" and you said "This is."

8 A Yes."

9 Is that part truthful?

11:31 10 A Yes.

11 Q "Q You also told him that that other part
12 about being escorted was incorrect as
13 well.

14 A Yes, sir.

15 Q So, you were not telling the truth then
16 to Mr. Henderson. Is that correct?

17 A That's correct."

18 Is that the truth?

19 A Yes.

20 Q "Q Why would you not tell Mr. Henderson
21 about the bone-handled knife; he didn't
22 want to hear about it.

23 A Because -- no. I had had time to
24 think about it, sir.

25 Q You had had time to think about it?



1 A Yes.

2 Q What was it that brought this back to
3 your memory when it hadn't been there
4 for 20 years?

5 A Because after I had given this
6 statement, that was all that was on my
7 mind."

8 Is that the truth?

9 A Yes.

11:32 10 Q Next page:

11 "Q You didn't even say that at the trial.

12 A No, I hadn't, sir.

13 Q What brought it suddenly to your mind
14 after 20 years?

15 A I kept on thinking about it over and
16 over.

17 Q Were you aware that the bone-handled
18 knife had been found at the scene?

19 A No, sir.

20 Q When did you first find that out?

21 A I still don't know if it was or not,
22 sir.

23 Q You don't know that to be so?

24 A No."

11:32 25 Is that truthful?



1 A Yes.

2 Q Did you become aware, Mr. Wilson, that there was a
3 bone-handled hunting knife, or a bone-handled
4 knife, pardon me, found in that alley?

11:32 5 A Not -- not until the one you showed me.

6 Q Pardon me?

7 A Not until the one that you showed me.

8 Q Okay, the paring -- the maroon-handled paring
9 knife?

11:32 10 A Yes.

11 Q No, I'm talking about a bone-handled knife,
12 hunting knife?

13 A No.

14 Q Different knife? Were you aware -- did anybody
11:32 15 tell you that?

16 A No.

17 Q It looks like Mr. Neufeld is asking you about it
18 here?

19 A No.

11:33 20 Q You weren't aware of that?

21 A No.

22 Q He actually says "the bone-handled", I think a
23 bone-handled hunting knife; so you have no
24 knowledge of that, sir?

11:33 25 A No.



1 Q Page 120935:

2 "Q As a matter of fact, when the police
3 dealt with you with respect to the
4 Milgaard case, they did not threaten
5 you.

6 A No, sir.

7 Q They did not beat you?

8 A No, sir.

9 Q They did not sit you under a hot light
10 and question you?

11 A No, sir.

12 Q They were polite to you?

13 A Yes.

14 Q They were courteous to you?

15 A Yes, they were."

16 Is that truthful?

17 A Yes.

18 Q "Q They provided you with a hotel room free
19 of charge.

20 A Yes, they did.

21 Q They provided you with food free of
22 charge?

23 A Yes.

24 Q There was nothing in what they did to
25 you -- at least what I have just



1 described, in any event -- which was the
2 kind of brainwashing that you see on TV
3 or spy movies or anything else. Is that
4 so?

5 A That's so, sir.

6 Q That is what you think of brainwashing,
7 isn't it, the hot lights and the
8 beatings and no food and all of those
9 things? That is what brainwashing is to
10 you, isn't it?

11 A No, sir. It's part of it.

12 Q What you are telling us, and I think
13 what you told Mr. Williams, is that your
14 only indication of police pressure was
15 repeated questioning. That is how the
16 police so-called pressured you?

17 A Yes, sir.

18 Q They didn't do anything else?

19 A No, sir."

11:34 20 Is that truthful?

21 A Yes.

22 Q "Q And it was clear to you when the police
23 kept coming back that they thought you
24 knew more than you were letting on.

25 A I imagine so, sir.



1 Q And you did know more than you were
2 letting on.

3 A A little bit, sir.

4 Q Because you still tell us that you were
5 stuck in this place after you talked to
6 the girl and you and Mr. Milgaard left
7 the car in different directions. That
8 really happened, didn't it?

9 A Yes, sir."

11:34 10 Is that the truth?

11 A Yes.

12 Q "Q That wasn't in your first statement.

13 A No, it wasn't, sir.

14 Q So, the police were right. You were
15 holding back on them.

16 A Yes.

17 Q Why did you hold that back?

18 A I didn't think it made any difference,
19 sir."

11:35 20 Is that part I read to you correct, truthful?

21 A Yes.

22 Q "Q You didn't think it made any difference.
23 Weren't they interested in finding out
24 what had happened that night, what
25 involvement you had had or hadn't had.



1 A I guess so.

2 Q And they wanted to know what your
3 companions had done or hadn't done.
4 Right?

5 A They just wanted to know what we had
6 done on the trip and that's what I
7 told them.

8 Q Back on March 3rd they even wanted to
9 know whether you had been separated for
10 a period of time, didn't they?

11 A Yes.

12 Q You never told them anything about that.

13 A I don't recall that, sir."

14 Is that correct?

11:35 15 A Yes.

16 Q "Q So, you held that back. For what earthly
17 reason would you hold that back, sir.

18 A I don't know, sir.

19 Q Did you think maybe it might incriminate
20 David Milgaard?

21 A No.

22 Q Did you think it might incriminate you?

23 A No.

24 Q Why would you hold it back?

25 A I don't know, sir."



1 Is that truthful?

2 A Yes.

3 Q And then skip ahead to page 120963 and, again,
4 this is the next day, this is January 23rd, Mr.
5 Wilson, so you will see the comment 'yesterday',
6 again it's Mr. Neufeld questioning:

7 "Q Not really? All right. Yesterday I
8 think you said that when you and Mr.
9 Milgaard left the car when you were
10 stuck and you left in different
11 directions that you went something in
12 the area of four to five blocks out and
13 the same distance back. Right.

14 A Yes, sir.

15 Q I think you agreed with me that two
16 minutes a block was probably a fair
17 assessment. Is that correct?

18 A Yes, sir.

19 Q So we would have a time of out and back
20 of something in the area of 16 minutes,
21 15 minutes. That sort of thing.

22 A I would say 10."

23 Now is that truthful evidence, Mr. Wilson,
24 summarizing what he had put to you?

11:36 25 A Summarizing, yes.



1 Q But is that, I mean your answer here, it says "I
2 would say 10 minutes"?

3 A Umm, yes.

4 Q Pardon me? That --

11:37 5 A Go through that again for me, please?

6 Q Sure. Tell you what, let -- he then goes on to
7 ask you about what you said to Eugene Williams,
8 why don't we do that and I'll come back. Okay?

9 A Okay.

11:37 10 Q He says:

11 "Q Ten. Okay. Why then when you were
12 questioned by Mr. Williams at page 23 in
13 question 228 when you were asked how
14 long you were gone you said "No more
15 than two minutes" and you were quite
16 certain about that? Why would you have
17 said that to Mr. Williams then and
18 something different now?

19 A Because at the time it seemed like two
20 minutes, sir.

21 Q It seemed like two minutes. But you
22 would agree with me that you can't walk
23 four blocks and back in two
24 minutes.

25 A No, you can't. You can run, but you



1 can't walk.

2 Q Were you a little careless with Mr.
3 Williams then, are you telling us?

4 A I don't think so.

5 Q Why would you simply say two
6 minutes?

7 A It's what came out, sir.

8 Q It is just what came out. So sometimes
9 thing come out that you don't know why
10 you say them.

11 A Yes, sir."

12 If we could pause there. I guess my question,
13 Mr. Wilson, here you have told Mr. Williams two
14 minutes, and here again with Mr. Neufeld you had
11:38 15 said ten minutes, and I'm just trying to
16 understand, again, as to (a) what the truthful
17 answer is; and (b) an explanation as to why you
18 would have told either Mr. Williams or
19 Mr. Neufeld something that wasn't true?

11:38 20 A Excuse me. The truthful would be the two minutes,
21 one is; why I changed it, I don't know, I think I
22 just got confused and couldn't get my times right.

23 Q Page 120969, and here you are being asked about
24 your interview in June of 1990 with Eugene
11:39 25 Williams, and this is Mr. Neufeld from the



Government of Saskatchewan questioning you:

"Q At the time, the reason you weren't willing to talk to them was that your lawyer had some discussions with some other lawyers that suggested -- I think Mr. Milgaard's lawyers that suggested -- you were afraid in any event that Mr. Williams would intimidate you or be mean to you or that sort of thing.

A Yes.

Q And that is why you backed off.

A Basically; and I wanted it set up in my lawyer's office."

And is that the truth?

A Yes.

Q And next page, please, and you say here, you were asked the question:

"Q I think from the compliment that you gave him in the transcript that he wasn't at all as he had been portrayed to be.

A No, he wasn't.

Q He was very kind and friendly and fair with you.

A Yes."



1 And that's referring to Mr. Williams, and is that
2 truthful?

3 A Partially.

4 Q Okay. What's not true about that?

11:40 5 A Well like I said earlier, towards, after I read
6 the transcripts, especially towards the end of it,
7 my opinion had a change with that regard.

8 Q And why didn't you tell the Supreme Court that,
9 then, when Mr. Neufeld asked the question?

11:40 10 A I don't know.

11 Q Page 120982:

12 "Q Is it your position, sir, that when Mr.
13 Henderson questioned you -- when Mr.
14 Henderson interviewed you that he just
15 passively let you read; you started to
16 cry; and then you told him what
17 happened, and then he said "I will write
18 down what you have to say." Is that how
19 it happened?

20 A Yes, sir.

21 Q And it wasn't questioning.

22 A No, sir.

23 Q And it wasn't prodding.

24 A No.

25 Q And it wasn't an evolutionary sort of



1 thing. It was just a very -- it was
2 just totally spontaneous on your part.

3 A Yes, sir."

4 Is that the truth?

11:41 5 A Yes it is.

6 Q Page 120990, please. And Mr. Neufeld is asking
7 you about, again, the June 4th, 1990 statement and
8 he says:

9 "Q And then you go on, you say:",
10 and this is a quote from your statement:

11 "I was manipulated into lying against
12 him - manipulated into believing my
13 own lies."

14 Do you see that?

15 A Yes, sir."

16 And you remember we touched on that in your
17 statement?

18 A Yes.

19 Q And then he asks:

20 "Q Now we are back to you were manipulated.
21 Only moments ago you thought you may
22 have been manipulated. Why suddenly are
23 you changing again in this statement in
24 a matter of lines.

25 A I don't know, sir.



1 Q You don't know. Isn't it because Mr.
2 Henderson was reading the script to you?
3 Isn't that so?

4 A No, sir."

11:42 5 Is that the truth?

6 A Yes.

7 Q "Q Are you telling us now that you actually
8 believed everything you said in Court in
9 1970.

10 A No, I don't believe everything I
11 said.

12 Q Why did you tell Mr. Henderson that you
13 say you were manipulated into believing
14 your own lies?

15 A Because in 1970 I had believed it at
16 that time.

17 Q So you are telling us that in 1970 you
18 believed what you told in Court was
19 true.

20 A Yes, sir."

21 Now is that the truth?

22 A Yes.

23 Q Okay. Let's try this -- I thought you had told me
24 earlier that you did -- when you were testifying
11:43 25 in 1970, that you didn't believe everything that



1 you were saying?

2 A No, not everything totally, no.

3 Q Okay. Well here you were asked the question:

4 "Q So you are telling us that in 1970 you
5 believed what you told in Court was
6 true."

7 And you say, "yes", you see that?

8 A Yes.

9 Q And what you have told us is a bit different;
10 correct?

11:43

11 A Yes.

12 Q So what is the truth?

13 A That I believed certain things and I didn't
14 believe other things.

11:43

15 Q Okay. So at the time, in 1970, what didn't you --
16 so you believed some of your evidence to be true?

17 A Yes.

18 Q And others not?

19 A Yes.

11:44

20 Q Okay. The part that you now say you lied about at
21 trial, the lies, did you believe any of those to
22 be true in 1970?

23 A No, I didn't.

24 Q So this answer you gave to Mr. Neufeld isn't
25 correct here then; is that right?

11:44



1 A That's right.

2 Q Page 120997, and again this is talking about the
3 trial, and it says:

4 "Q How do you know you were the main
5 witness?

6 A That's the way it felt to me."
7 And is that the truth?

8 A Yes.

9 Q So at the time of trial in 1970 did it feel to you
10 that you were the main witness?

11 A By the time I was finished, yes.

12 Q But not when you started?

13 A No.

14 Q And what happened during the course of your
15 testimony that caused you to think that?

16 A I don't recall.

17 Q "Q That's the way it felt to you, and you
18 were cross-examined very closely by
19 Mr. Tallis, weren't you, both at the
20 preliminary hearing and at the trial?

21 A Yes, sir.

22 Q And in an expert fashion, I would
23 suggest to you.

24 A I would gather so.

25 Q He pointed out numerous inconsistencies



1 between your preliminary hearing
2 transcript and your trial transcript,
3 didn't he?

4 A I believe so.

11:45 5 Q Sure. He got you to change things, and
6 back and forth, and had you acknowledge
7 that you said a different thing at a
8 different time; isn't that so?

9 A Yes, sir."

11:45 10 Is that the truth?

11 A I don't recall that.

12 MR. HODSON: I'm wondering,
13 Mr. Commissioner, it might be an appropriate time
14 to break for lunch. 1:30?

11:45 15 COMMISSIONER MacCALLUM: 1:30.

16 *(Adjourned at 11:45 a.m.)*

17 *(Reconvened at 1:30 p.m.)*

18 BY MR. HODSON:

19 Q Good afternoon. To carry on, Mr. Wilson, when we
01:34 20 broke I just finished up, or was finishing up Mr.
21 Neufeld's questioning of you at the Supreme Court
22 of Canada reference, and if we can go to page
23 121046 of that, and once Mr. Neufeld was done
24 questioning, Mr. Wilson, Chief Justice Lamer -- do
01:34 25 you remember Chief Justice Lamer of the court?



1 A Yes, I do.

2 Q Had asked you a question here, and I just want to
3 go through that exchange with you, and I think
4 this is in between when Mr. Neufeld is done and
01:35 5 before Mr. Wolch starts questioning you, okay, and
6 he says here:

7 "LAMER, C.J.: Before you do, I want to put
8 a question to the witness."

9 Now, the next page, and I think this is a
01:35 10 different doc ID, we had a bit of a mix up, the
11 next page here, see, 621, if we can go to 622,
12 and that's doc ID 214788, we had to take that
13 from another source as our 622 was not in the
14 transcript that's been exhibited, and so this is
01:35 15 carrying on, Lamer:

16 "LAMER, C.J.: You have told us that when
17 you testified against Mr. Milgaard, you
18 believed that he was guilty.

19 THE WITNESS: Yes, sir."

01:35 20 And if we can pause there. Is that correct,
21 Mr. Wilson?

22 A Yes.

23 Q So I think before lunch you said that you weren't
24 sure, or words to that effect?

01:36 25 A Words to that effect, yes.



1 Q So are you telling us now that this is correct,
2 that you told the Chief Justice that at the trial
3 of David Milgaard when you testified you believed
4 that he was guilty?

01:36 5 A Yes.

6 Q And then the Chief Justice goes on to say:

7 "LAMER, C.J.: I see. You also told us
8 today that when you gave your statement,
9 the last one, that actually now you
01:36 10 believe that he is innocent.

11 THE WITNESS: Yes, sir.

12 LAMER, C.J.: We all know that if we believe
13 your testimony believing him guilty you
14 said things that didn't happen."

01:36 15 And Mr. Wilson, "Yes, sir."

16 "LAMER, C.J.: And that resulted in a
17 conviction.

18 THE WITNESS: Yes, sir.

19 LAMER, C.J.: I put this to you: You must
01:36 20 be very careful what you tell us because
21 of course if you are caught lying -- we
22 are talking on something material -- it
23 will reflect throughout. It will have a
24 ripple effect over all of your testimony
01:37 25 today. So I am putting to you now



1 believing that he is innocent: Are
2 there things that you think you might
3 say differently just because you might
4 want to help him? And it wouldn't help
01:37 5 him. It would be very damaging.

6 I am putting to you before you
7 are to be furthered questioned: Is
8 there anything you want to think over in
9 your testimony that you might -- maybe
01:37 10 with the temptation of doing the right
11 thing, as you thought doing the right
12 thing at the time?

13 THE WITNESS: No, sir. Everything is fine.

14 LAMER, C.J.: There is nothing?

01:37 15 THE WITNESS: Everything is fine.

16 LAMER, C.J.: You are sure?

17 THE WITNESS: Yes, sir.

18 LAMER, C.J.: You will not have any
19 oversights.

01:37 20 THE WITNESS: I don't believe so."

21 Do you recall that exchange with the Chief
22 Justice?

23 A Yes, I do.

24 Q And at the time did you understand what he was
01:37 25 getting at?



1 A To a point, yes.

2 Q And what did you understand?

3 A Trying not to have any discrepancies any more in
4 my testimony.

01:38 5 Q And at the time when he asked you that question,
6 this was after you gave evidence to the questions
7 of Mr. Neufeld; is that right?

8 A Yes.

9 Q And I think you say here you told the Chief
01:38 10 Justice that you were fine with everything you had
11 said; is that correct?

12 A Yes.

13 Q Now if we can move into the cross-examination --
14 or the examination by Mr. Wolch you recalled after
01:38 15 this exchange with the Chief Justice, that Mr.
16 Wolch examined you?

17 A Yes.

18 Q If we could go to page 121089, please, and you are
19 asked:

01:38 20 "Q The point is, I suggest as a fact that
21 the police were telling you that
22 Milgaard was involved, and in order to
23 accommodate them, you made up a
24 15-minute or some period of time when he
01:39 25 was out of your sight.



1 A Yes, sir."

2 Do you recall giving that answer?

3 A Yes, I do.

4 Q And is that truthful?

01:39 5 A Yes.

6 Q Lamer, C.J. says: "Now that's --" or, I'm sorry,
7 if we go on to the page 1210 -- let me just pause
8 there before we move on. If we can just go back
9 to 089. Are you telling me at this time that you

01:39 10 made up -- or what are you saying when you say
11 "yes, sir," what are you saying is made up?

12 A It's what I said at the trial.

13 Q Okay. You say here you've already told us a
14 number of times that you -- there was a period of
01:39 15 time when he was out of your sight, you said a
16 couple of minutes?

17 A Yes.

18 Q So when you answer "yes, sir" -- let me back up.
19 When you are telling us that this answer is
01:40 20 correct, what are you referring to about being --

21 A It's correct from the trial.

22 Q Let's start over again. This question that was
23 asked of you, Mr. Wolch puts to you, that you made
24 up a 15 minute or some period of time when he was
01:40 25 out of your sight, and at the Supreme Court you



1 said "yes, sir" and you told me that that's
2 correct, and I'm just trying to reconcile that,
3 Mr. Wilson, with what you've told us on a number
4 of occasions. You said that he was out of your
01:40 5 sight I think for, at max, two minutes, not 15?

6 A Yes, but as I'm reading this question, as I'm
7 looking at it, to me it's referring to telling the
8 police, not telling the court as of that day.

9 Q Well, okay, we'll maybe come back to this because
01:40 10 I think you are questioned about this again. If
11 you could then go to page 121090 and then here's
12 where Justice Sopinka interjects and says:

13 "You might, for my benefit, ask him --
14 he said this morning that he was away
01:41 15 for somewhere over 10 minutes and you
16 suggested to him that was when he made
17 his first mistake when in that statement
18 he said that Milgaard was away. Well,
19 he is now saying it.

01:41 20 So is he still mistaken? What
21 is his evidence as to how long Milgaard
22 was absent from the car when they got
23 stuck either at that intersection or the
24 alley or wherever it was?"

01:41 25 And then Mr. Wolch says:



1 "It is our position they were never
2 stuck. That is it what I want to get
3 to. I would like to question him to get
4 to that point. And I will show you why
5 it is correct."

6 And then the question to Mr. Wilson:

7 "Q This was the seed that was planted.

8 A Yes.

9 Q You had told the truth the first time.

01:41 10 A Yes.

11 Q They planted the seed: You had to have
12 Milgaard out of your sight.

13 A Yes.

14 Q And the fact is that you gave them that
01:42 15 and things just mushroomed.

16 A Yes, sir.

17 Q Because if you carry on --"

18 Let me just pause there. That part that I read
19 you, do you understand what you are saying there?

01:42 20 A Yes.

21 Q Now, is that correct?

22 A Yes.

23 Q Carrying on:

24 "Q Because if you carry on: "With this
01:42 25 information at hand, I brought Wilson



1 back to Saskatoon..."

2 And if you turn the page: "En route to
3 Saskatoon Wilson divulged to me about
4 discussing B & Es, rolling and purse
01:42 5 snatching", things you wouldn't want to
6 discuss at the beginning. You talked
7 about that.

8 A Yes.

9 Q You talked about breaking into the
01:42 10 elevator. Is it at this point the
11 elevator is checked and there was no
12 knife missing. But you admit to taking
13 a flashlight. Correct?

14 A Yes.

01:43 15 Q Look at the fourth paragraph:"
16 And this is coming out of a police report back at
17 the time:

18 "He also stated at this time that he
19 could not recall a knife being in the
01:43 20 car nor did he see Milgaard bring one
21 from the elevator."

22 Do you see that?

23 A Yes.

24 Q Do you know that at trial you testified
01:43 25 to seeing a knife in the car?



1 A Yes.

2 Q And you know that the judge questioned
3 you about that.

4 A Yes.

01:43 5 Q Do you remember that?

6 A Yes, I do.

7 Q Did you think then you might get caught?
8 Do you recall what you said?

9 A No.

01:43 10 Q He asked you about the lighting in the
11 car, how you could see it. Do you know
12 what you said?

13 A No, I don't.

14 Q Your eyes got accustomed to being in the
01:43 15 dark.

16 A Oh.

17 Q He then asked you how you could see if
18 it was beside Mr. Milgaard. Do you know
19 what your quick answer was?

01:43 20 A No.

21 Q He was slouching.

22 Anyway, it was never put to you
23 in court that you had told the officer
24 that you could not recall a knife at
01:43 25 all.



1 A No, it wasn't.

2 Q Look further: "On further questioning,
3 he thought that possibly Milgaard could
4 have picked up a knife from the Champs
01:44 5 Hotel where they had eaten earlier that
6 day where Nickey had been employed,
7 however, could shed no further light on
8 that aspect."

9 Did you have any reason to
01:44 10 believe a knife had been picked up at
11 Champs?

12 A No."

13 And if you go to page 121095, and I'll just go
14 through parts of, continuing on with these
01:44 15 questions and then I'll have some questions for
16 you, Mr. Wilson:

17 "And as you go on to the last
18 paragraph:"

19 And again this is referring to a police report:

01:44 20 "Wilson pointed out the area of Avenue P
21 and Avenue M and N around 22nd Street
22 West, as an area which is similar to the
23 location where the girl was seen walking
24 on the street that early morning when
01:44 25 they approached her to ask directions,



1 however, he was unsure of the exact
2 block. Nor could he point out the exact
3 location where the car had become
4 stalled, where Milgaard had left the
01:44 5 vehicle to go for help."

6 So it is now that you are
7 talking for the first time about this,
8 or do you know?

9 A I don't know.

01:45 10 Q If you turn the page, you are now
11 brought to the police station and that
12 is where you are being accommodated. On
13 the morning of May 22nd, do you recall,
14 you were taken again around the city
01:45 15 but, according to this report, could add
16 very little information?

17 A Yes.

18 Q It says: "Other that when they had been
19 stuck the original time in the vicinity
01:45 20 of Ave. ... or N --"

21 It says here.

22 "...that two men in a vehicle described
23 as a 1967-68 cream or yellow colored
24 Dodge or Chrysler had come and assisted
25 them in pushing their vehicle out of the



1 snow."

2 You are making that up, aren't
3 you?

4 A I don't know, sir.

01:45 5 Q There then is a paragraph that says you
6 account of what transpired."

7 I won't read through that, I'll go to the next
8 page, and just there, and again, Mr. Wolch is
9 simply taking parts out of a police report:

01:45 10 "Upon driving away, Milgaard had made
11 the remark to the effect 'The stupid
12 bitch'. They drove a short distance
13 further and while making a turn, the
14 vehicle became stuck, as they had no
01:46 15 reverse gear. At this time Milgaard
16 left for help, returning approximately
17 15 minutes later puffing and running,
18 however, Wilson states that he saw no
19 blood, etc., or anything on Milgaard at
01:46 20 this time."

21 You then go on to describe
22 driving around to the Trav-a-leer Motel
23 and the Danchuks."

24 And the next page, and this is Mr. Wolch then
01:46 25 says to you:



1 "I point out to you: Do you see
2 anything in that summary that you left
3 the vehicle?"

4 You answer:

01:46 5 "A No, sir.

6 Q If you turn the page of that report to
7 page 4:"

8 It talks about taking a statement and then:

9 "...adding to the original that he had
01:46 10 seen this knife in the car during the
11 trip, which he previously denied. Also
12 added in his statement was that when
13 Milgaard returned to the car after being
14 stuck, the first time, he stated
01:46 15 something to the effect that, 'I fixed
16 her', and when Wilson questioned him on
17 this Milgaard declined to make any
18 further comment."

19 It goes on to say that also in
01:47 20 the statement there is blood on the
21 pants, and we will deal with that, which
22 had been denied."

23 And next page, then Mr. Wolch refers you to the
24 following:

01:47 25 "He also states that at Cadraains he



1 noted Milgaard's trousers were ripped
2 around the seat which he had not
3 previously noticed while on this trip.
4 He further adds that on the road to
01:47 5 Calgary ... Nickey seemed very nervous
6 and would occasionally scream to which
7 he could offer no explanation at that
8 time but now he feels that this was
9 because of what she knew."

01:47 10 And this was Mr. Wolch's question to you:

11 "I suggest as a fact that you didn't
12 indicate that you left the car and you
13 didn't indicate that Nicky was
14 hysterical when you got back.

01:47 15 A That's true."

16 And if I can just pause there. Do you understand
17 that part of the questioning, Mr. Wilson, what I
18 read to you?

19 A Yes, I do.

01:47 20 Q And that that is in the May 23rd, 1969 statement.

21 I think what you've agreed to there is that you
22 didn't indicate in that that you left the car and
23 you didn't indicate that Nicky was hysterical when
24 you got back; is that correct?

01:48 25 A That's correct.



1 Q And then carrying on, if we could go to page
2 121102, and again this is Mr. Wolch questioning
3 you and talking about the time of the polygraph,
4 and you say:

01:48 5 "A All I can remember at this time is
6 "Let's give them what they want. Let's
7 sink him."

8 Q "Let's give them what they want. Let's
9 sink him." Who said that, you or Nicky?

01:49 10 A I believe I did.

11 Q And when you said "Let's sink him", what
12 did you mean by that?

13 A By giving them what they wanted to get
14 David.

01:49 15 Q Had they convinced you that David was
16 guilty?

17 A Yes."

18 Now, is that truthful, that part I read to you?

19 A Yes.

01:49 20 Q And you told Nicky that the two of you
21 should give them what they want.

22 A Yes.

23 Q But there was a problem with that,
24 wasn't there?

01:49 25 A Yes.



1 Q I am going to show you what that problem
2 was."

3 Do you recall this part of the examination with
4 Mr. Wolch when he was going through the
01:49 5 statements?

6 A Vaguely.

7 Q And then it goes, I think that's answer, I think
8 that should be a question:

9 "You made a statement on May 23rd, 1969
01:49 10 at 3:30 p.m. Would you look at that,
11 please. It is the next document.

12 After you decided to give them
13 what they wanted, the problem with you
14 and Nicky is that you didn't rehearse
01:49 15 your story far enough, I would suggest.
16 And here is what happened. You said:
17 "With regards to the statement I gave
18 Inspector Riddell in Regina I now have a
19 few things to add and change."

01:50 20 You talk about the elevator.
21 You now have a bone-handled knife. Do
22 you see that? Perhaps you could just
23 speed read along.

24 "He may have got this knife from the
01:50 25 Champs Hotel where we ate that day. I



1 don't know just where I seen this knife
2 on him but I remember it or one like
3 it."

4 And again this is from your statement.

01:50 5 "Also when we got to Saskatoon and we
6 were looking for Cadrain we got stuck
7 earlier trying to make a U-turn just
8 after we had spoken to a young lady in a
9 dark coat about directions. This was in
01:50 10 the area where the police showed me the
11 all night cafe."

12 And then carrying on, if we could just scroll
13 down, the very bottom, we've gone through this
14 before, Mr. Wilson, this is your statement, Mr.
01:50 15 Wolch is reading this part to you, he says:

16 "I don't remember if Dave had his shoes
17 on or off when he left the car. I don't
18 remember just when we got out..."

19 And Mr. Wolch says:

01:50 20 "Let's pause there. You don't remember
21 whether Dave had his shoes on or off, 40
22 below, 15 minutes gone? Do you know why
23 you have it there?

24 A No, sir.

01:51 25 Q I suggest as a fact that the police told



1 you that a lady on the street thought
2 the attacker wasn't wearing shoes; he
3 walking very quietly. And that is why
4 you threw that in.

01:51 5 A That's a good possibility, sir."

6 Is that true -- truthful?

7 A I just --

8 Q Just this last part that I read you.

9 A Yes.

01:50 10 Q Mr. Wolch carries on:

11 "Q But you will also notice that you never
12 said you left the car.

13 A Yes, sir.

14 Q And you never said you came back and
15 found Nicky hysterical.

16 A No, I didn't.

17 Q So when you were trying to sink him, you
18 didn't put in that fact. Isn't that
19 correct?

20 A That's true."

21 If you could then go to page, the next page,
22 Mr. Wolch carries on:

23 "Then you talk of Calgary, going to the
24 bus depot, and your phoning Heather
25 Beaton. And this is where Dave had



1 mentioned he had hit a girl or did a
2 girl, you don't remember which, and
3 grabbed her purse.

4 A Yes.

5 Q Has anybody ever questioned you as to
6 the absurdity of that?

7 A No, sir.

8 Q Can I point out to you what the
9 absurdity is?

10 A Yes, sir.

11 Q The absurdity is this: If that were
12 true, and a man said to you in those
13 conditions that "I left the car, hit a
14 girl, she was okay, and took her purse"
15 or stole it, you would say "Idiot, the
16 car is stuck."

17 A Yes, sir.

18 Q Do you follow me how stupid that
19 is?

20 A Yes.

21 Q Who leaves a stuck car to purse snatch?
22 How do you get away?

23 A Exactly."

24 Now had you -- is that truthful, your answers
25 there?

01:52



1 A Yes.

2 Q Had you considered that prior to this exchange
3 with Mr. Wolch; about the fact that your car was
4 stuck when you say David Milgaard went out and
01:52 5 committed the crime?

6 A Would you repeat that?

7 Q Well what Mr. Wolch just went through with you and
8 said it would be absurd to, while your car is
9 stuck, for someone to leave and purse snatch
01:52 10 and/or kill someone and come back when the car is
11 stuck, and you say "exactly", right, you agree
12 with him. Okay? And my question is did you think
13 about that back in 1969 and 1970?

14 A No I didn't.

01:52 15 Q And then, down at the bottom of that page, it
16 says:

17 "You close it off: ...",
18 and this is referring to your May 23rd statement:

19 "I might also add that I'm sure
01:53 20 Milgaard killed that nurse, Gail
21 Miller.

22 Okay.

23 A Yes.

24 Q At that time you are trying to give them
25 what they want.



1 A Yes, sir.

2 Q The problem is, Mr. Wilson, that Nichol
3 gave them more and made your statement
4 impossible."

01:53 5 Then there's an exchange between the Chief
6 Justice and Mr. Wolch. If we could go to page
7 121109, please, and Mr. Wolch then takes you to
8 the May 24th statement. Remember that? That was
9 the day after the polygraph?

01:53 10 A Yes.

11 Q And he says:

12 "Q If you turn the page, on May 24, 1969 at
13 9:30 a.m., you decided to make an
14 addition to your statement. In this
15 statement you say that you wish to add
16 to your sworn statement.

17 "When Dave & I got out to push the
18 first time we were stuck, we couldn't
19 push the car so I said to Dave 'You
20 go one way for help & I'll go the
21 other'."

22 So now you have the police there at 9:30
23 in the morning saying "I forgot that I
24 left the car". At the crucial time you
25 forgot.



1 A Yes.

2 Q If you look at the next statement, May
3 24, 1969, 10:00 a.m., Nichol John makes
4 her infamous statement. Right as soon
5 as you are finished, she makes that
6 statement and in this statement she
7 indicates that she had forgotten what
8 happened until Mr. Roberts reminded
9 her."

01:54 10 And then it goes on to quote part of her
11 statement. If you would then go to the next page
12 and, again, it's referring to Nichol John's
13 statement:

14 "Q She describes her situation that somehow
15 this Mr. Roberts was able to refresh her
16 memory, as she sort of forgot she saw a
17 murder.

18 A Yes.

19 Q But I would suggest to you that the
20 problem at that point is that you have
21 said you are in the car, or haven't left
22 the car. And if you are there and
23 Nichol was there, you would have had to
24 have seen it, if Nichol was telling the
25 truth.



1 A Yes.

2 Q So the police came back to you and told
3 you that you couldn't have been
4 there.

5 A Yes.

6 Q That is why you changed it. Because if
7 you stuck to the story that you were
8 there and David left, came back huffing
9 and puffing, "I fixed a woman", and
10 Nichol said that she watched, it
11 wouldn't make any sense.

12 A That's true.

13 Q So you now have to invent something
14 better. So what you invented, with a
15 little bit of guidance, was: I left the
16 car and I came back and she was
17 hysterical. Isn't that correct?

18 A Yes.

19 Q Because, sir, the simple truth is: It
20 never happened.

21 A That is right.

22 Q You lied yesterday. You lied this
23 morning. The fact is, it never
24 happened.

25 A I believe you are right.



1 Q And all of your problems are that when
2 you start telling lies you get all
3 tangled up.

4 A Yes."

01:55 5 Now I have read you a fairly lengthy excerpt from
6 that; do you recall going through that with
7 Mr. Wolch?

8 A Yes I do.

9 Q Okay. Now the end part, if you could maybe just
01:56 10 scroll back up, where you answer -- and I believe,
11 and I'll get to the contempt citation in a moment
12 -- this part here, is that truthful information or
13 truthful evidence, Mr. Wilson?

14 A Parts of it is, because I didn't really understand
01:56 15 what he was getting at at that time.

16 Q Okay. Well tell us what is the truth, and what is
17 not, about what you said here?

18 A Well what I thought he was getting at was the
19 Nicky being hysterical part, not that we hadn't
01:56 20 left the car, it was just that -- her hysterical
21 part.

22 Q Okay. Well, Mr. Wolch says here that "you lied
23 yesterday", which would be in Court, "you lied
24 this morning", which was when you were examined by
01:56 25 Mr. Neufeld, "the fact is, it never happened", and



1 then you say, "I believe you are right." What did
2 you mean by that?

3 A That Nicky was hysterical.

4 Q And what about -- well, let's just go back here,
01:57 5 Mr. Wilson, because I think what Mr. Wolch was
6 questioning you on is that you made up the part
7 about being away from the car so that it would fit
8 with Nichol John's statement; do you understand
9 that?

01:57 10 A Yes, I understand that.

11 Q Okay. And that's the part that I read you?

12 A Yes.

13 Q I think he was saying to you that your May 23rd,
14 1969 statement was silent about you leaving the
01:57 15 car when Mr. Milgaard did?

16 A Yes.

17 Q And your May 24th statement said that you left the
18 car?

19 A Yes.

01:57 20 Q Mr. Wolch went through that with you at the
21 Supreme Court and said here:

22 "So you now have to invent something
23 better."

24 A I --

01:57 25 Q That you left?



1 A I didn't believe that's what he meant about the
2 getting stuck part.

3 Q So did you invent the part about you being away
4 from the car when Mr. Milgaard went to look for
01:58 5 help, as you described earlier?

6 A No I didn't.

7 Q So that happened?

8 A Yes.

9 Q If you can then go to the next page, and here, Mr.
01:58 10 Wilson, is where Mr. Wolch says:

11 "MR. WOLCH: My lord, this witness is
12 admitting he lied.

13 LAMER, C.J.: Well, of course. He has
14 lied through his teeth all along. He
15 lied to me today. I asked him
16 specifically that question before
17 leaving: Now, you think of this. And
18 when I came back, he said: There is
19 nothing.

20 MR. WOLCH: My lord, my point is: David
21 Milgaard testified in this Court that
22 this didn't happen. He is now saying it
23 finally.

24 LAMER, C.J.: That is fine. He said it
25 and ---



1 MR. WOLCH: I don't want to leave him with
2 leaving the car, because it is a lie.

3 LAMER, C.J.: Well, of course. But put
4 questions to him instead of arguing why
5 he lied."

6 Do you recall that exchange, where Chief Justice
7 Lamer said those words, that you had lied through
8 your teeth all along?

9 A Yes.

01:59 10 Q And what was your reaction at that time, Mr.
11 Wilson?

12 A I couldn't believe he said that.

13 Q Why?

14 A I don't know. I was scared, and this is the head
01:59 15 man in the land, so I didn't really understand
16 what he was talking about.

17 Q Pardon me?

18 A He was the head judge in the land and I really
19 didn't really understand what he meant.

01:59 20 Q Go down to the bottom of the page, and Mr. Wolch
21 carries on:

22 "Q Mr. Wilson, when the Chief Justice asked
23 you if you wanted to correct your
24 evidence, did you contemplate correcting
25 this?



1 A No, I didn't because you just brought
2 it out to me that that is the way it
3 was.

4 Q What causes you now, from my
5 questioning, to tell us that this whole
6 thing didn't happen?

7 A Something else that was put before me
8 and something I just believe.

9 Q You see, you told us yesterday about
10 going five blocks. Do you know at your
11 preliminary hearing you said it was two
12 and a half blocks?

13 A No, sir.

14 Q When you testified at the preliminary
15 and at trial, none of your
16 inconsistencies were really put to you,
17 were they?

18 A No, sir.

19 Q Had you ever contemplated telling the
20 truth when you were there?

21 A Not while I was there, no.

22 LAMER, C.J.: How do you want us to
23 believe you are telling the truth now?

24 THE WITNESS: Because I am, Your Honour.

25 LAMER, C.J.: You have lied to us



1 yesterday. You have lied in recanting.
2 You have lied the recant. And it is to
3 a point where ---

4 THE WITNESS: Well, some more of it is
5 coming through now, Your Honour.

6 LAMER, C.J.: I think maybe we should
7 recess for lunch and ...",
8 reconvene. Do you recall that exchange?

9 A At this time, no.

02:00 10 Q Go to page 121119 and, again, this Mr. Wolch
11 questioning you:

12 "Q When you testified at the preliminary
13 and the trial of David Milgaard, did you
14 feel awkward or difficult in terms of
15 being challenged as to your credibility.

16 A I felt awkward.

17 Q Were you worried that other matters
18 would be raised with you that
19 weren't?

20 A Yes.

21 Q Can you recall now what type of matters
22 concerned you?

23 A Why my first statement wasn't brought
24 forward, why I wasn't questioned about
25 that at all."



1 And I think, Mr. Wilson, when we went through
2 your trial transcript, do you recall the
3 questions about your March 3rd, 1969 statement at
4 trial?

02:01 5 A No I don't.

6 Q Pardon me? Well do you recall last session, when
7 I went through the transcript with you, we went
8 through some questions about what you had told
9 Inspector Riddell?

02:02 10 A Yes.

11 Q Do you recall? And here, at the Supreme Court, it
12 appears you are saying that you had a concern that
13 your first statement wasn't brought forward, "why
14 I wasn't questioned about that at all?"

02:02 15 A That's what I recalled at the time.

16 Q Go to the next page, please. Mr. Wolch continues
17 on:

18 "Q But clearly you have no recollection of
19 the other conversations, such as your
20 taped conversation or your continuing
21 conversations with Officer Karst being
22 put to you as to why you were adding and
23 adding and adding?"

24 And if I can just pause there, I think this is at
02:02 25 trial, and being the taped conversations that you



1 had with police prior. Okay? And you answered:

2 "A No, sir, there wasn't.

3 Q At that period of time you were clearly
4 very young?

5 A Yes, sir.

6 Q You, at that time, were involved in some
7 criminal type activity?

8 A Yes.

9 Q You were also involved in the usage of
10 drugs?

11 A Yes, sir."

12 And, again, I think that just refers to some of
13 the inconsistencies. And then Mr. Wolch asks you
14 here, scroll down:

15 "Q At that time you wanted a reward.

16 A Yes, sir.

17 Q And you were led along by the police,
18 basically.

19 A Yes, sir.

20 Q When you say they "convinced" you, what
21 they convinced you of was that David
22 Milgaard was guilty?

23 A Yes, sir.

24 Q So, you were adding a few little things
25 to help along that way and maybe get



1 some money.

2 A Yes.

3 Q The fact ...",

4 and let me pause there. Is what I read you, is
02:03 5 that the truth?

6 A About the money I would say, at that time about
7 the money, no, I applied for it afterwards.

8 Q Okay. Let's just go back, go back to the full
9 page, please. So what you are telling us, that
02:04 10 the time you wanted:

11 "Q At the time you wanted a reward?

12 A Yes, sir."

13 I think that was about ten days after the trial,
14 wasn't it, that you applied?

02:04 15 A Yes.

16 Q So are you saying that that answer is not true?

17 A Correct.

18 Q What about:

19 "Q And you were led along by the police,
20 basically.

21 A Yes, sir.

22 Q When you say they "convinced" you, what
23 they convinced you of was that David
24 Milgaard was guilty?

25 A Yes, sir."



1 Was that the truth?

2 A Yes.

3 Q In we can go to page 121125, and this is just at
4 the end of Mr. Wolch's examination, and he says to
02:04 5 you:

6 "Q And you must understand that my
7 instructions are to get the truth,
8 whatever it is.

9 A Yes, sir, I understand.

10 Q And the truth is it was all made up.

11 A Yes, sir."

12 And what were you referring to, or what did you
13 understand that question to be, Mr. Wilson?

14 A Oh, I thought it was all the stuff I had recanted,
02:05 15 that that was all made up.

16 Q Okay. Go to the next page, please. And then as
17 soon as Mr. Wolch was done, I'll just read you
18 Chief Justice Lamer's remarks, he says:

19 "Mr. Wilson, I am going to ask you to
20 stand up. The Court is citing you for
21 contempt of this Court and the citation
22 for contempt is with regard to your
23 testimony before this Court yesterday
24 and today and your statement today to
25 the effect that you lied to us.



1 I am going to order you to be
2 back here on the 3rd of February at 9:00
3 o'clock at the Registry Office. If you
4 are not there at 9:00 o'clock on the 3rd
5 of February, we will issue a warrant for
6 your arrest. You must understand that.

7 I strongly suggest that you
8 retain the services of an attorney, if
9 you can afford one. I inform you that
10 if you can't, we have a legal aid system
11 here in Ottawa and, if you are eligible,
12 they will give you a lawyer to defend
13 you."

14 Do you recall that address from Chief Justice
02:06 15 Lamer?

16 A Yes, I do.

17 Q And what, what were you feeling at the time, Mr.
18 Wilson?

19 A It scared the shit out of me.

02:06 20 Q And what did you do?

21 A As soon as I got out of there I ran back to my
22 room and I phoned my lawyer.

23 Q That was Mr. Watson?

24 A Yes.

02:06 25 Q And did you appreciate what had happened in Court



1 that day, at that time?

2 A I didn't know what had happened.

3 Q You understood, did you, that the Court was saying
4 that you had lied --

02:06 5 A Yes.

6 Q -- to them? Now I don't want to get into
7 discussions that you had with your counsel, but I
8 take it that Mr. Watson was then -- took some
9 steps to be able to assist you --

02:07 10 A Yes.

11 Q -- at the Court?

12 A Yes.

13 Q I call up document 009755, or it might be 754, and
14 this is January 29th, 1992, so it's the week
02:07 15 following your appearance in the Supreme Court,
16 and it's a letter from Mr. Watson to the Supreme
17 Court.

18 At this time, Mr. Wilson, did
19 you have any resources to pay a lawyer to act for
02:07 20 you before the Court?

21 A Not of my own, no.

22 Q And did you understand that there were some -- or
23 were they -- were there any difficulties in
24 arranging for Mr. Watson, your lawyer, to get paid
02:07 25 to appear before the Court with you?



1 A No, there wasn't.

2 Q Pardon me?

3 A No, there wasn't. I got my father-in-law to do
4 it.

02:08 5 Q I'm sorry, I missed that?

6 A I got my father-in-law to do it.

7 Q And in this letter to the Court Mr. Watson says:

8 "I understand that the Milgaard matter
9 is before the Supreme Court by way of a
02:08 10 reference from the Minister of Justice
11 and further that the Department of
12 Justice either has agreed to pay or has
13 been ordered by the Court to pay the
14 reasonable costs of the witnesses
02:08 15 required for the inquiry, including
16 legal fees and disbursements for Mr.
17 Milgaard's counsel and Mr. Fisher's
18 counsel. The Department of Justice paid
19 for my client's expenses relating to his
02:08 20 recent appearance but has refused to pay
21 for his return to the Court or for any
22 legal fees or disbursements for the
23 contempt matter."

24 Do you have any knowledge of what's stated in
02:08 25 this letter? Did you know this to be the case at



1 the time?

2 A No.

3 Q Pardon me?

4 A I don't believe so.

02:09 5 Q Did you leave these matters up to Mr. Watson?

6 A Yes.

7 Q If I can go to the next page, please, Mr. Watson
8 says:

9 "Since commencing to represent Mr.
02:09 10 Wilson, I have known him to be of
11 extremely modest means. I have received
12 no funding from him for past services or
13 disbursements, nor have I invoiced him
14 as I have always understood clearly that
02:09 15 he had no funds with which to pay me. I
16 did receive fees and disbursements from
17 Simon Fraser University for an
18 attendance at Kelowna, British Columbia,
19 with Mr. Wilson upon Mr. Neil Boyd who
02:09 20 was researching the crime from a
21 scholar's point of view. I understand
22 from Mr. Wilson, however, that he will
23 endeavour to borrow sufficient funds
24 from family to cover travel expenses for
02:09 25 he and I to attend the February 3rd,



1 1992 hearing."

2 Did that, in fact, happen?

3 A Yes, it did.

4 Q Just to carry on here with this letter, Mr. Watson
02:10 5 writes:

6 "Mr. Wilson's request for the Department
7 of Justice to fund the lawyer of his
8 choice is reasonable in the
9 circumstances, namely the complexity of
02:10 10 the issue, my familiarity with him and
11 his position in the matter, the short
12 time frame allowed for a response and
13 the unusual nature of this matter
14 itself."

02:10 15 Okay. Can you scroll down to paragraph (c):

16 "The Department of Justice has
17 pre-judged Mr. Wilson's worth to the
18 inquiry and has arbitrarily cut off
19 further funding to him. Mr. Wilson has
02:10 20 an answer and explanation to make to the
21 Court and has in fact been ordered to do
22 so. It may turn out that Mr. Wilson
23 will be of more use to this inquiry than
24 now appears either probable or possible.
02:10 25 That will depend upon the Court's view



1 of his explanation. In any event, my
2 client's current predicament flows from
3 the proceeding commenced and funded by
4 the Department of Justice. The
02:11 5 department argues that Mr. Wilson is the
6 author of his own misfortune and
7 therefore is not entitled to funding.
8 The same argument applies to his having
9 to appear at the inquiry in the first
02:11 10 place but that didn't stop the
11 department from funding that stage. It
12 is respectfully submitted that the
13 Department of Justice should be directed
14 to continue its funding support to Mr.
02:11 15 Wilson and further, to fund the
16 reasonable cost of his counsel of
17 choice."

18 Now were you made aware of this exchange of
19 information between your counsel and it appears
02:11 20 the Registrar of the Court?

21 A I don't recall.

22 Q In any event, on February the 3rd, 1992, did you
23 in fact attend with Mr. Watson before the Supreme
24 Court?

02:11 25 A Yes I did.



1 Q If we could maybe call up document 031388. This
2 is the citation for contempt, 031388, that -- I
3 apologize, I don't think I gave -- is there a
4 document ID for that front page?

02:13 5 SANDRA BOSWELL (Document Manager) 031388.

6 BY MR. HODSON:

7 Q Oh, it is? Okay. This is the citation for
8 contempt, Mr. Wilson, that you would have received
9 from the Supreme Court?

02:13 10 A Yes.

11 Q And maybe just go through parts of this. And it
12 asks you to attend and:

13 "... show cause why you would not be
14 adjudged in contempt of this Court for
02:13 15 statements and admissions made to this
16 Court on Thursday, January 23, 1992."

17 And if you scroll down it says:

18 "Attached herewith are pages 622-623,
19 688-692, and 700-701, being excerpts of
02:13 20 transcripts made on Thursday January 23,
21 1992, which form the basis of this
22 citation. Also attached are the ...",
23 complete transcripts. So those page numbers that
24 are identified here, Mr. Wilson, maybe we'll just
02:14 25 quickly go through those, okay, for the record so



1 we know what it is that the Court had cited you
2 for contempt.

3 So the first, 622-623, I think
4 that's doc. ID 214788, that was that one page
02:14 5 that we added to the transcripts. And I had gone
6 through this with you so I'll just identify for
7 the record, Mr. Wilson, this is the exchange
8 where the Chief Justice -- I think this is at the
9 conclusion -- this is at the conclusion of
02:15 10 Mr. Neufeld's examination, and I read this to you
11 a moment ago, and if we could just scroll down,
12 just to the bottom there, I won't read it all
13 because I just read it, but Lamer says:

14 "LAMER, C.J.: I put this to you: You must
15 be very careful what you tell us because
16 of course if you are caught lying -- we
17 are talking on something material -- it
18 will reflect throughout."

19 And if we can go to the next page, 623, which is
02:15 20 121047, this is where Chief Justice Lamer asks
21 you:

22 "I am putting to you before you are to
23 be furthered questioned: Is there
24 anything you want to think over in your
25 testimony that you might -- maybe with



1 the temptation of doing the right thing,
2 as you thought doing the right thing at
3 the time.

4 THE WITNESS: No, sir. Everything is fine."

02:15 5 So those are two pages of the citation for
6 contempt?

7 A Yes.

8 Q Now if we could go to 121112, which that starts
9 pages 688, so you will see at the top page 688 --
02:16 10 no, sorry, 6 -- 121112, and you will see page 688
11 at the top, and that's one of the pages in the
12 citation for contempt. And, again, I had gone
13 through this a bit earlier and this is the
14 exchange where Mr. Wolch said:

15 "Q So you now have to invent something
16 better. So what you invented, with a
17 little bit of guidance, was: I left the
18 car and I came back and she was
19 hysterical. Isn't that correct.

20 A Yes.

21 Q Because, sir, the simple truth is: It
22 never happened.

23 A That is right."

24 And then, if we want to just carry through to
02:17 25 692, which is page 121116, and that is 692, so



1 it's the five pages there, and I think I read
2 through most of those to you. That was the
3 exchange with Mr. Wolch.

4 And then the last two pages
02:17 5 are, if you can go to 121124, page 700 and page
6 701, and these are questions about -- Mr. Wolch
7 put to you about that you had nothing to gain or
8 lose, if you go to the bottom of the page,
9 actually go to the next page, please, 121125,
02:18 10 this is page 701, and I read this to you as well.
11 And the question is:

12 "Q And the truth is it was all made up.

13 A Yes, sir."

14 So those were the pages that were attached to the
02:18 15 citation for contempt. Okay?

16 A Okay.

17 Q So now if we could go to the February 3rd, 1992
18 proceedings, doc. ID 121235, and if I could go to
19 page 239, and there's an exchange here between the
02:18 20 Chief Justice and your lawyer about funding. And
21 if we can go to the next page, I think Mr. --
22 Chief Justice Lamer summarizes it, saying that:

23 "LAMER, C.J.: That you were appointed
24 through us, ...",

25 this being Mr. Watson:



1 "... paid by them, ...",

2 being, I think, Federal Justice:

3 "... and representing Mr. Wilson.

4 MR. WATSON: That is correct, my lord.

5 The terms that have been
6 specified in the letter, for the record,
7 dated as of last Friday are
8 satisfactory."

02:19 9 So I think, from here, you can read that funding
10 arrangements were made to your satisfaction; is
11 that right?

12 A Yes.

13 Q Go to page 121241, and this is Mr. Watson telling
14 the Court and referring to you:

15 "He is prepared to make answer today to
16 the Court for what occurred on January
17 23rd.

18 What I would propose to do, if
19 the Court pleases, is to have him
20 present evidence as to what went on and
21 then I will address them."

22 And that's through Mr. Wilson, and so you were
23 then sworn and gave evidence explaining what
24 happened on January 22nd and 23rd, is that right?

02:20 25 A That's right.



1 Q Go to page 121243, and we have the start of the
2 examination by your counsel, Mr. Watson, and he
3 says:

4 "Q Mr. Wilson, you will notice on line 17
02:21 5 of page 622 that the Chief Justice is
6 addressing you at that point. He says:"
7 And then there's a lengthy quote.

8 "I put this to you: You must be very
9 careful --"

02:21 10 And I've read that to you. If we can go to the
11 next page, and you know what I'm talking about
12 there, Mr. Wilson?

13 A Yes, I do.

14 Q That was after Mr. Neufeld was done, before Mr.
02:21 15 Wolch started, and Chief Justice Lamer asked you
16 if you wanted to add anything or to -- I think his
17 words were to think over your testimony that you
18 might be wishing to change, and at the bottom
19 Mr. Watson says:

02:22 20 "Q Mr. Wilson, at the time that you were
21 addressed by the Chief Justice, as I
22 have just stated, I understand that you
23 had just been questioned by Mr. Neufeld.

24 A Yes.

02:22 25 Q And he was acting on behalf of



1 Saskatchewan.

2 A Yes, he was.

3 Q At the time that you answered as you
4 did, as just quoted, to the Chief
02:22 5 Justice, were you correct in your
6 answers?

7 A Yes, I was.

8 Q Did you in fact then believe that
9 everything that you had answered to Mr.
02:22 10 Neufeld was correct?

11 A Yes.

12 Q In particular, I understand that there
13 was questioning about the car that you
14 had driven in to Saskatoon becoming
02:22 15 stuck after you had sought directions
16 from a woman walking on the street.
17 That is the relevant point in this
18 matter.

19 A Yes.

02:22 20 Q You had said that in fact the car did
21 become stuck.

22 A Yes, I did.

23 Q And further, that you and David Milgaard
24 had left the car for some period of
02:22 25 time.



1 A Right.

2 Q And at the time you answered the Chief
3 Justice you felt that all of that was
4 correct.

02:23 5 A Yes, sir.

6 Q I refer now to pages 688 and following.
7 Have you found that, Mr. Wilson?"

8 Page 688 was what I just referred to you.

9 "A Yes, I have.

02:23 10 Q You have read over these transcripts, I
11 presume, have you?

12 A Yes, I have.

13 Q Am I correct in saying that this page is
14 part of the questioning of you by Mr.
02:23 15 Wolch?

16 A Yes, it is.

17 Q And you understand him to be the
18 solicitor for Mr. Milgaard?

19 A Yes, I do.

02:23 20 Q I refer you to line 4 at page 688.

21 Question from Mr. Wolch:"

22 And this is again from the questions of Mr.
23 Wolch.

24 "So you now have to invent something
02:23 25 better. So what you invented, with a



1 little bit of guidance, was: I left the
2 car and I came back and she was
3 hysterical. Isn't that correct?

4 A Yes.

02:23 5 Q Because, sir, the simple truth is: It
6 never happened.

7 A That is right.

8 Q You lied yesterday. You lied this
9 morning. The fact is, it never
02:23 10 happened.

11 A I believe you are right."

12 And then Mr. Watson says:

13 "Mr. Wilson, at the time that
14 you made that series of answers to Mr.
02:24 15 Wolch, did you believe that you were
16 giving a correct answer or a false
17 answer?

18 A A correct answer.

19 Q Surely that is diametrically opposed,
02:24 20 this series of questioning from Mr.
21 Wolch, to the answers that you had given
22 to Mr. Neufeld.

23 A Yes.

24 Q But Mr. Wolch's proposition is that the
25 car being stuck never happened.



1 A Yes.

2 Q And at the point you made these answers,
3 you thought you were answering
4 truthfully to Mr. Wolch?

02:24 5 A Yes, I did.

6 Q But both propositions cannot be true.
7 The car was either stuck or wasn't
8 stuck. Is that correct?

9 A That is right.

02:24 10 Q You have had an opportunity, since the
11 23rd of January when this testimony was
12 given, to think about your answers.
13 Have you thought carefully?

14 A Yes, I have.

02:24 15 Q About the clear problem created by these
16 two sets of answers?

17 A Yes, I have.

18 Q Is either one of those correct?

19 A Yes.

02:24 20 Q Which series of answers is correct?

21 A The one I gave Mr. Neufeld.

22 Q Is your evidence, then, that the car did
23 become stuck?

24 A Yes.

02:25 25 Q Are you absolutely positive that the



1 answers to Mr. Neufeld were correct in
2 that regard?

3 A Yes, sir.

4 Q Mr. Wilson, you have had --"

02:25 5 And let me just pause there. That part that I
6 read was a bit lengthy. Is that truthful,
7 Mr. Wilson?

8 A Yes.

9 Q And carrying on, your counsel questions you about
02:25 10 some drug use:

11 "Q Mr. Wilson, you have had no small
12 involvement, I understand, with illegal
13 drugs?

14 A That is right.

02:25 15 Q Tell the Court, please, about the
16 quantity and types of drugs you were
17 using 22 years ago, at the time of the
18 Milgaard preliminary hearing and trial.

19 A At that time I was using LSD,
02:25 20 marijuana, speed, basically whatever
21 was available, practically every day
22 of the week. And even before the
23 trial I was stoned the day before.
24 Even while I was incarcerated I was
02:25 25 getting my hands on my drugs."



1 Next page, I won't go through that, if we can
2 maybe go to page 121251, I think there's much of
3 the same evidence, Mr. Wilson, you've given us
4 about your drug use, and you were asked here by
02:26 5 Mr. Watson:

6 "Q Did you ever see a psychologist or
7 psychiatrist with respect to your use of
8 drugs?

9 A No."

02:26 10 Is that truthful?

11 A No.

12 Q Have you seen a psychologist or psychiatrist?

13 A Just an ordinary doctor, so I guess that is true.

14 Q If we can go to page 252, please, and again this
02:26 15 is Mr. Watson questioning you:

16 "Q You made some choices in 1980 to change
17 your life. What did you do?

18 A I quit the motorcycle club and I quit
19 my drugs or else I was going to lose
02:27 20 my wife, so I decided to change my
21 life around.

22 Q This is your common law spouse?

23 A Yes.

24 Q How long have the two of you been
02:27 25 together?



1 A Seventeen, going on 18 years.

2 Q Did you receive a telephone call from
3 Joyce Milgaard at approximately that
4 time?

02:27 5 A Yes, I did.

6 Q It would have been about 1980?

7 A Yes.

8 Q What effect did that have on you?

9 A It was kind of like a kick in the
02:27 10 stomach from the past. It got me to
11 start thinking of what I had done.

12 Q Did this cause some years of off and on
13 introspection concerning what had
14 happened back in 1970 at David
02:27 15 Milgaard's trial?

16 A Yes.

17 Q Was anything building within you?

18 A That started to.

19 Q Were you feeling guilty about that?

02:27 20 A Yes, I was.

21 Q Some remorse?

22 A Yes.

23 Q From about 1980 there was a phone call
24 from Mrs. Milgaard. When is the next
02:27 25 time that you had told anyone that you



1 had not spoken the truth at David
2 Milgaard's trial?

3 A When I saw Mr. Henderson in 1990.

4 Q Mr. Henderson, who was the private
02:28 5 investigator that you understood to be
6 hired by David Milgaard's lawyers?

7 A Yes.

8 Q What happened to your emotions when you
9 spoke to Mr. Henderson?

02:28 10 A Basically the floodgates opened with
11 my emotions. After I had finished
12 talking to him, I felt a weight off my
13 shoulders.

14 Q So there was a release after speaking
02:28 15 with Mr. Henderson.

16 A Yes, there was.

17 Q At that point was your wife aware that
18 you had lied at David Milgaard's trial?

19 A Not until after I talked to Mr.
02:28 20 Henderson.

21 Q Was your family aware prior to you
22 speaking to Mr. Henderson?

23 A No, they weren't.

24 Q But you made them aware after the
02:28 25 floodgates opened.



1 A Yes, I did."

2 Is that truthful, the part that I read there?

3 A Yes, it is.

4 Q Mr. Wilson, it's about an hour. Are you

02:28 5 prepared to -- do you want a break or do you want
6 to keep going?

7 A Break, please.

8 COMMISSIONER MacCALLUM: 10 minutes.

9 *(Adjourned at 2:30 p.m.)*

02:46 10 *(Reconvened at 2:46 p.m.)*

11 BY MR. HODSON:

12 Q Go to page 121256 of the Supreme Court evidence,
13 and again, Mr. Wilson, this is your counsel
14 questioning you on the contempt hearing, and he
02:46 15 asks you:

16 "Q When did you first learn about Mr.
17 Asper?

18 A The day I talked to Mr. Henderson.

19 Q Did you contact Mr. Asper?

02:46 20 A Yes, I did.

21 Q Is it fair to say that you spoke freely
22 with Mr. Asper about your involvement in
23 this case, in the David Milgaard case?

24 A Yes, I did. I talked to him in a way
02:46 25 like he was my own lawyer.



1 Q So there was no holding back from him.

2 A No."

3 Is that truthful?

4 A Yes.

02:46 5 Q "Q Am I correct in saying that it was after
6 you had spoken with Mr. Asper that you
7 then came to see me?

8 A Yes, it is.

9 Q Did you continue your conversations with
02:46 10 Mr. Asper even after I became your
11 lawyer?

12 A Yes, I did.

13 Q So you considered him to be on the same
14 side as you were --

02:47 15 A Yes, I did.

16 Q -- if there were sides in this at all at
17 that point.

18 A Yes.

19 Q When you spoke with Mr. Asper, were
02:47 20 there emotional times?

21 A Yes, there was.

22 Q It is approximately one and a half years
23 ago since you spoke with Mr. Asper and
24 Mr. Henderson and this matter started
02:47 25 for you.



1 A Yes.

2 Q Have you seen what you consider to be
3 the taking of sides in this issue?

4 A I have now, yes.

02:47 5 Q And you considered all through these
6 proceedings that you were on the side of
7 David Milgaard and his lawyers?

8 A Yes, I did.

9 Q You were aware that an application had
02:47 10 been made to the Minister of Justice by
11 Mr. Milgaard's lawyers to attempt to
12 seek some opening of the case for Mr.
13 Milgaard.

14 A Yes.

02:47 15 Q Were you aware that the minister had
16 turned down that application at one
17 point?

18 A Yes, I was.

19 Q So is it fair to say that the Ministry
02:47 20 of Justice was perhaps on the other
21 side?

22 A Yes.

23 Q At least the way you felt it.

24 A Yes."

02:47 25 Was that truthful, what I read to you?



1 A Yes, it is.

2 Q Next page, please:

3 "Q When you arrived in this Court for this
4 reference, there were many other lawyers
02:48 5 here, I understand.

6 A Yes, there was.

7 Q Did you consider any of them to be on
8 your side?

9 A Yes, I did.

02:48 10 Q Who?

11 A Mr. Wolch and Mr. Asper.

12 Q And the rest of the lawyers?

13 A Basically the prosecution side.

14 Q Did you consider it a prosecution
02:48 15 matter?

16 A Yes.

17 Q You considered it adversarial?

18 A Yes.

19 Q When Mr. Neufeld for Saskatchewan
02:48 20 finished questioning you, did you notice
21 anything within yourself?

22 A Yes, I thought the worst was over and
23 the rest was going to be a cakewalk?

24 Q What do you mean by a "cakewalk"?

02:48 25 A Basically the hard stuff was over and



1 now was going to come the easy part.

2 Q Why was it the easy part?

3 A Because now I figured defence is
4 taking over, so it wouldn't be as much
02:48 5 pressure.

6 Q And who were you anticipating was going
7 to question you?

8 A Mr. Wolch.

9 Q You felt the pressure was off?

02:49 10 A Yes, I did.

11 Q And you felt that Mr. Wolch would be
12 kind to you.

13 A Yes.

14 Q If I am not mistaken, the testimony
02:49 15 which you gave to Mr. Neufeld prior to
16 Mr. Wolch taking over -- you had
17 publicly admitted in this Court to the
18 public, your family, your friends, and
19 to David Milgaard who was in this Court
02:49 20 that you had been a liar, a coward and
21 had done a very shameful thing.

22 A Yes, I did.

23 Q And at that point some load came off of
24 your shoulders?

02:49 25 A Yes.



1 Q The humiliation was complete. It was
2 before the public.

3 A Yes, it is."

4 Was that truthful?

02:49 5 A Yes, it is.

6 Q Then go to page 121270. Do you remember an
7 exchange with your counsel, Mr. Wilson, about
8 whether or not you had met with Mr. Wolch prior to
9 the Supreme Court reference?

02:50 10 A Yes, I did.

11 Q Let's see if we can just cover this quickly, and
12 your counsel asked you here:

13 "You have just said that the question
14 put to you asked if you had talked to
02:50 15 Mr. Asper and Mr. Wolch about what you
16 were going to say today and you said
17 "No". Mr. Wolch's advice to Chief
18 Justice was:"

19 And these are quoting Mr. Wolch:

02:50 20 "I wanted to clarify, My Lord, because
21 the witness did testify earlier that he
22 hadn't talked to me and I want to make
23 sure that it is known that he did."

24 Those are not the same matters
02:50 25 exactly, are they?



1 A No, they are not.

2 Q In reading those two statements, do you
3 still feel you answered the question
4 perfectly fairly to Mr. Neufeld?

02:50 5 A Yes, I did."

6 And if I can pause there. I think your evidence
7 was that you testified that you did not talk to
8 Mr. Wolch prior to giving evidence and Mr. Wolch,
9 when he cross-examined you, reminded you that you
02:51 10 had met with him a week prior just to chat; is
11 that correct?

12 A That's correct, yes.

13 Q And then your counsel asked you:

14 "Q Did you feel that Mr. Wolch was perhaps
02:51 15 implying something about your not being
16 honest?

17 A Yes, there was.

18 Q But you still thought you were on the
19 same side?

02:51 20 A Yes.

21 Q Did you form an impression of what Mr.
22 Wolch was doing in talking to the Court?

23 A I figured he was telling them that we
24 did meet so he didn't get in any
02:51 25 trouble himself.



1 Q Just being absolutely clear about the
2 circumstances.

3 A Yes."

4 Can you explain that for us, Mr. Wilson, or does
02:51 5 that -- do you recall what that was about?

6 A No, I don't.

7 Q Let me put it this way. When that was raised by
8 Mr. Wolch, that you had in fact met with him, did
9 that concern you at all?

02:51 10 A It probably did a little bit, yes.

11 Q Did you think you may have been in trouble for --

12 A I think I probably misinterpreted the question
13 because I believe somewhere in the question was
14 discussing the case or something and to me we just
02:52 15 had a chitchat.

16 Q Okay. And then again this is Mr. Watson:

17 "Q I take it, in general terms, looking at
18 what happened through the transcript
19 from that point on --"

02:52 20 And this is referring to when Mr. Wolch was
21 questioning you,

22 "-- that various documents were given to
23 you by Mr. Wolch.

24 A Yes, there were.

02:52 25 Q And you were asked to examine them and



1 to compare.

2 A Yes.

3 Q Do you recall what types of documents
4 were put before you?

02:52 5 A Some statements and some police
6 reports.

7 Q Statements of who?

8 A Myself and Nichol John.

9 Q Had you ever seen any of Nichol John's
02:52 10 statements before?

11 A No, I hadn't.

12 Q That was your first time, when Mr. Wolch
13 handed them to you.

14 A Yes."

02:52 15 Is that truthful, Mr. Wilson? Is that the truth?

16 A I can't recall.

17 Q Well, here at your contempt hearing you are
18 telling your counsel and the Court that the first
19 time you saw Nichol John's statement was when Mr.
02:53 20 Wolch handed it to you at the hearing itself.

21 A Uh-huh.

22 Q Right? And if you don't recall, that's fine, I'm
23 just wondering --

24 A I don't recall which statement it was.

02:53 25 Q Go down to the bottom:



1 "Q What you are telling the Court, I
2 gather, Mr. Wilson, is that when that
3 statement of Nichol John -- not your own
4 statement, just Nichol John's
02:53 5 statement -- was given to you by Mr.
6 Wolch when he was examining you, that
7 was the first time that you had ever
8 seen Nichol John's statement.

9 A Yes.

02:53 10 Q I gather from reading the transcript
11 that it would be fair to say that,
12 through the questioning by Mr. Wolch,
13 you were asked to read, to listen to
14 him, to analyse some differences in what
02:53 15 was in the statements, and to answer all
16 at the same time.

17 A Yes, I was.

18 Q Were you trying to follow Mr. Wolch when
19 you were giving him the answers?

02:54 20 A I was trying to, yes.

21 Q Did you think at the time that you were
22 following all of his arguments?

23 A I thought I was.

24 Q And you still thought that Mr. Wolch is
02:54 25 on your side as you go through that.



1 A Yes."

2 And then if we can just scroll down, your counsel
3 reads to you an exchange, and I think the
4 important part here about this is when Mr. --
02:54 5 he's referring to when Mr. Wolch examined you
6 about the discussion with Nicky and you say,
7 "Let's sink him." And then the next page,
8 please, and as well, and this is quoting what Mr.
9 Wolch examined you:

02:54 10 "Q. And you told Nicky that the two of
11 you should give them what they want."
12 And you say "yes". And then Mr. Watson says to
13 you:

14 "That is quite an admission you made at
02:55 15 the time. How did you feel about it?

16 A I didn't feel very good about it.

17 Q Was that one of the more difficult parts
18 for you to say?

19 A Yes, it was.

02:55 20 Q Did this admission have an effect on
21 you?

22 A It felt good to get it out, but then I
23 knew I was open to public ridicule
24 because of it."

02:55 25 Is that the truth?



1 A Yes.

2 Q And then scroll down, please, and then here:

3 "Q. Question from Mr. Wolch, and it's a
4 quote: "But there was a problem with
02:55 5 that, wasn't there?

6 A. Yes."

7 What problem did you see with
8 it at that time when you answered "Yes"
9 to Mr. Wolch?

02:55 10 A I wasn't sure.

11 Q Why did you answer "Yes" ?

12 A I don't know. I don't know what I was
13 saying "Yes" to."

14 And then Chief Justice Lamer:

02:55 15 "LAMER, C.J.: Could it be that you were
16 answering "Yes" to everything that
17 sounded like he was wanted a "Yes", and
18 you were answering "No" to everything he
19 seemed to be indicating he would want a
20 "No"?

21 THE WITNESS: At that time, your Honour, I
22 started losing my concentration.

23 LAMER, C.J.: I know; I was there. But is
24 it fair to say that you were answering
02:56 25 "Yes" because he was suggesting that the



1 answer should be "Yes"?

2 THE WITNESS: Yes.

3 LAMER, C.J.: I am not saying he was

4 improper. I am just saying he was

02:56 5 putting to you a question that was

6 suggesting a "Yes" and you would answer

7 "Yes".

8 THE WITNESS: Yes.

9 LAMER, C.J.: And when he gave you a

02:56 10 question -- and this flows from the

11 transcript -- where you thought that he

12 was suggesting a "No", then you would

13 say "No"?

14 THE WITNESS: Yes.

02:56 15 LAMER, C.J.: Fine."

16 Is that truthful?

17 A Yes.

18 Q Next page, this is back to Mr. Watson, he says:

19 "Q In fact, there appears at the end of the

02:56 20 page a question from Mr. Wolch -- after

21 he has asked "But there was a problem

22 with that, wasn't there?" and you

23 answered "Yes", he carries on to say "I

24 am going to show you what your problem

02:56 25 was." So even though the answer is



1 "Yes", he is still going to show you
2 what the problem was. I suggest it then
3 carries on for --"

4 And then Justice Sopinka:

02:57 5 "SOPINKA, J.: You were going to ask him
6 something about losing his
7 concentration. Do you want to finish
8 that off.

9 He answered that he was losing
02:57 10 his concentration and that is why he
11 answered "Yes".

12 MR. WATSON: He answered my lord Chief
13 Justice?

14 LAMER, C.J.: He has clarified that since."
02:57 15 And then Sopinka asks you:

16 "SOPINKA, J.: Did you lose your
17 concentration, or didn't you?"

18 You answered:

19 "THE WITNESS: I had started to lose it,
02:57 20 sir, yes.

21 LAMER, C.J.: What do you attribute that to?

22 THE WITNESS: To trying to keep up with what
23 I was reading and what I was hearing."

24 Is that truthful?

02:57 25 A Yes, it is.



1 Q Your counsel then carries on:

2 "Mr. Wolch then continued on for some
3 time questioning you. He showed you,
4 over the next couple of pages, why he
02:57 5 thought you had problems that you had
6 already replied "Yes" to, until you get
7 to page 688. These are the statements,
8 Mr. Wilson, that the Court is extremely
9 concerned about.

02:57 10 In particular, I take you
11 directly to line 10, after Mr. Wolch is
12 talking to you and now we are again
13 talking about the car being stuck on
14 that particular occasion that is in
02:58 15 issue here today, he says to you:

16 "Because, sir, the simple truth is: It
17 never happened.

18 A. That is right.

19 Q. You lied yesterday. You
02:58 20 lied this morning. The fact
21 is, it never happened.

22 A. I believe you are right."

23 At that time did you believe he
24 was right?

02:58 25 A Yes, I did.



1 Q When you acknowledged to him that you
2 had lied, did you purposely tell the
3 Court an untruth previously, the morning
4 that he is referring to, your testimony
02:58 5 with Mr. Neufeld?

6 A No, I didn't.

7 Q You were in fact just following Mr.
8 Wolch's lead everywhere that he went.

9 A Yes.

02:58 10 Q You still thought you and he were on the
11 same side.

12 A Yes.

13 Q Did his logic seem to make sense to you?

14 A Yes, it did.

02:58 15 Q At that time, it made sense to you.

16 A Yes.

17 Q So you were trying to follow it to some
18 extent?

19 A Yes.

02:58 20 Q But there were many things going on at
21 that time.

22 A Yes.

23 Q The proposition that Mr. Wolch had put
24 to you -- that in fact the car had never
02:58 25 become stuck at all and that was another



1 thing that had been made up -- had you
2 ever heard that proposition before?

3 A No, I hadn't.

4 Q This was the first time that it
02:59 5 confronted you.

6 A Yes.

7 Q Did it make sense to you at that time?

8 A Yes, it did.

9 Q You have told this Court today that the
02:59 10 version you gave Mr. Neufeld is true.
11 Are you sure of that?

12 A Yes, I am.

13 Q How long after you gave the testimony to
14 Mr. Wolch did it take you to come to the
02:59 15 conclusion that there was something
16 wrong?

17 A By the time I got back to my hotel
18 room.

19 Q Approximately how much later was that?

02:59 20 A Fifteen, 20 minutes after I left here.

21 Q When you left the Court, you still
22 thought that Mr. Wolch had shed light on
23 a dark subject.

24 A Yes, I had.

02:59 25 Q But by the time you got back to your



1 hotel room, you knew that wasn't so?

2 A That's true.

3 Q You thought about it carefully --

4 A Yes.

02:59 5 Q -- in the interval between January 23rd
6 and now?

7 A Yes, I have.

8 Q Is it fair to say that the Court,
9 through these proceedings, has directed
02:59 10 your focus on that very explicitly?

11 A Yes, they have.

12 Q As regards to the two diametrically
13 opposed propositions, (a) that the car
14 did get stuck, as you told Mr. Neufeld,
03:00 15 and (b) that the car never did get
16 stuck, as you told Mr. Wolch, which do
17 you consider would be more favourable to
18 Mr. Milgaard's case?

19 A Mr. Wolch's.

03:00 20 Q But that is not the case. That is just
21 not true. Is that correct?

22 A That is correct.

23 Q So if you were simply trying to assist
24 Mr. Milgaard, Mr. Wolch's version would
03:00 25 be the correct one to go with, but that



1 is not the case.

2 A That is right.

3 Q You realize that your differing
4 testimony to the Court on January 23rd
03:00 5 has caused a lot of inconvenience and a
6 lot of problems for this Court. How to
7 you feel about that?

8 A I would like to apologize for it. I
9 didn't mean to cause any
03:00 10 inconvenience."

11 Is what I read to you there, is that truthful?

12 A Yes, it is.

13 Q And just down at the bottom, Justice Sopinka asks
14 some clarification, he says:

03:01 15 "SOPINKA, J.: Mr. Watson, we want to make
16 sure that we have your client's evidence
17 on the important aspects of the evidence
18 referred to in the citation.

19 In the evidence that Mr. Wilson
03:01 20 gave to Mr. Neufeld, he gave a fairly
21 detailed version of the car being stuck
22 and how long he was out of the car.
23 That varied, to some extent, but not in
24 essential details.

03:01 25 When he was examined initially



1 by Mr. Wolch, he gave further details
2 which, for instance, narrowed the length
3 of time that he was out of the car, and
4 so forth. Then he finally said that
03:01 5 incident didn't happen at all. Today he
6 has said that the version he gave Mr.
7 Neufeld was right.

8 Can we take it that he means
9 the version he gave to Mr. Neufeld not
03:01 10 varied by any of the examination by Mr.
11 Wolch?"

12 And your answer is:

13 "THE WITNESS: Yes, sir.

14 "MR. WATSON: You have your answer."

03:01 15 Is that correct? You understand that?

16 A No, I don't.

17 Q Let me just try it again here. So that I think
18 what Justice Sopinka is saying, he's trying to
19 find out whether the version you gave to Mr.
03:02 20 Neufeld, if you can just scroll up to the top --

21 A As compared to the one to Mr. Wolch?

22 Q Yes.

23 A Yes, that's true.

24 Q So that is true?

03:02 25 A Yes.



1 Q Scroll down, and then Justice Sopinka:

2 "Then there were two other substantial
3 departures in the evidence he gave to
4 Mr. Neufeld and the evidence he gave
03:02 5 when examined by Mr. Wolch. One was
6 with respect to a knife, a hunting
7 knife, I believe, that he saw after the
8 elevator incident.

9 In examination by Mr. Wolch he
03:02 10 said that never happened; he never saw a
11 knife, and then finally when they left
12 Saskatoon, that a compact, a lady's
13 compact, was thrown out of the car. He
14 gave that evidence initially, and in
03:02 15 examination by Mr. Wolch, he said that
16 did not happen.

17 We wondered if you would like
18 to deal with those two aspects, the
19 knife and the compact. What are we to
03:03 20 understand as to why he said one thing
21 to Mr. Neufeld and another to Mr. Wolch
22 with respect to those two items?

23 MR. WATSON: I don't recall the
24 testimony particularly in the
03:03 25 transcripts, my lord. With your



1 permission, I will put it to him and
2 have him answer.

3 You heard the question,
4 Mr. Wilson. What is the situation with
03:03 5 respect to a hunting knife which you
6 have described to Mr. Neufeld?

7 THE WITNESS: That statement was true.

8 MR. WATSON: You did see a knife?

9 THE WITNESS: Yes, I did.

03:03 10 MR. WATSON: I am not sure where in the
11 transcript my lord was referring to with
12 respect to the testimony to Mr. Wolch.

13 Does that answer your question?

14 SOPINKA, J.: I take it that the evidence
03:03 15 you gave Mr. Neufeld about the details
16 of seeing the knife, you say, is a
17 correct version.

18 THE WITNESS: Yes, sir.

19 SOPINKA, J.: And as varied when you gave
03:03 20 the evidence in examination by Mr. Wolch
21 is incorrect.

22 THE WITNESS: Yes, sir."

23 Is that truthful?

24 A Yes.

03:03 25 Q "SOPINKA, J.: And with respect to the



1 compact, you said it did happen when
2 examined by Mr. Neufeld and it didn't
3 happen when examined by Mr. Wolch.
4 Which is correct.

5 THE WITNESS: That one you lost me on, sir;
6 that the compact part did happen or it
7 didn't happen?

8 SOPINKA, J.: Which is it?

9 THE WITNESS: It didn't happen.

10 SOPINKA, J.: It didn't happen.

11 THE WITNESS: No."

12 And is that truthful?

13 A Yes it is.

14 Q "SOPINKA, J.: And is your explanation as to
15 why you gave these different versions --
16 you have given us the explanation with
17 respect to the stopping of the car. Is
18 your explanation with respect to the
19 knife the same.

20 THE WITNESS: Yes, sir.

21 SOPINKA, J.: Thank you."

22 And is that truthful?

23 A Yes.

24 Q Well then, in the transcript, it carries on with
25 argument presented by your counsel. Do you know

03:04



1 what ever happened with respect to the citation
2 for contempt, Mr. Wilson, were you ever -- any
3 consequences ever flow from that to your
4 knowledge?

03:04 5 A No.

6 Q And I understand, then, you were asked to come
7 back to the Court on February 17th, 1992 to be
8 re-examined; is that right?

9 A Yes.

03:04 10 Q If we can call up document 121298, if you could go
11 to page 121306, and this is Mr. Neufeld
12 questioning again. And he says here, and this is
13 going by your transcript from your contempt
14 hearing:

15 "-- but I recollect that, basically,
16 everything you have told us, that you
17 told me when you testified and when I
18 questioned you was, in fact, true. Is
19 that correct.

20 A Yes, sir.

21 Q The things that you told Mr. Wolch, or
22 agreed with Mr. Wolch, were not true, is
23 that correct?

24 A That's right, sir."

03:05 25 Is that truthful?



1 A Yes.

2 Q "Q Therefore, the truthful part of your
3 evidence includes getting stuck, is that
4 correct.

5 A Yes.

6 Q It includes Mr. Milgaard and yourself
7 being separated from the car for a
8 period of time?

9 A Yes, it does.

10 Q The time in which you walked four or
11 five blocks, briskly, and back?

12 A Yes, sir.

13 Q I take it, as well, that it includes
14 that Mr. Milgaard did, in fact, have a
15 bone-handled knife in his possession in
16 the car on the way to Saskatoon?

17 A Yes, sir.

18 Q And that knife was no longer seen by you
19 after Saskatoon?

20 A No.

21 Q You agree with that?

22 A Yes, I do."

23 Is that truthful?

24 A Yes.

03:06 25 Q Page 121308, and again this is Mr. Neufeld



1 questioning you, he says:

2 "Q Okay. As well, I understand from my
3 questioning of you earlier that the
4 police were polite and courteous with
5 you at all times, is that correct.

6 A Yes, they were.

7 Q They didn't threaten you?

8 A No, they didn't.

9 Q They didn't put you under hot
10 lights?

11 A No.

12 Q At all times treated you with
13 respect?

14 A Yes.

15 Q Provided you with food and lodging, as
16 was required?

17 A Yes, they did.

18 Q All of those things that you told us
19 about the other day, about your police
20 treatment were, in fact, true?

21 A Yes, sir."

22 Is that the truth?

23 A Yes it is.

24 Q "Q You have told us in Mr. Henderson's
25 statement, in any event, that you felt



1 manipulated by the police, but really,
2 from what you have told us, there is no
3 indication of manipulation. Would you
4 agree.

5 A Not that I have been able to say up to
6 this point, sir."

7 Is that the truth?

8 A Yes.

9 Q "Q If there was no reason for you to make up
10 a story against Mr. Milgaard and no
11 coercion by the police, why did you do
12 it.

13 A I had help from the police, sir.

14 Q How is it that you had help from the
15 police? They didn't threaten you; they
16 didn't force you to say anything?

17 A They gave me certain information,
18 sir.

19 Q What information is that?

20 A About the blood on Mr. Milgaard's
21 pants, or supposedly the spot where
22 the purse was found.

23 Q I see, and you say they told you where
24 the purse was before you made any
25 reference to it? Is that what you are



1 telling us?

2 A At this point in time, sir, I really
3 can't recall that.

4 Q Oh, you can't recall, so it may be that
5 they didn't tell you about the
6 purse?

7 A I can't say right now, sir.

8 Q You can't say right now. So, if there
9 was anything that was suggested to you
10 by the police, it certainly wasn't the
11 purse at this point. You can't say
12 that.

13 A I can't say that, no."

14 Is that truthful, the parts that I just read to
03:07 15 you? Do you want to go back? Let's just go back
16 to the previous page. Just take your time and
17 read through that if you like.

18 A Okay.

19 Q Is that the truth?

03:08 20 A No, because they did tell me about the purse.

21 Q Okay. So the part -- so right there:

22 "You can't recall, so it may be that
23 they didn't tell you about the
24 purse?

03:08 25 A I can't say right now, sir."



1 And you say they did tell you about the purse?

2 A Yes.

3 Q Anything else in that part that I read to you?

4 A No.

03:08 5 Q Page 121317, and again this is Mr. Neufeld, he
6 says to you:

7 "Q So you cannot say that you said, "Let's
8 make up a convincing story to implicate
9 Milgaard good and proper"? You didn't
03:09 10 say anything like that?"

11 I think he is referring to discussions with
12 Nichol John:

13 "A No, sir.

14 Q Would you agree with me -- and you would
15 have to agree, I take it -- that from
16 what you had been telling the police, at
17 least up to that point, they already had
18 information from you which would
19 implicate Mr. Milgaard to some extent?
20 Would you agree.

21 A Yes."

22 And is that truthful?

23 A Okay. This is prior to the May statements?

24 Q I think this is prior to the polygraph, yes, and
03:09 25 yeah, at least up to that point they already had



1 information from which you would implicate Mr.
2 Milgaard, or "which would implicate Mr. Milgaard
3 to some extent; would you agree", and you say
4 "yes", you agree to that. I'm just wondering if
03:09 5 that's --

6 A I would not agree with that right now, no.

7 Q You would not?

8 A No.

9 Q And why not?

03:10 10 A Because I showed them certain things on the way to
11 Saskatoon but I can't really recall if I
12 implicated David until Saskatoon.

13 Q Okay. So I think you are saying you can't recall
14 if you gave them anything to implicate Mr.
03:10 15 Milgaard?

16 A No I can't.

17 Q At the time, were you aware that the police may
18 have had information from other sources that may
19 have implicated Mr. Milgaard?

03:10 20 A They seemed to have, yes.

21 Q Okay. And do you know what that was?

22 A I can't recall.

23 Q And Mr. Neufeld says:

24 "Q You were, in fact, kind of feeding them
25 bits and pieces as you went along.



1 Would you agree? It started in Regina.
2 You started to implicate Mr. Milgaard in
3 Regina. In fact, one of your
4 statements, I think, says that you
5 thought he had done the murder already,
6 at that point.

7 A I believe you are right, sir, on that
8 account, yes."

9 And is that the truth?

03:10 10 A I don't recall that.

11 Q Then:

12 "Q All right. So, you were giving them a
13 little bit at a time, as the time went
14 on.

15 A We were giving each other a bit at a
16 time.

17 Q You were giving them a little bit at a
18 time, weren't you?

19 A Yes."

03:11 20 Is that part the truth?

21 A Possibly, yes.

22 Q You say "possibly"; are you not sure?

23 A I'm not sure.

24 Q That's it for the Supreme Court.

03:12 25 Now I take it, Mr. Wilson, that



1 after the Supreme Court reference you would have
2 become -- you would -- you became aware that Mr.
3 Milgaard was released from prison?

4 A Yes.

03:13 5 Q Did you have any contact with him, or anybody from
6 -- representing David at that time?

7 A No.

8 Q And would the next contact have been with the RCMP
9 in 1993?

03:13 10 A Yes.

11 Q If you could call up document 2565 -- actually, I
12 think it's 256503, and if you could go to page
13 256522. And do you recall some efforts by the
14 RCMP to meet with you in 1993?

03:13 15 A Yes I do.

16 Q And we have already heard an audio tape of a
17 telephone conversation that you had with the RCMP;
18 is that right?

19 A Yes.

03:14 20 Q And is it correct to say that you would not agree
21 to meet with them in person?

22 A That's true.

23 Q And why not?

24 A Because I, after everything that has gone on, I
03:14 25 don't trust them.



1 Q You don't trust who, the RCMP?

2 A Yes.

3 Q And why not?

4 A Because they are a part of the federal police
03:14 5 force.

6 Q Okay. And why do you distrust -- why did you
7 distrust the federal police force?

8 A Well I got to a point, at that time, I was
9 distrusting everybody, actually, I just didn't
03:14 10 want to talk about the case to anyone.

11 Q Okay. So you did eventually talk to them on the
12 phone?

13 A Yes I did.

14 Q And what caused you to do that?

03:14 15 A I don't know. Just that, finally, maybe that
16 would be the end of it.

17 Q So the date here, I think this is May 27th, '93,
18 does that sound about the right time frame, about,
19 that you were contacted?

03:15 20 A Yes.

21 Q And this is a note from one of the, I think it's
22 Jorgenson, from Constable Jorgenson; do you recall
23 that name?

24 A No, I don't recall any of the names.

03:15 25 Q And what it appears here is that they had asked



1 you to meet, and you wanted to talk to your
2 lawyer, umm, and when he says here:

3 "Wilson wanted to know if he has to come
4 in and talk to us. I explained to him
03:15 5 that he did not have to, however, we
6 would certainly like to have the
7 opportunity to meet with him."

8 Does that sound right?

9 A Yes.

03:15 10 Q What did you understand, if anything, that the
11 RCMP were doing at this time?

12 A I don't think I was clear on what they really
13 wanted, that's why I wanted to talk to my, my
14 lawyer.

03:15 15 Q And by the time you had talked to them on the
16 telephone did you come to understand what it is
17 they were doing?

18 A Not really. What -- I can't recall, at this time,
19 actually what it was really about.

03:16 20 Q Okay. Go to page 256519, and this is a note by
21 Officer Jorgenson about a discussion with your
22 counsel, and I just want to read parts of this and
23 ask you a question. And he is talking:

24 "Mr. Watson indicated to me that he
03:16 25 would contact Wilson and would be



1 seeking direction on this matter. He
2 stated that he felt very strongly that
3 should Wilson consent to an interview,
4 he would likely want Watson present.
03:16 5 Mr. Watson stated that Wilson had
6 limited resources and may not be able to
7 afford the costs involved in being
8 represented. I advised Mr. Watson that
9 I would look into having the interviews
03:16 10 and Mr. Wilson brought to Nakusp to try
11 and offset the costs ...",

12 etcetera. Do you recall a discussion of that
13 nature; were you ever made aware of that?

14 A No I wasn't.

03:17 15 Q Go to page 256517, and it appears here June the
16 3rd:

17 "Wilson's answer to an interview is, no.
18 His lawyer states that it is not worth
19 his while to see us. That we can take
03:17 20 what we need from what he has already
21 supplied in his statement."

22 Do you recall giving that position to the RCMP
23 through your lawyer?

24 A No I don't.

03:17 25 Q Do you remember telling the RCMP that, no, you



1 wouldn't meet with them?

2 A No I don't.

3 Q Pardon me?

4 A No, I don't remember that.

03:17 5 Q Okay. Do you remember, I think you told me that
6 you said you weren't prepared to meet with the
7 RCMP, and in fact didn't?

8 A Well, not in person, no.

9 Q Right. Go to page 256516, and there is the
03:18 10 mention here, it says -- and, again, this is a
11 note of, this is Inspector Sawatzky's note, I
12 believe, it says:

13 "Mr. Watson stated that he explored with
14 Wilson the possibility of providing an
03:18 15 induced statement to cover any criminal
16 involvement Wilson may have had. Watson
17 stated that Wilson advised he had some
18 questions in his mind about what
19 occurred that morning in Saskatoon in
03:18 20 1969, but was not prepared to discuss
21 that any further."

22 Do you recall any discussion about the RCMP
23 getting an induced statement from you?

24 A I don't even know what that means.

03:18 25 Q Or anything about where the RCMP may have



1 suggested criminal involvement on your part in the
2 events of January 31, 1969?

3 A No.

4 Q Do you recall that being suggested in and around
5 this time?

6 A No I don't.

7 Q Go to page 256514, and here's a note, I'm not sure
8 who the author of this is, it's a -- may, in fact,
9 be Sawatzky. If you could just call that out,
10 it's a discussion on August 6th, 1993:

11 "Wilson called to find out what I
12 wanted."

13 Actually, it might be Constable Dyck, I'm sorry:

14 "Wilson called to find out what I
15 wanted. I subsequently spoke to him for
16 five to ten minutes. He was in a hurry.
17 In the time that I had, I did my best to
18 explain to him what we are doing and why
19 I would like to speak with him. Wilson
20 indicated some concern over our contact
21 with his counsel in Nakusp. Wilson
22 seemed to be of the opinion that our
23 investigation was more than what it is.
24 My impression of our conversation is
25 that Wilson feels that our purpose for



1 seeing him is one sided, rather than for
2 which it is, which as stated was
3 explained to him. He seemed to feel
4 that we had already come to some
03:20 5 conclusion concerning him and that our
6 reasons for seeing him were centered
7 more around a belief that he was
8 involved in the murder, rather than
9 anything else."

03:20 10 Do you recall any discussion with an RCMP officer
11 to that effect as what's recorded there?

12 A No, I don't.

13 Q It goes on to say:

14 "I assured Mr. Wilson of the purpose of
03:20 15 our investigation. That I had specific
16 questions that I would like to ask him
17 and that I am prepared to take whatever
18 answers he gives. I would like to be
19 able to interview him and that under the
03:20 20 circumstances I am just going to have to
21 deal with what he is prepared to respond
22 to insofar as my questioning is
23 concerned. Given the time that I had
24 with him over the phone today I was not
03:21 25 able to specifically deal with what it



1 is that I would like to ask him,
2 however, I believe that I explained our
3 position sufficiently that Wilson should
4 be able to understand what it is we are
03:21 5 doing."

6 What recollection do you have of discussions with
7 RCMP in '93?

8 A None.

9 Q Go to page 256513, and again this is an RCMP
03:21 10 officer's note, it says:

11 "Wilson did make one comment during our
12 conversation about the 1969 trip from
13 Regina to Saskatoon. This comment being
14 that: "They were at the wrong place at
03:21 15 the wrong time and that had they left
16 Regina an hour later this all may not
17 have happened." (Not verbatim, however
18 as close as possible. I really did not
19 have the opportunity to pursue this
03:22 20 comment at the time. As stated, Wilson
21 was in a hurry.)"

22 Do you recall having that, a discussion of that
23 nature with any RCMP officer at the time?

24 A No I don't.

03:22 25 Q Now there's some reference in the RCMP documents,



1 Mr. Wilson, that I don't intend to go through,
2 that after the RCMP interviewed you by telephone
3 that you were going to prepare a map of your trip
4 into Saskatoon; do you remember them asking you
03:22 5 about that?

6 A Yeah, I do on the interview I just listened to,
7 yeah.

8 Q Yeah. And did you ever provide that map to the
9 RCMP?

03:22 10 A I don't think so, no.

11 Q And why not?

12 A I was waiting to see, I believe, if I was going to
13 get my statement from them first, and I never did
14 receive it.

03:22 15 Q Okay. You are talking about the transcript of
16 your interview?

17 A Yes.

18 Q And did you receive that from them?

19 A No I didn't.

03:23 20 Q Just for the record, I now propose to go to the
21 RCMP interview, and we've identified on the record
22 the audio tape as 037990 and the transcript is
23 022937, if we can call that up, please. And you
24 had the chance to listen to the tape and go
03:23 25 through the transcript yesterday at the Commission



1 office?

2 A Yes I did.

3 Q Was there anything that you listened to there, in
4 the answers that you gave to the questions, that
03:23 5 you now say are not correct?

6 A I don't, even though I listened to it, I don't
7 really remember it.

8 Q When you went through it was there anything that
9 you listened to and read, as to what you said,
03:24 10 that struck you at that time, being yesterday
11 morning, as not being correct?

12 A Not that I can recall, no.

13 Q And when you talked to the RCMP would you have
14 told them the truth, to the best of your
03:24 15 recollection, at the time?

16 A Yes.

17 Q If you go to page 022942, and just call out. It
18 says here:

19 "We stopped in Aylesbury, and David
20 broke into an elevator there, and we got
21 some articles out of there. I know
22 there was a flashlight for sure, and I
23 think he picked up a knife out of there,
24 I'm not positive on that anymore. And
25 then we continued on from there to



1 Craik."

2 Just on the flashlight, does this assist your
3 memory at all about the flashlight?

4 A Just from what I learned after the fact.

03:25 5 Q And what did you mean when you said:

6 "I'm not positive on that anymore."

7 Are you able to tell us?

8 A I don't know what I meant by that.

9 Q And then just down at the bottom, if you could
03:25 10 scroll down, and here again about when you and
11 David Milgaard left the car:

12 "We were both back in a matter of two,
13 two and a half minutes."

14 And that is what you have told --

03:25 15 A Yes.

16 Q -- this Commission; is that correct?

17 A Yes.

18 Q Page 022951, and they are talking about the lady
19 that you stopped for directions, okay, and the
03:26 20 clothing, and you will see here, if you just
21 scroll down there, Jorgenson is asking you about
22 the description of the coat and you say:

23 "DALE WILSON: That I couldn't tell you.

24 CST. EINOR JORGENSEN: The voice.

25 DALE WILSON: The voice sounded like a



1 young voice. That's why I figure it was
2 a younger lady."

3 Is that the truth?

4 A Yes.

03:26 5 Q Scroll down to the bottom, and Jorgenson says:

6 "CST. EINOR JORGENSEN: When she didn't
7 know or wasn't able to help you with
8 directions, was there any other
9 conversation with this lady?

10 DALE WILSON: No, there wasn't.

11 CST. EINOR JORGENSEN: The reason why I
12 asked that is the reference has been
13 made that David said to her "stupid
14 bitch".

15 DALE WILSON: I don't know if that
16 reference was made directly at her or
17 after we were pulling away, I'm not
18 sure.

19 CST. EINOR JORGENSEN: Okay. So David said
20 it but you don't know at what point it
21 took place. I'm sorry we had a paper
22 move here, I couldn't hear you.

23 DALE WILSON: No I don't. In fact, I can't
24 even remember, you know, that, or who he
25 was calling a stupid bitch or if he said



1 that but in my testimony I believe I
2 remember it. I'm not sure.

3 CST. EINOR JORGENSEN: Sure, but as you
4 say, it could have either been to her
5 face or as you drove away.

6 DALE WILSON: Yes."

7 And I believe, Mr. Wilson, you have told us that
8 your recollection is Mr. Milgaard didn't say
9 "stupid bitch"; it appears here, the RCMP, that
03:27 10 you are saying otherwise?

11 A I think I was thinking of my trial testimony at
12 the time. I wasn't getting my facts straight at
13 that time.

14 Q So in 1993, when you were talking to the RCMP,
03:28 15 what did you think at that time, or what was your
16 recollection as to whether or not David Milgaard
17 had said the words "stupid bitch"?

18 A He hadn't said them.

19 Q Had not?

03:28 20 A No.

21 Q Page 022593, and you were asked by Jorgenson:

22 "CST. EINOR JORGENSEN: And, again, not
23 having the opportunity to show you, in
24 the final questioning of it, I don't
25 know if you recall, you do agree that



1 you could have been separated upwards
2 from 10 to 15 minutes?"

3 And he is talking about you and Mr. Milgaard,
4 when you left the car, and your answer:

5 "DALE WILSON: That happened the day before
6 I took the stand at the trial. The
7 prosecution came up to my hotel room and
8 kind of, how could I put that, at that
9 time, talked me into extending the time
10 period.

11 CST. EINOR JORGENSEN: The prosecutor came
12 up to your room? Do you remember which
13 one?

14 DALE WILSON: No I don't.

15 CST. EINOR JORGENSEN: You don't.

16 CST. JOHN DYCK: Is it the same prosecutor
17 that was there at the trial, Dale?

18 DALE WILSON: Yes it was.

19 CST. EINOR JORGENSEN: So that would have
20 been which day, Dale?

21 DALE WILSON: The day prior to when I went
22 on the stand.

23 CST. EINOR JORGENSEN: Is that after the
24 first two days of testimony? Are we
25 talking February or are we talking when



1 you first gave your initial testimony?

2 DALE WILSON: We're talking the trial in
3 February.

4 CST. EINOR JORGENSEN: What did he
5 basically ask of you?

6 DALE WILSON: He basically asked me, you
7 know, he wanted a longer time period and
8 he told me to think about it and I went,
9 okay, that's what they want so I gave
10 them some more time."

11 Is that truthful?

12 A Yes.

13 Q And is that what you had described before to this
14 Commission about your meeting with the prosecutor?

03:29 15 A Yes.

16 Q The same incident?

17 A Yes it is.

18 Q Go to page 0228955, and again you are just
19 commenting here, you say:

20 "DALE WILSON: I think it went up to 10/12
21 minutes. I'm not sure. I don't have my
22 transcripts with me."

23 And I think you are referring to what you said at
24 Court, and then Jorgenson asks:

25 "CST. EINOR JORGENSEN: In the Supreme



1 Court when you were being interviewed by
2 Mr. Eric Neufeld, do you remember him?

3 DALE WILSON: Yes.

4 CST. EINOR JORGENSEN: And this dates back
5 to Monday, February 17th, 1992. One of
6 the questions he asked you and this was
7 after, you know, you'd been asked a
8 couple of times about the separation and
9 the time period that you would have been
10 apart. I'll just read here:

11 "Q All right, therefore the truthful part
12 of your evidence includes getting stuck,
13 is that correct?

14 A Yes.

15 Q It includes Mr. Milgaard and yourself
16 being separated from the car for a
17 period of time.

18 A Yes it does.

19 Q The time in which you walked five, four
20 or five blocks briskly, and back.

21 A Yes sir."

22 So, using that, I guess, to
23 assist you, does that help you in the
24 period of time that you were separated
25 from David?



1 DALE WILSON: No, it wasn't any more than
2 2 1/2 minutes, at tops. It was too damn
3 cold out to be going --

4 CST. JOHN DYCK: Do you recall how far you
5 walked?

6 DALE WILSON: Not really, no I don't, not
7 now. It was probably more of a brisk
8 run, than walking.

9 CST. EINOR JORGENSEN: The reason why I
10 kind of dwell on that area, and I
11 apologize for that, is that during the
12 Supreme Court testimony there was, the
13 question was raised over the time period
14 that it was, in fact, ten minutes or
15 more. And in the end, through
16 questioning by Mr. Neufeld, you did
17 agree with that.

18 DALE WILSON: No, I don't remember that."
19 Is that correct?

03:31 20 A That's correct.

21 Q So you were telling the RCMP, here, 2 1/2 minutes
22 maximum?

23 A Yes.

24 Q Page 022969, and here Officer Jorgenson says:

25 "CST. EINOR JORGENSEN: Okay. To date,



1 David's position has been that the only
2 place that there was any car problem is
3 at the Danchuk's, he's saying that you
4 fellows were never stuck any other time
5 in Saskatoon.

6 DALE WILSON: That, he's wrong."

7 Is that the truth?

8 A Yes.

9 Q Go to page 022978, actually 977, and here they are
03:33 10 questioning you about Short and Karst, I won't
11 read that, but if we can go to the next page
12 there's some questions and answers, and start at
13 the top, and again I think this is in reference to
14 your treatment by Short and Karst, it says:

15 "CST. EINOR JORGENSEN: Okay, that's fair.

16 The manner in which they spoke to you.

17 DALE WILSON: The first time they were
18 nice.

19 CST. EINOR JORGENSEN: Uh-huh.

20 DALE WILSON: After that there was more
21 pressure.

22 CST. EINOR JORGENSEN: Okay. Can, are you
23 able to expand upon pressure. How, your
24 interpretation of pressure. How did you
25 feel that and --



1 DALE WILSON: Well I felt, how can I put
2 that, intimidated that they're
3 insinuating that I had been involved in
4 the murder, which I hadn't even known
5 about until they told me about it, and
6 then that David had been involved in it
7 and --

8 CST. EINOR JORGENSEN: Do you hold any
9 animosity towards these men? How do you
10 feel about them today? If you walked
11 past Mr. Karst or Mr. Short on the
12 street, what would your feelings be?

13 DALE WILSON: My feelings would have been
14 that they were doing their job.

15 CST. JOHN DYCK: Okay. Did you feel that
16 they intimidated, or coerced you into
17 saying something that wasn't true?

18 DALE WILSON: Yes.

19 CST. EINOR JORGENSEN: Which areas did they
20 coerce you in?

21 DALE WILSON: In convincing me that David
22 had done it."

23 Is that the truth?

24 A Yes.

25 Q The parts that I read to you?

03:34



1 A Yes it is.

2 Q And Jorgenson:

3 "CST. EINOR JORGENSEN: Okay. You say that
4 you were interviewed on more than one,
5 more than one occasion and, of course,
6 there's a number of different areas of
7 your evidence. What areas of your
8 evidence do you believe that you were
9 coerced in, that you were pressured in?

10 DALE WILSON: Okay. You, do you have a
11 copy of my very, very, first statement.

12 CST. EINOR JORGENSEN: I do.

13 DALE WILSON: Okay. That is what happened
14 and the rest of it I was coerced into
15 saying. That's the way I feel about it.
16 Like my statements from there on."

17 Is that the truth?

18 A Yes it is.

19 MR. HODSON: Mr. Wilson, those are my
03:38 20 questions. I'm wondering, Mr. Commissioner, in
21 my discussions with other counsel, I think there
22 is unanimity starting with cross-examination
23 tomorrow morning and I've also talked to counsel
24 for Mr. Wilson and I think it's his preference as
03:38 25 well that we would start tomorrow at nine.



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COMMISSIONER MacCALLUM: Nine o'clock
tomorrow then.

(Adjourned at 3:38 p.m.)



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We, Karen Hinz, CSR, and Donald G. Meyer, RPR, CSR,
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Official Queen's Bench Court Reporter

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| \$10,000 - 6687:15 | | | | |
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